SANTA CLARA COUNTY
ROADS AND AIRPORTS DEPARTMENT

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

FISCAL YEARS 2017-2019

DRAFT SUBMITTED TO:

U.S. DEPARTMENT OF TRANSPORTATION/
FEDERAL AVIATION ADMINISTRATION

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith
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8. DBE Certification Application Form
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POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The County of Santa Clara (hereinafter County) owner of Reid-Hillview and San Martin Airports has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the County has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the County to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Mark Paschal, Equal Opportunity Officer, has been delegated as the DBE Liaison Officer. In that capacity, Mr. Paschal is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the County in its financial assistance agreements with the Department of Transportation.

The County has disseminated this policy statement to the Santa Clara County Board of Supervisors and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The policy was distributed by electronic mail to all of the DBE and non-DBE contractors currently within our sphere of influence, which included all appropriate officials and managers within the County that work either directly or indirectly with this program.

Michael Murdter, Director
Roads and Airports Department

[Signature]

7/11/16

Date
SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are based on our policy statement shown on the first page of this program:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Section 26.3 Applicability

The County is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions

The County will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

The County will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the County will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.
Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11

(b) You must continue to provide data about your DBE Program to the Department as directed by DOT operating administrations.

We will report DBE participation to DOT/FAA as follows:
We will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in Appendix B to this part. We will also report the DBE contractor firm information either on the FAA DBE Contractor's Form or other similar format. We will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY 2016 reports due December 1, 2016.

Bidders List: 26.11(c)

The County currently maintains a bidders list. This list provides accurate data reflecting the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals. The County bidders list includes the name, address, DBE and non-DBE status and age of firm.

The County obtains the above information when interested contractors submit bids for projects. The bidders list is part of the documentation submitted to Cal-Trans as part of the annual reporting requirements for the County. The County now has a mechanism in place to collect all of the information as required by this section.

The County will collect this information in the following ways:

1. When the County advertises a DOT assisted construction project for bid, the bid application will include a form for the contractor (to include to check the appropriate box that would indicate the range of income that best represents their annual gross receipts. The County's form/s of course would also request the bidder's company name, address, DBE and non-DBE status and the age of the firm.

A copy of the County's bid forms which illustrate how the bidder's information is requested are attached (See Attachment #2)

Section 26.13 Federal Financial Assistance Agreement

The County has signed the following assurances, applicable to all DOT-assisted contracts and their administration:
Assurance: 26.13(a)

The County shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The County’s DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the County of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance: 26.13(b)

The County will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

"The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the County deems appropriate, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible."

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the County has received a grant of $250,000 or more for airport planning or development, we will continue to carry out the program until all funds from DOT’s financial assistance have been expended. We will provide DOT with updates representing significant changes in the program. We will submit an updated goal annually on August 1 if we plan to award contracts exceeding $250,000 in FAA funds in that Federal fiscal year.
Section 26.23 Policy Statement

The Policy Statement is also shown on the first page of this DBE Program:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Mark Paschal
Equal Opportunity Officer
Equal Opportunity Department
2310 North First Street, Suite 101; San Jose, CA 95131
Telephone: (408)299-5199
E-mail Address: mark.paschal@esa.sccgov.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the County complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the County Executive concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment #2 (or Exhibit #2) to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO works closely with other County staff to assist in the administration of the program for the County. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Works with all departments to set overall annual/project goals.
3. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.

4. Analyzes The County’s progress toward attainment and identifies ways to improve progress.

5. Participates in pre-bid meetings, to include presenting an overview of the DBE Program and objectives.

6. Advises the CEO\County Board of Supervisors on DBE matters and achievement.

7. Determines contractor compliance with good faith efforts.

8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.


10. Acts as liaison to the Uniform Certification Process in California (CUCP).

11. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27  DBE Financial Institutions

It is the policy of the County to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

At financial meetings held with Contractors and Subcontractors, the County will continue to encourage these companies to make reasonable efforts to use financial institutions owned and controlled by socially and economically disadvantaged individuals in the community.

Section 26.29  Prompt Payment Mechanisms

The County currently utilizes the following clause in each DOT-assisted prime contract:

The County shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the owner of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from a Subcontractor within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the County.

Federal regulation (49CFR26.29) requires that any delay or postponement of payment over 30 days may take place only for good cause and with the County’s prior written approval. Any violation of this provision shall subject the violating prime contractor or
subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise, available to the prime contractor or subcontractor in the event of a dispute involving late payment, or nonpayment by the prime contractor, deficient subcontract performance, or non-compliance by a subcontractor. This provision applies to both DBE and non-DBE prime contractors and subcontractors.

Any subcontract entered into as a result of this Contract will contain all of these provisions of this section (above).

Section 26.31 Directory

The California Unified Certification Program maintains a directory of eligible DBE firms. The County does not maintain such a directory outside of the subject Unified Certification Program.

Section 26.33 Over-concentration

The County has not identified that over-concentration exists in the types of work that DBE’s perform.

Section 26.35 Business Development Programs

The County has not established a business development program. Currently the County does not engage in a volume of work that would lend itself to such a program.

Section 26.37 Monitoring and Enforcement Mechanisms

The County will continue to take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. Track contractor and subcontractors payment/s to subcontractors via contract-required submittals –DBE monthly utilization reports, certified payrolls and other forms. (Within ten days of owner payment to prime contractor).
2. Contracts include a provision that the prime contractor will not be reimbursed if the reports as well as certified payrolls and other required forms are not received, a letter will be sent to the contractor requiring receipt of the report or progress check is held.
3. Contracts require that any delay or postponement of payment among parties may take place only for good cause, with County’s prior written approval.
4. The County will bring to the attention of the Federal Aviation Administration any false, fraudulent, or dishonest conduct in connection with the program, so that the FAA can take the steps e.g., referral to the Department of Justice for criminal
prosecution/ General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.

5. The County will consider similar action under their own legal authorities, including responsibility determinations in future contracts and procurement activities.

6. The County will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. This will be accomplished by review and monitoring by the DBELO who is also responsible for the review of all invoices submitted by contractors. In this capacity, the DBELO will be able to verify the payment of funds to the contractors and will be available to the subcontractors for verification of payments they should have received. In their reports of DBE participation to FAA, The County will show both commitments and attainments, as required by the FAA reporting form.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

Federal regulations prohibit the use of set asides or quotas, and the County does not use them in any way in the administration of this DBE program.

Section 26.45 Overall Goals

We anticipate that we will award prime contracts exceeding $250,000 in FAA funds in a Federal fiscal year in accordance with the 2-step process as specified in 49 CFR Part 26.45. The County has taken reasonable steps to provide the public that the established goal and its rationale are available for inspection during normal business hours at the County’s Airports and Roads Offices located at 101 Skyport Drive, San Jose, CA 95110. The County, when applicable also establishes project specific goals as required.

The County will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds $250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the County will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below.
Section 26.45  Overall Goals

<table>
<thead>
<tr>
<th>Airport Type</th>
<th>Region</th>
<th>Date Due (Goal Period)</th>
<th>Next Goal Due (Goal Period)</th>
</tr>
</thead>
</table>

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the County does not anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds $250,000 during any of the years within the three-year reporting period, we will not develop an overall goal; however, this DBE Program will remain in effect and the County will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

**Step One.**

1. The County will establish a base figure on evidence of relative availability of DBEs in the market area who participate on DOT-assisted contracts.

2. The County will consider the use of DBE Directories and Census Bureau Data.

3. Evaluation of evidence available in the County’s marketplace to determine if an adjustment to base figure is needed.

4. Submission of the goal to FAA for review and approval.

5. Submission of the Goal and Methodology used to establish the goal, along with base figures and evidence with which the goal was calculated and methods the County will use to achieve the goal. Also, the County included its determination on the Step Two adjustments.

6. Documentation of public participation including:

7. Consultation with minority, women and general contractor groups, community organizations, industry associations and other public officials which could be expected to have information concerning the availability of DBE and non-DBE businesses, the effects of discrimination of opportunities for DBEs, and the County’s efforts to establish a level-playing field for DBE participation.

8. Issuance of a Public Notice announcing the Program and the availability of same for inspection during normal business hours for 30 days following the date of the notice.
Our Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

We will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT.

**Section 26.47 Failure to meet overall goals.**

The County will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

The County understands that failure to meet the overall goal is not grounds for penalty if the DBE Program was administered in good faith.

**Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation**

The breakout of estimated race-neutral participation can be found in Exhibit #5 to this program. This section of the program will be updated annually when the goal calculation is updated. The County of Santa Clara will only have a race-neutral DBE Program.

**Section 26.51(d-g) Contract Goals**

The County will use contract goals to meet any portion of the overall goal the County does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

The County will establish contract goals only on those FAA-assisted contracts that have subcontracting possibilities. The County need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

The County will express our contract goals as a percentage of the total amount of a DOT assisted contract.
Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. The County's Airports have not had a federally assisted contract since 2009, however such work is expected at the later part of this year (2015). Therefore we do not currently have examples of good faith efforts associated with the County’s FAA program.

Mark Paschal, the County’s DBE Coordinator is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as “responsible”.

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror’s good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information within 7 business days of being notified that they are the successful bidders, but before the contract is executed:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 7 business days of (a prospective) Contractor being informed by the County that it is not “responsible” because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Michael Murdter, Director of Roads and Airports, 101 Skyport Drive, San Jose CA 95110. Phone 408 573-2438, e-mail address – michael.murdter@rda.sccgov.org. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.
As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The County will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

**Good Faith Efforts when a DBE is replaced on a contract (26.53(f))**

The County will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the County will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer (or appropriate County Executive or Official) may issue a termination for default proceeding.

**Sample Bid Specification:**

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the County to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 12.15 percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5)
Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

The County will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor’s final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The County currently does not engage in the certification process. In the future, should the County elect to take part in the certification process, we will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards as set forth by the State of California.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The County is a member of a CUCP at this time. The County does not certify firms; we rely on the UCP for certification decisions. Please refer to Attachment 9 for copy of membership form, dated August 2, 2016.

Section 26.83 Procedures for Certification Decisions

The County will periodically review the eligibility of DBE’s that work on our projects, however the County as an entity does not make certification decisions.

“No Change” Affidavits and Notices of Change (26.83(i))

The County is a member of the CUCP at this time. Accordingly, as a member of the CUCP, the County will adhere to their regulations.

Personal Net Worth, (26.67(b))

Not applicable, as the County does not participate in the Unified Certification Program.
SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

The County will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Any information held by the County may be subject to state “Freedom of Information Act” requirements. Any such release of said information will only be in accordance with state, federal, or local laws.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the County or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.
ATTACHMENTS

Attachment 1  Regulations: 49 CFR Part 26 or website link
Attachment 2  Organizational Chart
Attachment 3  Bidder's List Collection Form
Attachment 4  DBE Directory or link to DBE Directory
Attachment 5  Overall Goal Calculations
Attachment 6  Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
Attachment 7  DBE Monitoring and Enforcement Mechanisms
Attachment 8  DBE Certification Application Form
Attachment 9  State's UCP Agreement
Attachment 10 Small Business Element Program
ATTACHMENT 1
ATTACHMENT 1

Regulations: 49 CFR Part 26

Please refer to:

http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=b91de5ab6b73016dcc2e8f3aa3ed35f4&tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl
ATTACHMENT 2
ATTACHMENT 2

Organizational Chart

(See attached)
ATTACHMENT 3
ATTACHMENT 3

BID FORMS

(See attached)
NAME OF BIDDER: ____________________________

MAILING ADDRESS: __________________________

PHONE: ____________________________________

FAX: ______________________________________

TO: The County of Santa Clara, herein called Owner:

1. Pursuant to and in compliance with the Notice to Bidders and the Contract Documents relating to ______________________ (NOTE TO PROJECT ENGINEER: Provide the Project name here)

the undersigned Bidder, having become thoroughly familiar with the terms and conditions of the Contract Documents and with the local conditions affecting the performance and the costs of the Work at the place where the Work is to be done and having fully inspected the site in all particulars, hereby proposes and agrees to fully perform the Work within the time stated and in strict accordance with the Contract Documents, including the furnishing of any and all labor and materials, and do all the work required to construct and to complete said Work in accordance with the Contract Documents.

