



---

PERALTA COMMUNITY COLLEGE DISTRICT

---

REQUEST FOR PROPOSAL

**RFP # 23-24/09**

**Due Date: December 13, 2023  
3:00P.M.**

## I. Introduction

Peralta Community College District ("District") is seeking proposals from qualified persons, firms, partnerships, corporations, associations, or professional organizations to conduct the District Perkins V Comprehensive Local Needs Assessment ("CLNA"). This RFP defines the professional services sought for the Project.

**All RFP proposals must be submitted electronically via Vendor Registry:** [Peralta Community College District Current Solicitations | Vendor Registry](#)

Each proposer is solely responsible for timely submission of its proposal; the District is not responsible for any technological issues in a vendor's ability to timely submit its proposal or portion thereof by the specified date and time as prescribed in this RFP.

**ALL RESPONSES ARE DUE BY 3:00 P.M. ON DECEMBER 13, 2023,** Oral, telegraphic, facsimile, telephone or email RFP Packets will not be accepted. RFP Packets received after this date and time will not be accepted and will be returned unopened. The District reserves the right to waive any informalities or irregularities in the RFP Packets. The District also reserves the right to reject any and all RFP Packets and to negotiate contract terms with one or more Respondents.

**There's No Pre-proposal meeting for this project.**

For any other concerns contact the Buyer Seraphine Nzomo at [snzomo@peralta.edu](mailto:snzomo@peralta.edu)

Questions/Requests for Information (RFIs) are to be submitted through Vendor Registry by **December 4, 2023, by 3:00 P.M.**

## II. Contents

<b>I.</b>	<b>Introduction .....</b>	<b>2</b>
<b>II.</b>	<b>Contents .....</b>	<b>3</b>
<b>III.</b>	<b>RFP Schedule .....</b>	<b>4</b>
<b>IV.</b>	<b>Background.....</b>	<b>5</b>
<b>V.</b>	<b>Project Description .....</b>	<b>5</b>
<b>VI.</b>	<b>Scope of Services .....</b>	<b>5</b>
<b>VII.</b>	<b>RFP Terms and Conditions.....</b>	<b>8</b>
<b>VIII.</b>	<b>Proposal Format and Content.....</b>	<b>11</b>
<b>IX.</b>	<b>Selection Process.....</b>	<b>13</b>

### III. RFP Schedule

The District reserves the right to change the dates on the schedule without prior notice.

<b>Date</b>	<b>Event</b>
November 10, 2023	Release of RFP
N/A	Non-Mandatory Pre-Proposal Meeting
December 4, 2023, 3:00 P.M.	Deadline for submitting written questions
December 8, 2023, 3:00 P.M.	Deadline for District answering written questions
December 13, 2023, 3:00 P.M.	Deadline for Submitting Proposals
January 16, 2023 (Tentative)	Board of Trustees Action to Award Contract

## **IV. Background**

This Request for Proposals (“RFP”) defines the Project services sought and outlines in general the Project requirements and CLNA process.

## **V. Project Description**

As a community college grant recipient, Perkins V, Section 134(c) (2), requires the District to use a data-driven decision-making process on local planning and spending on career and technical education (CTE). The CLNA is a review of a number of elements, including student performance data, especially gaps among sub-groups of special population; labor market needs; educator development; equity and access, for special populations, and program size, scope and quality.

To validate the information obtained through the CLNA, the District must involve a diverse body of stakeholders, including, at a minimum— secondary and postsecondary educators, business and industry partners, parents and students among others. More importantly, local planning, program, and funding decisions must be based on the CLNA with the primary purpose of improving overall performance and reducing performance gaps between different special population subgroups.

The goal of the CLNA is to help educators identify, understand, and prioritize the needs that districts and schools must address to improve performance and decrease performance gaps. Identifying priority needs is the first in a series of closely tied steps that also include understanding root causes that contribute to the areas of need, selecting evidence-based strategies that address those areas, preparing for and implementing selected strategies, and evaluating whether those strategies are addressing improvement needs and achieving desired results.

