



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED February 25, 2009 REPORT NO. 09-C14

ATTENTION: Rules Committee Agenda of March 4, 2009

SUBJECT: Equal Opportunity Contracting Program Update

REFERENCES:

REQUESTED ACTION:

None – information only report.

RECOMMENDATION:

N/A

SUMMARY:

This report is the Equal Opportunity Contracting Program semi-annual report required by Council Policy 800-15. It provides construction, consultant and vendor participation statistics, programmatic updates, and actions taken to date in response to various City Council/Committee requests. It covers the period July 1, through December 31, 2008.

Statistics

*Historical Data*

At the September 22, 2008 City Council meeting, staff committed to providing additional statistical information. Specifically, a complete consultant report (prime and sub-consultant) for the period January-June 2008 and overall statistics for Fiscal Years 2003, 2004 and 2005 (which was previously reported to be unavailable). Raw data for FY03, 04 and 05 has been recovered; however, it requires tabulation by individual fiscal year and category (construction, consultant). A report will be available within the next 60 days.

The report for the period January-June 2008 is attached. Consultant prime and subconsultant activity for January-June 2008 totaled \$14,299,967. Disadvantaged, Minority and Woman –Owned Businesses (DBE/MBE/WBE) were awarded \$2,689,141 (18.80%) of the total. Additional details regarding individual categories and ethnicity are included in Attachment 1.

***Current Data:***

During the first half of fiscal year 2009 (July --December 2008), the City of San Diego awarded a total of \$64,785,873 in construction contracts. Certified firms received \$1,235,004 (2%) while non certified firms received \$63,550,869 (98%). The majority of projects were City funded (119) where race and gender neutral specifications (SCOPE) were applied. Details regarding ethnicity and gender are included in Attachment 2.

During this same time period, Architect & Engineering consultant firms were awarded a total of \$32,984,341. Certified firms received \$4,281,618 (13%) while non-certified firms received \$28,702,723 (87%). Attachment 3 provides additional details regarding gender and ethnicity. Non Architect & Engineering consultant firms were awarded a total of \$4,072,277. There were no awards made to certified firms. The majority of these contracts were for legal and financial services. Staff will provide a list of potential certified firms to the City Attorney, Debt Management and Purchasing & Contracting for outreach purposes in the future. Attachment 4 provides additional details.

Based on information provided by Purchasing & Contracting, 9 prime contracts were awarded to Vendors valued at \$1,714,820. There were no awards made to certified firms. Attachment 5 provides additional details.

**Subcontracting Outreach Program (SCOPE)**

Changes to SCOPE adopted by City Council October 8, 2008 by Resolution R-304143 were included in bid documents November 1, 2008. Both internal and external training has been provided and will continue on an as-needed basis.

A new process for goal development has been implemented that includes consideration of availability and past performance. The process has been codified in a new Department Instruction. Initially, quarterly reviews will be conducted to determine if changes are necessary. Once the process is stabilized, semi-annual reviews will be conducted.

**Minor Construction Program**

The Minor Construction Program currently has eighty (80) approved participants available for contracting opportunities. EOC met with Engineering & Capital Projects staff to identify potential projects in the early design phase to include in the Minor Construction Program. According to Purchasing & Contracting' Client report, there are currently twenty-two (22) Minor Construction projects in the FY2009 contracting process valued at \$1,935,443. For FY2008, there were fourteen (14) projects valued at \$900,359

and for FY 2007 there were thirteen (13) projects valued at \$846,057 available for program participants. Outreach letters have been sent to the approved participants encouraging them to pursue certification.

### **Mentor Protégé Program**

#### ***Construction:***

Total Number of Graduates: **5** (2-African American Owned, 2-Hispanic Owned, 1-Caucasian Owned). Two of the companies are also Woman Owned.

Total Enrolled: **5** (1-African American Owned, 1-Asian Subcontinent Owned, 3-Hispanic Owned). Two of the companies are also Woman Owned.

Potential: **1** (Disabled Veteran Owned Business)

Mentors include: C.E. Wylie Construction Co., Cox Construction, Helix Electric, West Coast Air, I.E. Pacific, Inc., R.A. Burch, Construction Co., J. R. Filanc Construction, Orion Construction Corp., Soltek Pacific, Riha Construction Company, and T.B. Penick & Sons.

#### ***Consultant:***

As part of an ongoing effort to expand the City's Mentor Protégé Program, staff researched the Calmentor Program sponsored by Caltrans. The Program is designed to increase the participation of small architectural & engineering (A&E) firms in public transportation projects through voluntary partnerships with mid-sized and large A&E firms. Staff met with representatives of the program to discuss the City's interest in participating in the program. Effective January 13, 2009, the City will serve on the Steering Committee and assist with facilitating mentor protégé pairs.

### **Contractor/Vendor Registration System**

The contractor/vendor registration system is a dynamic, robust vendor database granting the City the capability to centralize vendor information. The system became operational January 1, 2008. The system offered ability to track and categorize vendor status, and strengthen the Cities outreach efforts. The information captured through this system will be transferred into the City's "ONESD" Enterprise Resource Planning System. As of February 2, 2009, the Contractor Vendor Registration System had 1413 active vendors registered.

The breakdowns of the vendors are as follows:

African American	50	3.5%
Asian	70	50.0%
Caucasian	1130	80.0%
Hispanic	132	9.4%
Native American	9	0.6%
Pacific Islander	2	0.1%
Non-Identified	20	1.4%

#### **Procurement of Off the Shelf Software Package**

The draft RFP for an off the shelf software package has been finalized and is in the final review process. Key components include:

- Automatic notification of contract/subcontract opportunities;
- Automated procurement activity reports by classification such as construction, consultants and goods;
- Assists with developing subcontract, disadvantaged and minority spending Goals; and
- Assists with targeted outreach.

We anticipate advertising within the next 30 days.

#### **RFP for Outreach Services on CIP Projects**

A Request for Proposals for Professional Services for Contract Outreach Services is being finalized as requested by the Public Safety & Neighborhood Services Committee.

The contract(s) will be "As-Needed" Consultant contracts. An As-Needed Consultant contract is a task oriented contract where the total contract value, duration, and scope is defined and approved by either City Council or the Mayor. After approval the As-Needed Consultant Contracted is then managed by city staff. Staff is responsible for negotiate, issue tasks, and paying invoices in accordance with the requirements of the contract.

The intent of these two As-Needed EOCP Outreach Consultant Contracts is to augment the existing outreach efforts of EOC Program staff. The consultant shall be tasked to develop project specific lists of certified ready, willing and able construction contractors to participate as prime and/or subcontractors. Appropriate certifications would be MBE, SMBE, WBE, SWBE, DBE, DVBE, and state microbusiness enterprises. The consultant will also conduct an analytical study of market statistics to determine availability by trades, compilation of data for submission of Annual Anticipated DBE Participation Level for Caltrans reporting requirements and assist with statistical reports submitted on quarterly and annual basis to Council Committee and City Council. The data base will be generated through the execution of consultant tasks, specific (and billable) to CIP projects, to develop project specific lists of certified willing and able construction contractors to participate as prime and/or subcontractors.

### **Outreach Activities**

On February 5, 2008, EOC hosted a business outreach event entitled "Building Profitable Relationships 2009". The event, which included networking opportunities, workshops and a luncheon attracted over 300 attendees and 51 booths. A database of contacts has been developed which will be utilized to distribute trade specific bid opportunities with the City.

Outreach letters have been sent to Minor Construction Program participants to encourage certification. Staff will be available to initially provide limited assistance until fully trained by Caltrans. Once trained, more comprehensive assistance will be provided with an end goal of the City once again becoming a certifying agency.

For pre-bid meetings staff has compiled binders that include Caltrans certified DBE/SWBE/SMBEs and State certified DVBEs as a resource for prime contractors.

### **Disparity Study**

In the past, staff recommended the City wait for the outcome of the Coral Construction case before serious consideration of a disparity study in an effort to be prudent and fiscally responsible. As this court case continues to be delayed, we are reconsidering this position and will be prepared to discuss this further during the FY2010 budget process.

### **Strategic Plan Workshop**

A facilitated interdepartmental strategic planning session has been scheduled for March 9, 2009. The purpose of this session is to develop an agreed upon strategic approach to achieve our broad goal of ensuring diversity in City contracting. A specific outcome of the session includes a formalized agreement that includes roles, responsibilities and an improved coordinated approach to serve as our foundation for achieving success as we begin to increase our contracting activity.

### **Local Small Business Program**

At the October 22, 2008 PS&NS Committee Meeting, an EOC Program update was presented (Report Number 08-156). During the meeting staff was requested to continue to review and analyze the draft Small Local Business Enterprise (SLBE) Program prepared by Consultant Franklin Lee. Staff has reviewed and made changes to the proposal which is included as Attachment 6. The proposal outlines a comprehensive program that includes the following elements:

- ▶ Goal setting on a contract-by contract basis;
- ▶ City of San Diego certification requirements for SLBE;
- ▶ Price preferences of 10% for projects with a value of \$50,000 and above;
- ▶ Extra points on proposal submittals for utilizing SLBEs;
- ▶ Bonding and insurance waivers;
- ▶ Mandatory subcontracting;
- ▶ Sheltered market projects; and
- ▶ Annual program performance reviews

An additional part of our review process included researching prior City action(s), and programs currently in existence in California. From a historical perspective, the City's Equal Opportunity Contracting Program staff recommended the City adopt a pilot Small Business Incentive Program in 2003 (City Manager Report 03-163). The primary elements of the recommendation included:

- ▶ contractors receiving a bid assistance of five percent (5%) if they reached a predetermined level of small business participations;
- ▶ the program would be implemented on construction projects valued over \$250,000 and under \$1,000,000 and on selected pipeline projects (group jobs);
- ▶ development of anticipated small business participation levels on a project-by-project basis; and
- ▶ eligible small businesses bidding as prime contractors would receive a five percent (5%) adjustment regardless of the subcontracting levels.

We were unable to locate any documentation of actions taken on these recommendations.

Other programs that were reviewed include:

State of California's Small Business and Disabled Veteran Business Enterprise Contracting Opportunities Program – State law allows certified small business (SB) and microbusiness (MB) firms and non-small businesses who subcontract with a certified SB/MB firm to receive a 5% bid preference on applicable state solicitations. The preference is only used for computation purposes to determine the winning bidder, the contract is awarded at the actual bid amount.

San Francisco's Local Business Enterprise and Non-Discrimination Ordinance – A comprehensive local small business program that includes small, micro minority, woman

owned and non-profits. Requires certification, provides for a 10% bid discount, subcontracting goals, good faith effort requirements, bonding assistance and a pilot set-aside program.

City of Oakland's Local and Small Business Enterprise Program – A comprehensive local small business program that includes small and non-profits businesses. Includes a certification requirement, 20% local business participation level that includes 10% for local businesses and 10% for local small businesses. Bid discounts of up to 5% and a maximum of 5 preference points are provided on contracts. Applies to construction contracts over \$100,000 and professional services contracts over \$50,000. Requires outreach on contracts below these thresholds.

City of Los Angeles Small Local Business Program - Firms certified as a small local business (SLB) with the City are given a 10% preference on competitively bid contracts valued at \$100,000 or less.

City of San Jose Small Business Opportunity Program – A policy that provides bid advantages for businesses located in Santa Clara County. For bids on goods, local businesses are provided a 2.5% cost advantage and small, local companies receive a 5% cost advantage. For services provided through a request for proposal process, local business receives a 5% point advantage and small, local companies receive a 10% point advantage. Does not apply to formal bids for public works in excess of \$100,000.

Moving forward with implementing a comprehensive small local business program will require a significant amount of time, effort and resources as a thorough analysis including costs impacts (both staffing, project, bond and insurance waivers), relationship with existing programs (SCOPE, Minor Construction, etc.) would need to be conducted prior to obtaining extensive public comment. In addition, a comprehensive legal analysis of the proposed program in relation to federal, state, local laws and any litigation against similar programs in California. Therefore, we will be breaking this proposal into phases. Phase I is the consideration of provided a bid preference percentage to certified local small businesses and Phase II the other elements. We will be requesting public input on both simultaneously.

A legal analysis of Phase I has been requested from the City Attorney's. A follow up request will be made regarding Phase II after public comment has been received. Meetings will be scheduled to present the proposed program to the Small Business Advisory Board, Chamber of Commerce, CEOC and other stakeholders to gather feedback. In addition the proposed program will be posted on the City's website for input.

### **Compliance Related Activities**

84% of action documents have been processed within our 3-day service level agreement.

Of the 78 construction contractors assigned to EOC staff, 19 required EO plans which have been evaluated and updated. Evaluations are in process for 4 of them. In the last quarter, 11 site visits were completed with no compliance violations being noted.

For this time period, one Final Summary Report was evaluated and referred to the City Attorney for a legal opinion regarding a potential subcontractor substitution. Upon review and evaluation of the facts, approval for final payment was granted.