2. Accompanying this Bid Proposal is ____________________________ (insert word “cash,” “cashier’s check,” “certified check,” or “Bidder’s Bond” as the case may be) an amount equal to at least ten percent (10%) of the total of the Bid including all Additive and Alternative Items.

3. ADDENDA

☐ No Addenda received.

☐ Addenda received as listed below:

Acknowledged receipt of each Addendum must be included with the Bid. Failure to acknowledge receipt of all Addenda may cause the Bid to be considered non-responsive.

Addendum No. ______ Dated ______________

Addendum No. ______ Dated ______________

Addendum No. ______ Dated ______________

Addendum No. ______ Dated ______________
4. **BID SCHEDULE** *(SAMPLE 1 – SINGLE BID)*

*(Notes to PE:)*

1. This is a sample for reference only in developing your project Bid Schedule. A separate file titled Bid Schedule Template in MS Excel is available for download and developing the project Bid Schedule.

2. Label Bid items that are Final Pay Quantity Items with an (F) in the column next Bid item number.)

**NAME OF BIDDER:**

*(LIST PROJECT TITLE)*

<table>
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<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Quantity</th>
<th>Units</th>
<th>Unit Price</th>
<th>Bid Item Total</th>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>ASPHALT CONCRETE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8*</td>
<td>TRENCH AND EXCAVATION WORKER PROTECTION</td>
<td>1</td>
<td>L. S.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>SUPPLEMENTAL WORK</td>
<td></td>
<td>EA</td>
<td>$1.00</td>
<td></td>
</tr>
</tbody>
</table>

NOTES: When shown, (F) denotes “Final Pay Quantity Item”

**TOTAL BASE BID PRICE (SUM OF BID ITEMS 1 THROUGH 9 INCLUSIVE):**

WRITE AMOUNT IN FIGURES AND WORDS

$_________ DOLLARS

*(NOTE TO PROJECT ENGINEER: * Provide this bid item if trenching or excavation of 5ft or deeper is anticipated)*
SECTION 112
BID FORM 1

4. BID SCHEDULE  (SAMPLE 2 - 1 BASE BID WITH 1 ALTERNATE BID)
(Notes to PE:
1. This is a sample for reference only in developing your project Bid Schedule. A separate file
titled Bid Schedule Template in MS Excel is available for download and developing the project
Bid Schedule.
2. Label Bid items that are Final Pay Quantity Items with an (F) in the column next Bid item
number.)

NAME OF BIDDER: ____________________________

(LIST PROJECT TITLE)

CONTRACTOR SHALL COMPLETE AND SUBMIT BASE BID AND ALTERNATE 1 FOR ITS BID TO BE
CONSIDERED A RESPONSIVE BID.

BASE BID TYPE A ASPHALT CONCRETE

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Quantity</th>
<th>Units</th>
<th>Unit Price</th>
<th>Bid Item Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>TRAFFIC CONTROL SYSTEMS</td>
<td>1</td>
<td>LS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>ADJUST EXISTING FRAMES, COVERS AND MANHOLES</td>
<td>15</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>ROADWAY EXCAVATION (PAVEMENT REPAIR)</td>
<td>1690</td>
<td>CY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>COLD PLANE ASPHALT CONCRETE CONFORMS</td>
<td>900</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>ASPHALT JOINT SEALANT</td>
<td>6.8</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>TYPE A ASPHALT CONCRETE (PAVEMENT REPAIR)</td>
<td>4200</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>38mm TYPE A ASPHALT CONCRETE 12.5mm Med. (RESURFACING-NEW AVE.)</td>
<td>545</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>60mm TYPE A - ASPHALT CONCRETE 19mm coarse (RESURFACING-LEAVESLEY AVE.)</td>
<td>3075</td>
<td>TON</td>
<td></td>
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</tr>
<tr>
<td>9</td>
<td>SHOULDER BACKING</td>
<td>151</td>
<td>TON</td>
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<td></td>
</tr>
<tr>
<td>10</td>
<td>PAINTED TRAFFIC STRIPES</td>
<td>9614</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>PAINTED PAVEMENT MARKINGS</td>
<td>90</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>PAVEMENT MARKERS (ALL)</td>
<td>570</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>DETECTOR LOOP</td>
<td>5</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>DETECTOR HANDHOLE</td>
<td>1</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>DETECTOR HANDHOLE CONDUIT</td>
<td>2</td>
<td>M</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>SUPPLEMENTAL WORK</td>
<td>1</td>
<td>EA</td>
<td>$1.00</td>
<td></td>
</tr>
</tbody>
</table>

NOTES: When shown, (F) denotes “Final Pay Quantity Item”

TOTAL BASE BID PRICE (SUM OF BID ITEMS 1 THROUGH 16 INCLUSIVE):

WRITE AMOUNT IN FIGURES AND WORDS

$ ______________________

DOLLARS

5/22/2000; Rev. 12/09/2014
Formal/Fed 112-3
SECTION 112  
BID FORM 1

4. **BID SCHEDULE**  *(SAMPLE 2 – 1 BASE BID WITH 1 ALTERNATE BID)*

*(Notes to PE:)*

1. This is a sample for reference only in developing your project Bid Schedule. A separate file titled Bid Schedule Template in MS Excel is available for download and developing the project Bid Schedule.
2. Label Bid items that are Final Pay Quantity Items with an (F) in the column next Bid item number.

NAME OF BIDDER: ____________________________  
*(LIST PROJECT TITLE)*

CONTRACTOR SHALL COMPLETE AND SUBMIT ALTERNATE BID 1 TO BE CONSIDERED A RESPONSIVE BID.

**ALTERNATE BID 1 TYPE A ASPHALT CONCRETE**

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Quantity</th>
<th>Units</th>
<th>Unit Price</th>
<th>Bid Item Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>TRAFFIC CONTROL</td>
<td>1</td>
<td>LS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>COLD PLANE ASPHALT CONCRETE CONFORMS</td>
<td>400</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>60mm TYPE A ASPHALT CONCRETE - 19mm Coarse</td>
<td>4425</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>SHOULDER BACKING</td>
<td>149</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>PAINTED TRAFFIC STRIPES</td>
<td>8006</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>PAINTED PAVEMENT MARKINGS</td>
<td>60</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>PAVEMENT MARKERS (ALL)</td>
<td>730</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTES: When shown, (F) denotes “Final Pay Quantity Item”

**TOTAL ALTERNATE BID PRICE (SUM OF BID ITEMS 17 THROUGH 23 INCLUSIVE):**

WRITE AMOUNT IN FIGURES AND WORDS $_________ DOLLARS
4. **BID SCHEDULE** *(SAMPLE 3 - 2 BASE BIDS WITH ALTERNATE BIDS)*

*(Notes to PE:)*

1. This is a sample for reference only in developing your project Bid Schedule. A separate file titled Bid Schedule Template in MS Excel is available for download and developing the project Bid Schedule.

2. Label Bid items that are Final Pay Quantity Items with an (F) in the column next Bid item number.

**NAME OF BIDDER:**

**CONTRACTOR SHALL COMPLETE AND SUBMIT BOTH BASE BID SCHEDULES (1&2) AND ALTERNATE 1 FOR BID SCHEDULES 1 AND 2 FOR ITS BID TO BE CONSIDERED A RESPONSIVE BID.**

### SCHEDULE 1 - BASE BID **TYPE A ASPHALT CONCRETE**

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Quantity</th>
<th>Units</th>
<th>Unit Price</th>
<th>Bid Item Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>TRAFFIC CONTROL SYSTEMS</td>
<td>1</td>
<td>LS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>ADJUST EXISTING FRAMES, COVERS AND MANHOLES</td>
<td>15</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>ROADWAY EXCAVATION (PAVEMENT REPAIR)</td>
<td>1690</td>
<td>CY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>COLD PLANE ASPHALT CONCRETE CONFORMS</td>
<td>900</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>ASPHALT JOINT SEALANT</td>
<td>6.8</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>TYPE A ASPHALT CONCRETE (PAVEMENT REPAIR)</td>
<td>4200</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>SHOULDER BACKING</td>
<td>151</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>PAINTED TRAFFIC STRIPES</td>
<td>9614</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>PAINTED PAVEMENT MARKINGS</td>
<td>90</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>PAVEMENT MARKERS (ALL)</td>
<td>570</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>DETECTOR LOOP</td>
<td>5</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>DETECTOR HANDHOLE</td>
<td>1</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>DETECTOR HANDHOLE CONDUIT</td>
<td>2</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>SUPPLEMENTAL WORK</td>
<td></td>
<td>EA</td>
<td>$1.00</td>
<td></td>
</tr>
</tbody>
</table>

**NOTES:** When shown, (F) denotes "Final Pay Quantity Item"

**SCHEDULE 1 TOTAL BASE BID PRICE (SUM OF BID ITEMS 1 THROUGH 16 INCLUSIVE):**

WRITE AMOUNT IN FIGURES AND WORDS

$________ DOLLARS
4. **BID SCHEDULE** *(SAMPLE 3 – 2 BASE BIDS WITH ALTERNATE BIDS)*

*(Notes to PE:)*

1. This is a sample for reference only in developing your project Bid Schedule. A separate file titled Bid Schedule Template in MS Excel is available for download and developing the project Bid Schedule.
2. Label Bid items that are Final Pay Quantity Items with an (F) in the column next Bid item number.

**NAME OF BIDDER:**

**LIST PROJECT TITLE**

CONTRACTOR SHALL COMPLETE AND SUBMIT BOTH BASE BID SCHEDULES (1&2) AND ALTERNATE 1 FOR BID SCHEDULES 1 AND 2 FOR ITS BID TO BE CONSIDERED A RESPONSIVE BID.

**SCHEDULE 2 - BASE BID TYPE G-MB ASPHALT CONCRETE**

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Quantity</th>
<th>Units</th>
<th>Unit Price</th>
<th>Bid Item Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>TRAFFIC CONTROL SYSTEMS</td>
<td>1</td>
<td>LS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>ADJUST EXISTING FRAMES, COVERS AND MANHOLES</td>
<td>15</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>ROADWAY EXCAVATION (PAVEMENT REPAIR)</td>
<td>1690</td>
<td>CY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>COLD PLANE ASPHALT CONCRETE CONFORMS</td>
<td>900</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>ASPHALT JOINT SEALANT</td>
<td>6.8</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>TYPE A ASPHALT CONCRETE (PAVEMENT REPAIR)</td>
<td>4200</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>38mm TYPE A ASPHALT CONCRETE 12.5mm Med (RESURFACING–NEW AVE,)</td>
<td>545</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>PAINTED TRAFFIC STRIPES</td>
<td>9614</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>PAINTED PAVEMENT MARKINGS</td>
<td>90</td>
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</tr>
<tr>
<td>12</td>
<td>PAVEMENT MARKERS (ALL)</td>
<td>570</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>DETECTOR LOOP</td>
<td>5</td>
<td>EA</td>
<td></td>
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</tr>
<tr>
<td>14</td>
<td>DETECTOR HANDHOLE</td>
<td>1</td>
<td>EA</td>
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</tr>
<tr>
<td>15</td>
<td>DETECTOR HANDHOLE CONDUIT</td>
<td>2</td>
<td>LF</td>
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</tr>
<tr>
<td>16</td>
<td>SUPPLEMENTAL WORK</td>
<td></td>
<td>EA</td>
<td>$1.00</td>
<td></td>
</tr>
</tbody>
</table>

**NOTES:** When shown, (F) denotes “Final Pay Quantity Item”

**SCHEDULE 2 TOTAL BASE BID PRICE (SUM OF BID ITEMS 1 THROUGH 16 INCLUSIVE):**

**WRITE AMOUNT IN FIGURES AND WORDS $**

**DOLLARS**

---

5/22/2000; Rev. 12/09/2014

Formal/Fed
4. **BID SCHEDULE** *(SAMPLE 3 – 2 BASE BIDS WITH ALTERNATE BIDS)*

*(Notes to PE:)*
1. This is a sample for reference only in developing your project Bid Schedule. A separate file titled Bid Schedule Template in MS Excel is available for download and developing the project Bid Schedule.
2. Label Bid items that are Final Pay Quantity Items with an (F) in the column next Bid item number.