## **VI. Scope of Services**

The CLNA must include the following:

1. Alignment to Labor Market Information (LMI)
2. Student Performance on Required Performance Indicators (Disaggregated)
3. Program Size, Scope, and Quality to Meet the Needs of All Students
4. Progress Towards Implementation of CTE Programs
5. Improving Recruitment, Retention, and Training of CTE Professionals, Including Underrepresented Groups
6. Progress Towards Equal Access to CTE Programs for All Students.

California's CLNA requirements are drawn from the Federal Perkins CLNA criteria which offer additional detail beyond the requirements of the California Community College Chancellor's Office (CO). Focus on renewing PCCD's two-year CLNA per state and federal definitions and requirements.

Additionally, the development of the CLNA requires consultation with relevant stakeholder groups including at least the following:

- K12 representatives
- faculty, administration, and staff (e.g., work-based learning coordinator) from the community colleges
- industry partners from the in-demand industry clusters as well as workforce development representatives
- representatives of special populations (e.g., veterans, economically disadvantaged groups, nontraditional students)
- representatives of agencies that serve out of school/homeless/at-risk youth
- parents and students

### **Key Activities**

Revise PCCD's CLNA includes the following activities and deliverables:

- 1. Strengthening the use of Occupational Demand and Skills Data:** Pull occupational demand and skills data to inform the alignment, size, and scope of PCCD career education programs at the six-digit SOC and TOPS level. *CO Perkins requirements: **a)** Alignment to labor market demand (LMI); **b)** Program size, size, scope, and quality to meet the needs of all students.*
- 2. Incorporating Demographic and Community Needs Data:** Compare PCCD enrollment data, including special populations, with the communities they serve including any relevant gaps in how PCCD is currently serving the community and any special needs that have emerged as a result of COVID. *CO Perkins requirements: **a)** Program size, size, scope, and quality to meet the needs of all students; **b)** Progress towards equal access to CTE programs for all students.*
- 3. Alignment to Regional Workforce and Economic Development Efforts:** Perkins requires alignment to the Workforce Development Board's (WDB) priority industries:
  - analyze the local WDB's regional plan and interview WDB, regional economic development, and regional sector partnership leaders to analyze the alignment of PCCD's programming with other regional entities;
  - analyze the alignment of PCCD's prior CLNA with the regional California Adult Education Program (CAEP) 3-year Plan, Comprehensive Economic Development Strategy (CEDS), regional Strong Workforce Plan, and Alameda County General Plan;
  - review economic development reports from economic development agencies and intermediaries such as the East Bay Economic Development Alliance, ABAG, and municipal and county economic development agencies;
  - analyze the relationship between PCCD's career education majors and region-specific skill and job needs through opportunity mapping to identify high-return degrees, credentials, and certificates, maintaining an equity lens.

These activities will allow PCCD to identify and strengthen those pathways, including meta-majors and transfer, that can lead to living wage jobs and economic mobility. *CO Perkins requirements: **a)** Alignment to Labor Market Demand (LMI); **b)** Program size, size, scope, and quality to meet the needs of all students.*

4. Student Performance on the Core Indicators and Progress Towards Equity Goals: Pull the most recent student performance indicator data for PCCD's career education students and will analyze the Core Indicators by program area to identify equity gaps and disproportionate impacts for different racial, ethnic, gender, age and special populations. Pay particular attention to whether PCCD made progress in its goals to improve access for populations identified as a priority in its prior plans. Finally, analyze alignment between the Core Indicator data, prior equity goals, and the alignment with the college's Student Equity Plans and equity goals in the college's Student Equity Plans. *CO Perkins requirements: a) Student Performance on Required Performance Indicators; b) Progress towards equal access to CTE programs for all students.*
5. Review Progress on Prior CLNA Goals and Activities: Review all plans, goals, and identified activities from the prior CLNA including plans for:
  - Implementation and improvement of CTE programs
  - Recruitment, retention, training of CTE professionals, including underrepresented groups
  - Equal access to CTE programs for all students

Interview faculty, staff, and appropriate leadership to assess the status for all identified improvements in these three required Perkins elements, including planned recruitment and professional development activities, performance goals, or process goals identified in the prior plan. These interviews will focus on progress towards the identified goals and activities, review of any student or other indicator data relevant to assessing progress towards the prior plan goals, and a review of any relevant factors that impacted the ability of PCCD to meet its prior stated goals, such as COVID. *CO Perkins requirements: a) Progress towards implementation of CTE Programs; b) Improving recruitment, retention, and training of CTE professionals, including underrepresented groups; and c) Progress towards equal access to CTE programs for all students.*