EOC program management is reexamining department policy for participation on consultant interview panels. Due to staffing constraints, EOC participated on interview panels for projects valued at \$1,000,000 or more. The recent increase in staffing, allows for staff to participate on consultant panels valued at \$250,000 and above. Projects valued below \$250,000 will be evaluated through a desk audit will be performed.

### **Staffing**

All vacancies have been filled. EOC is fully staffed with a Program Manager, Supervising Analyst, 4 Contract Compliance Officers, 4 Associate Analysts, and a Word Processing Operator.

### **Citizens Equal Opportunity Commission (CEOC)**

The Mayor recently appointed Maurice Wilson, San Diego County Urban Leagues as the new at-large member, and Rebecca Llewellyn as the incoming Chairperson. Staff provided members with informational binders which included the Commission's guiding documents (Charter, Council Policy), current statistical report, SCOPE Program specifications and the action plan update.

In an effort to effectively fulfill their mission, Commissioners will be scheduling a facilitated strategic planning session within the next quarter.

### **Training Update**

Staff provided training on the new SCOPE requirements as follows:

Construction Stakeholders - 10/20/08; Pre-Qualification Program participants - 10/31/08; Minor Construction Program participants - 12/4/08; and Engineering & Capital Projects Department staff - October 2008.

### **Redevelopment Agency Update**

The San Diego Redevelopment Agency contracts the management and implementation of the Agency's 17-redevelopment plans and project areas as follows: City Redevelopment



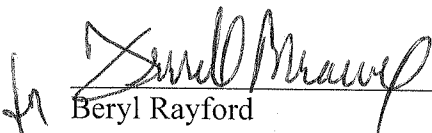
Division of CPCI (11 project areas and general Agency administration); Centre City Development Corporation (CCDC) (two project areas); and Southeastern Economic Development Corporation (SEDC) (four project areas).

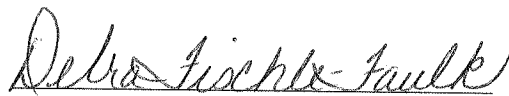
The City Redevelopment Division and the redevelopment corporations contract for consultant and vendor services. The Redevelopment Agency also enters into development agreements with property owners and development entities for the development of private improvements.


Public improvement contracts funded through project area budgets administered by SEDC and the City Redevelopment Division are awarded through Purchasing & Contracting and are reflected within the City's overall statistics.

However, CCDC manages the design and construction of Agency funded capital improvement projects within the Horton Plaza and Centre City redevelopment project area. They monitor and present equal opportunity contracting results relating to consultant, vendor services and development agreements for activities funded through Horton Plaza and Centre City project area budgets, as well as corporation consultant and vendor expenditures. CCDC statistics are included in this report as Attachment 7.

The City Redevelopment Division is currently developing procedures to ensure that all corporation and Agency contracting performance is monitored and reported for corporation and Agency consultant and vendor contracts, and Agency development agreements. In addition, a Redevelopment Agency Equal Opportunity Contracting handbook is being developed and will be brought before for the Agency for consideration toward the end of FY2009. The handbook will include Agency Equal Opportunity policies, outreach strategies, and monitoring and reporting processes and procedures. The Policy will pertain to consultants, vendors, public works contracting, and development agreements. The Agency handbook will be an overarching document to ensure consistent contracting practices for all contracts funded with Agency resources. Agency staff will be working with both corporations and City departments in the development of the handbook. The redevelopment corporations may have additional guidelines for corporation contracts, but at a minimum must comply with Agency policies and practices.

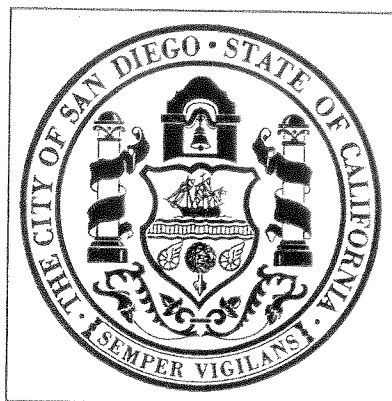
  
Beryl Rayford  
EOC Program Manager

  
Debra Fischle-Faulk  
Director, Administration

  
Jay M. Goldstone  
Chief Operating Officer

- Attachments:
1. Consultant Update, January-June 2008
  2. Construction Contracts, July-December 2008
  3. Architect & Engineering, July-December 2008
  4. Non-Architect & Engineering, July-December
  5. Vendors, July-December
  6. Draft Local Small Business Program
  7. CCDC Report

# City of San Diego

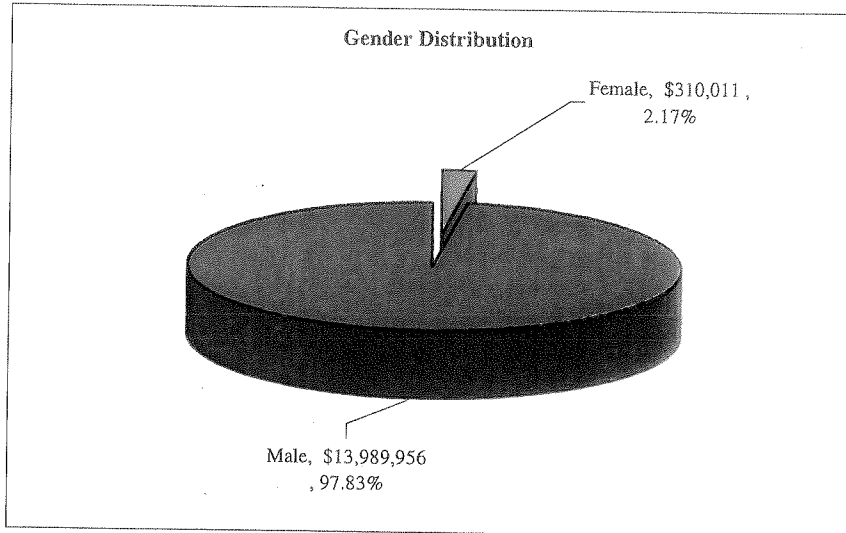


## **Administration Department Equal Opportunity Contracting Division**

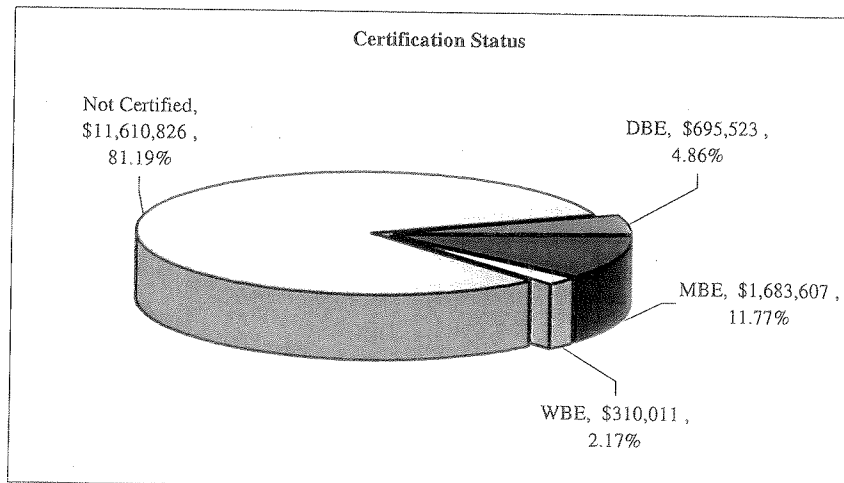
### **Consultants Update (includes sub-consultants) 01/08 - 06/08**

January 15, 2008

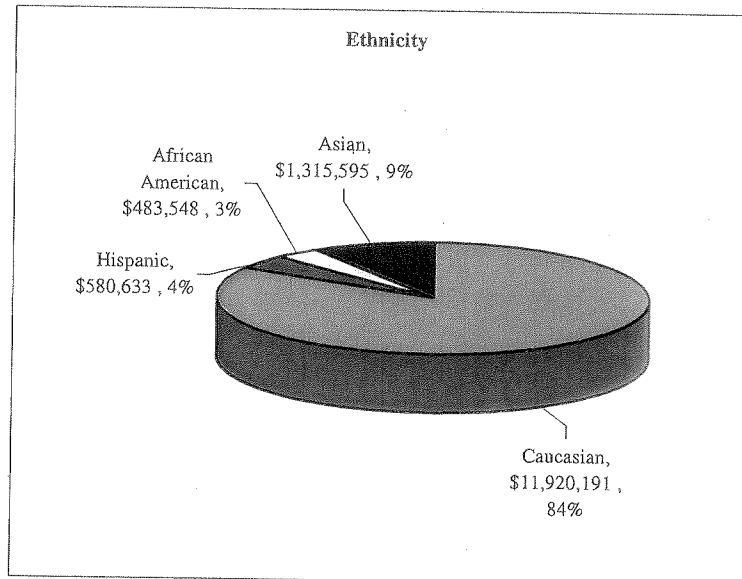
Gender Distribution	Contracts	Dollars	Percentage (based on dollars)
Female	6	\$ 310,011	2.17%
Male	65	\$ 13,989,956	97.83%
Not Available	0	\$ -	0.00%
	71	\$ 14,299,967	100%



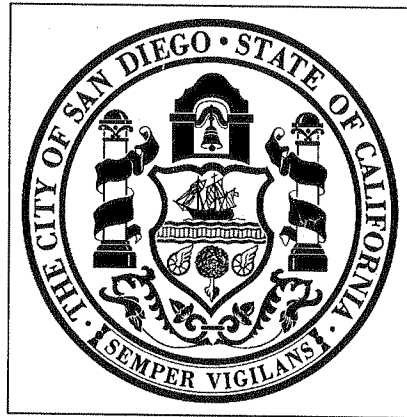
Certification Status	Dollars	Percentage (based on dollars)
DBE	\$ 695,523	4.86%
MBE	\$ 1,683,607	11.77%
WBE	\$ 310,011	2.17%
Not Certified	\$ 11,610,826	81.19%
	\$ 14,299,967	100%



Ethnicity	Contracts	Dollars	Percentage (based on dollars)
Caucasian	57	\$ 11,920,191	83.36%
Hispanic	8	\$ 580,633	4.06%
African American	2	\$ 483,548	3.38%
Alaskan Native	0	\$ -	0.00%
Asian	4	\$ 1,315,595	9.20%
Filipino	0	\$ -	0.00%
Native American	0	\$ -	0.00%
Pacific Islander	0	\$ -	0.00%
Other	0	\$ -	0.00%
	71	\$ 14,299,967	100%



# **City of San Diego**

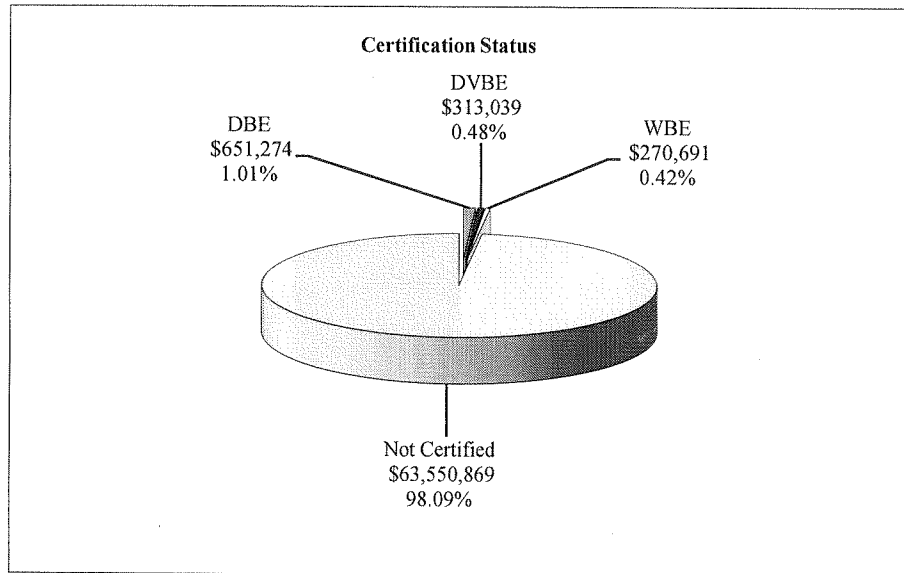


## **Administration Department Equal Opportunity Contracting Division**

February 17, 2009

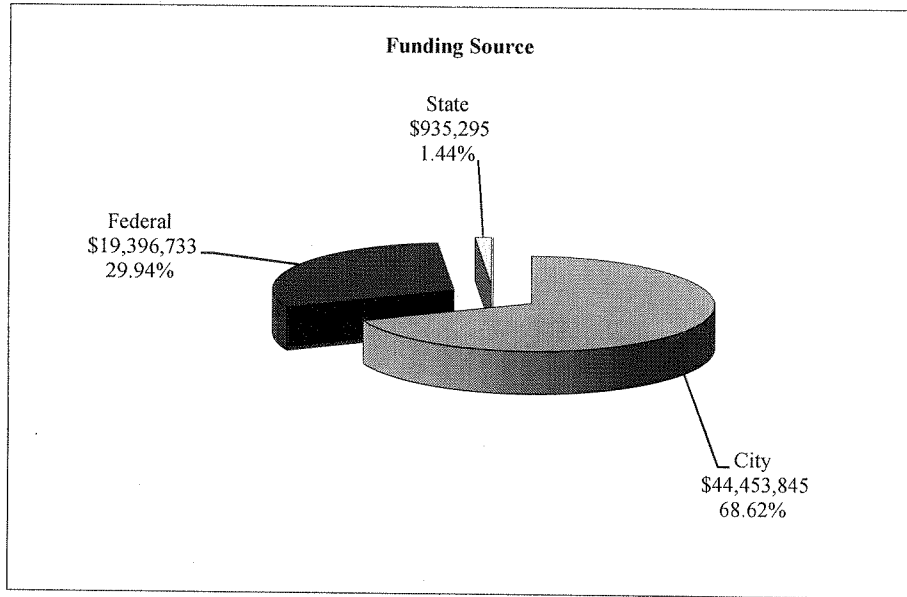
**CONSTRUCTION PROJECTS**  
**FISCAL YEAR 2009 – Updated 02/17**

