

DOCUMENT 00430  
**DVBE POLICY**

A. DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOAL

Submittals 24 hours after bid opening, Prime Bidder shall provide to Madera Unified Purchasing Department completed DVBE forms including (1) Contractor Good Faith Effort Worksheet and (2) Prime Bidder Certification of Disabled Veteran Business Enterprise Participation.

Definitions The term “Disabled Veteran Business Enterprise” (DVBE) means a business concern that is certified as a DVBE by the Office of Small and Minority Business.

The term “contract” means an agreement awarded by a school district in which all or part of the funding provided is required to meet DVBE Participation Goals or demonstrate that a good faith effort was made to meet the goal.

The term “bidder” means any person or persons, firm, partnership, corporation or combination thereof who makes an offer, competitive or noncompetitive, with the intent of forming a contract with one or more school districts.

Disabled Veterans In addition to the school districts contracting requirements, potential contractors seeking Business Enterprise to enter into contracts with school districts for labor, services, materials, supplies, Goals equipment, construction, alteration repair or improvement shall be required to meet a 3 percent participation goal for certified DVBE’s or demonstrate that a good faith effort was made to meet the goal.

A Business Enterprise with no opportunity for subcontracting or purchasing of supplies must provide a narrative and be able to demonstrate its inability to subcontract or purchase supplies if an audit occurs.

In order for any sole proprietorship, partnership, corporation or other enterprises to obtain certification or to be counted toward meeting the DVBE contract goals, such business concern must possess current and valid certification as a DVBE through the Office of Small and Minority Business.

For contracts awarded by competitive bid/RFP, a bidder should demonstrate fulfillment of this requirement at or prior to the time of bid opening in order to qualify as a responsive bidder. For contracts not awarded by competitive bid, a potential contractor should demonstrate fulfillment of this requirement prior to entering into the contract.

Any bidder meeting the 3 percent participation goal for DVBE’s may be eligible for award of a school district contract. If a bidder is unable to meet the 3 percent participation goal, the bidder may demonstrate a good faith effort by submitting documentation of the following actions:

- Contact was made with state agencies or with local DVBE organizations to identify DVBE’s;
- Advertising was published in trade papers and papers focusing on DVBE’S
- Invitations to bid were submitted to potential DVBE contractors; Available DVBE’s were considered.





## II. SUBSTITUTIONS



Substitutions     If awarded the contract, the successful bidder must use the DVBE subcontractor and/or supplier proposed in its bid unless the contractor requested a substitution from the school district prior to the execution of the contract and the District has approved such substitution. At a minimum, the request must include:

1.     A written explanation of the reason for the substitution,
2.     The identity of the person or firm substituted, and
3.     Satisfactory evidence that the Contractor has made a good faith effort to satisfy DVBE contract participation certified in the bid.

The school district's approval or disapproval of the substitution is not to be construed as an excuse for noncompliance with any other provision of law including, but not limited to, the Subletting and Subcontracting Fair Practices Act or any other contract requirements relating to substitution of sub-contractors.

**FAILURE TO ADHERE TO AT LEAST THE DVBE PARTICIPATION PROPOSED BY THE SUCCESSFUL BIDDER MAY BE CAUSE FOR CONTRACT TERMINATION AND RECOVERY OF DAMAGES UNDER THE RIGHTS AND REMEDIES DUE THE DISTRICT UNDER THE DEFAULT SECTION OF THE CONTRACT.**

**CONTRACTOR GOOD FAITH EFFORT WORKSHEET**

This worksheet is to be used to assist the Contractor in meeting the 3% DVBE participation goal.

BIDDER NAME	BUSINESS ADDRESS	CONTACT PERSON
TELEPHONE NUMBER	SCHOOL DISTRICT	COUNTY

**GENERAL INSTRUCTIONS:**

This worksheet is to be used to assist you in meeting the 3 percent DVBE participation goal. If specific information is not provided for Parts I through III, you may not meet the test of the “Good Faith Effort” and may not so certify. If you are qualifying based on a “Good Faith Effort” include this form with your bid/proposal to the district.

**PART I – CONTACTS**

To identify DVBE sub-contractors/suppliers for participation in your bid/proposal, contact should be made with at least one of the following categories. It is recommended that you contact DVBE organizations.

CATEGORY	TELEPHONE NUMBER	DATE CONTACTED	PERSON CONTACTED
1. Office of Small and Minority Business (OSMB)	916/375-4940		
OSMB publishes a list of Disabled Veteran Business Enterprises. Internet: <a href="http://www.dgs.ca.gov/osmb">http://www.dgs.ca.gov/osmb</a>	916/322-5060		
2. The California Disabled Veterans Alliance Internet: <a href="http://www.cadvbe.org">www.cadvbe.org</a>	916-446-3510		
3.. DVBE Organizations (List):			

\*Write “recorded message” in this column, if applicable

**PART II – ADVERTISEMENTS** You should make at least two (2) advertisements, one (1) in a paper that focuses on DVBE and one (1) in a trade paper. Advertisements should be published at least 14 days prior to bid/proposal opening; if you cannot advertise 14 days prior, advertise as soon as possible and provide an explanation. (Advertisements must be published in time to allow for a reasonable response). Advertisements should include that your firm is seeking DVBE participation, the project name and location, your firm’s name, your firm’s contact person, and phone number.