6. Alignment with National Alliance of Partnerships on Equity – Engaging Marginalized Populations: Per the existing [CCCCO guidance](#) to date, proposes a grounded approach that reflects the lived experiences of the students served to better inform the analysis of equity gaps in PCCD's CLNA and improve engagement and outreach to these populations. Assist the colleges in identifying students who did not complete these programs and contact them for their perspective on what changes to current policies and procedures might help improve outcomes. As noted in the recommendations of the [National Alliance of Partnerships on Equity, engaging](#) marginalized groups in this way can in itself assist outreach efforts.
7. Consultation and Stakeholder Engagement: Assist in the facilitation of the stakeholder advisory/ consultation process. These sessions will include at least the following:
  - Three meetings with the current/prior Perkins advisory groups identified in the prior CLNA at least twice to review 1. Analysis of the prior CLNA; 2. LMI, Demographic, Core Indicator, and other information relevant to the alignment of PCCD's programs and efforts with the needs of the economy and communities; and 3. Final gap analysis and recommendations for the revised CLNA.
  - Structured interviews with CTE/Pathway leadership from LEAs within PCCD's service area including Oakland, Alameda, Berkeley, Albany, and San Leandro school districts.
  - One meeting with key representatives from the North Alameda Adult Education Consortium and individual interviews with Northern Alameda Adult Education

Collective leads as appropriate.

- Structured interviews with regional workforce and economic development leaders including the Oakland and Alameda Workforce Development Boards, East Bay Economic Development Alliance, and municipal/economic development managers.
- Two meetings with industry representatives drawn from PCCD’s advisory committees to gain industry input into the revised CLNA. These sessions will focus on 1. Any changes in the needs of industry as a result of the pandemic or other changes since 2020; and 2. Comment and feedback on recommendations and action items in the revised plan.
- One to two meetings with stakeholder groups or agencies that serve Perkins Special Populations
- One to two meetings with stakeholder groups or agencies serving out of school, homeless, or at risk youth.

These stakeholders will convene virtually to review the Perkins V CLNA requirements and their role as an advisory/consultation board. If appropriate, stakeholders will then break into groups to discuss progress made by PCCD on the recommendations in the prior CLNA and recommendations for improvements. Develop all agendas, provide on-site or virtual facilitation, and write up and share findings from all stakeholder engagement sessions.

### **CLNA Final Documentation and Review**

Based on the analysis described above, draft the CLNA with all necessary appendices to ensure that the plan is aligned with the requirements of the Chancellor’s Office, the federal Perkins legislation, and represents the mission, vision, values and strategic direction of PCCD. Submit this plan to PCCD for initial review at least a week in advance of the submission date to the Chancellor’s Office with the intent to make any edits or adjustments to the final document prior to submission by PCCD to the CO.

## **VII. RFP Terms and Conditions**

### **A. ACCEPTANCE and REJECTION of PROPOSALS**

The District retains the sole discretion to determine issues of compliance and whether a Proposal is responsive, responsible, and qualified. The District reserves the right to waive any informalities or irregularities not governed by law. The District reserves the right to reject all Proposals or to cancel this RFP.

### **B. AWARD of CONTRACT**

This RFP does not obligate the District to award a contract or accept or contract for expressed or implied services.

The District makes no representation that participation in the RFP process will lead to an award of a contract or any other consideration, whatsoever. The award of a contract, if at all, is at the sole discretion of the District.



The District reserves the right to contract with any person or entity responding to this RFP for all or any portion of the work described herein, to reject any Proposal as non-responsive, and/or not to contract with any Respondent for the services described herein.

If the Respondent with the highest-scoring Proposal does not agree to enter into a contract with the District, the District retains the right to negotiate with any other Respondent. The District reserves the right to contract with any firm not participating in this process.

**C. COST OF PROPOSAL PREPARATION**

The District shall in no event be responsible for the cost of preparing or submitting a response to this RFP, including any supporting materials or participation in interviews.