Certification Status		Dollars	Percentage (based on dollars)
DBE		\$ 651,274	1.01%
DVBE		\$ 313,039	0.48%
WBE		\$ 270,691	0.42%
Not Certified		\$ 63,550,869	98.09%
		\$ 64,785,873	100.00%

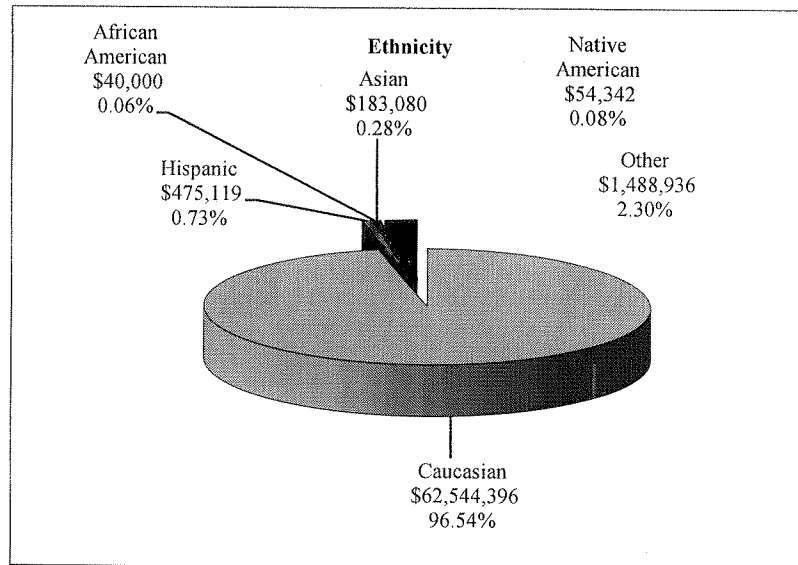




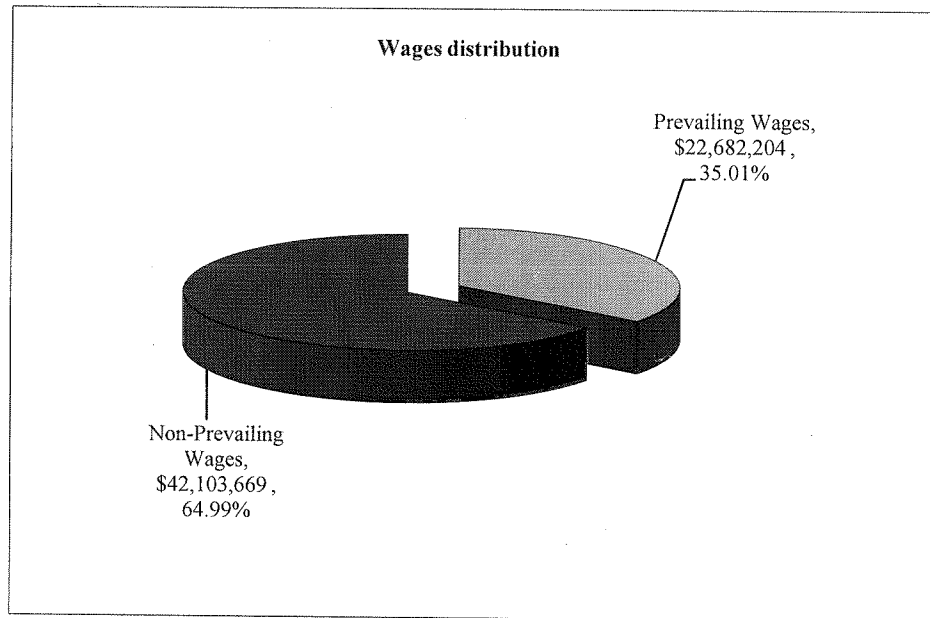
Funding Source	Contracts	Dollars	Percentage (based on dollars)
City	119	\$ 44,453,845	68.62%
Federal	35	\$ 19,396,733	29.94%
State	10	\$ 935,295	1.44%
State/Federal	0	\$ -	0.00%
	164	\$ 64,785,873	100.00%



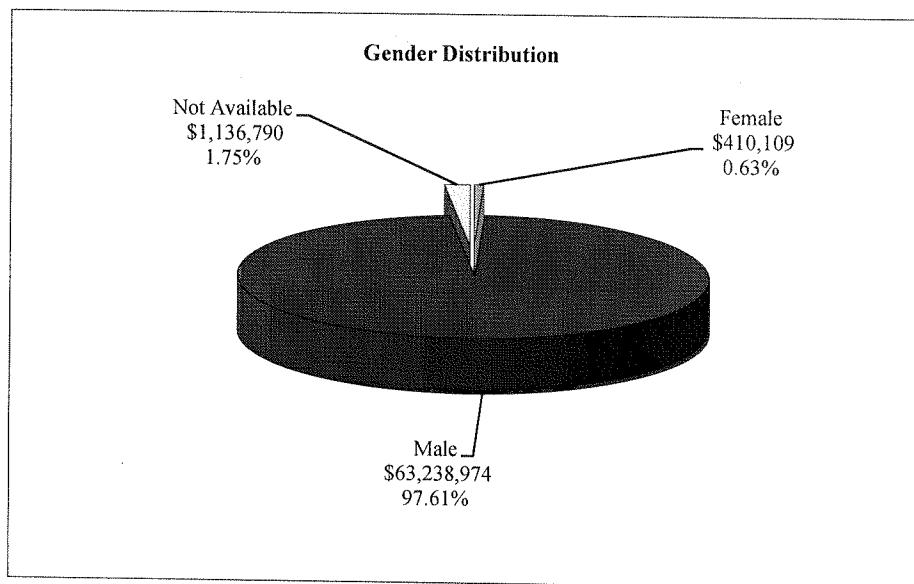
<b>Ethnicity</b>	<b>Contracts</b>	<b>Dollars</b>	<b>Percentage (based on dollars)</b>
Caucasian	143	\$ 62,544,396	96.54%
Hispanic	7	\$ 475,119	0.73%
African American	1	\$ 40,000	0.06%
Alaskan Native	0	\$ -	0.00%
Asian	1	\$ 183,080	0.28%
Filipino	0	\$ -	0.00%
Native American	1	\$ 54,342	0.08%
Pacific Islander	0	\$ -	0.00%
Other	11	\$ 1,488,936	2.30%
	164	\$ 64,785,873	100.00%



Wages	Contracts	Dollars	Percentage (based on dollars)
Prevailing Wages	53	\$ 22,682,204	35.01%
Non-Prevailing Wages	111	\$ 42,103,669	64.99%
	164	\$ 64,785,873	100.00%



Gender Distribution	Contracts	Dollars	Percentage (based on dollars)
Female	9	\$ 410,109	0.63%
Male	149	\$ 63,238,974	97.61%
Not Available	6	\$ 1,136,790	1.75%
	164	\$ 64,785,873	100.00%



# City of San Diego

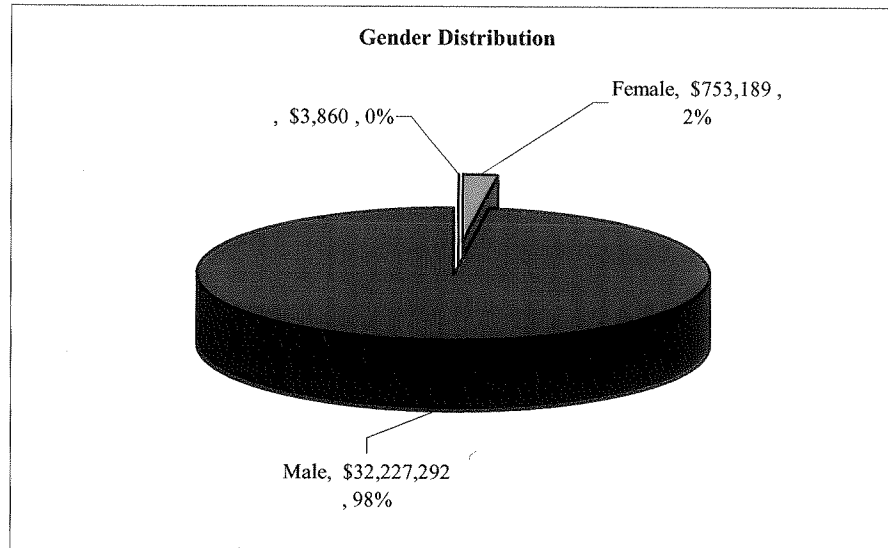


## **Administration Department Equal Opportunity Contracting Division**

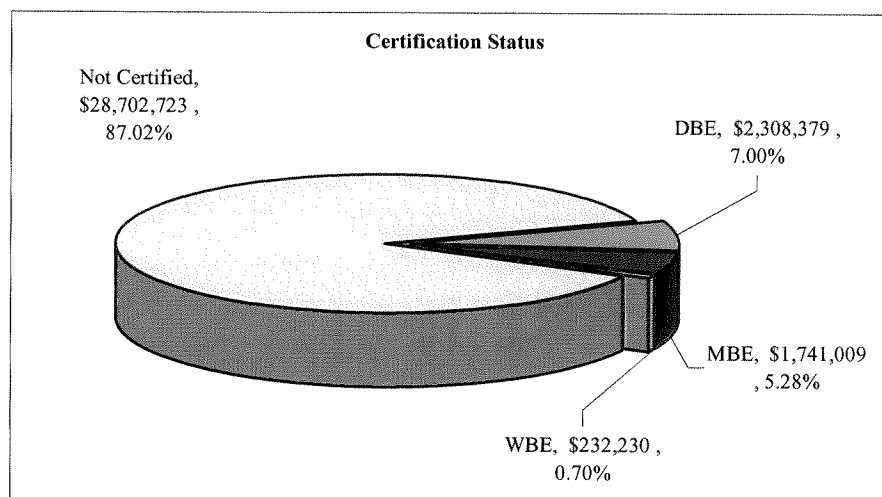
### **A&E Consultants Update (includes sub-consultants) 07/08 - 12/08**

February 5, 2009

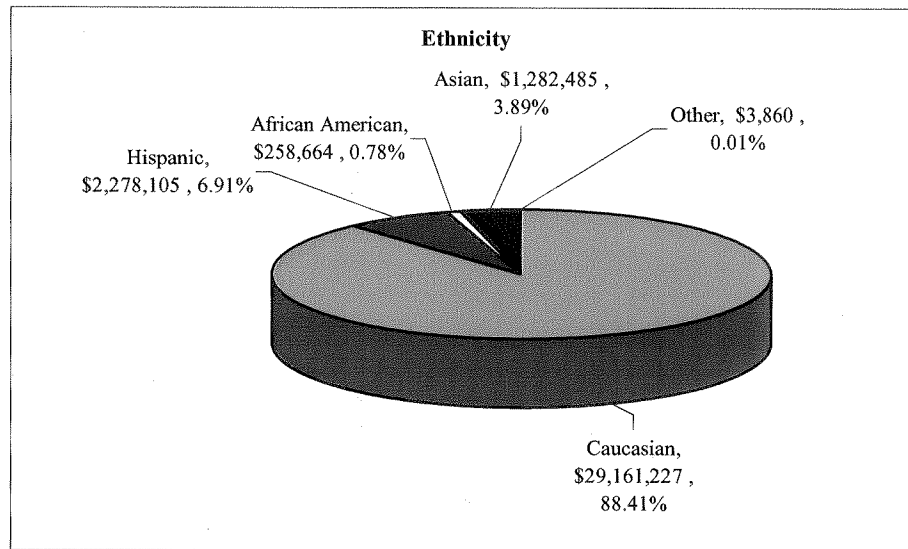
Gender Distribution	Contracts	Dollars	Percentage (based on dollars)
Female	14	\$ 753,189	2.28%
Male	121	\$ 32,227,292	97.70%
Not Available	1	\$ 3,860	0.01%
	136	\$ 32,984,341	100%



