



RFP EXHIBIT 2 : SLBE and SELBE Program & Affidavit

Peralta Community College District

SMALL LOCAL BUSINESS ENTERPRISE and SMALL EMERGING LOCAL BUSINESS ENTERPRISE PROGRAM

The District is committed to ensure equal opportunity and equitable treatment in awarding and managing its public contracts and has established an annual overall program goal of twenty- five percent participation for small local businesses. On professional services contracts to facilitate opportunities for small local business, the District will use a maximum five (5) preference points for SLBE and SELBE firms. The preference points are used for computation purposes, as part of the selection process. Please review the following guidelines to see if your firm qualifies for the preference.

District qualified SLBE and SELBE Prime for professional services projects will receive five (5) preference points. Non-SLBE/SELBE Prime who utilizes 25% of total bid amount, with SLBE or SELBE subconsultants (who meet the District's Definition of an SLBE and SELBE), can also receive four (4) preference points. An additional preference point for Non-SLBE/SELBE Prime, who utilizes SLBE/SELBE for minimum 35% of total bid amount, for full maximum five (5) preference points.

Definitions:

SLBE: A Small Local Business Enterprise is a business that has not exceeded gross annual revenue of 8.5 million dollars for a construction firm, or 6 million dollars for goods and non-professional services firm, or 3 million dollars for architecture, engineering and professional services firm, for the past three consecutive years and meets the below geographic location requirements.

SELBE: A Small Local Emerging Business Enterprise is a business that has not exceeded gross annual revenue of 1.5 million dollars for the past three consecutive years and meets the below geographic location requirements.

Commercially Useful Function: Shall mean a business is directly responsible for providing the materials, equipment, supplies or services to the District as required by the contract solicitation. The business performs work that is normal for its business services and carries out its obligation by actually performing, managing, or supervising the work involved. The business is not Commercially Useful if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of SLBE or SELBE participation.

Geographic Location Requirements:

- The business must be located at a fixed, established commercial address located in the District's market area of Albany, Alameda, Berkeley, Emeryville, Oakland, or Piedmont, and not a temporary or movable office, a post office box, or a telephone answering service.

- If the business has an office outside of the District's market area as well as an office within the market area, the office within the District's market area must be staffed on a full time permanent basis with someone employed by the business.
- If requested, the business that has an office outside of the District's market area must provide proof of one or more past contracts citing the business address (such as contracts to perform work, to rent space or equipment, or for other business services) was within the District's market area at least one (1) year prior to the date of contract award. The one- year requirement does not apply to businesses whose sole establishment is located within the District's market area.

Subcontractors:

Non-SLBE/SELBE Primes who use subconsultants, who meet the district definitions of SLBE and SELBE, may receive four(4) preference points, if the following conditions are met:

1. 25% of total bid amount is with Subconsultants who meet the District's definition of an SLBE and SELBE. The Prime must list each Subconsultant on Attachment A, Small Local Business Participation Worksheet, clearly identifying the SLBE and SELBE status and the Dollar Amount and percentage of work each subconsultant will perform.
2. The Subconsultants must provide a Commercially Useful Function.
3. The Prime must maintain the Subconsultant percentages (based on the quoted dollar amounts) indicated in the Small Local Business Participation Worksheet at the time the Contract is awarded and throughout the term of the Contract.
4. The Prime Contractor must fill out sign the SLBE/SELBE Self Certification Affidavit and return it with proposal, and 48 hours after selection the Prime must submit signed SLBE/SELBE Self Certification Affidavit from each of the SLBE and SELBE subconsultant listed in the Small Local Business Calculations form. The Subconsultant must agree to provide the requested documentation to verify the SLBE/SEBLE status.
5. No Substitutions can be made to the SLBE and SELBE subconsultant, without the prior written approval of the District. The District will approve a subconsultant substitution on the following conditions:
 - a. A written statement from the subconsultant agreeing to the substitution.
 - b. When the subconsultant has been given a reasonable opportunity to execute the subcontract, yet fails to, or refuses to execute the subcontract, or refuses to satisfy contractual obligations.
 - c. When the subconsultant becomes insolvent.
 - d. When the District determines the work performed by the subconsultant is not in accordance with the contact agreement, or the subconsultant is substantially and unduly delaying or disrupting the progress of work.
6. An additional preference point for a Non-SLBE/SELBE Prime, who utilizes SLBE or SELBE subconsultant (who meet the District's Definition of an SLBE and SELBE) for minimum 35% of total bid amount, for full maximum five (5) preference points.

Firms that meet the District criteria for an SLBE and SELBE can complete the below self-certification affidavit signed under penalty of perjury. Firms claiming SLBE and SELBE status in the self- certification affidavit will be required to submit proof of residency and revenue no later than 48 hours after proposal submittal. Such proof shall consist of a small, local certification from a local agency in Peralta District, copy of a contract to perform work, to rent space or equipment, or for other business services, executed from their local address, and/or the firm's tax returns for the past three consecutive years. The following chart is how SLBE/SELBE

preference points are calculated:

Certification Status	SLBE/SELBE Participation	Preference Points
SLBE/SELBE Prime <u>or</u> Non-SLBE/SELBE Prime	Less than 25%	0 points
Non-SLBE/SELBE Prime	25%	4 points
SLBE/SELBE Prime	25% or more	5 points
Non-SLBE/SELBE Prime	35% or more	5 points



Peralta Community College District SLBE/SELBE SELF

CERTIFICATION AFFIDAVIT

I certify under penalty of perjury that my firm meets the District's definition of a Small Local Business Enterprise or a Small Emerging Local Business Enterprise and resides in the geographic location of the District's market area and qualifies for the below preference. District qualified SLBE and SELBE Prime for professional services projects will receive five (5) preference points. Non-SLBE/SELBE Prime who utilizes

25% of total bid amount, with SLBE or SELBE subconsultant (who meet the District's Definition of an SLBE and SELBE), can also receive four (4) preference points. An additional preference point for Non-SLBE/SELBE Prime, who utilizes SLBE or SELBE subconsultant (who meet the District's Definition of an SLBE and SELBE) for minimum 35% of total bid amount, for full maximum five (5) preference points.

The District's Contract Compliance Office will determine whether this requirement has been fulfilled. Proposers and their SLBE/SELBE subconsultants must each only claim one of the below status.

Certification Status	Status Claim
SLBE/SELBE Subconsultant	<input type="checkbox"/>
Non-SLBE/SELBE Subconsultant	<input type="checkbox"/>
SLBE/SELBE Prime	<input type="checkbox"/>
Non-SLBE/SELBE Prime	<input type="checkbox"/>

1. I acknowledge and am hereby advised that upon a finding of perjury with the claims made in this self certification affidavit the District is authorized to impose penalties which may include any of the following:
 - a. Refusal to certify the award of a contract
 - b. Suspension of a contract
 - c. Withholding of funds
 - d. Revision of a contract for material breach of contract
 - e. Disqualification of my firm from eligibility for providing goods and services to the Peralta Community College District for a period not to exceed five (5) years

2. I acknowledge and have been advised and hereby agree that my firm will be required to provide proof (and if applicable, my SLBE and SELBE Subconsultants will provide proof) of the status claimed on this self- certification affidavit 48 hours after bid opening. Proof of status claimed includes tax returns from the previous three years and past contracts to determine the size and geographical location of my firm.

3. I declare that the above provisions are attested to under penalty of perjury under the laws of the State of California.

RFP Number: _____

RFP Name:

Signed

Date

Printed or typed name

Title

Name of Company

Telephone

Fax