**D. USE OF PROPOSALS, PROPRIETARY INFORMATION**

Proposals, and any other supporting materials provided to the District in response to this RFP, will not be returned and will become the property of the District, unless portions of the materials are designated as proprietary at the time of submittal, and are specifically requested to be returned. Vague designations and/or blanket statements regarding entire pages or documents will be deemed insufficient and will not bind the District to protect the designated matter from disclosure. Pursuant to *Michaelis, Montanari, & Johnson v. Superior Court* (2006) 38 Cal.4th 1065, submissions shall be held confidential by the District and shall not be subject to disclosure under the California Public Records Act until after either: (1) the District and the successful Proposer have completed negotiations and entered into an Agreement, or (2) the District has rejected all submissions. Furthermore, the District will have no liability to the Proposer or other party as a result of any public disclosure of any Proposal.

**E. FULL OPPORTUNITY**

The District hereby affirmatively ensures that Disadvantaged Business Enterprises (“DBE”), Small Local Business Enterprises (“SLBE”) and Small Emerging Local Business Enterprises

(“SELBE”) shall be afforded full opportunity to submit Proposals in response to this RFP. No Respondent will be discriminated against on the basis of race, color, gender, sexual orientation, political affiliation, age, ancestry, religion, marital status, national origin, medical condition, or disability in any consideration leading to the award of the contract.

**F. 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 25 percent participation for small local businesses. To facilitate opportunities for small local business, the District will use a maximum five percent bidding preference for SLBE and

SELBE firms. The preference is only used for computation purposes to determine the winning bidder, and not for determining the contract price.

The full version of the District's small local business enterprise and small emerging local business enterprise program can be found by going to the District's home page:

[SLBE Program and Affidavit](#)

**Proposers must submit the SLBE Affidavit form included in the email for this RFP.**

In addition, each proposer must have each subconsultant identified in the proposal submit the SLBE Affidavit form identifying the proposed participation percentage. This RFP also requires the proposer to include the percentage participation of each proposed SLBE firm relative to the aggregate price (form included as a separate attachment to the email).

Proposers claiming SLBE and SELBE status in the self-certification affidavit will be required to submit proof of residency and revenue 48 hours after the delivery deadline for Proposals. Such proof shall consist of a copy of a contract to perform work, to rent space or equipment, or for other business services, executed from their local address, and the firm's tax returns from the past three consecutive years.

#### **G. RESTRICTIONS ON LOBBYING AND CONTACTS**

From the period beginning on the date of the issuance of this RFP and ending on the date of the award of the contract, no person, or entity responding to this RFP, nor any officer, employee, representative, agent, or consultant representing such a person or entity shall contact through any means or engage in any discussion regarding this RFP, the evaluation or selection process/or the award of the contract(s) with any member of the District's Governing Board ("Board"), selection committee members, or any member of the Citizens' Oversight Committee, or with any employee of the District except for clarifications and questions as described herein. Any such contact shall be grounds for the disqualification of the Respondent.

#### **H. INVESTIGATIONS and CLARIFICATIONS**

The District reserves the right to investigate and rely upon information from any other available sources in addition to and beyond any documents or information submitted in response to this RFP.

The District reserves the right to request, at its sole discretion, that one or more of the Respondents provide clarifications or supply additional material deemed necessary to assist in the evaluation of Proposals, and to modify or alter any of the requirements herein.

In the event that the proposal guidelines change materially, all Respondents who have submitted timely Proposals will be given an opportunity to modify their Proposal in the specific areas that are impacted.

## VIII. Proposal Format and Content

Proposals are to be prepared in such a way as to provide straightforward, concise delineation of the proposer's capabilities to satisfy the requirements of this RFP. Emphasis should be concentrated on conformance of the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content.

Proposals that do not acknowledge all Addenda may be deemed non-responsive.

**A. Title Page.** Include the following information on the title page:

- The RFP number and name
- Firm's/Contractor's name (legal name of entity)
- Mailing address
- Telephone number(s)
- Fax number
- E-mail address
- Website address

**B. Cover Letter.**

- Briefly describe your understanding of the project and summarize the proposer's qualifications and capabilities to meet RFP requirements.
- Identify person(s) who will be authorized to represent the company during contract negotiations and term of contract. Include their title, address, and telephone number(s).
- Acknowledge receipt of any addenda issued for this RFP and attach signed addenda to the proposal.

