SMALL BUSINESS ENTERPRISE (SBE) PROGRAM
FOR CONSTRUCTION CONTRACTING

RULES, REGULATIONS, REQUIREMENTS, AND FORMS

1.01 GENERAL INFORMATION

1. Bidders must agree to comply with the requirements of the San Francisco Community College District's (District's) SBE Program to be eligible for an award of a construction contract. The Bidder is responsible for and must comply with all the details contained in the SBE Rules, Regulations, Requirements, and Forms.

   Copies of the SBE Program for construction contractors are available on the District's web site at: www.ccsf.edu/facilities.

2. The following agencies maintain lists of certified SBEs:

State of California **Department of General Services (DGS)** **Office of Small Business and Disabled Veteran Business Enterprise** **West Sacramento, CA 95605** **Phone: (916)375-4940** **www.dgs.ca.gov/pd**	**City & County of San Francisco** **Contract Monitoring Division (CMD)** City & County of San Francisco Contract Monitoring Division 30 Van Ness Avenue, Suite 200 San Francisco, CA 94102 Phone: (415) 581-2310 www.sfgov.org/cmd

Form 4: EXIT REPORT AFFIDAVIT AND FINAL PAYMENT REPORT

Form 4 should be submitted with the final progress payment application and signed by the Bidder, including all joint venture partners. The Bidder should list ALL subcontractor, supplier, trucker, and subconsultant payments to date. Final payment will not be released without submittal of this Form.

1.04 BIDDER'S CONTRACT REQUIREMENTS

3) In the event of a SBE substitution the Bidder shall be required to make a good faith

1) An amount equal to the Bidder's net profit

2) Ten percent (10%) to the total amount of the contract

3) One thousand dollars ($1,000)

B. Appeal of Willful or Bad Faith Non-compliance Finding

1. The Bidder or subcontractor may appeal the District's decision to sustain, reverse, or modify the findings and sanctions imposed within ten (10) calendar days of the District's issuing a finding.

1.08 SBE BID PROTEST PROCEDURES

Any Bidder or subcontractor that has submitted a bid for a construction project and has knowledge of or suspects a violation by another Bidder or subcontractor, and feels that relevant bids should be rendered non-responsive because of violations of the District's SBE policy, may file a formal protest by identifying in writing the violation, particular project, and bid due date.

The District must receive the protest within ten (10) calendar days after the bid opening date. All protest notices must be sent to the attention of City College of San Francisco, Office of Facilities Planning and Construction, 50 Phelan Avenue, B606, San Francisco, CA 94112.

1.09 FREQUENTLY ASKED QUESTIONS

What is an SBE?

A Small Business Enterprise is defined as an independently owned and operated business which is not dominant in its field of operation. The principal office must be located in California, and the officers must be domiciled in California. With its affiliates, the business must have 100 or fewer employees and the following average annual gross receipts of $10 million or less in the previous three years.

If I am a SBE Bidder, can I count myself towards the SBE goals?

Yes, both SBE Bidders and their SBE subcontractors can be counted toward the goal. However, in order to be eligible for the bid discount, the Bidder must be a certified SBE and must meet the SBE subcontracting goals with certified SBE subcontractors.

What firms count towards the SBE subcontracting goals?

SBE subcontractors and truckers that perform a commercially useful function count towards the SBE subcontracting goal. The District will consider that a commercially useful function as a distinct element of the work required by the bid specifications in accordance with normal industry practice.

The District will count sixty percent (60%) of the materials, supplies, and services purchased from SBE suppliers. A supplier is a firm that owns, operates, or maintains a warehouse or store in which the materials, supplies, or equipment described in the specifications and required under the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.

Do I have to meet the SBE goals if I do not plan to use any subcontractors?

Yes, you do need to meet the SBE goal or provide the Good Faith Effort. If you do not contract with SBE subcontractors to meet the participation goal and do not document a Good Faith Effort, your bid could be passed over

What is considered proof of certification?

A letter or certificate stating the expiration date of the certification is considered adequate proof of certification. Proof of certification for each SBE subcontractor used to meet the goals must be attached to Form 1. Firms certified by the City & County of San Francisco Contract Monitoring Division are required to include a Certification Affidavit as to meeting the District's size standard.

FORM 1: IDENTIFICATION LISTING OF SUBCONTRACTORS, TRUCKERS, SUPPLIERS, AND SUBCONSULTANTS

Project Name: _____ Bid Date: _____

Bidder/Consultant Information

Bidder/Consultant Company Name:		
Business Address:		
Telephone:	Facsimile:	E-Mail:
Gender of Owner: ☐ Male ☐ Female	Ethnicity of Owner:	Certification: ☐ DGS ☐ CMD

Joint Venture Participation ☐ Yes ☐ No

Joint Ventures complete this section and attach a copy of the Joint Venture agreement form.

List All

FORM 4: EXIT REPORT AFFIDAVIT AND FINAL PAYMENT REPORT

To be completed by the Prime Contractor/Consultant, including all joint venture partners, and submitted to SFCCD with the final progress payment application. Final payment will not be released without submittal of this required Form.

PART 1: Final Payment Report

Project Name: _____

Contract Start Date: _____

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FORM 4: EXIT REPORT AFFIDAVIT AND FINAL PAYMENT REPORT CONTINUED…

PART 3: Exit Report Affidavit