NAME OF BIDDER: ____________________________

(LIST PROJECT TITLE)

CONTRACTOR SHALL COMPLETE AND SUBMIT ALTERNATE BID 1 FOR ITS SCHEDULE 1 BID TO BE CONSIDERED A RESPONSIVE BID.

**SCHEDULE 1 – ALTERNATE BID 1 TYPE A ASPHALT CONCRETE**

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Quantity</th>
<th>Units</th>
<th>Unit Price</th>
<th>Bid Item Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>TRAFFIC CONTROL</td>
<td>1</td>
<td>LS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>COLD PLANE ASPHALT CONCRETE CONFORMS</td>
<td>400</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>60mm TYPE A ASPHALT CONCRETE – 19mm Coarse</td>
<td>4425</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>SHOULDER BACKING</td>
<td>149</td>
<td>TON</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>PAINTED TRAFFIC STRIPES</td>
<td>8006</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>PAINTED PAVEMENT MARKINGS</td>
<td>60</td>
<td>SF</td>
<td></td>
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</tr>
<tr>
<td>23</td>
<td>PAVEMENT MARKERS (ALL)</td>
<td>730</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTES: When shown, (F) denotes “Final Pay Quantity Item”

**TOTAL ALTERNATE BID PRICE (SUM OF BID ITEMS 17 THROUGH 23 INCLUSIVE):**

WRITE AMOUNT IN FIGURES AND WORDS

$ ____________________________ DOLLARS
### SECTION 112
**BID FORM 1**

4. **BID SCHEDULE** *(SAMPLE 3 – 2 BASE BIDS WITH ALTERNATE BIDS)*

(Notes to PE:
1. This is a sample for reference only in developing your project Bid Schedule. A separate file titled Bid Schedule Template in MS Excel is available for download and developing the project Bid Schedule.
2. Label Bid items that are Final Pay Quantity Items with an (F) in the column next Bid item number.)

**NAME OF BIDDER:**

(LIST PROJECT TITLE)

CONTRACTOR SHALL COMPLETE AND SUBMIT ALTERNATE BID 1 FOR ITS SCHEDULE 2 BID TO BE CONSIDERED A RESPONSIVE BID.

**SCHEDULE 2 – ALTERNATE BID 1** *TYPE G-MB ASPHALT CONCRETE*

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Bid Item Description</th>
<th>Quantity</th>
<th>Units</th>
<th>Unit Price</th>
<th>Bid Item Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>TRAFFIC CONTROL</td>
<td>1</td>
<td>LS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>COLD PLANE ASPHALT CONCRETE CONFORMS</td>
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<td>SF</td>
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<td></td>
</tr>
<tr>
<td>19</td>
<td>50mm TYPE G-MB ASPHALT CONCRETE</td>
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<td>TON</td>
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</tr>
<tr>
<td>20</td>
<td>SHOULDER BACKING</td>
<td>149</td>
<td>TON</td>
<td></td>
<td></td>
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<tr>
<td>21</td>
<td>PAINTED TRAFFIC STRIPES</td>
<td>8006</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>PAINTED PAVEMENT MARKINGS</td>
<td>60</td>
<td>SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>PAVEMENT MARKERS (ALL)</td>
<td>730</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTES: When shown, (F) denotes “Final Pay Quantity Item”

**TOTAL ALTERNATE BID PRICE** *(SUM OF BID ITEMS 17 THROUGH 23 INCLUSIVE):*

WRITE AMOUNT IN FIGURES AND WORDS $ ___________________________ DOLLARS

5/22/2000; Rev. 12/09/2014
Formal/Fed

112-8
5. The names of all persons interested in the foregoing Bid as principals are as follows:

NOTES:
- If Bidder or other interested person is a corporation, state legal name of corporation, the State where incorporated, and names of the president and secretary thereof;
- If a partnership, state name of the firm, and names of all individual partners composing firm;
- If Bidder or other interested person is an individual, state first and last names in full.

__________________________________________________________
__________________________________________________________
__________________________________________________________

6. California Contractor’s license number is: ___________________ Expiration date: ___________
Class: ____________________

NOTES:
- If Bidder is a corporation, the legal name of the corporation shall be set forth below together with the signature of the officer or officers authorized to sign contracts on behalf of the corporation;
- If Bidder is a partnership, the name of the firm shall be set forth below together with the signature of the partner or partners authorized to sign contracts on behalf of the partnership; and
- If Bidder is an individual, the Bidder shall sign below.

*BIDDER’S SIGNATURE:* ___________________ DATE: ___________

*BIDDER’S NAME (PRINT):* ____________________

*TITLE (PRINT):* ____________________
SECTION 112
BID FORM 1

BASIS FOR AWARD OF CONTRACT

1. A Contract, without additive and/or deductive Bid items, will be awarded to the "Responsible bidder" submitting the lowest responsive Base Bid (as may be corrected in accordance with paragraph 5 below). For a contract using additive and/or deductive Bid items, California Public Contract Code §20103.8 prescribes how additive and/or deductive Bid items are to be considered in awarding a public contract. Whenever additive or deductive Bid items are included in a Bid, the Notice to Bidders will specify the method to be used as the basis for determining the low Bid.

2. "Responsible bidder" (per California Public Contract Code § 1103) is a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.

3. The Owner reserves the right to reject this Bid (see Section 100-09 "Bid Acceptance/Rejection" of these Special Provisions). This Bid shall remain open and shall not be withdrawn for a period of sixty (60) days from the date prescribed for its opening.

4. If written notice of the acceptance of this Bid is mailed or delivered personally to the Bidder within sixty (60) days after the date set for the opening of this Bid, or at any time thereafter before it is withdrawn, the undersigned Bidder shall execute and deliver the Agreement contained in the Contract Documents to Owner in accordance with this Bid as accepted. The Bidder shall also furnish and deliver to Owner the Performance Bond, Payment Bond for Public Works as specified, Contractor’s Certification of Worker’s Compensation, and proof of insurance coverages as required by these Special Provisions, all within twenty (20) days after the date of the Notice of Award. The contract Bonds and Insurance shall be satisfactory to, and on the forms approved by Owner. Notice of Award and requests for additional information will be addressed to the Bidder at the address set forth above.

5. Wherever in this Bid Proposal an amount is stated in both words and figures, in case of discrepancy between words and figures, the words shall prevail. If all or any portion of this Bid Proposal is required to be given in unit prices and totals and a discrepancy exists between any such unit prices and totals so given, the unit prices shall prevail in computing the extensions for the totals shown on the Bid Schedule, and for purposes of computation of payments for increased or decreased quantities of actual authorized work performed in the completion of the Contract. If the Bid Proposal contains an arithmetical error in the computation of unit price extensions (summation of bid item totals), the Owner will correct and revise the total Base Bid price accordingly. Owner will not make any changes in the totals shown on the Bid Schedule for “lump sum.”
**BID FORM 2 - DESIGNATION OF SUBCONTRACTORS**

Bidder shall completely fill in the form below for each Subcontract that exceeds one-half percent (1/2%) of the Contractor’s total Base Bid, or in the case of bids for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the Contractor’s total bid or ten thousand dollars ($10,000), whichever is greater. A Subcontractor is one who: (1) performs work or labor; or (2) provides a service to the Bidder; or (3) specially fabricates and installs a portion of the Work. This designation of Subcontractors shall be in compliance with the State of California Subletting and Subcontracting Fair Practices Act, Public Contract Code, Sections 4100 et seq., and any amendment thereof. Bidder’s failure to list a Subcontractor for any portion of the Work in excess of 1/2% of Bidder’s total Base Bid signifies that Bidder will self perform that portion of the Work with its own forces. (Note: If more than one Subcontractor is designated for the same kind of Work, state the portion that each will perform.) This listing is required in accordance with Title 49, Section 26.11 of the Code of Federal regulations.

<table>
<thead>
<tr>
<th>NAME OF SUBCONTRACTOR</th>
<th>LOCATION OF BUSINESS</th>
<th>ANNUAL GROSS RECEIPTS</th>
<th>ITEM(S) OF WORK</th>
<th>CERTIFIED DBE (Owner Use Only)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Street:</td>
<td>□ $1 million</td>
<td></td>
<td>□ YES</td>
</tr>
<tr>
<td></td>
<td>City, Zip:</td>
<td>□ $5 million</td>
<td></td>
<td>□ NO</td>
</tr>
<tr>
<td></td>
<td>Telephone:</td>
<td>□ $10 million</td>
<td></td>
<td>If YES list DBE#:</td>
</tr>
<tr>
<td></td>
<td>Fax:</td>
<td>□ $15 million</td>
<td></td>
<td>Age of Firm (Yrs.):</td>
</tr>
<tr>
<td></td>
<td>E-mail address:</td>
<td>□ &gt;$15 million</td>
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|                        | Street:              | □ $1 million          |                | □ YES                         |
|                        | City, Zip:           | □ $5 million          |                | □ NO                          |
|                        | Telephone:           | □ $10 million         |                | If YES list DBE#:             |
|                        | Fax:                 | □ $15 million         |                | Age of Firm (Yrs.):           |
|                        | E-mail address:      | □ >$15 million        |                |                               |

|                        | Street:              | □ $1 million          |                | □ YES                         |
|                        | City, Zip:           | □ $5 million          |                | □ NO                          |
|                        | Telephone:           | □ $10 million         |                | If YES list DBE#:             |
|                        | Fax:                 | □ $15 million         |                | Age of Firm (Yrs.):           |
|                        | E-mail address:      | □ >$15 million        |                |                               |

5/22/2000; Rev. 09/19/2012
Formal/Fed 112-11
<table>
<thead>
<tr>
<th>NAME OF SUBCONTRACTOR</th>
<th>LOCATION OF BUSINESS</th>
<th>ANNUAL GROSS RECEIPTS</th>
<th>ITEM(S) OF WORK</th>
<th>CERTIFIED DBE (Owner Use Only)</th>
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<tbody>
<tr>
<td></td>
<td>Street:</td>
<td>□ &lt;$1 million</td>
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<td></td>
<td>City, Zip:</td>
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<td>Tel:</td>
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<td>Fax:</td>
<td>□ &lt;$15 million</td>
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<td>If YES list DBE#:</td>
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<td></td>
<td>E-mail address:</td>
<td>□ &gt;$15 million</td>
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<td>Age of Firm (Yrs.):</td>
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<td>Street:</td>
<td>□ &lt;$1 million</td>
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<td>City, Zip:</td>
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<td>Street:</td>
<td>□ &lt;$1 million</td>
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<tr>
<td></td>
<td>E-mail address:</td>
<td>□ &gt;$15 million</td>
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</tbody>
</table>

**NOTE:** 1. To list additional Subcontractors, submit completed copies of this Bid Form 2 as needed.

Distribution (Owner use only): (1) Fax one copy to DBE Liaison Officer at County EEO Department at (408)-299-6827.
BID FORM 3 - CERTIFICATION OF SUBCONTRACTING LIMITATIONS

Contractor hereby certifies that it shall perform with its own organization Contract Work amounting to **not less than 30%** of the original total Contract price.