The cover letter must be signed by the person who has authority to bind the company. The name and title of the individual(s) signing the proposal must be clearly shown immediately below the signature. Please see Authorized Signatures on page 9.

**C. Table of Contents.**

Clearly identify the materials by section, subsection, and page number using the RFP section numbers and headings.

**D. Understanding the Project.**

Provide comprehensive narrative that illustrates your understanding of the purpose of the scope, objectives, and requirements of the project. Identify any challenges associated with implementing the work and District timeline.

**E. Methodology Used for the Project.**

Provide a detailed, comprehensive narrative that sets out the methodology you intend to employ and demonstrate how your methodology will serve to accomplish the Scope of Work (SOW) and achieve the District's objectives. Discuss any operational plan, problem-solving approaches, techniques, standards, or creative methods to be used for getting the project completed within the District's timeline. Include the proposed project schedule and timeline, which identifies major tasks and project milestones. Be specific about how you will provide the training that will be required to allow IT staff to maintain the SIS system.

**F. Management Plan for the Project.**

Provide a comprehensive narrative that sets out the management plan you intend to follow and demonstrate how the plan will serve to accomplish the scope of work and achieve the District's objectives. Include the following as part of your narrative:

- An organizational chart specific to personnel assigned to accomplish the work;
- The individual responsible and accountable for the completion of work (project manager) and the extent to which the individual will be available to the District;
- How this project fits into your overall organizational structure;
- Your management approach to potential contractual disputes.

**G. Experience and Qualifications.**

Provide a comprehensive narrative describing your company's business history and proposed project team's specialized experience, capabilities, and unique qualifications for the performance of the work. Include the following:

- A list of projects with SOW description (of similar size and complexity) and previous work experience that demonstrate your ability to administer or complete this project successfully;
- References, including telephone numbers, for each project listed above, verifying that the contacts will be available to provide references during the evaluation period;
- A brief résumé of all personnel identified in your organizational chart provided in item F above.

**H. Price Proposal.**

Provide the compensation that you expect to receive for the performance of the contract. This shall include an itemized list of all costs associated with the performance of the contract, including but not limited to:

- List hourly rates by position title, with cross-reference to key personnel and staffing plan, for reference.
- Present a schedule of values based on tangible deliverables, coordinated with the work plan and the staffing plan, to support evaluation of invoices. Invoices will be evaluated for tangible progress (and not hours expended or for percentage of time elapsed).
- Include all costs necessary to complete the scope of services, including, but not limited to, document reproduction, travel, meetings, and delivery services. The District will not process invoices on a "reimbursable" basis.
- Include a lump sum total fee. Provide detail, coordinated with the Work Plan, to show how the lump sum fee was calculated.
- All required licenses, documentation, and warranties for software.

## **Organization**

Please organize the Proposal into sections as described below. Ensure that each section contains the information requested. Reviewers may not read all sections. The content of each section should focus on demonstrating qualifications for this project specifically.

The combined **limit for sections 1-4 is 16 pages** (*cover letters, table of contents, licenses, resumes, and exhibits are not included in the page count*), single sided (8 pages double-sided), formatted to print legibly on 8 ½" x 11" paper with all body text at a 12 point font or larger. Place a page break between sections. Insert bookmarks to support navigation in digital files.

## **IX. Selection Process**

- A. Evaluation.** An evaluation committee will review, evaluate, score, and rank proposals in accordance with criteria identified below. Clarification of submitted material may be requested during the evaluation process. Oral interviews, presentations with top-ranked Proposers may also be conducted at the discretion of the evaluation committee. The District Retains the sole discretion to determine issues of compliance and to determine whether a Proposal is responsive, responsible, and qualified.
- B. Criteria.** The committee will consider only responsive and responsible proposals whose proposal is determined to be the most advantageous to the District, to include cost and other submittal criteria, which includes performance reliability, standardization, product life-cycle cost, delivery timetables, support logistics, minimum product specifications, added features, fitness of purchase, manufacturers' warranties, and maintenance contract of proposed Local Area Network. The District may, at its sole discretion, request additional information pertinent to the evaluation process, from one or more Proposers and/or from third parties.
- C. Scoring.** Points will be awarded to various categories below to help with the selection process. Award shall be made to the Proposer whose proposal meets the evaluated standards and will be most advantageous to the District with price and all other factors considered. The District is to be the sole judge in the selection process. The District, at its discretion, may reject all proposals and request new proposals. The District may, at its sole discretion, request additional information pertinent to the evaluation process, from one or more Proposers and/or from third parties.
- D.** The District may, at its sole discretion, require one or more Proposers to participate in interviews. Proposer's Key Personnel are expected to attend an interview (see interview date(s), if any, in Section I). District staff and other stakeholders may participate in the interview process. The interview is an opportunity for the District to review the information in the Proposal and other matters the District deems relevant to its evaluation. For example: comments or proposed changes to the form of Agreement.