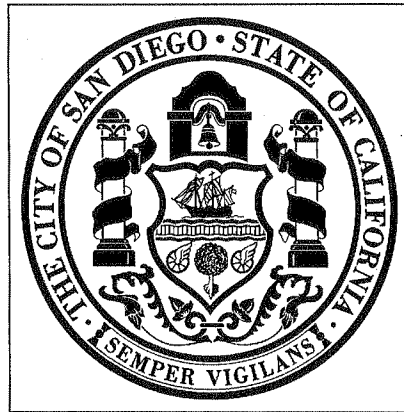
Certification Status		Dollars	Percentage (based on dollars)
DBE		\$ 2,308,379	7.00%
MBE		\$ 1,741,009	5.28%
WBE		\$ 232,230	0.70%
Not Certified		\$ 28,702,723	87.02%
		\$ 32,984,341	100%



Ethnicity	Contracts	Dollars	Percentage (based on dollars)
Caucasian	110	\$ 29,161,227	88.41%
Hispanic	14	\$ 2,278,105	6.91%
African American	4	\$ 258,664	0.78%
Alaskan Native	0	\$ -	0.00%
Asian	7	\$ 1,282,485	3.89%
Filipino	0	\$ -	0.00%
Native American	0	\$ -	0.00%
Pacific Islander	0	\$ -	0.00%
Other	1	\$ 3,860	0.01%
	136	\$ 32,984,341	100%



## **City of San Diego**

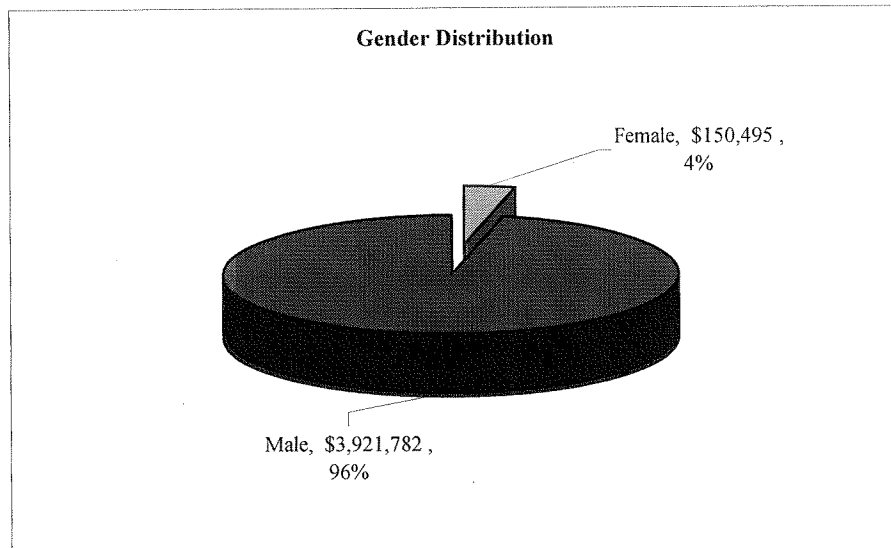


### **Administration Department Equal Opportunity Contracting Division**

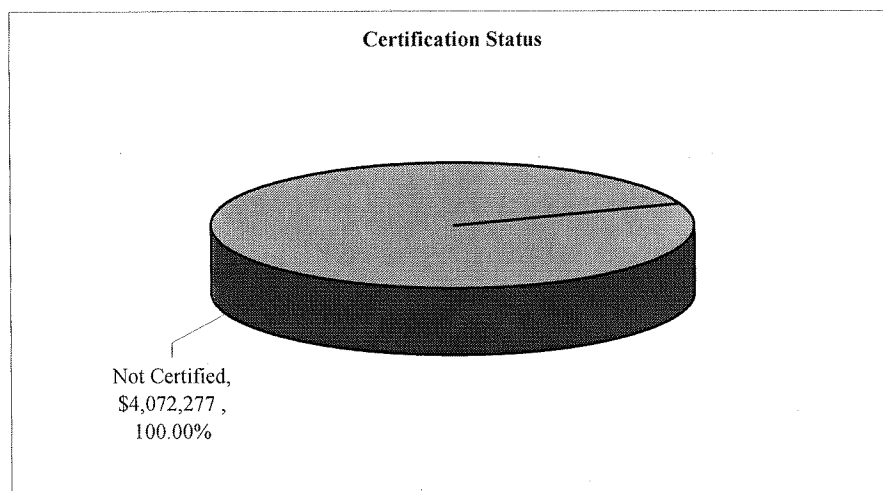
#### **Non-A&E Consultants Update (includes sub-consultants) 07/08 - 12/08**

February 5, 2009

Gender Distribution	Contracts	Dollars	Percentage (based on dollars)
Female	1	\$ 150,495	3.70%
Male	25	\$ 3,921,782	96.30%
Not Available	0	\$ -	0.00%
	26	\$ 4,072,277	100%

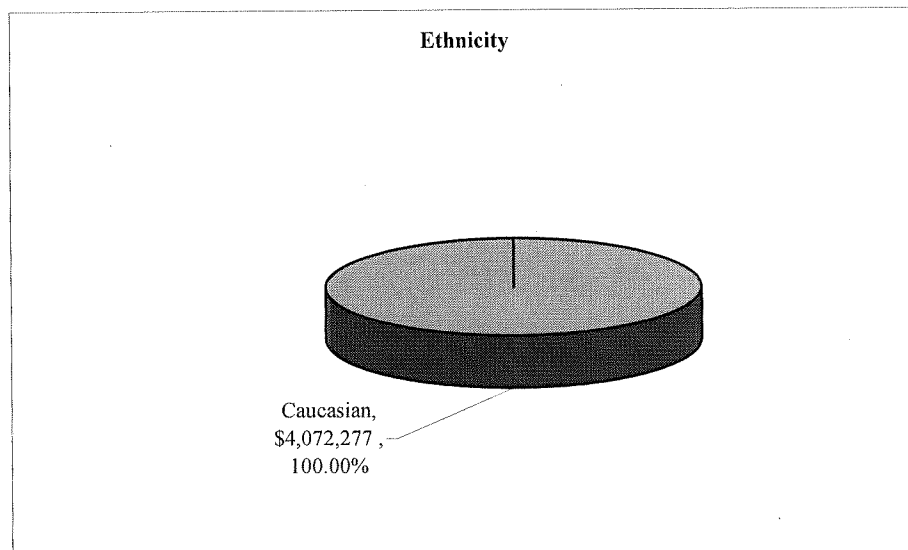


Certification Status		Dollars	Percentage (based on dollars)
DBE		\$ -	0.00%
MBE		\$ -	0.00%
WBE		\$ -	0.00%
Not Certified		\$ 4,072,277	100.00%
		\$ 4,072,277	100%





<b>Ethnicity</b>	<b>Contracts</b>	<b>Dollars</b>	<b>Percentage (based on dollars)</b>
Caucasian	26	\$ 4,072,277	100.00%
Hispanic	0	\$ -	0.00%
African American	0	\$ -	0.00%
Alaskan Native	0	\$ -	0.00%
Asian	0	\$ -	0.00%
Filipino	0	\$ -	0.00%
Native American	0	\$ -	0.00%
Pacific Islander	0	\$ -	0.00%
Other	0	\$ -	0.00%
	26	\$ 4,072,277	100%



Purchasing Contracting Department  
New Commodity Contracts (1-1-2008 to 6-30-2008)

ATTACHMENT 5C

Vendor	Contract Start Date	Description	\$ Total	Ownership Classification
BREWER LAWN MAINTENANCE, INC.	07/01/08	Landscape Maintenance	137,948.80	OBE
CHARLES P CROWLEY COMPANY	07/01/08	SS - Janitorial Supplies	7,537.11	WBE
CHULA VISTA ELECTRIC COMPANY	07/25/08	Elec Equipment-Maint/repair	165,233.25	OBE
CONFIRMNET CORPORATION	11/13/08	Computer Service	19,107.07	*
DIVERSIFIED INSPECTIONS/ITL	07/01/08	Inspection Certification Service	12,558.00	OBE
KONECRANES, INC DBA	07/01/08	Inspection Certification Service	132,370.00	OBE
LOS ANGELES TRUCK CENTERS LLC DBA	07/01/08	Truck - Utility	406,731.47	*
SANDAG	07/01/08	Nonprofit/Agency - Other than	1.00	*
VERIZON WIRELESS	12/01/08	Communication Service	833,333.00	*
TOTAL	9		\$1,714,819.70	

## DRAFT – REVISED 2/14/09

**CITY OF SAN DIEGO  
PROPOSED  
SMALL LOCAL BUSINESS ENTERPRISE (“SLBE”) PROGRAM**

**I. STATEMENT OF POLICY**

It is the City of San Diego’s policy to encourage greater availability, capacity development, and contract participation by Small Local Business Enterprises (“SLBEs”) in City contracts. This policy is, in part, intended to further the City’s compelling interest in ensuring that it is neither an active nor passive participant in marketplace discrimination, and in promoting equal opportunity for all segments of the contracting community.

**II. OVERVIEW**

The SLBE Program is intended to provide an additional race- and gender-neutral tool for the City to use in its efforts to ensure that all segments of its local business community have a reasonable and significant opportunity to participate in City contracts. The SLBE Program also furthers the City’s public interest to foster effective broad-based competition from all segments of the contractor, consultant and vendor community, including, but not limited to, disadvantaged business enterprises, minority business enterprises, small business enterprises, disabled veteran business enterprises and local business enterprises. Moreover, the SLBE Program provides additional avenues for the development of new capacity and new sources of competition for City contracts from the growing pool of small and locally based businesses.

**III. TERMS AND DEFINITIONS**

***Affirmative Procurement Initiatives*** – refers to any procurement tool to enhance contracting opportunities for SLBE firms including: bonding / insurance waivers, bid incentives, price preferences, sheltered market, mandatory subcontracting, competitive business development demonstration projects, and SLBE evaluation preference points in the scoring of proposal evaluations.

***Award*** – the final selection of a bidder or offeror for a specified prime contract or subcontract dollar amount. Awards are made by the City to prime contractors, consultants or vendors or by prime contractors, consultants or vendors to subcontractors, subconsultants or sub-vendors, usually pursuant to an open invitation for bid (“IFB”) or request for proposal (“RFP”) process. (Contract awards are to be distinguished from contract payments in that they only reflect the anticipated dollar amounts instead of actual dollar amounts that are to be paid to a bidder or offeror under an awarded contract.)

# DRAFT – REVISED 2/14/09

***Bid Incentives*** – additional inducements or enhancements in the bidding process that are designed to increase the chances for the selection of SLBE firms in competition with other firms. These bid incentives may be applied to all solicitations, contracts, and letter agreements for Architecture and Engineering services, Construction, Goods & Services, and Professional services including change orders and amendments.

***Bidder*** – a firm submitting a price or proposal in response to an Invitation for Bid (“IFB”) or Request for Proposal (“RFP”).

***Centralized Bidder Registration System (“CBR”)*** -- a web-based software application used by the City of San Diego to track and monitor subcontractor availability and utilization (i.e., “Spend” or “Payments”) on City contracts.

***City*** – refers to the City of San Diego, California.

***Commercially Useful Function*** – an SLBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the SLBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quantity and quality, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an SLBE is performing a commercially useful function, an evaluation must be performed of the amount of work subcontracted, normal industry practices, whether the amount the SLBE firm is to be paid under the contract is commensurate with the work it is actually performing and the SLBE credit claimed for its performance of the work, and other relevant factors. Specifically, an SLBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of meaningful and useful SLBE participation, when in similar transactions in which SLBE firms do not participate, there is no such role performed.

***Goal*** – a non-mandatory annual aspirational percentage goal for SLBE contract participation is established each year for Architecture and Engineering, Construction, Goods & Services and Professional services. Mandatory percentage goals for SLBE subcontract participation may be established on a contract-by-contract basis.

***Goal Setting Committee*** – a committee established by the Administration Department Director and approved by the Chief Operating Officer of the City (that includes management level representatives from: Purchasing & Contracting, Public Works Redevelopment Agency and City Attorney’s Office) and chaired by the Equal Opportunity Contracting (EOC) Program Manager that establishes annual SLBE Program goals for the City based upon industry categories, vendor availability, and project-specific characteristics.