Bidder shall list the name, address and contractor’s license number for all Subcontractors, their items of Bid and dollar values of the Subcontractor(s)’ work.

<table>
<thead>
<tr>
<th>NAME, ADDRESS and LICENSE NUMBER OF SUBCONTRACTOR</th>
<th>ITEM(S) OF WORK</th>
<th>DOLLAR VALUE OF WORK</th>
</tr>
</thead>
<tbody>
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**NOTE:**
1. To list additional Subcontractors, submit completed copies of this Bid Form 3 as needed.
2. Show dollar value for each item of work subcontracted.

BIDDER’S SIGNATURE: ____________________________ DATE: ______________

BIDDER’S NAME (PRINT): ____________________________

TITLE (PRINT): ____________________________
DESIGNATION OF INSURANCE COMPANY(IES) AND AGENT OR BROKER

The following insurance company(ies) and agent or broker will provide policies of insurance or insurance certificates as are required by the Contract Documents:

Insurance Company(ies) (providing coverages): 

<table>
<thead>
<tr>
<th>Admitted in California:</th>
<th>YES</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td>Agent or Broker:</td>
<td></td>
<td></td>
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<td>Street:</td>
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<td>City:</td>
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<td>State:</td>
<td></td>
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<td>Zip:</td>
<td></td>
<td></td>
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<tr>
<td>Phone:</td>
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</tr>
</tbody>
</table>

DESIGNATION OF BONDING COMPANY AND AGENT OR BROKER

The following surety company and agent or broker will provide Payment and Performance Bonds as are required by the Contract Documents:

Surety Company (providing Bonds): 

<table>
<thead>
<tr>
<th>Admitted in California:</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agent or Broker:</td>
<td></td>
<td></td>
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<td>Street:</td>
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<td>Phone:</td>
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</tbody>
</table>

NOTE: Bonding company must be admitted in the State of California.

BIDDER’S SIGNATURE: ___________________________ DATE: ___________________________
BID FORM 5 - EQUAL OPPORTUNITY REQUIREMENTS

In connection with the performance of Work under this Contract, the Contractor agrees as follows:

1. The County of Santa Clara is an equal opportunity employer. Contractor shall comply with all applicable federal, state, and local laws and regulations including Santa Clara County’s equal opportunity requirements. Such laws include but are not limited to the following:

   - Title VII of the Civil Rights Act of 1964 as amended;
   - Americans with Disabilities Act of 1990;
   - The Rehabilitation Act of 1973 (sections 503 and 504);
   - California Fair Employment and Housing Act (Government Code sections 12900 et seq.);
   - California Labor Code sections 1101 and 1102.

Contractor shall not discriminate against any Subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status in the recruitment, selection for training including apprenticeship, hiring, employment, utilization, promotion, layoff, rates of pay or other forms of compensation. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the awarding authority setting forth these requirements.

2. The Contractor herein certifies that:

   Paragraph 1 set forth above shall be included in all subcontracts.

   The Contractor shall notify all employees and all sources of employee referrals, (including unions, employment agencies, advertisements, department of employment) of the required compliance with Paragraph 1 above.

The undersigned, in submitting Bid for performing the following Work by Contract, hereby certifies that it will comply with the Equal Opportunity Requirements.

<table>
<thead>
<tr>
<th>BIDDER’S SIGNATURE:</th>
<th>___________________________ DATE: ___________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIDDER’S NAME (PRINT):</td>
<td>____________________________________</td>
</tr>
<tr>
<td>TITLE (PRINT):</td>
<td>____________________________________</td>
</tr>
</tbody>
</table>
BID FORM 6 - NONCOLLUSION AFFIDAVIT

In accordance with Title 23 United States Code, Section 112, and Public Contract Code §7106, ____________, being first duly sworn, deposes and says that he or she is ____________, of ____________, the party making the foregoing Bid that the Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham Bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham Bid, or that anyone shall refrain from bidding; that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Bid price of the Bidder or any other Bidder, or to fix any overhead, profit, or cost element of the Bid price, or of that of any other Bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed Contract; that all statements contained in the Bid are true; and, further, that the Bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham Bid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

BIDDER'S SIGNATURE: __________________________ DATE: ____________

BIDDER'S NAME (PRINT): __________________________

TITLE (PRINT): __________________________

NOTE:
• If this Affidavit is signed outside of the State of California, a notarized acknowledgement is required.

5/22/2000
Formal/Fed
BID FORM 7 - STOP NOTICE INFORMATION

PROJECT NAME: ____________________________

CONTRACT NO.: ____________________________

COUNTY PROJECT ENGINEER: ____________________________

DEPARTMENT: Roads and Airports

CONTRACTOR'S NAME: ____________________________

CONTRACTOR'S ADDRESS: ____________________________

Reference: California Civil Code

The following is provided for the information of contractors, subcontractors and suppliers of labor, materials, equipment, and services under County Public Works contracts, and is not intended as legal advice. Advice of legal counsel should be obtained to ensure compliance with legal requirements relating to public works stop notices.

WHERE TO FILE: All original stop notices and preliminary 20 day notices (if required by California Civil Code §3098) must be filed with the County of Santa Clara, Department of Roads and Airports, 101 Skyport Drive, San Jose, CA 95110, Attn: Fiscal Officer (Tel. No. 408-573-2400).

STOP NOTICE CONTENTS: See California Civil Code §8044. Written notice, signed and verified by the claimant and including information such as the kind of labor, equipment, materials or services furnished or agreed to be furnished by the claimant, the name of the person/entity to or for whom the same was done or furnished; the amount in value of that already done or furnished and/or agreed to be done or furnished. Blank Stop Notice forms are commercially available.

WHO MAY SERVE STOP NOTICE: See California Civil Code §9100. All persons furnishing labor, materials, equipment or services to the job (except the original contractor) and persons furnishing provisions, provider or other supplies.

HOW THE STOP NOTICE IS SERVED: See California Civil Code §8044. Served by personal service, registered mail, or certified mail.

TIME FOR SERVICE: See California Civil Code §9356. Stop notices must be served before the expiration of 30 days after the recording of a Notice of Completion (sometimes referred to as a Notice of Acceptance) or Notice of Cessation, if such notice is recorded; or if no Notice of Completion or Notice of Cessation is recorded, 90 days after actual completion or cessation of labor.

NOTICE OF COMPLETION: See California Civil Code §9362. Provided that a stop notice claimant has paid to the Department of Roads and Airports, County of Santa Clara, Attn: Fiscal Officer, the sum of $2.00 at the time of filing a stop notice, the Fiscal Officer shall provide that claimant with a copy of the recorded Notice of Completion or after the cessation of labor has been deemed a completion of a public work, or after the acceptance of completion, whichever is later, by personal service or registered or certified mail.

RELEASE OF STOP NOTICE: See California Civil Code §9364 and following. A stop notice can be released if the original contractor files a corporate surety bond with the Fiscal Officer of the Department of Roads and Airports, County of Santa Clara, in the amount of 125% of the stop notice claim. Alternatively, the original contractor may file an affidavit pursuant to California Civil Code §9402 stating objections to the validity of the stop notice. A counteraffidavit may be filed by the claimant pursuant to 5/22/2000; Rev. 12/09/2014
§9406 and a summary legal proceeding may be held pursuant to §9408 and following, to determine the validity of the stop notice. If no counteraffidavit is filed, the stop notice funds shall be released. Alternatively, the Stop Notice claimant may file a Release in a form which substantially complies with California Civil Code §8122-8124.

STOP NOTICE LAWSUIT: See California Civil Code §9502 through §9506. These sections provide that a stop notice is perfected only by the filing of a lawsuit. A lawsuit must be filed no sooner than 10 days after service of a stop notice and no later than 90 days after the expiration of the time for filing stop notices. Notice of suit must be given to the Fiscal Officer of the Department of Roads and Airports, County of Santa Clara within 5 days after commencement. The Court has the discretionary right to dismiss the lawsuit if it is not brought to trial within two years.

I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED AND READ THE ABOVE STOP NOTICE INFORMATION AND IF I AM AWARDED THIS CONTRACT, I AGREE TO INCLUDE A COPY OF THIS BID FORM IN ALL SUBCONTRACTS AND CONTRACTS FOR LABOR, MATERIALS, EQUIPMENT, AND SERVICES THAT I ENTER INTO FOR THIS PROJECT.

<table>
<thead>
<tr>
<th>BIDDER’S SIGNATURE:</th>
<th>DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIDDER’S NAME (PRINT):</td>
<td></td>
</tr>
<tr>
<td>TITLE (PRINT):</td>
<td></td>
</tr>
</tbody>
</table>
The contract that may be awarded will be a Type I Service contract pursuant to the Board of Supervisor’s Resolution of Contracting Principles adopted on October 28, 1997.

Type I Category: II. Definitions C.2. Construction or other work required by law to be contracted out.

Explanation: The work required by these Contract Documents is construction work and pursuant to Public Contract Code §20121 must be contracted out.

The Contractor currently has other contracts with the County of Santa Clara for the same or similar services:

☐ YES ☐ NO

If YES is checked, please list and describe contracts, types, and dollar amounts.

I am authorized to complete this form on behalf of ____________________________ (Name of contracting entity).

I have used due diligence in obtaining this information, and this information contained herein is complete and accurate.

<table>
<thead>
<tr>
<th>BIDDER’S SIGNATURE:</th>
<th>DATE:</th>
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<tbody>
<tr>
<td>BIDDER’S NAME (PRINT):</td>
<td></td>
</tr>
<tr>
<td>TITLE (PRINT):</td>
<td></td>
</tr>
</tbody>
</table>
SECTION 112
BID FORM 9
PUBLIC CONTRACT CODE SECTION 10162 STATEMENT

Has the Bidder, or any officer of the Bidder, or any employee of the Bidder, who may have a proprietary interest in the Bidder, ever been disqualified, removed or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation:

YES ______ NO ______

If your answer is YES, explain the circumstances.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

In accordance with Public Contract Code §10162, a Bid may be rejected on the basis of a Bidder, any officer of such Bidder, or any employee of such Bidder who has a proprietary interest in such Bidder, having been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local project because of a violation of law or a safety regulation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

BIDDER’S SIGNATURE: ______________________ DATE: __________

BIDDER’S NAME (PRINT): ______________________

TITLE (PRINT): ______________________

NOTE:

• If this Affidavit is signed outside of the State of California, a notarized acknowledgement is required.
BID FORM 10 - EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

The Bidder _____, proposed Subcontractor _____, herein certifies that its has _____, has not _____, participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive orders 10925, 11114, or 11246 (as amended by 11375), and that it has _____, has not _____, filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President’s Committee or Equal Employment Opportunity, all reports due under the applicable filing requirements.

BIDDER’S SIGNATURE: _______________________________ DATE: ____________________
BIDDER’S NAME (PRINT): _______________________________
TITLE (PRINT): _______________________________

NOTES:

- The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7 (b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of $10,000 or under are exempt.)

- Bidder must place a check mark in the blank spaces provided above after “Bidder,” “Subcontractor,” “has,” and “has not,” as applicable.

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 601.7 (b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.
In accordance with Public Contract Code Section 10285.1 (Chapter 376, Stats. 1985), the Bidder hereby declares that it has ___, has not ___, been convicted within the preceding three years of any offenses referred to in that Section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or Federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity as defined in Public Contract Code Section 1100. The term “Bidder” is understood to include any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

BIDDER’S SIGNATURE: ___________________________ DATE: ________________

BIDDER’S NAME (PRINT): ___________________________

TITLE (PRINT): ___________________________

NOTES:

- The Bidder must place a check mark after “has” or “has not” in the blank space provided above.