**E. Product Demonstration.** After review of RFP responses, selected Vendor, at the District’s discretion, may be asked to demonstrate their proposed solution in person and in detail to District representatives. Demonstrations will be held at the District’s Administrative Office. Response to this RFP does not guarantee that any particular Vendor will be asked to demonstrate their product or be awarded a contract for any products or services with the District.

**A. Evaluation Criteria**

The District will evaluate a number of factors in combination. Submissions will be scored according to the criteria and weights (points) listed below.

<b>Item</b>	<b>Criteria</b>	<b>Maximum Possible Points</b>
1	<u>Entities approach to provide CLNA Services</u> Successful performance of similar work Ability to support the project with personnel and experience	30
2	<u>Project specific team experience on similar projects</u> Understanding of project specifics strength of project-specific team Realistic and efficient approach to project delivery	25
3	<u>SLBE</u> Prime is certified SLBE (5 points maximum) 25% of Prime’s subcontractors are SLBE firm (4 points maximum)	5
4	<u>Fee</u> Overall cost	40
	<b>Total</b> (Total maximum points)	100

**B. Award of Contract:**

The District retains the sole discretion to identify Proposer(s) that can provide the greatest overall benefit to the District. See also RFP Terms and Conditions. The committee will make a recommendation to the Vice Chancellor of General Services.

Following the committee process, contract price and scope may be further negotiated with the Proposer recommended for contract award. If an agreement on contract price cannot be reached in a timely manner, the District may seek to reach an agreement with the next recommended entity, continuing with lower ranked entities if deemed by the District to be in the best interest of the District.

Award of contract is subject to additional administrative review and Board approval.

- C. **Product Demonstration.** After review of RFP responses, selected Vendor, at the District's discretion, may be asked to demonstrate their proposed solution in person and in detail to District representatives. Demonstrations will be held at the District's Administrative Office. Response to this RFP does not guarantee that any particular Vendor will be asked to demonstrate their product or be awarded a contract for any products or services with the District.

**WE THANK YOU FOR YOUR INTEREST IN THIS EXCITING PROJECT!**

# RFP EXHIBIT 1: MISCELLANEOUS FORMS and TEMPLATES

## Acknowledgement and Signature Form

**The undersigned having carefully examined the Request for Proposals, location of the proposed work, the local conditions of the place where the work is to be done, the Invitation, the General Conditions, the Specifications and all of the documents for this project, and accurately completed the Vendor's Questionnaire, proposes to enter into a contract with Peralta Community College District to perform the work described in this RFP, including all of its component parts, and to furnish any and all required labor, materials, equipment, insurance, bonding, taxes, transportation and services required for this project in strict conformity with the RFP, including any Addenda, within the time specified.**

Addendum Acknowledgement

The following addendum(s) are acknowledged in this RFP: \_\_\_\_\_

Acknowledgement and Signature:

1. No Proposal is valid unless signed in ink by the person authorized to make the proposal.
2. I have carefully read, understand, and agree to the terms and conditions on all pages of this proposal. The undersigned agrees to furnish the services stipulated on this proposal.

Vendor (Respondent) Name: \_\_\_\_\_

Name and Title of Signatory: \_\_\_\_\_

Signature: \_\_\_\_\_

(Date)



**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. To facilitate opportunities for small local business, the District will use a maximum 5% bidding preference for SLBE and SELBE firms. The preference is only used for computation purposes to determine the winning bidder, the contract is awarded at the actual bid amount. Please review the following guidelines to see if your firm qualifies for the preference.