# DRAFT – REVISED 2/14/09

***Good Faith Efforts*** – documentation of the Bidder’s intent to comply with SLBE Program goals and procedures, including, but not limited to the following:

(1) documentation within a bid submission or proposal reflecting the Bidder’s commitment to comply with SLBE Program goals as established by the Goal Setting Committee for a particular contract; or (2) documentation of efforts made towards achieving the SLBE Program goals (e.g., timely advertisements in appropriate trade publications and publications of wide general circulation; timely posting of SLBE subcontract opportunities on the City web site; solicitations of bids from all qualified SLBE firms listed in Equal Opportunity Contracting Program’s SLBE Directory of certified SLBE firms; correspondence from qualified SLBE firms documenting their unavailability to perform SLBE contracts; documentation of efforts to subdivide work into smaller quantities for subcontracting purposes to SLBE firms; documentation of efforts to assist SLBE firms with obtaining financing, bonding, or insurance required by the bidder; and documentation of consultations with trade associations and consultants that represent the interests of small and local businesses in order to identify qualified and available SLBE subcontractors.)

***Graduation*** – An SLBE firm permanently graduates from the City’s SLBE program when it meets the criteria for graduation set forth in this policy.

***Independently Owned, Managed, and Operated*** – ownership of an SLBE firm must be direct, independent, and by individuals only. Business firms that are owned by other businesses or by the principals or owners of other businesses that cannot themselves qualify under the SLBE eligibility requirements shall not be eligible to participate in the SLBE program. Moreover, the day-to-day management of the SLBE firm must be direct and independent of the influence of any other businesses that cannot themselves qualify under the SLBE eligibility requirements.

***Industry Categories*** – procurement groupings for City contracts for purposes of the administration of Affirmative Procurement Initiatives shall be inclusive of Architecture and Engineering, Construction, Professional services, and Goods & Services procurement (manufacturing, wholesale and retail, and non-professional services). Industry Categories may also be referred to as “business categories.”

***Joint Venture*** - an association of two or more persons or businesses carrying out a single business enterprise for which purpose they combine their capital, efforts, skills, knowledge and/or property. Joint ventures must be established by written agreement.

***Local Business Enterprise (“LBE”)*** - a firm having a Principal Place of Business or a Significant Employment Presence in San Diego County, California. This definition is subsumed within the definition of Small Local Business Enterprise.

***Points*** – the quantitative assignment of value for specific evaluation criteria in the selection process.

# DRAFT – REVISED 2/14/09

**Prime Contractor** – The vendor or contractor to whom a purchase order or contract is awarded by the City for purposes of providing goods or services to the City.

**Principal Place of Business** – a location wherein a firm maintains a physical office and through which it obtains no less than fifty percent of its overall customers or sales dollars, or through which no less than twenty-five percent of its employees are located and domiciled in the City of San Diego and/or San Diego County.

**Responsible** - a firm is capable in all respects to fully perform the contract requirements and has the integrity and reliability, which will assure good faith performance.

**Responsive** - a firm's bid or proposal conforms in all material respects to the invitation to bid or request for proposal and shall include compliance with SLBE Program requirements.

**Sheltered Market** – An Affirmative Procurement Initiative designed to set aside a City contract bid for bidding exclusively among SLBE firms.

**Significant Employee Presence** – no less than twenty-five percent of a firm's total number of employees are domiciled in either the City of San Diego and/or San Diego County.

**SLBE Plan Execution Certification (SLBE Form – C)** - The form certifying the general contractor's intent to use a SLBE subcontractor, verifying that an agreement has been executed between the prime and the SLBE.

**SLBE Directory** - A listing of the small local businesses that have been certified by the EOCP for participation in the SLBE Program.

**SLBE Certification/Re-certification Application (SLBE Form – R)** – This form shall be completed by Small Local Business Enterprises (SLBEs) when applying for and/or recertifying SLBE status for participation in the City's Small Local Business Enterprise Program. This form shall be completed every two years by certified Small Local Business Enterprises by the anniversary date of their original certification.

**SLBE Schedule for Subcontractor Participation (SLBE Form – S)** – This form must be completed by all non-SLBE firms that subcontract to SLBE firms. A form must be submitted for each SLBE subcontractor. This form(s) must be reviewed and approved by the Director of EOCP before contract award.

**SLBE Unavailability Certification (SLBE Form – U)** - This form demonstrates a bidder's unsuccessful good faith effort to meet the small, local participation requirements of the contract. This form will only be considered after proper completion of the outreach and compliance efforts and methods used to notify and inform SLBE firms of contracting opportunities have been fully exhausted.

# DRAFT – REVISED 2/14/09

***Small Business Enterprise (“SBE”)*** (1) Any for-profit enterprise as defined in California Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 8; that is not a broker, that is independently owned and operated; that is not a subsidiary of another business; and that is not dominant in its field of operation; and

(2) That satisfies the following size requirements:

- a. Wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;
- b. Manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;
- c. Service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2 million in its most recently completed 3 fiscal years; and
- d. Construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.

If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business; and

(3) California State certified Microbusiness enterprises also satisfy the requirements to be defined as a Small Business Enterprise.

This definition is subsumed within the definition of Small Local Business Enterprises.

***Small Local Business Enterprise (“SLBE”)*** – A Local Business Enterprise that is also a Small Business Enterprise.]

***Equal Opportunity Contracting (EOC) Program Manager*** -- The City employee responsible for the oversight, tracking, monitoring, administration, and implementation of the SLBE program, ensuring that compliance with contract participation requirements is maintained, and overall program goals and objectives are met.

***Spend Dollars*** – dollars actually paid to prime and / or subcontractors and vendors for City contracted goods and/or services.

***Subcontractor*** – any vendor or contractor that is providing goods or services to a Prime Contractor in furtherance of the Prime Contractor’s performance under a contract or purchase order with the City.

# DRAFT – REVISED 2/14/09

***Suspension*** – the temporary stoppage of a SLBE participation in the City’s contracting process under the SLBE Program for a finite period of time due to the cumulative contract payments the SLBE received during a fiscal year.

## IV. SLBE PROGRAM OBJECTIVES

To meet the objectives of this Program, the City is committed to:

- A. Increasing the participation of Small Local Business Enterprises (“SLBEs”) in City contracting, and, to the extent possible, ameliorating through race- and gender-neutral means any disparities in the participation of minority business enterprises or women business enterprises on City contracts.
- B. Regular evaluation regarding the progress of the Program using accumulated availability and utilization data to determine specific program provisions that require modification, expansion, and/or curtailment;
- C. Establishing a Goal Setting Committee (“GSC”) to provide guidance on the implementation of the rules under this Policy;
- D. Continuous review and advice of the GSC in administering the policy and goals herein. The City’s Chief Operating Officer shall approve the size and composition of the GSC as recommended by the Administration Department Director. The GSC is to be chaired by the EOC Program Manager. Members of the GSC shall include management level representatives from the City’s Purchasing & Contracting, Public Works, Redevelopment Agency, City Attorney and other City departments deemed appropriate.. The EOC Program Manager shall be a member of the GSC; and
- E. Provide accountability and accuracy in setting goals and in reporting program results through the implementation of a mandatory centralized bidder registration process capable of identifying with specificity the universe of firms that are available and interested in bidding on and /or performing on City contracts, and of providing the means of tracking actual City bids, contract awards, and prime contract and subcontract payments to registered bidders on the basis of firm ownership status, commodity or sub-industry codes, firm location, and firm size. Accordingly, Prime Contractors and Subcontractors will be required to register and input data into the CBR or other related forms and systems as a condition of engaging in business with the City.

At a minimum, the EOC Program Manager shall:

- 1. Report to the Mayor and the City Council on at least an annual basis the City’s progress towards satisfying SLBE program objectives;



## DRAFT – REVISED 2/14/09

2. Formulate Program waivers, improvements and adjustments to the GSC goal-setting methodology and other Program functions;
3. Have substantive input in a contract specification review process to be undertaken in advance of the issuance of City's RFPs and bid solicitations to ensure that contract bid specifications are not unnecessarily restrictive and unduly burdensome to small, local, disadvantaged, minority-owned, and other businesses;
4. Receive and analyze external and internal information including statistical data and anecdotal testimonies it deems appropriate to effectively accomplish its duties; and
5. Monitor and support the implementation of the rules under this Program.

At a minimum, the Goal Setting Committee may:

1. Meet as often as it deems necessary to accomplish its duties but not less than twice annually;
2. Develop the SLBE goal setting methodology to be implemented by the EOC Program Manager on a contract-by-contract basis; and
3. Monitor and support the implementation of the rules under this Program policy.

### V. ELIGIBILITY FOR THE SLBE PROGRAM

A. For the purpose of this program, a firm will be certified as a Small and Local Business Enterprise (SLBE) with the EOC Office upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the SLBE eligibility criteria as set forth below:

1. Is an independently owned and operated for-profit business concern that is not dominant in its field of operation, and that is performing a commercially useful function;
2. Satisfies the following size requirements:
  - a. Wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;
  - b. Manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;

## DRAFT – REVISED 2/14/09

- c. Service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2 million in its most recently completed 3 fiscal years; and
- d. Construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.

If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business; and

- (3) California State certified Microbusiness Enterprises also satisfy the requirements to be defined as a Small Business Enterprise.

This definition is subsumed within the definition of Small Local Business Enterprises.

- 3. Is a Local Business Enterprise as defined by this Policy with a principal place of business or significant employment presence in the City and/or County of San Diego, California;
- 4. The business has been established for at least one year or the principals of the business have at least three years of relevant experience prior to forming or joining the business; and
- 5. In the year preceding the date of certification application, the applicant has not received more than \$1,000,000 in City contract payments as a result of contract awards from the City achieved through an open competitive bidding process.

B. Upon receipt of SLBE certification or re-certification applications, the EOC Program Manager or designated EOC staff shall review all enclosed forms affidavits and documentation to make a prima facie determination as to whether the applicant satisfies the SLBE eligibility requirements as set forth in this policy. Applicants determined ineligible to participate as a SLBE shall receive a letter from the EOC Program Manager stating the basis for the denial of eligibility. Applicants determined ineligible shall not be eligible to submit a new application for one year after the date of the notice of denial of eligibility.

E. Applicants determined eligible to participate in the SLBE program shall submit a completed re-certification form (SLBE-R) every two years to the EOC Office for review and continued certification. However, upon application for re-certification, an SLBE firm must be an independently owned and operated business concern, and maintain a Principal Place of Business or Significant Employment Presence in the City and/or County of San Diego in accordance with Section V. "Eligibility for the SLBE Program" of this Policy. To qualify for recertification, an SLBE's average gross sales for the three

# DRAFT – REVISED 2/14/09

fiscal years immediately preceding the application for recertification shall not exceed \$14 million for construction, or \$5 million for Goods & Services, Professional Services, or Architect/Engineer services. The eligibility criteria regarding years of existence shall only apply for the initial certification of an SLBE firm.

F. In the course of considering the certification or re-certification status of any SLBE firm, the EOC Program Manager or his or her designees shall periodically conduct audits and inspect the office, job site, records, and documents of the firm, and shall interview the firm's employees, subcontractors, and vendors as reasonably necessary to ensure that all eligibility standards are satisfied and that the integrity of the SLBE Program is maintained.

## VI. GRADUATION AND SUSPENSION CRITERIA

A bidder may not count towards its SLBE participation the amount subcontracted to an SLBE firm that has graduated or been suspended from the program as follows:

A. An SLBE firm shall be permanently graduated from the SLBE Program after it has received a cumulative total of \$5 million of City-funded prime contracts or subcontracts payments in at least five separate contracts since its initial certification as an SLBE firm; or

B. An SLBE firm shall be permanently graduated from the SLBE program after its three fiscal year average gross sales exceeds \$14 million for Construction, or \$5 million for Goods & Services, Professional Services, or Architect and Engineering services.

C. An SLBE firm shall be temporarily suspended by the EOC Program Manager for the balance of any fiscal year after it has received a cumulative total of \$1.5 million in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the SLBE firm shall be eligible to participate in Affirmative Procurement Initiatives in the following fiscal year so long as the firm has not yet satisfied the graduation criteria.

D. An SLBE firm may have its SLBE eligibility permanently revoked by the EOC Program Manager if it fails to perform a Commercially Useful Function under a contract, or if it allows its SLBE status to be fraudulently used for the benefit of a non-SLBE firm or the owners of a non-SLBE firm so as to provide the non-SLBE firm or firm owners benefits from Affirmative Procurement Initiatives for which the non-SLBE firm and its owners would not otherwise be entitled.

E. The EOC Program Manager shall provide written notice to the SLBE firm upon graduation or suspension from the SLBE program, and therein state the reasons for such graduation or suspension.

## VII. APPEALS

# DRAFT – REVISED 2/14/09

A business concern that is denied eligibility as an SLBE, or who has its eligibility revoked, or who has been denied a waiver request can appeal the decision to the Director of Administration. A written notice of appeal must be received by the Director of Administration within 15 days of the date of the decision. Upon receipt of a timely notice of appeal, the Director of Administration, or designee (other than the EOC Program Manager), shall conduct a hearing. The decision of the Director of Administration, or designee, shall be the final decision of the City.

## VIII. AFFIRMATIVE PROCUREMENT INITIATIVES FOR ENHANCING SLBE CONTRACT PARTICIPATION

A. The City in conjunction with the appropriate Contract Officer and the EOC Program Manager may utilize the following Affirmative Procurement Initiatives in promoting the award of City contracts to SLBEs.