- If this Affidavit is signed outside of the State of California, a notarized acknowledgement is required.
BID FORM 12 - PUBLIC CONTRACT CODE SECTION 10232 STATEMENT

In accordance with Public Contract Code Section 10232, the Contractor hereby states that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Contractor within the immediate preceding two year period because of the Contractor’s failure to comply with an order of the National Labor Relations Board.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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<tr>
<th>BIDDER’S SIGNATURE:</th>
<th>DATE:</th>
</tr>
</thead>
</table>

BIDDER’S NAME (PRINT):

TITLE (PRINT):

NOTE:
- If this Affidavit is signed outside of the State of California, a notarized acknowledgement is required.
In accordance with Title 49 Code of Federal Regulations, Part 29, the Bidder certifies that, except as noted below, he/she or any person associated therewith in the capacity of owner, partner, director, officer, and manager:

1. Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;

2. Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;

3. Does not have a proposed debarment pending; and

4. Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining Bidder’s responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

BIDDER’S SIGNATURE: ___________________________ DATE: ___________________________
BIDDER’S NAME (PRINT): ___________________________
TITLE (PRINT): ___________________________

NOTES:
- Providing false information may result in criminal prosecution or administrative sanctions.
- If this Affidavit is signed outside of the State of California, a notarized acknowledgement is required.

5/22/2000
Formal/Fed
I, ____________________________________________, hereby certify on behalf of ____________________________________________ that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying" (See Contract Form 7) in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all lower tier subcontracts which exceed $100,000 and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by the provisions of Title 31 U.S. Code Section 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

BIDDER’S SIGNATURE: ___________________________ DATE: ___________________________

BIDDER’S NAME (PRINT): ___________________________
TITLE (PRINT): ___________________________
WHEREAS, we, ___________ as Principal,
and ___________ as Surety,

are held and firmly bound unto the County of Santa Clara, a political subdivision of the State of California (hereinafter called the “County”), in the penal sum of TEN PERCENT (10%) of the total aggregate amount of the Bid, including all additives and/or all alternate bid items, of the Principal above named, submitted by said Principal to County for the Work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such that a Bid to County for certain construction specifically described as follows:

for which Bids are to be opened on ____________, 20__ has been submitted by Principal to County:

NOW, THEREFORE, if the aforesaid Principal shall not withdraw said Bid within the period specified therein after the opening of the same, or, if no period be specified, within sixty (60) days after said opening, and shall within the period specified therefore, or if no period be specified, within twenty (20) days after the prescribed forms are presented to Principal for signature, enter into a written Contract with the County, in the prescribed form, in accordance with the Bid as accepted, and file the two Bonds with the County, one to guarantee faithful Performance and the other to guarantee Payment for labor and materials, as required by law, or in the event of the withdrawal of said Bid within the period specified or the failure to enter into such contract and give such Bonds within the time specified, if the Principal shall pay County the difference between the amount specified in said Bid and the amount for which the County may procure the required Work and/or supplies, if the latter amount be in excess of the former, together with all costs incurred by the County in again calling for bids, then the above obligation shall be void and of no effect, otherwise to remain in full force and virtue.

Surety for value received, hereby stipulates and agrees that no change, extension of time, alterations, or addition to the terms of the contract on the call for Bids, or to the Work to be performed thereunder, or the specifications accompanying the same, shall in any way affect its obligation under this Bond, and it does, hereby, waive notice of any such change, extension of time, alteration, or addition to the terms of specifications.
BIDDER’S BOND

In the event suit is brought upon this Bond by the County of Santa Clara and judgment is recovered, Surety shall pay all costs incurred by the County of Santa Clara in such suit, including a reasonable attorney’s fee to be fixed by the court in accordance with applicable statutory law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this ______________ day of ______________, 20__.

PRINCIPAL:

Signature
Name
Title
Address

SURETY:

Signature
Name
Title
Address

NOTE TO SURETY COMPANY:
The following form of acknowledgment should be used. If any other form of acknowledgment is used, there must be submitted a certified copy of unrevoked resolution of authority for the attorney-in-fact.

SURETY COMPANY ATTORNEY-IN-FACT

STATE OF CALIFORNIA ]
COUNTY OF SANTA CLARA ] ss.

On __________________, before me, the undersigned, a Notary Public in and for the State, personally appeared __________________, known to me to be the duly authorized Attorney-in-Fact of the corporate Surety named in the within instrument, known to me to be authorized to execute that instrument on behalf of said corporation, known to me to be the person whose name is subscribed to such instrument as the Attorney-in-Fact of said corporation, and acknowledged to me that he (she) subscribed the name of said corporation thereto as Surety, and his (her) own name as Attorney-in-Fact and that said corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL:

(SEAL)

Notary Public for the State of California with principal office in Santa Clara County.

Original acknowledgment by Attorney-in-Fact must be attached. Original corporate seals of Principal and Surety must be attached.
FORM E - BIDDER'S DBE COMMITMENT

CITY: Santa Clara - Roads & Airports Department

NOTE: FIRST THREE (3) APPARENT LOW BIDDERS MUST EXECUTE AND RETURN THIS FORM BY 5:00 PM ON WEDNESDAY OF THE WEEK FOLLOWING BID OPENING TO THE CONSTRUCTION MANAGER AT: The Department of Roads & Airports, 101 Skyport Dr., San Jose, CA 95110-1302 or FAX: (408)-441-0143.

For information on this form, please call DBE Liaison Officer, Equal Opportunities Office at (408) 299-5865 or the Project Engineer.

### PART 1 - FOR BIDDERS TO COMPLETE (REFER TO INSTRUCTIONS ON NEXT PAGE)

<table>
<thead>
<tr>
<th>ITEM/DESCRIPTION OF WORK or SERVICES TO BE SUBCONTRACTED; or MATERIALS TO BE PROVIDED (3) (4)</th>
<th>NAME &amp; ADDRESS</th>
<th>CERTIFICATION NO. &amp; EXPIRATION DATE</th>
<th>PHONE NO.</th>
<th>DOLLAR VALUE OF WORK PERFORMED BY UDBE (5)</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

Total DBE Claimed Participation Amount: $

Total Base Bid Amount $ | Total Claimed DBE Participation (6): (Total DBE Claimed Participation Amount) X 100 $ |
| Contract-specified DBE Goal: $ |

Base Bid Amount $ |

Less Supplemental Work $ |

### ADMINISTERING AGENCY: County of Santa Clara

### FEDERAL-AID PROJECT NO.: (PE to fill in)

### BID OPENING DATE: (PE to fill in)

### DOLLAR VALUE OF WORK PERFORMED BY UDBE (5)

<table>
<thead>
<tr>
<th>NAME:</th>
<th>TITLE:</th>
<th>SIGNATURE:</th>
<th>DATE:</th>
</tr>
</thead>
</table>

I certify that the above information is complete and accurate.

### PART 2 - FOR COUNTY TO COMPLETE:

<table>
<thead>
<tr>
<th>NAME:</th>
<th>TEL:</th>
<th>SIGNATURE:</th>
<th>DATE:</th>
</tr>
</thead>
</table>

To the best of my information and belief, the above information is complete and accurate.

### County DBE Liaison Officer

**Distribution (County use only):**

A. Fax or email 1 copy to DBE Liaison Officer at County EEO Department at 408-299-6827;  
B. Fax or email 1 copy to DBE Liaison Officer at County EEO Department at 408-299-6827;  
C. Copy to construction manager;  
D. Retain original copy in Project files.

5/22/2000; Rev. 09/30/2013

Formal/Fed 112-28
INSTRUCTIONS TO BIDDERS:

1. First 3 low apparent Bidders must complete all required information in Part 1 of this Form (make copy of Form if additional space is needed), sign and submit it as specified hereinabove. Attach a written confirmation, such as a copy of quote, from each of the DBE firms indicating its participation in the Contract. Other Bidders must complete Part 1 of this Form and submit it when requested by the Project Engineer. Failure to submit this Form will be grounds for finding the Bid proposal nonresponsive.

2. It is the Bidder’s responsibility to verify that the DBE is a firm meeting the definition of a DBE as specified in 49 CFR and is one of the following groups in order to count towards the DBE contract goal:
   - Black American
   - Hispanic Americans
   - Native Americans
   - Asian-Pacific Americans
   - Subcontinent Asian Americans
   - Women

3. Bidders must list Bid Item Number and Description of Work to be subcontracted or Materials to be provided by DBEs. Prime Contractor shall indicate all work to be performed by DBEs including, if the prime Contractor is a DBE, work performed by its own forces.

4. IMPORTANT:
   - Identify all DBE firms being participating in this Project regardless of tier. Names of the First Tier DBE subcontractors and their respective item(s) of work listed above should be consistent, where applicable, with the names and items of work in Bid Form 2 – Designation of Subcontractors submitted with the Bid.
   - DBE contractor and subcontractors must be certified on the date Bids are opened and include their address, certification number with expiration date and phone number.
   - There is no specific certification for DBE firms. However, the California Unified Certification Program database (http://www.dot.ca.gov/hq/bep/find_certified.htm) breaks out DBE firms by gender and ethnicity to facilitate locating DBE firms.
   - Provide copies of the DBEs’ quotes, and if applicable, copies of joint venture agreements pursuant to the Subcontractors Listing Law and the Special Provisions.

5. Bidders enter the claimed DBE participation dollar amount of work to be performed by DBEs. Refer to Section 106-01.03 - DBE PARTICIPATION CRITERIA AND REPORTING to determine how to count the participation of DBE firms. If 100% of item is not to be performed or furnished by the DBE, describe exact portion of item to be performed or furnished by the DBE.

6. DBE participation is determined based on Total Base Bid Amount less Supplemental Work allowance.

INSTRUCTIONS TO COUNTY:

1. Project Engineer completes Part 1 of the Form where indicated prior to issuing Bid documents for advertisement.

2. Project Engineer completes Part 2 of the Form with the information on County Contract Number, Federal Share Amount, and Contract Award Date upon receipt of the Form completed by Contractor, and coordinates the review of Contractor’s information in Part 1 with County DBE Liaison Officer for signature, and distributes copies as specified in the footer of the Form.
ATTACHMENT 4
ATTACHMENT 4

PLEASE REFER TO:
http://californiucp.org/

CUCP AGREEMENT/DECLARATION OF STATUS LETTER ATTACHED (See Attachment 9)

SIGNED ON AUGUST 2, 2016
ATTACHMENT 5
ATTACHMENT 5

Section 26.45: Overall DBE Three-Year Goal Methodology

County of Santa Clara Roads and Airports Department Goal Methodology for FY 2017-2018-2019

DOT-assisted contract amount:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Contract Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY-2017</td>
<td>$1,200,000 (grants from 3 prior years and for current fiscal year)</td>
</tr>
<tr>
<td>FY-2018</td>
<td>$300,000 ($150,000 grants each for 2 County airports)</td>
</tr>
<tr>
<td>FY-2019</td>
<td>$300,000 ($150,000 grants each for 2 County airports)</td>
</tr>
</tbody>
</table>

Total anticipated for the next 3 fiscal years: $1,800,000.00

Annual Overall Goal set at 26% for DBE participation based on DBE market availability; and on other areas outside of the market availability, based on past experience for road improvement projects. Because of the area of specialty, the County of Santa Clara invites certified DBEs that are located in Southern California to participate in the bidding process as well.