The 5% bidding preference for an SLBE and SELBE firms are for construction, personal and professional services, goods and services, maintenance, repairs, and operations where responsibility and quality are equal. The preference will be 5% of the bid amount of the lowest responsive responsible bidder, and may not exceed \$50,000.00 for any bid.

A Non-SLBE/SELBE Prime Contractor who utilizes 25% of total bid amount, with SLBE or SELBE subcontractors (who meet the District's Definition of an SLBE and SELBE), can also receive a maximum of 4% bidding preference, not to exceed \$50,000.00 for any bid. (See below Subcontractor section.)

**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 Prime Contractors who use subcontractors, who meet the district definitions of SLBE and SELBE, may receive a maximum of 4% bidding preference if the following conditions are met:

1. 25% of total bid amount is with Subcontractors who meet the District’s definition of an SLBE and SELBE. The Prime Contractor must list each Subcontractor on the Subcontractor List form, clearly identifying the SLBE and SELBE status and the Dollar Amount of work each subcontractor will perform.
2. The Subcontractors must provide a Commercially Useful Function.
3. The Prime Contractor must maintain the Subcontractor percentages (based on the quoted dollar amounts) indicated in the Subcontractor List form 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 the bid documents, and 48 hours after the bid opening the Prime Contractor must submit signed SLBE/SELBE Self Certification Affidavit from each of the SLBE and SELBE subcontractors listed in the Subcontractor form. The Subcontractor must agree to provide the requested documentation to verify the SLBE/SEBLE status.
5. No Substitutions can be made to the SLBE and SELBE subcontractor without the prior written approval of the District. The District will approve a subcontractor substitution on the following conditions:
  - a. A written statement from the subcontractor agreeing to the substitution.
  - b. When the subcontractor 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 subcontractor becomes insolvent.
  - d. When the District determines the work performed by the subcontractor is not in accordance with the contact agreement, or the subcontractor is substantially and unduly delaying or disrupting the progress of work.

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 48 hours after bid opening. Such proof shall consist of a copy of a contract to perform work, to rent space or equipment, or for other business services, executed from their local address, and the firm’s tax returns for the past three consecutive years.

**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. The maximum preference will be five percent of the bid amount of the lowest responsible bidder and may not exceed \$50,000.00 for any bid. The preference is only used for computation purposes to determine the winning bidder; the contract is awarded at the actual bid amount. The District’s Contract Compliance Office will determine whether this requirement has been fulfilled. Bidders may only claim one of the below preferences.

<b>Certification Status</b>	<b>Preference</b>	<b>Preference Claimed (check only one)</b>
SLBE	5% of lowest bid	
SELBE	5% of lowest bid	
25% of Subcontractors are SLBE/SELBE	4% of lowest bid	
Not Applicable	None	

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 Subcontractors 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.
  
4. RFP Number: \_\_\_\_\_ RFP Name: \_\_\_\_\_

\_\_\_\_\_  
Signed Date

\_\_\_\_\_  
Printed or typed name Title

\_\_\_\_\_  
Name of Company Telephone  
END OF DOCUMENT

**NON-COLLUSION DECLARATION**

**(Public Contract Code Section 7106)**

**THE UNDERSIGNED DECLARES:**

I am the \_\_\_\_\_ of \_\_\_\_\_, the party making the foregoing proposal.  
[Title] [Name of Firm]

The proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The proposal is genuine and not collusive or sham. The proposer has not directly or indirectly induced or solicited any other proposer to put in a false or sham proposal. The proposer has not directly or indirectly colluded, conspired, connived, or agreed with any proposer or anyone else to put in a sham proposal, or to refrain from submitting a proposal. The proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the proposer or any other proposer, or to fix any overhead, profit, or cost element of the proposal price, or of that of any other proposer. All statements contained in the proposal are true. The proposer has not, directly or indirectly, submitted his or her proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, proposal depository, or to any member or agent thereof, to effectuate a collusive or sham proposal, and has not paid, and will not pay, any person or entity for such purpose. Any person executing this declaration on behalf of a proposer that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the proposer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on \_\_\_\_\_,

[Date]

at \_\_\_\_\_, \_\_\_\_\_.  
[City] [State]

Date: \_\_\_\_\_  
Proper Name of Proposer: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

END OF DOCUMENT