

Addendum B - Guadalajara International Book Fair Pavilion RFP

PERSONAL SERVICES CONTRACTS **MINORITY BUSINESS ENTERPRISE (MBE)** **WOMEN BUSINESS ENTERPRISE (WBE) AND** **OTHER BUSINESS ENTERPRISE (OBE) SUBCONTRACTOR** **OUTREACH PROGRAM**

A. POLICY AND GOOD FAITH EFFORT DOCUMENTATION

It is the policy of the City of Los Angeles to provide Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), and all Other Business Enterprises (OBEs) an equal opportunity to participate in the performance of City contracts greater than \$100,000. Proposers shall assist the City in implementing this policy by taking all reasonable steps to ensure that all available business enterprises, including MBEs, WBEs and OBEs have an equal opportunity to compete for and participate in City contracts. A proposer's good faith efforts to reach out to MBEs, WBEs and OBEs shall be determined by the level of effort put into achieving the following indicators. Failure to meet expected MBE/WBE participation levels will not by itself be the basis for disqualification or determination of noncompliance with this policy. However, failure to include supporting documentation of a good faith effort and failure to achieve a minimum of 75 out of 100 Good Faith Effort evaluation points will render the bid non-responsive and will result in its rejection. *Good Faith Effort is required even if the proposer has achieved the anticipated MBE/WBE participation levels.*

Indicator	Points
1	0
2	10
3	10
4	9
5	15
6	10
7	5
8	10
9	26
10	5
Total:	100

Each indicator (2-10) is evaluated on a pass/fail basis, i.e. either full or zero points can be achieved for compliance with each item (Partial credit will not be granted).

1	LEVEL OF ANTICIPATED MBE/WBE PARTICIPATION	No Points
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The proposer made a good faith effort to obtain participation by MBEs, WBEs and OBEs which could reasonably be expected by the Awarding Authority to produce a level of participation by interested sub-consultants, including 10% percent MBE and 7% percent WBE and 3% OBE.

2	ATTENDED PRE-BID MEETING	10 Points
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The proposer attended the pre-proposal meeting scheduled by the Project Manager to inform all proposers of the requirements for the project for which the contract will be awarded. This requirement will be waived if the proposer certifies in writing prior to the pre-proposal meeting that it is informed as to those project requirements.

Required Documentation: a) An employee of the proposer's company must attend the Pre-Proposal meeting and be listed on the attendance sheet. Credit may not be given if the employee arrives late or fails to sign the Pre-Bid meeting attendance roster; or b) Submit a letter prior to the pre-proposal meeting either by fax or by mail to the Project Manager at the fax number and/or address listed for the direction of questions.

3	SUFFICIENT WORK IDENTIFIED FOR SUBCONSULTANTS	10 Points
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The proposer identified and selected specific items of the project to be performed by subconsultants in order to provide an opportunity for participation by MBEs, WBEs, and OBEs. The proposer shall, when economically feasible, divide total contract requirements into small portions or quantities to permit maximum participation of MBEs, WBEs, and OBEs.

Required Documentation: Proof of this must be demonstrated in either Indicator 4 or 5.

4	ADVERTISEMENT	9 Points
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The proposer advertised for subproposals or bids from interested business enterprises not less than **ten (10) calendar days** prior to the submission of proposal in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media specified by the Awarding Authority.

Required Documentation: A copy of the advertisement and a proof of publication statement or other verification which confirms the date the advertisement was published.

Note: The advertisement must be specific to the project, not generic, and may not be a plan holder advertisement provided by the publication. It should include the City of Los Angeles project name, name of proposer, areas of work available for subconsulting, and a contact person's name and telephone number, information on the availability of plans and specifications and the proposer's policy concerning assistance to subconsultants in obtaining bonds, lines of credit and/or insurance. Consideration will be given to the wording

of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents. Internet publications are generally not considered acceptable for this requirement.

5	WRITTEN NOTICES TO SUBCONSULTANTS	15 Points
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The proposer provided written notice* of its interest in receiving subconsultant proposals to those business enterprises, including MBEs, WBEs and OBEs, having an interest in participating in such selected work. All notices of interest shall be provided not less than **ten (10) calendar days** prior to the date the proposals are required to be submitted. In all instances, proposer is to document that information concerning its interest in sub-proposer work was sent to available MBEs, WBEs and OBEs for each item of work to be performed.

Required Documentation: A copy of each letter sent to available MBEs, WBEs and OBEs for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the proposer, and contact person's name, address, and telephone number.