1. ***Bonding and Insurance Waiver:*** The City, at its discretion, may waive or reduce the bonding, or insurance requirements depending on the type of contract and whether the City determines that the bonding and or insurance requirements would deny the SLBE an opportunity to perform the contract which the SLBE has shown itself otherwise capable of performing.

2. ***Price Preferences:***

a. The City may award a contract to a SLBE which submits a bid within 10% (inclusive) of a low bid by a non-SLBE. This preference would not apply if the award to the SLBE would result in a total contract cost of \$50,000, or more, annually in excess of the low bid.

b. The City may award up to 20% of the total points to a SLBE or a joint venture with a SLBE in response to a Request for Proposal (see EXHIBITS 1 and 2 regarding professional services contracts and architectural and engineering contracts, respectively).

3. ***Mandatory Subcontracting:***

a. The Goal Selection Committee may, on a contract-by-contract basis, at its discretion, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to eligible SLBEs.

b. An SLBE prime contractor may not subcontract more than 49% of the contract value to a non-SLBE.

c. A prospective bidder on a City contract shall submit at the time of bid SLBE – Form S providing the name of the SLBE subcontractor or subcontractors and describing both the percentage of subcontracting by the SLBE and the work to be performed by the SLBE. A bidder may request a full or partial waiver of this mandatory subcontracting requirement from the EOC Program Manager for good cause by submitting the SLBE

## DRAFT – REVISED 2/14/09

Unavailability Certification form to the EOC Program Manager at the time of bid. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the bidder and careful review by the EOC Program Manager. . The EOC Program Manager shall base his or her determination on a waiver request on the following criteria:

- (1) Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SLBEs;
  - (2) Whether subcontracting would be inappropriate and/or not provide a “Commercially Useful Function” under the circumstances of the contract; and
  - (3) Whether there are no certified SLBE firms that are qualified and available to provide the goods or services required.
- d. In the absence of a waiver granted by the EOC Program Manager, failure of a Prime Contractor to commit in its bid or proposal to satisfying the mandatory SLBE subcontracting goal shall render its bid or proposal non-responsive.
- e. In the absence of a waiver granted by the EOC Program Manager, failure of a Prime Contractor to attain a mandatory subcontracting goal for SLBE participation in the performance of its awarded contract shall be grounds for termination of existing contracts with the City, debarment from performing future City contracts, and / or any other remedies available under the terms of its contract with the City or under the law.
- f. A Prime Contractor is required to notify and obtain written approval from the EOC Program Manager in advance of any reduction in subcontract scope, termination, or substitution for a designated SLBE Subcontractor. Failure to do so shall constitute a material breach of its contract with the City.

#### 4. *Sheltered Market:*

- a. The EOC Program Manager and the appropriate City Contracting Officer may select certain contracts which have a contract value of \$750,000 or less for award to a SLBE or a joint venture with a SLBE through the Sheltered Market program.
- b. In determining whether a particular contract is eligible for the Sheltered Market Program, the City's Contracting Officer and EOC Program Manager shall consider: whether there are at least three SLBEs that are available and capable to participate in the Sheltered Market Program for that contract; the degree of underutilization of the SLBE prime contractors in the specific industry categories; and the extent to which the City's SLBE prime contractor utilization goals are being achieved.
- c. If a responsive and responsible bid or response is not received for a contract that has been designated for the Sheltered Market Program or the apparent low bid is

# DRAFT – REVISED 2/14/09

determined to be too high in price, the contract shall be removed from the Sheltered Market Program.

## 5. *Competitive Business Development Demonstration Project:*

- a. With the concurrence of the Chief Operating Officer, the Administration Department Director in coordination with the Public Works, Public Utilities and Purchasing & Contracting Departments may reserve certain contracts for placement into a Competitive Business Development Demonstration Project (“CBD Demonstration Project”) wherein those contracts require the purchase of goods or services from an industry that routinely has too few sources of bidders to provide meaningful or sufficient competition for such City contracts. The purpose for the placement of a contract into the CBD Demonstration Project shall be to encourage the development of new capacity within an industry to competitively bid on the future supply of specialized goods or services to the City.
- b. Contracts reserved for CBD Demonstration Projects shall be subject to a Request for Proposals process whereby the selected firm will be required to be a joint venture between an established firm or experts in that relevant industry and an SLBE firm. The scope of work for the selected joint venture shall include teaching a hands-on curriculum to SLBE firms that have expressed an interest in diversifying into the relevant industry, in addition to performing the customary functions of the contract. This curriculum shall include both administrative skills (e.g. cost estimating, bidding, staffing, project management) and technical skills (e.g., hands-on demonstration of how to perform necessary tasks in the field) required to qualify for future City contracts and to successfully compete in the industry.
- c. The EOC Program Manager shall be required to select SLBE candidate firms for participation on such CBD Demonstration Projects on the basis of an assessment of their current capabilities and their likely success in diversifying into the new relevant industry once given technical assistance, training, and an opportunity to develop a performance track record in the industry.

## IX. SLBE PROGRAM PERFORMANCE REVIEW

- A. The Administration Department Director or designee shall monitor the implementation of this Policy and the progress of this Program. On at least an annual basis, the Administration Department Director or designee shall report to the City on the progress of achieving the goals established for awards to certified SLBE firms, reporting both dollars awarded and expended. In addition, the Administration Department Director or designee shall report on the progress in achieving the stated Program Objectives, including, but not limited to, enhancing competition, establishing and building new business capacity, and removing barriers to and eliminating disparities in the utilization of available minority business enterprises and women business enterprises on City contracts.

# DRAFT – REVISED 2/14/09

B. The City shall periodically review the SLBE Program to determine whether the various contracting procedures used to enhance SLBE contract participation need to be adjusted or used more or less aggressively in future years to achieve the stated Program Objectives. The City Council shall conduct a public hearing at least once every two years in order to solicit public comments on the Program.

## SMALL, LOCAL BUSINESS ENTERPRISE PROGRAM EXHIBITS

For procurement and professional services contracts awarded based on evaluation criteria, there shall be SLBE participation criterion for all contracts let at predetermined percentage of the total points awarded. The determination will be made using the suggested model outlined in the “Point Evaluation Table” (EXHIBIT 1) below:

### EXHIBIT 1

#### Point Evaluation Table

##### 10 POINTS FOR SLBE PARTICIPATION

- > 51% = 10 points
- > 45% = 7 points
- > 40% = 6 points
- > 35% = 5 points
- > 30% = 4 points
- > 25% = 3 points
- > 20% = 2 points
- > 15% = 1 points

##### 20 POINTS FOR SLBE PARTICIPATION

- > 51% = 20 points
- > 45% = 17 points
- > 40% = 16 points
- > 35% = 14 points
- > 30% = 12 points
- > 25% = 10 points
- > 20% = 8 points
- > 15% = 6 points
- > 10% = 4 points

Contractors may be evaluated on their SLBE participation by utilizing the following sample schedule (EXHIBIT 2) which is most often used by Architecture and Engineering:

### EXHIBIT 2

## DRAFT – REVISED 2/14/09

### Points Awarded

5.0     51-100

4.0     36 – 50

3.0     30 – 35

2.0     24 – 29

0        0 – 23

### % of Participation Criteria

Proposals by registered SLBE owned and/or controlled firms

Majority prime with registered SLBE participation

Majority prime with registered SLBE participation

Majority prime with registered SLBE participation

Less than the goal for registered SLBE participation



**MEMORANDUM**

**DATE:** February 24, 2009

**TO:** The Committee on Rules, Open Government and Intergovernmental Relations

**FROM:** Barbara A. Kaiser, Centre City Development Corporation, VP- Real Estate Operations

**SUBJECT:** Equal Opportunity Annual Report for Fiscal Year 2008 – Centre City Redevelopment Project

The attached Equal Opportunity Annual Report for Fiscal Year 2008 is a comprehensive overview of Centre City Development Corporations (“Corporation”) achievements in small business activities for FY 08 (July 1, 2007 to June 30, 2008). Business contracting opportunities occur directly with the Corporation in three areas: public works construction contracts, consulting contracts for either on-call services or one-time contracting needs, and vendor services. In addition to these contracting opportunities, staff monitors the contracting achievements for design services and construction contracts of entities with Redevelopment Agency development agreements. The goal for small business participation in consulting contracts and vendor services is 20 percent, a percentage that continues to be achievable in consulting contracts and vendor services. There were no Corporation projects in FY 08 that involved Davis Bacon. The Corporation will be reporting in FY 09 those projects that fall under the Davis Bacon Act.

In the FY 08 Corporation Equal Opportunity Annual report, the breakout activity (Table 1 Attachment A and Table 2 Attachment B) describes the Equal Opportunity spending activity percentages in construction and consulting contracts, vendor services and development agreements in design and construction phase. Table 2 describes spending activities for Disposition and Development Agreements and Owner Participation Agreements for qualified and non-qualified contractors, certified and non-certified Minority, Women, Disabled Veteran and Small Business Enterprises.

The Corporation adheres to the voluntary 20 percent subcontracting goal as required by the City. Pursuant to City and Corporation contracting policies, procedures and programs, such as SCOPE, qualifying construction firms whose contracts exceed \$250,000 funded with state and/or local funds are required to meet mandatory goals and solicit participation from M/W/DV/SBE’s whenever potential subcontracting opportunities occur. The 20 percent goal is intended to increase the level of M/W/DV/SBE’s participation in all contracting activities.

During FY 08, results were achieved in both the Corporation’s contracting program and through private-sector development agreements as follows:

	<b>Advisory Goal</b>	<b>Achieved</b>
Construction Contracts (Public Works)	20%	28.1%
Consulting Contracts	20%	27.9%
Vendor Services	20%	25.9%
Development Agreements: Design	20%	17%
Development Agreements: Construction	20%	32.46%

DATE ISSUED: November 12, 2008

ATTENTION: Centre City Development Corporation  
Meeting of November 19, 2008, Agenda 672

SUBJECT: Equal Opportunity Annual Report for Fiscal Year 2008 – Centre City  
Redevelopment Project

STAFF CONTACT: Charlene McAdory, Equal Opportunity/Contracts Administrator

REQUESTED ACTION: That the Centre City Development Corporation (“Corporation”) accept and approve the Equal Opportunity (EO) Annual Report for Fiscal Year 2008 (FY 08), and forward on to the Redevelopment Agency of the City of San Diego (“Redevelopment Agency”) and the City of San Diego (“City”) for their information.

STAFF RECOMMENDATION: That the Corporation accept and approve the EO Annual Report for FY 08, and forward the EO Annual Report to the Redevelopment Agency and the City for their information.

SUMMARY: This comprehensive annual report is an overview of the Corporation’s achievements in small business activities for FY 08 (July 1, 2007 to June 30, 2008). Business contracting opportunities occur directly with the Corporation in three areas: public works construction contracts, consulting contracts for either on-call services or one-time contracting needs, and vendor services. In addition to these contracting opportunities, staff monitors the contracting achievements for design services and construction contracts of entities with Redevelopment Agency development agreements. The goal for small business participation in consulting contracts and vendor services is 20 percent, a percentage that continues to be achievable in consulting contracts and vendor services. Development agreements which included design contracts remain challenging, while goals in construction contracts during the period were achieved. Although independent construction contracts (public works) are difficult to achieve (the award of a contract is based on the lowest qualified bids), minimum goals were achieved for the period.

Pursuant to City and Corporation contracting policies, procedures and programs, such as SCOPe, qualifying firms whose contracts exceed \$250,000 funded with state and/or local funds are required to meet mandatory goals and solicit participation from M/W/DV/SBE’s whenever potential subcontracting opportunities occur. The 20 percent goal is intended to increase the level of M/W/DV/SBE’s participation in all contracting activities, spread economic parity and try new approaches to meet or exceed small business opportunities.

During the past fiscal year, subcontractors provided such services as asphalt, porta-potties, backhoes, fencing, photography, conference planning, catering, architectural and engineering services.

To promote small business participation, outreach and opportunities, the Corporation participates in various networking events, workshops and mixers to encourage subconsultants to register their firm or business on the Corporation's Web site. Once registered, businesses receive immediate notice of opportunities as they arise.

To further assist the small business sector, a partnership was established among independent agencies such as Caltrans, the California Small Business Development Center Program, SANDAG, the Port of San Diego, San Diego County Regional Airport Authority, San Diego County Water Authority, the County of San Diego, and the Corporation, referred to as the Public Agency Consortium (PAC). Through this partnership, subcontractors have access to free construction, consulting and vendor-related business management counseling and training services on a continual basis from any one of the resources listed, through workshops, seminars and trade shows.

FISCAL CONSIDERATIONS: None.

COMMITTEE RECOMMENDATION: On November 5, 2008, the Budget/Finance and Administration Committee voted 6 to 0 (Brown, Cruz, Kilkenny, LeSar, Maas, Shaw) to accept and approve the EO Annual Report for FY08.