**Attach copies of advertisements to this form.**

FOCUS/TRADE PAPER NAME	CHECK ONE		DATE OF ADVERTISEMENT
	TRADE	FOCUS	

**PART III – SOLICITATIONS** List DVBE subcontractors/suppliers that were invited to bid. Use the following instructions to complete the remainder of this section (read the three columns as a sentence from left to right). If you need additional space to list DVBE solicitations, please use separate page and attach to this form.

IF THE DVBE .....	THEN.....	AND.....
was selected to participate	check “yes” in the “SELECTED” column, include the applicable dollar amount in Part III of the Form SAB 515PB	Include a copy of their DVBE letter from OSMB
Was not selected to participate	check “no” in the “SELECTED” column	State why in the “REASON NOT SELECTED” column
Did not respond to your solicitation	check the “NO RESPONSE” column	

  

DISABLED VETERANS BUSINESS ENTERPRISES CONTACTED	SELECTED		REASONS NOT SELECTED	NO RESPONSE
	YES	NO		

**IMPORTANT NOTE:**

Please be aware that certification of the “Good Faith Effort” may only be made by completing Parts I, II, and III on both sides of this form. A copy of this form must be retained by you and may be subject to a future audit.

**CERTIFICATION**

I \_\_\_\_\_ certify that I am the bidder’s Chief Executive Officer and that I have made a diligent effort to ascertain the facts with regard to the representations made herein. Further, I acknowledge that the school district, not the SAB/OPSC, is responsible for determining compliance with the DVBE Program. In making this certification, I am aware of Section 12650 et. seq. of the Government Code providing for the imposition of treble damages for making false claims.

Signature of Chief Executive Officer	Date
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### III. CONTRACTOR CERTIFICATION OF DISABLED VETERAN

#### BUSINESS ENTERPRISE PARTICIPATION

To be completed by the Contractor

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A. PART I – IDENTIFICATION

1. <b>BIDDER’S NAME</b>	<b>BUSINESS ADDRESS</b>	<b>TELEPHONE NUMBER</b>
<b>SCHOOL DISTRICT</b>	<b>COUNTY</b>	

B. GENERAL INSTRUCTIONS

The District requires that all contracts awarded should meet a DVBE participation goal of not less than 3 percent of the contract amount or if your firm cannot meet the 3 percent DVBE participation goal, you should demonstrate a good faith effort to attempt to meet the 3 percent participation. The District is responsible to assure compliance with the DVBE program

**PART II – METHOD OF COMPLIANCE WITH DVBE PARTICIPATION GOALS** – Include this form and any other applicable documents listed in this table with your bid/proposal. Read the three columns in the table below as sentences from left to right. Check the appropriate box to indicate your method of committing the contract dollar amount. If no box can be checked, your bid/proposal may be deemed non-responsive and disqualified.

**NOTE:** Architectural, engineering, environmental, land surveying or construction management firms must indicate their method of compliance by marking the appropriate box A, B, C, or D after selection by the District and before the contract is signed.

<b>YOUR BUSINESS ENTERPRISE</b>	<b>AND YOU</b>	<b>AND YOU</b>
A. <input type="checkbox"/> is Disabled Veteran owned and your force, will perform at least 3 percent of this contract	will include a copy of your DVBE letter from the office of Small Minority Business (OSMB).	
B. <input type="checkbox"/> Is Disabled Veteran owned but is unable to perform the 3 percent of this contract with your forces	will use DVBE subcontractors/suppliers to bring the contract participation to at least 3 percent	will include copy of each DVBE’s letter from OSMB (including yours, if applicable).
C. <input type="checkbox"/> is not Disabled Veteran owned	will use DVBE subcontractors/suppliers for at least 3 percent of this contract	
D. <input type="checkbox"/> is unable to meet the required Participation goals	will complete a Good Faith Effort to obtain DVBE participation	will include the form Prim Bidder’s Good Faith Effort Worksheet

**NOTE:** An Office of Small and Minority Business (OSMB) letter must be attached for each DVBE participating in the contract. The DVBE letter is obtained by application through OSMB and must be provided at the time of bid opening. If the letter is not provided, the bid may be deemed non-responsive and may be ineligible for award of the contract.

**IV. PART III – DVBE DOLLAR PARTICIPATION OF BID/PROPOSAL – Architectural, engineering, environmental, land surveying management firms complete this part after selection by the district and before the contract is signed.**

Show deductive alternate(s) in parenthesis. For more alternates/base bids, use a separate page to show items.

- A. If your business enterprise is a DVBE, list in the appropriate column the of the bid/proposal to be performed by non-DVBE firms. total dollar amount of your bid to be performed by your own participation. sum of the prime and subcontractor(s) non-DVBE dollar
- D. Enter the dollar amount
- Note: This line is the participation.
- B. List all your DVBE subcontractors/suppliers. Enter in the appropriate column totals from Line C and Line D. Note: Please be column the dollar amount for each of your subcontractors/suppliers. determination of DVBE compliance is made based on the resulting from the district’s acceptance or rejection of alternates.
- E. Enter the Sum of the Aware that the final contract amount
- A. Enter the total of Lines A and B for each column.

	<u>BASE BID/PROPOSAL</u>		<b>ALTERNATE #1</b>	<b>ALTERNATE #2</b>	<b>ALTERNATE #3 OR BASE BID B</b>	<b>ALTERNATE #4 OR BASE BID C</b>	<b>ALT. #5 (Modernization or Reconstruction Only)</b>
A. Contractor, if DVBE (own participation)	\$	\$	\$		\$	\$	\$
B. DVBE Subcontractor or Supplier							
1.							
2.							
3.							
4.							
C. Subtotal (A & B)							
D. Non-DVBE							
E. Total Bid							