*This written notice can be used to satisfy Indicators 3, 7, and 10.

CERTIFICATION AGENCIES

(Bidders should contact the following agencies to obtain current copies of MBE/WBE directories.)

City of Los Angeles Bureau of Contract Administration Office of Contract Compliance 1149 S. Broadway St., Suite 300 Los Angeles, CA 90015	(213) 847-1922 (213) 847-2777 FAX http://www.lacity.org/BCA/index.htm
CalTrans State of California, Department of Transportation Civil Rights Group 1823 14 th Street Sacramento, CA 95814	(916) 445-3520 directory orders http://www.dot.ca.gov/hq/bep/
Los Angeles County Metropolitan Transportation Authority Equal Opportunity Department 1 Gateway Plaza Los Angeles, CA 90012	(213) 922-2600 (213) 922-7660 FAX

6	FOLLOW-UP ON INITIAL SOLICITATION	10 Points
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The proposer documented efforts to follow up initial solicitations of interest by contacting the affected business enterprises to determine with certainty whether said enterprises were interested in performing specific portions of the project not less than **three (3) calendar days** prior to the date the bids were required to be submitted.

Required Documentation: A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Proposer must follow-up with all subconsultants to whom they sent letters. (Indicator No.5)

Note: The Proposer is encouraged to use this telephone log to document any calls received by potential subconsultants.

7	PLANS, SPECIFICATIONS AND REQUIREMENTS	5 Points
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The proposer provided interested subconsultants with information about the project scope, services requested, and other requirements for the selected subconsulting work.

Required Documentation: Include in Indicator 4 or 5, information detailing how, where and when the proposer will make the required information available to interested subconsultants.

8	CONTACTED RECRUITMENT/PLACEMENT ORGANIZATIONS	10 Points
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The proposer requested assistance from organizations that provide assistance in the recruitment and placement of MBEs, WBEs and OBEs not less than **15 calendar days** prior to the submission of the proposals. Any legitimate association concerning MBE, WBE or OBE activities not on the following list may also be contacted for this purpose.

Required Documentation: A copy of each letter sent to outreach agencies requesting assistance in recruiting MBEs, WBEs and OBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the proposer, and contact person's name, address, and telephone number.

Note: In addition to contacting recruitment agencies for an MBE and WBE list, proposers are required to contact OBEs and include them in their GFE outreach as stated in Indicator 5.

RECRUITMENT/PLACEMENT ORGANIZATIONS

Mayor ' s Office of Housing and Economic Development Minority Business Opportunity Center (MBOC) 200 N. Spring Street, 13 th Floor Los Angeles, CA 90012	(213) 978-0671 (213) 978-0690 FAX http://www.lamboc.org
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National Center for American Indian Enterprise Development (NCAIED) 11138 Valley Mall, Suite 200 El Monte, CA 91731 Attn: George Bissonette, Acting Project Director	(626) 442-3701 (626) 442-7115 FAX http://www.ncaied.org
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Latin Business Association (LBA) 120 South San Pedro Street, Suite 530 Los Angeles, CA 90012	(213) 628-8510 (213) 628-8509 FAX http://www.lbausa.com
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Attn: Jack Ochoa

Black Business Association (BBA)
P. O. Box 43159
Los Angeles, CA 90043
Attn: Earl "Skip" Cooper

(323) 291-9334
(323) 291-9234 FAX
<http://www.bbala.org>
Email: bbala@earthlink.net

Asian Business Association (ABA)
120 S. San Pedro Street, Suite 523
Los Angeles, CA 90012
Attn: Dee Castro, Administrative Assistant

(213) 628-1222
(213) 628-3222 FAX
www.aba-la.org
Email: info@aba-la.org

National Association of Women Business Owners (NAWBO)
900 Wilshire Blvd., Suite 404
Los Angeles, CA 90017
Attn: Helen Han, Executive Director

(213) 622-3200
(213) 622-6659 FAX
<http://www.nawbola.org>
Email: info@nawbola.org

Engineering Contractor's Association (ECA)
8310 Florence Avenue
Downey, CA 90240
Attn: Annina Tomjack

(562) 861-0929
(562) 923-6179 FAX

The National Association of Minority Contractors (NAMC)
P.O. Box 43307
Los Angeles, CA 90043
Attn: Kevin Ramsey

(323) 296-8005
(323) 296-8381 FAX
www.namcsc.net

8	NEGOTIATED IN GOOD FAITH	26 Points
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te: Although e-mail addresses have been provided for most of the outreach organizations, it should be noted that no credit will be awarded for Indicator Number 8 if the letters are sent to the organizations via e-mail.