CENTRE CITY ADVISORY COMMITTEE RECOMMENDATION: None.

OTHER RECOMMENDATIONS: None.

CHANGES SINCE BOARD COMMITTEE MEETING: This item has not changed since the Committee action noted above.

BACKGROUND:

Reflected in this report is the percentage of dollars expended for all certified M/W/DV/SBE consultants and vendors relative to the total consultant and vendor dollars paid out during the reporting period.

Because competition varies according to the goods and services being acquired, the Corporation continues to lead a cooperative effort to expand small business participation through outreach, innovative processes, and public agency partnerships. The Corporation administers federal, state and City equal opportunity laws; actively encourages fair dissemination of public contracting dollars; monitors certified payroll records; determines contractor and subcontractor conformance with rules; and monitors representation of socially and economically-disadvantaged business activities in consulting, vendor services and construction contracts. This ensures progress toward implementation and enforcement of the City's EO policies for its projects as well as for projects of the Redevelopment Agency, as required in state and federal regulations.

To address underrepresentation in any business category, to correct barriers and create opportunities that positively impact the local economy, the Corporation solicits certified small businesses (SBs) and certified M/W/DVs whenever possible by targeting industry listings, a certified SB and certified M/W/DV firms database, and affiliate partners.

The Corporation's EO Program serves as a catalyst for San Diego County's small business community; providing resources and conducting broad outreach to increase diversity of the contracting community, develop partnerships with emerging business and provide developmental services such as certification and bonding resources to help SBs compete in an open and fair environment that promotes competition.

Several contractors, consultants and vendors under contract to the Corporation, and many subcontractors working on public works projects could be certified as M/W/DV/SBEs. Due to the amount of paperwork involved in certification and the personal financial information requested during the process, they chose not to go through certification. To enhance business opportunities, consultants, subconsultants, contractors and subcontractors are encouraged to obtain certification as well as pursue bonding capacity to compete for public works projects. Some of the benefits include the following:

- Qualifying for a 5 percent bid preference on applicable city, state and federal contracts;
- M/W/DV/SBEs may be sought by businesses vying to obtain an award by committing to subcontract with the SB for at least 20 percent of the net bid amount;
- Inclusion in the California State Internet-Certified Firm Listing, giving more visibility and expanded business networking opportunities with state and local government reciprocal partners; and
- M/W/DV/SBEs may market to other agencies to receive bidding opportunities available only to certified firms.

A resource reference for all who desire to obtain certification is the California Unified Certification Program (CUCP). This agency offers tutorials as well as technical assistance to any unqualified business owner, specifically small business owners. Other resources available include the Small Business Administration and the Association of General Contractors – Mentor-Protégé Program. The newest program available to general contractors, especially subcontractors, is the Surety Bond Program, offered by the San Diego Airport Authority, which the Corporation helps to promote. The program launched on October 7, 2008, and is designed to help the socially and economically-disadvantaged business enterprises to obtain bonding and financial capital to successfully compete for business opportunities for which they otherwise would not be eligible to compete.

The Corporation regularly convenes preconference/bid and presubmittal meetings, held to provide the small business community with the opportunity to interact with general contractors and prime consultants to build relationships and diversify teams. The intention is to produce results, operate in a manner that promotes economic parity, and seek partnerships with business owners who share the Corporation's EO commitment by providing quality products and services.

Types of Business Opportunities

- Request for Bids (RFB's): An RFB is a low-bid solicitation process used for construction projects and to purchase goods. The lowest responsible bidder is awarded the contract. Typically, the bids are opened in a public meeting.
- Request for Qualifications (RFQ): An RFQ is a competitive solicitation process in which experience and skills are the primary evaluation criteria to enable choosing the best consultant for the Corporation. In an RFQ response, fee schedules are requested from candidates; however, fees are not the primary factor when choosing the best-qualified company. The process may include interviewing several qualified companies.
- Request for Proposals (RFP): An RFP is a competitive solicitation process in which experience, skill, work plan and cost are the chief evaluation criteria to be analyzed to choose the best service or consulting company for the Corporation. Fees are requested in a sealed envelope and factor into choosing the best-qualified company. The process may include interviewing several qualified companies.
- Equal Opportunity Goal Achievements: The City and the Corporation are committed to an EO Program pursuant to applicable federal and state laws and regulations. EO must be part of all activities of the state and its agencies, including employment of individuals and firms that contract with the City and the Corporation.

The Corporation adheres to the voluntary 20 percent subcontracting goal as required by the City. Outreach documentation includes certified M/W/DV/SBE enterprises. During FY08, results were achieved in both the Corporation's contracting program and through private-sector development agreements as follows:

	Advisory Goal	Achieved
Construction Contracts	20%	28.1%
Consulting Contracts	20%	27.9%
Vendor Services	20%	25.9%
Development Agreements: Design	20%	17%
Construction	20%	32.46%

A breakout of spending activity in the above-referenced areas is listed in Tables 1 and 2 (Attachments A and B).

- Corporation Web site/Media Resources: The Corporation Web site is a useful outreach tool designed to educate the public on how to do business with the Corporation. It offers online registration to receive meeting and event notices. The Web site also offers a list of all the Corporation's current and pending RFQ/Ps and Public Works schedules. Blue Hornet (an e-based mail system) currently is the

Corporation's main outreach outlet; its distribution list reaches thousands of subscribers in an instant. Other resources such as ethnic trade/community-focused organizations and publications; 12 public agencies; and surrounding municipalities are outlets for disseminating information about business opportunities with the Corporation.

- Business Opportunities: During FY 08, the Corporation issued ten requests for consultant/vendor services and five public works bid opportunities. Staff continues to meet with developers, general contractors, subcontractors and suppliers, attend workshops and events promoting business opportunities, and encourages attendance at preconference, bid, and submittal meetings that employ "good faith efforts" in its deliverables.
- Growth: The Corporation's goal is to build relationships and bring together owners, general contractors, subcontractors and suppliers under one roof. Staff continues to meet with development project teams, potential developers and general contractors to assist in achieving or exceeding the Corporation's EO contracting and subcontracting goals. Staff also provides project teams with project outreach leadership, outreach strategies, best practices and resources, small and emerging business directories and networking opportunities.

SCOPE applies to City-funded construction projects that exceed \$250,000. SCOPE requirements include:

- Mandatory subcontractor participation goals;
  - Advisory Disadvantaged Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE) and Other Business Enterprise (OBE) goals are advisory only and do not constitute a basis for determining noncompliance or disqualification;
  - Documentation of outreach efforts must be submitted within five working days from bid opening; and
  - Final Summary Report Submittal – Contractors must submit a Final Summary Report that includes all subcontracting activity during the project within 15 calendar days after final inspection of contract work.
- Disposition and Development Agreement (DDA)/Owner Participation Agreement (OPA) EO Activity for Developers/Owner Participants: For FY 08, the composite achievements for M/W/DV/SBE enterprises were 17% for design services and 32.46% for construction as listed in Table 2.

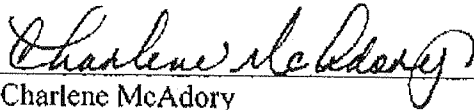
Tools are in place to assist developers and owners, along with public works contractors, to reduce the disparity between noncertified and certified firms' participation. Language promoting developers' advisory goals for expenditures to small and emerging firms is placed in development agreements to promote competitive opportunities for regional small and emerging firms.

CONCLUSION:

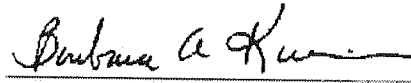
The Corporation's achievements for consulting contracts, vendor services and construction contracts exceeded the 20 percent voluntary M/W/DV/SBE goals. Staff continues to be proactive in all aspects of the Corporation's business contracting to ensure that all segments of the business community have the opportunity to do business with the Corporation.

Respectfully submitted,

Concurred by:



Charlene McAdory  
Equal Opportunity/Contract Administrator



Barbara A. Kaiser  
Vice President, Real Estate Operations

Attachments:

- A – Three Year Comparative Analysis of Business Contracting Achievements
- B – Breakout DDA/OPA EO Activity for Redevelopment Agency Agreements

**TABLE 1**  
**COMPARATIVE ANALYSIS OF BUSINESS CONTRACTING ACHIEVEMENTS**  
**FY08 EO ANNUAL REPORT**

The chart compares FY08 and prior years FY07 and FY06 Contracting Achievements. (The achievements for public works contracting reports the amounts paid to prime contractors only when the project has been completed during the reporting period.)

CATEGORIES	FY06	FY07	FY08
<b>Construction Contracts (Public Works)</b> Expenditures paid out to <b>Qualified</b> contractors Outreach goal 20%	None	\$272,081 106,388  <b>40%</b>	\$11,520,234 \$ 8,285,722  <b>71.9%</b>
<b>Construction Contracts (Public Works)</b> Expenditures paid out to <b>Certified</b> Subcontractors Outreach goal 20%	None	\$272,081 \$ 15,280  <b>5.89%</b>	\$ 3,234,512  <b>28.1%</b>
<b>Consultant Services</b> Expenditures paid out to Certified and Qualified Consultants Expenditures paid out to Sub Consultants Outreach goal 20%	\$8,969,242 2,917,753  <b>33%</b>	\$6,114,850 \$2,334,475  <b>38%</b>	\$ 8,162,012 \$ 5,882,201 <b>(72.1%)</b> 2,279,811 <b>(27.9%)</b> <b>27.9%</b>
<b>Vendor Services</b> Expenditures paid out to Certified and Qualified Vendors Outreach goal 20%	\$1,289,911 \$ 378,833  <b>30%</b>	\$1,526,356 \$ 558,654  <b>37%</b>	\$2,874,203 \$2,155,523 <b>(75%)</b> \$ 718,680 <b>(25%)</b> <b>25%</b>

ATTACHMENT A



**TABLE 2**

DISPOSITION AND DEVELOPMENT AGREEMENTS AND  
OWNER PARTICIPATION AGREEMENTS ACTIVITY REPORT  
FY08 EO ANNUAL REPORT  
July 1, 2007 – June 30, 2008

AGENCY AGREEMENT	DESIGN PHASE		CONSTRUCTION PHASE	
<b>Project:</b> Candy Factory <b>Developer:</b> JMI Realty - East Village Square, LLC <b>Contractor:</b> TSA	\$ 586,478	Total Expenditures	\$ 5,374,108	Total Expenditures
	\$	Qualified SBE	\$	Qualified SBE
	\$	Qualified WBE	\$	Qualified WBE
	\$	Qualified DBE	\$	Qualified DBE
	\$	Qualified MBE	\$	Qualified MBE
	\$	Cert MBE	\$ 9,763	Cert MBE
	\$	Cert WBE	\$ 1,385,814	Cert WBE
	\$	Cert SBE	\$ 111,552	Cert SBE
	\$	Cert DBE	\$	Cert DBE
	\$	Total Qualified %	\$	Total Qualified %
	\$	Total Certified %	\$ 1,507,129	Total Certified 28%
	\$	Qualified + Certified	\$ 1,507,129	Qualified + Certified
	<b>Percent of Phase Completed: 95%</b>		<b>Percent of Phase Completed: 85%</b>	

**ATTACHMENT B**

AGENCY AGREEMENT	DESIGN PHASE		CONSTRUCTION PHASE	
<b>Project:</b> Children's Museum <b>Developer:</b> Children's Museum <b>Contractor:</b>	\$ 304,820	Total Expenditures	\$ 5,082,396	Total Expenditures
	\$	Qualified SBE	\$ 1,407,702	Qualified SBE
	\$	Qualified WBE	\$	Qualified WBE
	\$	Qualified DBE	\$ 69,996	Qualified DBE
	\$	Qualified MBE	\$	Qualified MBE
	\$	Cert MBE	\$	Cert MBE
	\$ 79,334	Cert WBE	\$	Cert WBE
	\$	Cert SBE	\$	Cert SBE
	\$	Cert DBE	\$	Cert DBE
	\$	Total Qualified %	\$ 1,477,698	Total Qualified 29%
	\$ 79,334	Total Certified 26%	\$	Total Certified
	\$ 79,334	Qualified + Certified	\$ 1,477,698	Qualified + Certified
<b>Percent of Phase Completed: 90%</b>		<b>Percent of Phase Completed: 100%</b>		
<b>Project:</b> Schieffer Building <b>Developer:</b> JMI Realty - East Village Square, LLC <b>Contractor:</b> TSA	\$ 557,496	Total Expenditures	\$ 6,020,510	Total Expenditures
	\$	Qualified SBE	\$	Qualified SBE
	\$	Qualified WBE	\$	Qualified WBE
	\$	Qualified DBE	\$	Qualified DBE
	\$	Qualified MBE	\$	Qualified MBE
	\$	Cert MBE	\$ 10,800	Cert MBE
	\$	Cert WBE	\$ 2,404,876	Cert WBE
	\$	Cert SBE	\$ 288,416	Cert SBE
	\$	Cert DBE	\$	Cert DBE
	\$	Total Qualified %	\$	Total Qualified %
	\$	Total Certified %	\$ 2,704,092	Total Certified 44.91 %
		Qualified + Certified	\$ 2,704,092	Qualified + Certified
<b>Percent of Phase Completed: 90%</b>		<b>Percent of Phase Completed: 80%</b>		