Based on the annual goal of 26% proposed for the County's DBE Program the total dollar amount anticipated to be expended on DBE's is:

$ 468,000.00

Describe the Number and Type of Projects that the airport anticipates awarding for the next 3 years:

1. 2017-2018 and 2019: Runway and Taxi Rehabilitation for Reid-Hillview and South County Airports (Cement Contractors; Chip Seal and Slurry Seal) – most of the grant money will be assigned to this undertaking.
2. 2018: Airport Layout Plan Update and Airspace Study (Engineering Consultant): engineering study for the 2 County airports.
3. 2019: Prepare Pavement Management System (Engineering Consultant); engineering study for the 2 County Airports.
Market Area

The Market Area for the work to be performed is District 4, which includes the following counties,

1. Sonoma
2. Napa
3. Solano
4. Marin
5. San Francisco
6. Contra Costa
7. San Mateo
8. Santa Clara
9. Alameda
10. Los Angeles County and surrounding areas for Chip Seal and Slurry Seal

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Type of Work</th>
<th>Total DBE's</th>
<th>Total All Firms</th>
</tr>
</thead>
<tbody>
<tr>
<td>541330</td>
<td>Aviation/Engineering</td>
<td>147</td>
<td>2,203</td>
</tr>
<tr>
<td>237310</td>
<td>Concrete Paving; Airport Runway Construction</td>
<td>43</td>
<td>165</td>
</tr>
<tr>
<td>237310</td>
<td>Slurry Seal; Chip Seal</td>
<td>23</td>
<td>169</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>All Work</strong></td>
<td><strong>213</strong></td>
<td><strong>2368</strong></td>
</tr>
</tbody>
</table>

Analysis:
There is no DBE participation data to reference to make an adjustment to the Step 1 base figure for goal-setting; therefore, Santa Clara County-Roads and Airports Department is adopting its Step 1 base figure, i.e. actual relative availability of DBE’s in District 4 (State of California) as its overall goal for FY-2017/2018 and 2019.

The County intends to achieve 100% of the goal via race neutral measures. The County of Santa Clara-Roads and Airports Department will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation.
**Planned Race Neutral Measures**
The following reflects the Race Neutral measures we plan to implement for Fiscal Year 2017-2019 per 49 CFR, Part 26.51 and Section V of the Caltrans DBE Program Implementation Agreement for Local Agencies:

- Unbundling large contracts to make them more accessible to DBEs.
- Encouraging prime contractors to subcontract portions of the work that they might otherwise perform themselves.
- Conduct pre-bid conferences: advise contractors on their rights; and conduct contract monitoring.
- Ensure the inclusion of DBEs and other small businesses on bidder lists and related information and public notices.
- Provide technical assistance resource information, and any other support services to facilitate consideration of DBE firms and other small businesses.
- The County carefully reviews and monitors any contractor's DBE good faith efforts, where established goals were not met.
Consultation: Section 26.45(g) (1)

After establishing the overall goal, the County will provide for consultation and publication. This will include consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to assist with the dissemination of information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the County of Santa Clara’s efforts to establish a level playing field for the participation of DBEs. The consultations will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the County’s goal setting process, and it will occur after we submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. We will document after our required goal submission the consultation process in which we propose to engage. Notwithstanding paragraph (f) (4) of this section, we will proceed with implementation of our proposed goal to the extent possible.
PUBLIC NOTICE

The County hereby announces its fiscal years 2017 through 2019 goal of 26% for Disadvantaged Business Enterprise (DBE) Airport Construction Contracts. The proposed goals and rationale are available for inspection between 9:00 a.m. and 5:00 p.m., Monday through Friday at the Equal Opportunity Department, located at 2310 North First Street, Suite 101; San Jose, CA for 30 days from the date of this publication and notice to interested participants.

Comments on the DBE goal will be accepted for 30 days from the date of this notice/publication and can be sent to the following:

Mark Paschal, DBE Liaison Officer
Equal Opportunity Department
2310 North First Street, Suite 101
San Jose, CA 95131
Tel. (408)993-4845
E-mail: mark/paschal@esa.sccgov.org

AND/OR

Patricia A. Wright, AWP-9
DBE/ACDBE Compliance Specialist For Western Pacific Region
Federal Aviation Administration
Mail: POB 92007; Los Angeles, CA 90009-2007
Address: 15000 Aviation Blvd.; Lawndale, CA 90261
E-mail: patricia.wright@faa.gov
Office: 310-725-3955
Cell: 619-512-6683

Contract Goals

The County of Santa Clara will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of race-neutral means.

The County will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBE's to perform the particular type of work). The County of Santa Clara will express its contract goals as a percentage of the total amount of a DOT-assisted contract.
ATTACHMENT 6
Attachment 6

Forms 1 & 2 for
Demonstration of Good
Faith Efforts
NOTE TO BIDDERS:

Lowest, second lowest and third lowest Bidders shall submit the following information to document adequate good faith efforts. Bidders should submit the following information even if Form E – BIDDER’S DBE COMMITMENT indicates that the Bidder has met the DBE goal. This will protect the Bidder’s eligibility for award of the Contract if the County determines that the Bidder failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the Bidder made a mathematical error.

Submittal of only Form E – BIDDER’S DBE COMMITMENT may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

The following items are listed in Section 106-01.02.B. “DBE GOOD FAITH EFFORTS SUBMITTAL” of the Special Provisions and provided to assist Bidder in preparing its Good Faith Efforts documentation.

Bidder’s Name: (PE to fill in)  
Project Title: (PE to fill in)  
Federal-aid Project No.: (PE to fill in)  
Bid Opening Date:  
Contract-Specified DBE Goal: %

The information provided herein shows that a good faith effort was made.

A. The names and dates of each publication in which a request for DBE participation for this Project was placed by the Bidder (please attach copies of advertisements or proofs of publication):

<table>
<thead>
<tr>
<th>Publications</th>
<th>Date of Advertisement</th>
</tr>
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</table>

B. The names and dates of written notices sent to certified DBEs soliciting bids for this Project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

<table>
<thead>
<tr>
<th>Names of DBEs Solicited</th>
<th>Date of Initial Solicitation</th>
<th>Follow Up Methods and Dates</th>
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C. The items of Work which the Bidder made available to DBE firms, including, where appropriate, any breaking down of the Contract Work items (including those items normally performed by the Bidder with its own forces) into economically feasible units to facilitate DBE participation. It is the Bidder’s responsibility to demonstrate that sufficient work to facilitate DBE participation was made available to DBE firms.
D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the Bidder’s rejection of the DBEs, the firms selected for that Work (please attach copies of quotes from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Names, addresses and phone numbers of rejected DBEs and the reasons for the Bidder’s rejection of the DBEs:

Names, addresses and phone numbers of firms selected for the Work above:

E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the Plans, Specifications and requirements for the Work which was provided to DBEs:
F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime Contractor or its affiliate:

G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

<table>
<thead>
<tr>
<th>Name of Agency/Organization</th>
<th>Method &amp; Date of Contact</th>
<th>Results</th>
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</thead>
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</table>

H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

Bidder Representative’s Name (Print): ____________________________

Title: ____________________________ Tel. No.: ____________________________

Signature: ____________________________ Date: ____________________________

Distribution (County use only): A. Fax or email 1 copy to DBE Liaison Officer at County EEO Department at 408-299-6827; B. Retain original copy in Project files.
### CCA FORM 1 (EXHIBIT 15-G)

**COUNTY OF SANTA CLARA**  
**ROADS & AIRPORTS DEPARTMENT**  
**CCA FORM 1 - DBE INFORMATION**  
(IMPORTANT: Inclusive of All DBEs listed at Bid Proposal)

**NOTE:** THE SUCCESSFUL BIDDER MUST COMPLETE AND RETURN THIS FORM, EVEN IF NO DBE PARTICIPATION WILL BE REPORTED, WITHIN 5 WORKING DAYS AFTER THE DATE OF AWARD OF CONTRACT BY THE BOARD & TO THE CONSTRUCTION MANAGER AT:

The Department of Roads & Airports, 101 Skyport Dr., San Jose, CA 95110-1302 or FAX: (408)-441-0143

For information on this form, please call DBE Liaison Officer, Equal Opportunities Office at (408) 299-5865 or the Project Engineer.

---

### PART 1 - FOR CONTRACTOR TO COMPLETE (REFER TO INSTRUCTIONS ON NEXT PAGE):

- **ADMINISTERING AGENCY:** County of Santa Clara
- **PROJECT TITLE:** (PE to fill in)
- **TOTAL CONTRACT AMOUNT:** $
- **FEDERAL-AID PROJECT NO.:** (PE to fill in)
- **BID OPENING DATE:**

<table>
<thead>
<tr>
<th>BID ITEM NO. (3)</th>
<th>ITEM/DESCRIPTION OF WORK or SERVICES TO BE SUBCONTRACTED; or MATERIALS TO BE PROVIDED (3) (4)</th>
<th>CERTIFIED DBE (2) (4)</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>NAME &amp; ADDRESS</td>
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<td></td>
<td></td>
<td>CERTIFICATION NO. &amp; EXPIRATION DATE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PHONE NO.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DOLLAR VALUE OF WORK PERFORMED BY DBE (5)</td>
</tr>
</tbody>
</table>

**Total Base Bid Amount** $  
**Less Supplemental Work** $  
**Base Bid Amount** $  

<table>
<thead>
<tr>
<th><strong>Total Claimed DBE Participation (6):</strong></th>
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</thead>
<tbody>
<tr>
<td>(Total DBE Claimed Participation Amount) X $</td>
</tr>
<tr>
<td>(Base Bid Amount) %</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>BIDDER</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ADDRESS:</strong></td>
</tr>
<tr>
<td><strong>CITY:</strong></td>
</tr>
<tr>
<td><strong>STATE &amp; ZIP CODE:</strong></td>
</tr>
</tbody>
</table>

**I certify that the above information is complete and accurate.**

**NAME:**  
**TITLE:**  
**SIGNATURE:**  
**DATE:**

---

### PART 2 - FOR COUNTY TO COMPLETE:

- **County Contract No:**  
- **Federal Share:** $  
- **Contract Award Date:**

**To the best of my information and belief, the above information is complete and accurate.**

**NAME:**  
**TEL:**  
**SIGNATURE:**  
**DATE:**

**County DBE Liaison Officer**

---

**Distribution (County use only):**  
A. Fax or email 1 copy to Caltrans District Local Assistance Engineer (DLAE) (See instructions on next page);  
B. Include 1 copy in award package to Caltrans DLAE;  
C. Fax or email 1 copy to DBE Liaison Officer at County EEO Department at 408-299-6827;  
D. Retain original copy in Project files.
INSTRUCTIONS TO SUCCESSFUL BIDDER:

1. The successful Bidder must complete all required information in Part 1 of the Form (make copy of Form if additional space is needed), sign and submit it as specified hereinabove. Failure to submit this Form will prevent County from issuing the Notice to Proceed.

2. **IMPORTANT:** Identify all DBE firms participating in the Project on FORM E – BIDDER’S DBE COMMITMENT regardless of tier. Names of the First Tier DBE subcontractors and their respective item(s) of work listed should be consistent, where applicable, with the names and items of work in BID FORM 2 – DESIGNATION OF SUBCONTRACTORS submitted with the Bid.

3. The successful Bidder must list Bid Item Number and Description of Work to be subcontracted or Materials to be provided by DBEs. Prime Contractor shall indicate all work to be performed by DBEs including, if the prime Contractor is a DBE, work performed by its own forces.

4. DBE Contractor and subcontractors must be certified on the date Bids are opened and include their address, certification number with expiration date, and phone number. DBE subcontractors shall notify the prime Contractor in writing with the date of certification if their status changes during the course of the Contract.