The proposer negotiated in good faith with interested MBEs, WBEs and OBEs and did not unjustifiably reject as unsatisfactory proposals prepared by any enterprise.

Required Documentation: a) Copies of all MBE/WBE/OBE proposals or quotes received; b) Summary sheet organized by work area, listing proposals received, the subconsultant selected for that work area, and a brief reason given for selection/nonselection as a subconsultant. If the proposer elects to perform a listed work area with its own staff, include an explanation.

10	BOND, LINES OF CREDIT, AND INSURANCE ASSISTANCE	5 Points
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The proposer documented efforts to advise and assist interested MBEs, WBEs and OBEs in obtaining bonds, lines of credit, or insurance required by the Awarding Authority or proposer.

Required Documentation: Include in Indicator 4 or 5, information about the proposer's efforts to assist with

bonds, lines of credit and insurance.

In its review of the good faith effort documentation the awarding authority may request additional information to validate and/or clarify that the good faith effort submission was adequate. Any additional information submitted after the specified deadline will be treated at a higher level of scrutiny and may require third Party documentation in order to substantiate its authenticity. Such information shall be submitted promptly upon request.

B. SUBMITTAL DOCUMENTS

1. MBE/WBE/OBE Subcontractors Information Form (Schedule A)

Proposers shall submit with their proposal the MBE/WBE/OBE Subcontractors Information Form, provided here in as Schedule A. The proposer shall list itself and the names and addresses of all firms to be used with a complete description of work or supplies to be provided by each, and the dollar value.

2. Final Report of Subcontracting (Schedule B)

Upon completion of the contract, a summary of these records shall be prepared on the "Final Report of Subcontracting and Purchases" form (Schedule B) and certified correct by the proposer or its authorized representative. The completed form shall be furnished to the Awarding Authority within 15 working days after completion of the contract.

C. DEFINITIONS

1. Minority or Women Business Enterprise (MBE or WBE): For the purpose of this program, Minority or Women Business Enterprise shall mean a business enterprise that meets both of the following criteria:

- a. A business that is at least 51 percent owned by one or more minority persons or women, in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more minority persons or women; and
- b. A business whose management and daily business operations are controlled by one or more minority persons or women.

2. Other Business Enterprise (OBE): For the purpose of this program, Other Business Enterprise shall mean any business enterprise which does not otherwise qualify as a Minority or Women Business Enterprise.

3. Minority person: For the purpose of this program, the term "Minority person" shall mean African Americans; Hispanic Americans; Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians); Asian-Pacific Americans (including persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas); and Subcontinent Asian Americans (including persons whose origins are from India, Pakistan and Bangladesh).

4. Certification as a Minority or Women Business Enterprise: an MBE/WBE must be certified by 1) City of Los Angeles, Bureau of Contract Administration; 2) State of California Department of Transportation (CalTrans); 3) Los Angeles County Metropolitan Transportation Authority; 4) Any certifying agency that is a part of the State of California, Unified Certification Program (CUCP)

so long as the certification meets all of the City of Los Angeles' MBE/WBE Certification requirements; or 5) Southern California Minority Business Development Council, Inc. (SCMBDC) for MBE certifications only. Certification must be current prior to the Awarding Authority's award of a contract if credit is to be allowed towards the anticipated levels of MBE/WBE participation on this project.

Applications for certification and directories of MBE/WBE certified firms are available at the following locations:

- a. City of Los Angeles
The Office of Contract Compliance, Suite 300, 1149 S. Broadway St., Los Angeles, CA 90015
Telephone: (213) 847-1922 FAX: (213) 847-2777
Internet address: <http://www.lacity.org/BCA/index.htm>
 - b. CalTrans
State of California, Department of Transportation, Civil Rights Group, 1823 14th Street,
Sacramento, CA 95814, Telephone: (916) 324-1700.
To order a directory, call (916) 445-3520
Internet address: <http://www.dot.ca.gov/hq/bep/>
 - c. Los Angeles County Metropolitan Transportation Authority
Equal Opportunity Department, 1 Gateway Plaza, Los Angeles, CA 90012
Telephone: (213) 922-2600 FAX: (213) 922-7660
5. Good Faith Effort Documentation: *Prior to proposal submittal* the proposer must take affirmative steps to assure that minority and women owned and controlled businesses are considered along with other business enterprises whenever possible as sources of supplies and services. Affirmative steps for Good Faith Effort Documentation are outlined in Paragraph A herein. The Good Faith Effort Documentation must be submitted with the proposal. Failure to submit the Good Faith Effort Documentation will result in the proposal being found non-responsive.
 6. Personal Services Contracts: Contracts for professional services whose consultant selection is based on technical proposals and/or qualifications rather than through the competitive bid process.
 7. Subconsultant: For the purpose of this program, the term "Subconsultant" denotes an agreement between the prime consultant and the individual, firm or corporation (MBE/WBE/OBE) for the performance of a particular portion(s) of the work and the completion of which the consultant is obligating itself.
 8. Participation Recognition:
 - a. Work performed by a prime consultant will not be considered for credit in computing the anticipated levels of MBE/WBE participation established by the Awarding Authority for this project. The prime consultant will be required to make good faith efforts to obtain reasonable expected participation levels through subconsulting or materials and supplies acquisition.
 - b. Recognition for materials and/or supplies is limited to 60 percent of the