## ATTACHMENT B

AGENCY AGREEMENT	DESIGN PHASE		CONSTRUCTION PHASE	
<b>Project:</b> Studio 15 <b>Developer:</b> Studio 15 Housing Partners <b>Contractor:</b>	\$ 1,779,559	Total Expenditures	\$ 4,070,003	Total Expenditures
	\$	Qualified SBE	\$	Qualified SBE
	\$	Qualified WBE	\$	Qualified WBE
	\$	Qualified DBE	\$	Qualified DBE
	\$	Qualified MBE	\$	Qualified MBE
	\$	Cert MBE	\$	Cert MBE
	\$ 85,355	Cert WBE	\$	Cert WBE
	\$	Cert SBE	\$	Cert SBE
	\$	Cert DBE	\$	Cert DBE
	\$	Total Qualified %	\$	Total Qualified %
<b>Project:</b> 14 <sup>th</sup> & Island <b>Developer:</b> Pinnacle International <b>Contractor:</b> Pinnacle International	\$ 85,355	Total Certified 4.8 %	\$	Total Certified %
	\$ 85,355	Qualified + Certified	\$	Qualified + Certified
	<b>Percent of Phase Completed: 99%</b>		<b>Percent of Phase Completed: 18%</b>	
	\$ 2,000,000	Total Expenditures	\$	Total Expenditures
	\$ 110,000	Qualified SBE	\$	Qualified SBE
	\$	Qualified WBE	\$	Qualified WBE
	\$	Qualified DBE	\$	Qualified DBE
	\$	Qualified MBE	\$	Qualified MBE
	\$	Cert MBE	\$	Cert MBE
	\$	Cert WBE	\$	Cert WBE
	\$	Cert SBE	\$	Cert SBE
	\$	Cert DBE	\$	Cert DBE
	\$ 110,000	Total Qualified 5.5%	\$	Total Qualified %
	\$	Total Certified %	\$	Total Certified %
	\$ 110,000	Qualified + Certified	\$	Qualified + Certified
	<b>Percent of Phase Completed: 90%</b>		<b>Percent of Phase Completed: 0%</b>	

# ATTACHMENT B

AGENCY AGREEMENT	DESIGN PHASE	CONSTRUCTION PHASE
<b>Project:</b> Sapphire Tower <b>Developer:</b> Centurion Partners SF, LLC <b>Contractor:</b> Swinerton Builders	Design Phase Completed FY '05	\$ 12,297,306 Total Expenditures \$ 4,974,162 Qualified SBE \$ Qualified WBE \$ Qualified DBE \$ Qualified MBE  \$ Cert MBE \$ Cert WBE \$ Cert SBE \$ Cert DBE  \$ 4,974,162 Total Qualified 41.4 % \$ Total Certified % \$ 4,974,162 Qualified + Certified  <b>Percent of Phase Completed: 44%</b>
<b>TOTAL CCDC/DOWNTOWN PROJECTS</b>	\$15,323,412 Total Expenditures \$ 2,105,641 Qualified SBE \$ 17,651 Qualified WBE \$ Qualified DBE \$ 70,700 Qualified MBE  \$ Cert MBE \$ 190,456 Cert WBE \$ 152,759 Cert SBE \$ Cert DBE  \$ 2,193,992 Total Qualified 14.32 % \$ 343,215 Total Certified 2.23 %  <b>Percent Total: 16.55 %</b>	\$ 32,844,323 Total Expenditures \$ 6,381,864 Qualified SBE \$ Qualified WBE \$ 69,996 Qualified DBE \$ Qualified MBE  \$ 20,563 Cert MBE \$ 3,790,690 Cert WBE \$ 399,968 Cert SBE \$ Cert DBE  \$ 6,451,860 Total Qualified 19.64 % \$ 4,211,221 Total Certified 12.82 %  <b>Percent Total: 32.46%</b>

**ATTACHMENT B**

**Fischle-Faulk, Debra**

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**From:** Fischle-Faulk, Debra  
**Sent:** Friday, January 16, 2009 3:34 PM  
**To:** Breaux, Terrell; McCurley-Jenkins, Marguerite; Lewis, Ramone; Romo Jr., Jose Luis  
**Cc:** Rayford, Beryl  
**Subject:** Emailing: Bureau of Contract Administration.htm

Hi Everyone - see below Lee & Ro is certified as MBE (Asian Pacific) by City of Los Angeles....

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Bureau of Contract Administration  
"quality doesn't cost - it pays"

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<b>Name of Awardee</b>	<b>Awarded Amount</b>	<b>Name of SubContractors</b>	<b>Amount Paid</b>	<b>DBE, MBE,SWBE, SMBE, DVBE</b>	<b>Female Owned</b>	<b>Ethnicity</b>
Simon Wong Engineering	\$1,396,813.00			SMBE		ASIAN
Simon Wong Engineering	\$1,396,813.00	Kim Hong & Associates	\$466,960.00	OBE		
Simon Wong Engineering	\$1,396,813.00	Hon Consulting	\$8,400.00	DBE	X	CAUCASIAN
Simon Wong Engineering	\$1,396,813.00	Geo Con Incorporated	\$67,129.00	OBE		
Simon Wong Engineering	\$1,396,813.00	KTU+A	\$67,328.52	OBE		
HNTB	\$138,279.00					
HNTB	\$138,279.00	Tucker,Sadler Nobel & Castro	\$12,500.00	OBE		
HNTB	\$138,279.00	Diaz-Yourman & Assoc.	\$7,500.00	OBE		
HNTB	\$138,279.00	Aguirre & Assoc.	\$7,500.00	SMBE,DBE		HISPANIC
Montgomery Watson Harza	\$2,757,594.00			OBE		
Montgomery Watson Harza	\$2,757,594.00	Richard Brady & Assoc.	\$312,621.00	DBE		HISPANIC
Montgomery Watson Harza	\$2,757,594.00	V & A Consulting Engineers, Inc.	\$18,872.00	MBE		
Montgomery Watson Harza	\$2,757,594.00	EMA, Inc.	\$1,263,523.00	OBE		
Heritage Architecture & Planning	\$79,600.00			OBE		

Heritage Architecture & Planning	\$79,600.00	Miller Jaquess Structual Engineers	\$8,000.00	OBE		
Heritage Architecture & Planning	\$79,600.00	Engineered Systems	\$4,000.00	OBE		
Heritage Architecture & Planning	\$79,600.00	Leverton & Associates	\$4,000.00	OBE		
Tetra Tech	\$53,403.00			OBE		
Tetra Tech	\$53,403.00	Coast Surveying, Inc.	\$36,378.00	OBE		
Tetra Tech	\$53,403.00	P&D Environmental	\$15,200.00	OBE		
Tetra Tech	\$53,403.00	Kleinfelder	\$25,678.00	OBE		
Tetra Tech	\$53,403.00	Estrada land Planning	\$28,800.00	SMBE,DBE	X	HISPANIC
Tetra Tech	\$53,403.00	T.Y. Lin McDaniel	\$6,500.00	OBE		
Harris & Assoc.	\$399,182.00			DBE		BLACK
Harris & Assoc.	\$399,182.00	KANRAD Engineering, Inc.	\$49,500.00	OBE		
Harris & Assoc.	\$399,182.00	Tierra Environmental Services	\$45,100.00	SMBE		HISPANIC
Harris & Assoc.	\$399,182.00	Underground Solutions, Inc.	\$12,500.00	OBE		
Harris & Assoc.	\$399,182.00	Stedman & Dyson Structural Engineers	\$9,180.00	OBE		

W.G. Zimmerman Engineering, Inc.	\$15,183.00			OBE		
W.G. Zimmerman Engineering, Inc.	\$15,183.00	Ninyo & Moore	\$50,000.00	MBE		
W.G. Zimmerman Engineering, Inc.	\$15,183.00	Schmidt Design Group	\$30,539.30	OBE		
W.G. Zimmerman Engineering, Inc.	\$15,183.00	Ultra Systems	\$5,000.00	SWBE,DBE	X	CAUCASIAN
Groundwork San Diego	\$144,000.00			OBE		
Groundwork San Diego	\$144,000.00	Estrada Land Planning	\$61,000.00	SMBE,DBE		
Groundwork San Diego	\$144,000.00	Geo Con Incorporated	\$2,500.00	OBE		
Groundwork San Diego	\$144,000.00	REC Engineering	\$2,500.00	OBE		
Groundwork San Diego	\$144,000.00	ASM Affiliates	\$3,900.00	OBE		
Alta Planning	\$319,000.00			OBE		
Alta Planning	\$319,000.00	Boyle Engineering	\$60,240.00	OBE		
Alta Planning	\$319,000.00	City Works	\$49,400.00	OBE		
Alta Planning	\$319,000.00	Walk San Diego	\$5,850.00	OBE		
Moffat & Nichol	\$37,000.00			OBE		
Moffat & Nichol	\$37,000.00	T.Y. Lin International	\$23,700.00	OBE		
Moffat & Nichol	\$37,000.00	Kleinfelder	\$20,235.00	OBE		



Moffat & Nichol	\$37,000.00	Lindvedt, McColl & Associates	\$89,211.00	SWBE,DBE		
Moffat & Nichol	\$37,000.00	Hon Consulting	\$9,900.00	SWBE,DBE		
Moffat & Nichol	\$37,000.00	Urban Systems	\$62,000.00	OBE		
Moffat & Nichol	\$37,000.00	BRG	\$12,500.00	SWBE	X	CAUCASIAN
Moffat & Nichol	\$37,000.00	Direct Cost	\$4,038.00	OBE		
Moffat & Nichol	\$37,000.00	Contingency	\$15,000.00	OBE		
Rick Engineering	\$225,000.00			OBE		
Rick Engineering	\$225,000.00	RECON	\$22,000.00	OBE		
Rick Engineering	\$225,000.00	Geocon, Inc.	\$10,500.00	OBE		
Rick Engineering	\$225,000.00	Simon Wong	\$28,600.00	SMBE		
Harris & Assoc.	\$258,913.00			OBE		
Harris & Assoc.	\$258,913.00	Tierra Environmental Services	\$14,540.00	SMBE		
Harris & Assoc.	\$258,913.00	Ninyo & Moore	\$21,000.00	MBE		
Harris & Assoc.	\$258,913.00	Gary F. Hoyt	\$12,727.00	OBE		
Harris & Assoc.	\$258,913.00	D-Max Engineer	\$10,000.00	OBE		
Brown Caldwell	\$8,000,000.00			OBE		
Brown Caldwell	\$8,000,000.00	Black & Veatch	\$2,415.00	OBE		
Brown Caldwell	\$8,000,000.00	Simon Wong Engineering	\$400,000.00	DBE		ASIAN PACIFIC
Brown Caldwell	\$8,000,000.00	Ninyo & Moore Geotechnical Consultant	\$200,000.00	MBE		
Brown Caldwell	\$8,000,000.00	Chambers Group, Inc.	\$150,000.00	DNBE, SBE		
Brown Caldwell	\$8,000,000.00	Lindvedt, McColl & Associates	\$150,000.00	SBE,DBE,WBE		

Brown Caldwell	\$8,000,000.00	RNT Architechts	\$100,000.00	SBE		
Brown Caldwell	\$8,000,000.00	Right of Way Engineer	\$100,000.00	SBE		
Brown Caldwell	\$8,000,000.00	V & A Consulting Engineers, Inc.	\$100,000.00	DBE		HISPANIC
Brown Caldwell	\$8,000,000.00	The Engineering Partners, Inc.	\$100,000.00	DBE,MBE,SBE		ASIAN PACIFIC
Brown Caldwell	\$8,000,000.00	Helix Environmental Planning, Inc.	\$80,000.00	OBE		
Brown Caldwell	\$8,000,000.00	Environmental Systems AB	\$60,000.00	OBE		
Brown Caldwell	\$8,000,000.00	Scott A. Jenkins, PH.D.	\$50,000.00	OBE		
Brown Caldwell	\$8,000,000.00	MJF Consulting	\$50,000.00	SBE		
Brown Caldwell	\$8,000,000.00	O'Connor Construction Mgmt. Inc.	\$40,000.00	SWBE	X	CAUCASIAN
KTU & A Landscape Architecture	\$143,000.00			OBE		
KTU & A Landscape Architecture	\$143,000.00	Wizler & Kelly	\$7,070.00	OBE		
KTU & A Landscape Architecture	\$143,000.00	Hanna, Gabriel, Wells	\$3,900.00	OBE		
KTU & A Landscape Architecture	\$143,000.00	Bechard & Associates	\$3,260.00	OBE		

<b>KTU &amp; A Landscape Architecture</b>	<b>\$143,000.00</b>	LG2WB Engineers	\$100,000.00	OBE		
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