5. The successful Bidder enters the claimed DBE participation dollar amount of work to be performed by DBEs. Refer to SECTION 106-01 - DBE CONTRACT PROVISIONS of the Special Provisions to determine how to count the participation of DBE firms. If 100% of item is not to be performed or furnished by the DBE, describe exact portion of item to be performed or furnished by the DBE.

6. DBE participation is determined based on Total Base Bid Amount less Supplemental Work allowance.

INSTRUCTIONS TO COUNTY:

1. Project Engineer completes Part 1 of the Form where indicated prior to issuing Bid documents for advertisement.

2. Project Engineer completes Part 2 of the Form with the information on County Contract Number, Federal Share Amount, and Contract Award Date upon receipt of the Form completed by Contractor, and coordinates the review of Contractor’s information in Part 1 with County DBE Liaison Officer for signature, and distributes copies as specified in the footer of the Form.

  **IMPORTANT:** Failure to send a copy to Caltrans DLAE within 15 days of contract award may result in de-obligation of funds for this Project.
NOTE: CONTRACTOR MUST COMPLETE AND RETURN THIS FORM MONTHLY (REFER TO INSTRUCTIONS ON NEXT PAGE) TO THE CONSTRUCTION MANAGER AT: The Department of Roads & Airports, 101 Skyport Dr., San Jose, CA 95110-1302 or FAX: (408)-441-0143.

Project Title: 

County Contract No.: 

Federal-Aid Project No.:  

% Project Completed:  

$ Amount of Project Completed:  

ORIGINAL CONTRACT AMOUNT (less Supplemental): $  

CURRENT CONTRACT AMOUNT (less Supplemental): $  

SUPPLEMENTAL PAID TO DATE: $  

<table>
<thead>
<tr>
<th>Bid Item No.</th>
<th>Description of Work Performed or Materials Provided</th>
<th>DBE Company Name &amp; Business Address</th>
<th>DBE Certification No.</th>
<th>Non-DBE</th>
<th>DBE</th>
<th>AA-DBE</th>
<th>APA-DBE</th>
<th>NA-DBE</th>
<th>W-DBE</th>
<th>Amount This Period</th>
<th>Amount To Date</th>
</tr>
</thead>
<tbody>
<tr>
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Original DBE Commitment: $  

DBE Amount Paid to Date: $  

% TOTAL:  


Note: List all First Tier Subcontractors, DBEs, and DBEs regardless of tier, whether or not the firms were originally listed for goal credit. If actual DBE utilization (or item of work) was different than that approved at time of award, provide comments with Form. List actual amount paid to each entity.

I CERTIFY THE ABOVE INFORMATION IS COMPLETE AND CORRECT.

Contractor’s Representative  

Name: ___________________________________  Title: ______________________________  Signature: __________________________________________________________________________  

Business Phone No.: _____________________  Date: ____________________________  

Distribution (County use only): A. Fax or email 1 copy to DBE Liaison Officer at County EEO Department at 408-299-6827;  B. Retain original copy in Project files.

5/22/2000; Rev. 09/19/2012  
Formal/Fed
INSTRUCTIONS TO CONTRACTOR:

1. Contractor must complete all required information on the Form (make copy of Form if additional space is needed), sign and submit as specified hereinabove. Contractor’s attention is directed to SECTION 106-01.07 “SUBCONTRACTOR AND DBE RECORDS” of these Special Provisions.

2. The focus of the Form is to describe who did what by Contract item numbers and descriptions, asking for specific dollar values of items of Work completed broken down by subcontractors who performed the Work, both DBE and non-DBE work forces. DBE prime contractor is required to show the value of work performed by its own force.

3. The Form has a column to enter the Bid or Contract Item Number and description of Work performed or Materials provided, as well as a column for the subcontractors’ name and business address. For those firms who are DBE, there is a column to enter their DBE Certification Number. The DBEs should provide their certification number to the Prime Contractor and notify the Prime Contractor in writing with the date of the decertification if their status should change during the course of the Project.

4. The Form has six columns for the dollar value to be entered for the item of Work performed by the subcontractor(s).
   - The Non-DBE column is used to enter the dollar value of work performed for firms who are not certified DBE.
   - The decision of which column to be used for entering the DBE dollar value is based on what program(s) status the firm is certified. This program status is determined by the California Unified Certification Program by ethnicity, gender, ownership and control issues at time of certification. To confirm the certification status and program status, access the Department of Transportation Civil Rights Website at http://www.dot.ca.gov/hq/bep or by calling 916-324-1700 or the toll free number at 888-810-6346.
   - Based on this DBE Program status, the following table depicts which column to be used:

<table>
<thead>
<tr>
<th>DBE PROGRAM STATUS</th>
<th>Column To Be Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>If program status shows DBE only with no other programs listed</td>
<td>DBE</td>
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<tr>
<td>If program status shows DBE, African American</td>
<td>AA DBE</td>
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<tr>
<td>If program status shows DBE, Asian-Pacific American</td>
<td>APA DBE</td>
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<tr>
<td>If program status shows DBE, Native American</td>
<td>NA DBE</td>
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<tr>
<td>If program status shows DBE, Woman</td>
<td>W DBE</td>
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</tbody>
</table>

   - If a Contractor performing work as a DBE on the Project becomes decertified and still performs work after their decertification date, enter the total value performed by this Contractor under the appropriate DBE identification column.
   - If a Contractor performing work as a non-DBE on the Project becomes certified as a DBE, enter the dollar value of all work performed after certification as a DBE under the appropriate identification column.
   - Enter the total of each of the six columns on the Form.

5. Any changes to DBE certification must also be submitted on CCA FORM 4 – DBE CERTIFICATION STATUS CHANGE.

INSTRUCTIONS TO COUNTY:

1. Project Engineer completes Part 1 of the Form where indicated based on Caltrans E-76 information prior to issuing Bid documents for advertisement.

2. Upon receipt of the Form, the Project Engineer coordinates the review of Contractor’s information in Part 1 of the Form with County DBE Liaison Officer for signature and distributes copies as specified in the footer of the Form.
### PART 1 - FOR CONTRACTOR TO COMPLETE (REFER TO INSTRUCTIONS ON NEXT PAGE):

**Project Title:**

**County Contract No.:**

**County:** Santa Clara

**Route:**

**Post Miles:**

**Federal-Aid Project No.:**

**Administrating Agency:** County of Santa Clara, Department of Roads & Airports

**Contract Completion Date:**

**Contract Amount:**

**Business Address:**

**City:**

**State & Zip Code:**

<table>
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<tr>
<th>Bid Item No.</th>
<th>Description of Work Performed or Materials Provided</th>
<th>DBE Company Name &amp; Business Address</th>
<th>DBE Certification No.</th>
<th>Non-DBE</th>
<th>DBE</th>
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<th>APA</th>
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**Original DBE Commitment:**

**TOTAL:***

**Legends:**

- APA - Asian Pacific American
- AA - African American
- NA - Native American
- DBE - DBE
- W - Woman

**Note:** List all First Tier Subcontractors, DBEs, whether or not the firms were originally listed for goal credit. If actual DBE utilization (or item of work) was different than that approved at time of award, provide comments with Form. List actual amount paid to each entity.

**I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT.**

**Contractor’s Representative:**

**Business Phone No.:**

**Date:**

**Name**

**Title**

**Signature**

### PART 2 - FOR COUNTY TO COMPLETE:

**County DBE Liaison Officer:**

**Business Phone No.:**

**Date:**

**Name**

**Title**

**Signature**

**Distribution (County use only):**

- A. Original – Submit with Report of Expenditures to Caltrans District Local Assistance Engineer;
- B. Copy – Fax or email 1 copy to DBE Liaison Officer at County EEO Department at 408-299-6827;
- C. Copy – Retain in Project files.
INSTRUCTIONS TO CONTRACTOR:

1. The information on the Form is required by FHWA/Caltrans. Contractor must complete all required information in Part 1 of the Form (make copy of Form if additional space is needed), sign and submit it as specified hereinabove. Completed form must be accepted by the Project Engineer prior to County’s Final Acceptance of the Work.

2. The Form requires specific information regarding the Construction Project: Contract Number, County, Route, Post Mile, Federal Aid Project Number, the Administering Agency, Contract Completion Date and Estimated Contract Amount. It requires the Prime Contractor name and business address. The focus of the Form is to describe who did what by Contract item numbers and descriptions, asking for specific dollar values of items of Work completed broken down by subcontractors who performed the Work, both DBE and non-DBE work forces. DBE prime contractor is required to show the date of work performed by its own force along with the corresponding dollar value of Work.

3. The Form has a column to enter the Bid or Contract Item Number and description of Work performed or Materials provided, as well as a column for the subcontractors’ name and business address. For those firms who are DBE, there is a column to enter their DBE Certification Number. The DBEs should provide their certification number to the Prime Contractor and notify the Prime Contractor in writing with the date of the decertification if their status should change during the course of the Project.

4. The Form has six columns for the dollar value to be entered for the item of Work performed by the subcontractor(s).
   - The Non-DBE column is used to enter the dollar value of work performed for firms who are not certified DBE.
   - The decision of which column to be used for entering the DBE dollar value is based on what program(s) the firm is certified as DBE. This program status is determined by the California Unified Certification Program by ethnicity, gender, ownership and control issues at time of certification. To confirm the certification status and program status, access the Department of Transportation Civil Rights Website at http://www.dot.ca.gov/hq/bep or by calling 916-324-1700 or the toll free number at 888-810-6346.
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<tr>
<td>If program status shows DBE, Asian-Pacific American</td>
<td>APA DBE</td>
</tr>
<tr>
<td>If program status shows DBE, Native American</td>
<td>NA DBE</td>
</tr>
<tr>
<td>If program status shows DBE, Woman</td>
<td>W DBE</td>
</tr>
</tbody>
</table>

   - If a Contractor performing work as a DBE on the Project becomes decertified and still performs work after their decertification date, enter the total value performed by this Contractor under the appropriate DBE identification column.
   - If a Contractor performing work as a non-DBE on the Project becomes certified as a DBE, enter the dollar value of all work performed after certification as a DBE under the appropriate identification column.
   - Enter the total of each of the six columns on the Form.
   - Enter the Date of Work Completed as well as the date of Final Payment (the date when the Prime Contractor made the “final payment” to the subcontractor(s) for the portion of Work listed as being completed).

5. Any changes to DBE certification must also be submitted on CCA Form 4.

INSTRUCTIONS TO COUNTY:

1. The information on this Form by FHWA/Caltrans for its database. Project Engineer completes Part 1 of the Form where indicated based on Caltrans E-76 information prior to issuing Bid documents for advertisement.

2. Upon receipt of the Form, the Project Engineer coordinates the review of Contractor’s information in Part 1 of the Form with County DBE Liaison Officer for signature and distributes copies as specified in the footer of the Form.
## CCA FORM 4 - DBE CERTIFICATION STATUS CHANGE

**NOTE:** CONTRACTOR MUST COMPLETE AND RETURN THIS FORM TO THE CONSTRUCTION MANAGER FOR ACCEPTANCE PRIOR TO BOARD'S FINAL ACCEPTANCE OF CONTRACT AT: The Department of Roads & Airports, 101 Skyport Dr., San Jose, CA 95110-1302 or FAX: (408)-441-0143.

For information on this form, please call DBE Liaison Officer, Equal Opportunities Office at (408)-299-5865 or the Project Engineer.

### PART 1 – FOR CONTRACTOR TO COMPLETE (REFER TO INSTRUCTIONS ON NEXT PAGE):

**Project Title:** (PE to fill in)

**County Contract No.:**

- **County:** Santa Clara
- **Route:** (PE to fill in)
- **Post Miles:** (PE to fill in)

**Federal-Aid Project No.:** (PE to fill in)

**Administering Agency:** County of Santa Clara, Department of Roads & Airports

**Prime Contractor:**

- **Business Address:**
- **City:**
- **Phone No.:**
- **State & Zip Code:**

Prime Contractor: List all DBEs with changes in certification status (certified or decertified) while being employed by the prime Contractor, whether or not firms were originally listed for good credit. Attach DBE certification or decertification letter in accordance with Section 106.04DBE Certification Status of these Special Provisions.