amount to be paid to the vendor for such materials/supplies in computing the anticipated levels of MBE/WBE participation, unless the vendor manufactures or substantially alters the materials/supplies.

- c. MBE/WBE credit for brokers required for performance of the contract is limited to the reasonable fee or commission charged, as not considered excessive, as compared with fees customarily allowed for similar services.
- d. A firm which qualified as both a MBE and a WBE will be credited as MBE participation or as WBE participation, but will not be credited for both.
- e. A listed MBE or WBE firm must be potentially available to perform a commercially useful function, i.e., must be potentially responsible for the execution of a distinct element of the work and potentially available to carry out its responsibility by performing, managing and supervising the work.
- f. MBE/WBE credit shall not be given to a Joint Venture partner listed as a subconsultant by a Joint Venture respondent.

D. SUBCONTRACTS

Substitution: The contract document requires that the proposer's levels of MBE/WBE/OBE participation, if any, shall be maintained throughout the duration of the contract. If the substitution of a subconsultant lowers the pledged levels of MBE/WBE/OBE participation, the Awarding Authority requires the consultant to demonstrate a good faith effort to provide MBE, WBE and OBE firms an equal opportunity to compete for the subcontracting work being substituted.

E. NON-COMPLIANCE

The City will, when deemed appropriate, provide contract provisions relating to consultant's failure to comply with their pledged levels of MBE/WBE/OBE participation. Under these provisions:

- 1. Retainage of five percent (5%) of the monthly payment(s) shall be withheld when it is determined that the submitted MBE/WBE/OBE utilization (verified by City staff) are not being met. Retainage would be released upon compliance with the utilization plan.
- 2. In the event of non-compliance, i.e., a consultant is not achieving the contractually agreed upon MBE/WBE/OBE levels of participation, the "retainage", or part thereof, shall be assessed by the City as a penalty and/or the contract terminated.

F. AWARD OF CONTRACT

Nothing herein restricts the discretion of the Awarding Authority to reject all proposals in accordance with Charter Section 371.

**MBE/WBE/OBE
SUBCONTRACTORS INFORMATION FORM
SCHEDULE A**

RFP/RFQ Title

Proposer	Address
Contact Person	Phone/Fax

LIST OF ALL SUBCONTRACTORS (SERVICE PROVIDERS/SUPPLIERS/ETC.)				
NAME, ADDRESS, TELEPHONE NO. OF SUBCONTRACTOR	DESCRIPTION OF WORK OR SUPPLY	MBE/WBE/OBE	CALTRANS/CITY/MTA CERT. NO	DOLLAR VALUE OF SUBCONTRACT

PERCENTAGE OF MBE/WBE PARTICIPATION		
	DOLLARS	PERCENT
TOTAL MBE AMOUNT	\$	%
TOTAL WBE AMOUNT	\$	%
BASE BID AMOUNT	\$	

Signature of Person Completing this Form

Title Date

MUST BE SUBMITTED WITH PROPOSAL

**FINAL REPORT OF SUBCONTRACTING AND PURCHASES
SCHEDULE B**

Project Title	Contract No.
Company Name	Address
Contact Person	Phone

Name, Address, Telephone No. of Subcontractor	Description of Work or Supply	MBE	WBE	Dollar Value of Subcontract

	Total Dollars	Achieved Levels	Pledged Levels		Total Dollars	Achieved Levels	Pledged Levels
MBE Participation				WBE Participation			

Signature of Person Completing this Form

TitleDate

SUBMIT WITHIN 15 DAYS OF PROJECT COMPLETION