### BID ITEM NO.

<table>
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<tr>
<th>COMPANY NAME</th>
<th>BUSINESS ADDRESS</th>
<th>BUSINESS PHONE</th>
<th>DBE CERTIFICATION NO.</th>
<th>AMOUNT PAID WHILE CERTIFIED</th>
<th>CERTIFICATION/DECERTIFICATION DATE (LETTER ATTACHED)</th>
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**Comments:**

**I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT.**

**Contractor’s Representative:**

- **Business Phone No.:**
- **Date:**

**Name**

**Title**

**Signature**

### PART 2 – FOR COUNTY TO COMPLETE: 

TO THE BEST OF MY INFORMATION AND BELIEF, THE ABOVE INFORMATION IS COMPLETE AND CORRECT.

**County DBE Liaison Officer:**

- **Business Phone No.:**
- **Date:**

**Name**

**Title**

**Signature**

**Distribution (County use only):**

- **A. Original** – Submit with Report of Expenditures to Caltrans District Local Assistance Engineer; **B. Copy** – Fax or email 1 copy to DBE Liaison Officer at County EEO Department at 408-299-6827; **C. Copy** – Prime Contractor; **D. Copy** - Retain in Project files.
INSTRUCTIONS TO CONTRACTOR:

1. Contractor must complete all required information in Part 1 of the Form (make copy of Form if additional space is needed), sign and submit it as specified hereinafter.
2. The top of the Form requires specific information regarding the construction project: Project Title, Contract Number, County, Route, Post Miles, the Administering Agency, the Contract Completion Date, and the Contract Amount. It requires the Prime Contractor’s name and business address. The focus of the Form is to substantiate and verify the actual DBE dollar amount paid to contractors on federally funded projects that had a change in certification status during the course of the completion of the Contract. The two situations that are being addressed by this Form are:
   - If a firm certified as a DBE and doing construction work on the Contract during the course of the Project becomes decertified, and
   - If a non-DBE firm doing work on the Contract during the course of the Project becomes certified as a DBE.
3. The Form has a column to enter the BID/CONTRACT ITEM NUMBER as well as a column for the Subcontractors’ NAME, BUSINESS ADDRESS and PHONE, DBE CERTIFICATION NUMBER.
4. The column entitled AMOUNT PAID WHILE CERTIFIED will be used to enter the actual dollar value of the work performed by those contractors who meet the conditions as outlined above during the period of time they are certified as DBE. This column should only reflect the dollar value of work performed while the firm was certified as a DBE.
5. The column entitled CERTIFICATION/DECERTIFICATION DATE (LETTER ATTACHED) will reflect either the date of the Certification Letter or the date of the Decertification Letter sent out by the Civil Rights Program. There is a box to check that support documentation is attached to this Form.
6. The Comments section is for any additional information that may need to be provided regarding any of the above transactions.

INSTRUCTIONS TO COUNTY:

1. Project Engineer completes Part 1 of the Form where indicated based on Caltrans E-76 information prior to issuing Bid documents for advertisement.
2. Upon receipt of the Form completed and signed by Contractor, the Project Engineer coordinates the review of Contractor’s information in Part 1 of the Form with County DBE Liaison Officer for signature and distributes copies as specified in the footer of the Form.
NOTE: CONTRACTOR MUST COMPLETE AND RETURN THIS FORM MONTHLY TO THE CONSTRUCTION MANAGER (SEE INSTRUCTIONS TO CONTRACTOR ON NEXT PAGE) AT:
The Department of Roads & Airports, 101 Skyport Dr., San Jose, CA 95110-1302 or FAX: (408)-441-0143.

PROJECT TITLE:  
CONTRACT NO.:  
FEDERAL-AID No.:  
PROJECT (PE to fill in)  
REPORT PERIOD: MONTH:  
YEAR:  

<table>
<thead>
<tr>
<th>Name of Transportation Co. or Truck Owner or Trucking Co.</th>
<th>DBE Cert. No.</th>
<th>Company Address &amp; Telephone Number</th>
<th>Truck No.</th>
<th>CA No.</th>
<th>Amount Paid to DBE Truckers</th>
<th>Amount Paid to DBE for lease arrangement with non-DBE/UDBE</th>
<th>Date Paid</th>
<th>Transportation Arrangement(* if applicable)</th>
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<td>Lease Agreement</td>
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TOTAL AMOUNT PAID: $  

PRIME CONTRACTOR:  
BUSINESS ADDRESS:  
BUSINESS PHONE NO.:  

Note: Upon request, all Lease Agreements must be made available in accordance with the Special Provisions

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT

CONTRACTOR REPRESENTATIVE'S NAME & SIGNATURE:  
TITLE:  
DATE:  

Distribution (County use only): A. Original – Retain in Project files.
INSTRUCTIONS TO CONTRACTOR:

1. Contractor must complete all required information on the Form (make copy of Form if additional space is needed), sign and submit it as specified hereinabove. Contractor's attention is directed to SECTION 106-01.07 "SUBCONTRACTOR AND DBE RECORDS" of these Special Provisions.

2. In the column titled Amount Paid to DBE Truckers, the Contractor must show the dollar amount paid to:
   a. DBE trucking companies using trucks it owns, insures and operates. Include 100% of the amount paid to DBE for trucking services provided.
   b. DBE trucking companies who lease from other DBE trucking companies or owner operators. Include 100% of the amount paid to DBE for trucking services provided. Contractor must enter the total amount paid.

3. In the column titled Amount Paid to DBE/ UDBE for Lease Arrangement with non-DBE, the Contractor must show the dollar amount paid to the DBE who lease trucks from non-DBE firms. Include only the amount for the fee or commission received as a result of the lease arrangement. Contractor must enter the total amount paid.

4. In the column titled Transportation Arrangement, the Contractor must check all boxes that are applicable.
ATTACHMENT 7
ATTACHMENT 7

DBE MONITORING AND ENFORCEMENT MECHANISMS

Monitoring and Enforcement Mechanisms

The County has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to the applicable California State Code

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

State Registration No. ______________________

By ________________________________ ________________________________
(Signature) (Title)
ATTACHMENT 8
ATTACHMENT 8

DBE Certification Application Form
(New form October 2, 2014)

The County of Santa Clara is not a certifying agency; therefore, this requirement does not apply.
ATTACHMENT 9

State's UCP Agreement (attached)
CUCP AGREEMENT/DECLARATION OF STATUS LETTER

TO: CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)
FROM: SANTA CLARA COUNTY ROADS & AIRPORTS DEPARTMENT

Recipient hereby acknowledges and agrees that:

(1) As a recipient of Federal Financial Assistance from the U.S. Department of Transportation (DOT), Recipient has an established Disadvantaged Business Enterprise (DBE) program in accordance with 49 CFR Part 26.

(2) By this Letter, Recipient officially becomes a signatory to the Memorandum of Agreement (MOA) for the establishment of a Unified Certification Program among all U.S. DOT recipients in California, as approved by the Secretary of Transportation on March 13, 2002, and amended on March 24, 2003.

(3) In accordance with said MOA, Recipient hereby makes a declaration to become either a Certifying CUCP Member or a Non-Certifying CUCP Member.

(a) A Certifying CUCP Member maintains DBE certification processes including reviewing DBE applications, conducting site visits and making decisions on DBE status, processing annual updates, maintaining DBE certification files, and conducting appeal and third party challenge hearings. A Certifying CUCP Member is responsible for providing certification information and updates for inclusion in the DBE Database.

(b) A Non-Certifying CUCP Member does not process DBE certifications for inclusion in the DBE Database.

(4) CUCP Members may be requested to contribute funds to support the CUCP.

(5) All CUCP Members will accept the DBE status of firms included in the DBE Database for use in their contracting activities.

Based on the foregoing, Recipient hereby declares its status as:

[ ] A CERTIFYING CUCP MEMBER
[X] A NON-CERTIFYING CUCP MEMBER

Recipient may change its status upon submission of a new Declaration Letter to the Chair of the CUCP.

DATE: 7-26-16

(Signature of Recipient Agency Official)

Marc R. Pacheco Equal Opportunity Officer
(Name and Title)

Participation in CUCP acknowledged:

[Signature]
(Secretary, California Unified Certification Program)

[Signature]
(Chair, California Unified Certification Program)
ATTACHMENT 10

Small Business Element

1. Objective/Strategies

(1) The County of Santa Clara has modified its 3.11 Policy on Outreach to Minority-Owned Business Enterprises and Women-Owned Business Enterprises, initially adopted on 12-11-94, and is in the process of obtaining approval from the Board of Supervisors for its implementation.

The following focused outreach shall be taken to highlight MBEs’ and WBEs’ equitable opportunities to participate in County contracting activities. These are minimum actions. In instances where more stringent requirements are established by federal or state agencies as a condition for County participation in a program, the more stringent requirements shall apply.

(a) Inclusive Outreach to minority-owned, woman-owned (M/WBEs); disabled veteran-owned, and LGBTQ-owned business enterprises, collectively “Diverse Business Enterprises”.

(b) Collection and Reporting of Data on the Participation of Diverse Business Enterprises.

(c) Reporting participation of Diverse Business Enterprises in County contracting activities.

(2) The County of Santa Clara anticipates entering into an agreement with the Santa Clara Valley Transportation Authority (VTA) to participate in VTA’s existing Business Diversity Program, which includes, but is not limited to, participating in their federally approved Small Business Element. The implementation guideline is anticipated to be within the next 6 months from this submittal (August, 2016).

(3) The Business Diversity Program will apply only to locally-funded projects with the goal of increasing participation and ensuring that Diverse Business Enterprises are afforded an equal opportunity to compete for all County contracts and subcontracts.

(4) The County of Santa Clara Department of Roads and Airports will ensure that multi-year design-build contracts or other large contracts (e.g., for “megaprojects”) requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.

(5) On prime contracts not having DBE contract goals, the County of Santa Clara Roads and Airports Department will require the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.

(6) The County of Santa Clara Department of Roads and Airports will identify alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
2. Definition
- DBE firms are identified in the Small Business element of the recipient's DBE program as eligible for the program. In the future, a DBE micro-Small Business Program element will be set in place.
- Size standards are consistent with 49 CFR 26.5 and are not larger than the Small Business Administration's size standards. DBE firms and small firms eligible for the program are similarly sized which reduces competitive conflict between DBE and non-DBE firms.
- Personal Net Worth standards are not in place at this time, but will be consistent with 49 CFR Part 26 thresholds.

3. Verification
- The Valley Transportation Authority will be the Third-Party Administrator for Santa Clara County's Business Diversity Program, and it will diligently attempt to minimize fraud and abuse in the SB element of the County's DBE program by verifying program eligibility of firms.

4. Monitoring/Record Keeping
- As the Third-Party Administrator for Santa Clara County's Business Diversity Program, the Valley Transportation Authority will perform all monitoring and record-keeping functions in accordance with local, state and federal standards.

5. Implementation Timeline
- The implementation schedule/timeline is within 6 months of FAA's approval of this submittal.

6. Assurance
1. Santa Clara County's SBE program is authorized under state law.
2. Certified DBEs meet the size criteria established under the program and are eligible to participate in the program.
3. There are no geographic preferences or limitations imposed on any federally assisted procurement included in the program.
4. There are no limits on the number of contracts awarded to firms participating in the program and every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.
5. Aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.
6. The program is open to small businesses regardless of their location (there is no local or other geographic preference).