

Kern High School District Disabled Veterans Business Enterprise Program

The State of California acknowledges the service and sacrifice of its disabled veterans, in part, through the “Disabled Veteran Business Enterprise (DVBE) Participation Program.”



OVERVIEW

DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) PARTICIPATION REQUIREMENT

- State law and regulations adopted by the State Allocation Board (SAB) require that State-funded contracts have participation goals of 3% for Disabled Veteran Business Enterprises as defined in Public Contract code Section 10115.1
- To be considered, a CONTRACTOR is required to meet the participation goals or make a good faith effort to meet the DVBE participation goals as outlined in the regulations. In awarding the contract, the District shall consider the firm's compliance with SAB statutes and regulations related to DVBE participation
- Included, in the bid specifications is a copy of the regulations, procedures, requirements and forms regarding DVBE requirements. In order to be given any consideration, a firm must meet and document that it has met the participation goals or made a good faith effort to do so at the time their proposals are submitted to the District, by attaching the properly completed DVBE forms to their proposal. The construction management firm (if applicable) must certify, under penalty of perjury, that all representations made regarding DVBE are true. If you should have any questions regarding this procedure contact Business Services at (661) 827-3122

Sample DVBE Form

PRIME BIDDER CERTIFICATION OF DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION

To be completed by the prime Bidder.

GENERAL INSTRUCTIONS

All or part of the funding for the proposed work/services/equipment/supplies for which your firm is bidding has been made available by the State Allocation Board (SAB) through the Lease-Purchase Program or the State Relocatable Classroom Program and as a result, the contract award must be made in accordance with the SAB participation requirements for Disabled Veterans Business Enterprises (DVBE). The SAB requires that all contracts over \$10,000 awarded must meet a DVBE participation goal of not less than three percent of the contract amount. *If your firm cannot meet the three percent DVBE participation goal, you must demonstrate a good faith effort to attempt to meet the three percent participation.* The school district issuing this solicitation document, not the SAB/OPSC, is responsible to assure compliance with the DVBE program.

PART I—IDENTIFICATION INFORMATION

BIDDER'S NAME Contractor's Construction, Inc.		TELEPHONE 661-999-0099
BUSINESS ADDRESS 1234 Imagine Street		
SCHOOL DISTRICT Kern High School District	COUNTY Kern	APPLICATION NUMBER

PART II—METHOD OF COMPLIANCE WITH DVBE PARTICIPATION GOALS

Include this form and any other applicable documents listed in this table with your bid/proposal. Read the three columns in the table below as sentences from left to right. Check the appropriate box to indicate your method of committing the contract dollar amount. If no box can be checked, your bid/proposal will be deemed non-responsive and disqualified.

Important note

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

YOUR BUSINESS ENTERPRISE...	AND YOU...	AND YOU...
A. <input type="checkbox"/> is Disabled Veteran owned and your forces will perform at least three percent of this contract	will include a copy of your DVBE letter from the Office of Small Business and Disabled Veteran Business Enterprise Services (OSDS).	
B. <input type="checkbox"/> is Disabled Veteran owned but is unable to perform the three percent of this contract with your forces	will use DVBE subcontractors/suppliers to bring the contract participation to at least three percent	will include a copy of each DVBE letter from OSDS (including yours, if applicable).
C. <input checked="" type="checkbox"/> is not Disabled Veteran owned	will use DVBE subcontractors/suppliers for at least three percent of this contract	
D. <input type="checkbox"/> is unable to meet the required participation goals	will complete a Good Faith effort to obtain DVBE participation	will include the Prime Bidder's Good Faith effort Worksheet.

Note

An Office of Small Business and Disabled Veteran Business Enterprise Services (OSDS) letter must be attached for each DVBE participating in the contract. The DVBE letter is obtained from the participating DVBE. If the letter is not provided, the bid may be deemed nonresponsive and may be ineligible for award of the contract.

Sample DVBE Form

Continued on page 2

Note: Complete this page if you checked box "C" on page 8 of 13

PRIME BIDDER CERTIFICATION OF DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION

Page 2 of 2

PART III—DVBE DOLLAR PARTICIPATION OF BID/PROPOSAL

Architectural, engineering, environmental, land surveying or construction management firms complete this part after selection by the district and before the contract is signed. All others must complete this section and include it with the bid.

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

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

	Base Bid/Proposal	Alternate No. 1	Alternate No. 2	Alternate No. 3 or Base Bid B	Alternate No. 4 or Base Bid C	Alternate No. 5 (Modernization or Reconstruction Only)
A. Prime Bidder, if DVBE (own participation)	\$	\$	\$	\$	\$	\$
B. DVBE Subcontractor or Supplier						
1. Vets R Us	2,500.00					
2. Vets Inc.	5,000.00					
3.						
4.						
C. Subtotal (A and B)	7,500.00					
D. Non-DVBE	92,000.00					
E. Total Bid	99,500.00					

WHAT IS A GOOD FAITH EFFORT?

The five steps of the Good Faith Effort are as follows:

1. Contact the awarding department's contracting official to identify DVBEs.
2. Contact other state and federal agencies, and local DVBE organizations to identify DVBEs
3. Publish advertisements in DVBE trade and focus papers (waived by the Kern High School District)
4. Invite potential DVBE contractors to bid
5. Consider interested DVBEs

Each step of the Good Faith Effort is designed to help you find qualified DVBEs to bid on your project



STEP 1: CONTACT THE AWARDING AGENCY'S CONTRACTING OFFICIAL TO IDENTIFY DVBEs.

**KERN HIGH SCHOOL DISTRICT
BUSINESS SERVICES
(661) 827-3122**

All contacts required for the DVBE form are for the purpose of identifying potential DVBE subcontractors, not merely to request the solicitation package. The awarding department may respond with:

- A list of DVBEs who expressed interest in the contract
- A list of DVBEs who participated or expressed interest in prior contracts
- Use of an internal database or directory
- Referral to other resource or service providers



STEP 2: CONTACT OTHER STATE, FEDERAL AGENCIES, AND LOCAL DVBE ORGANIZATIONS TO IDENTIFY DVBEs.

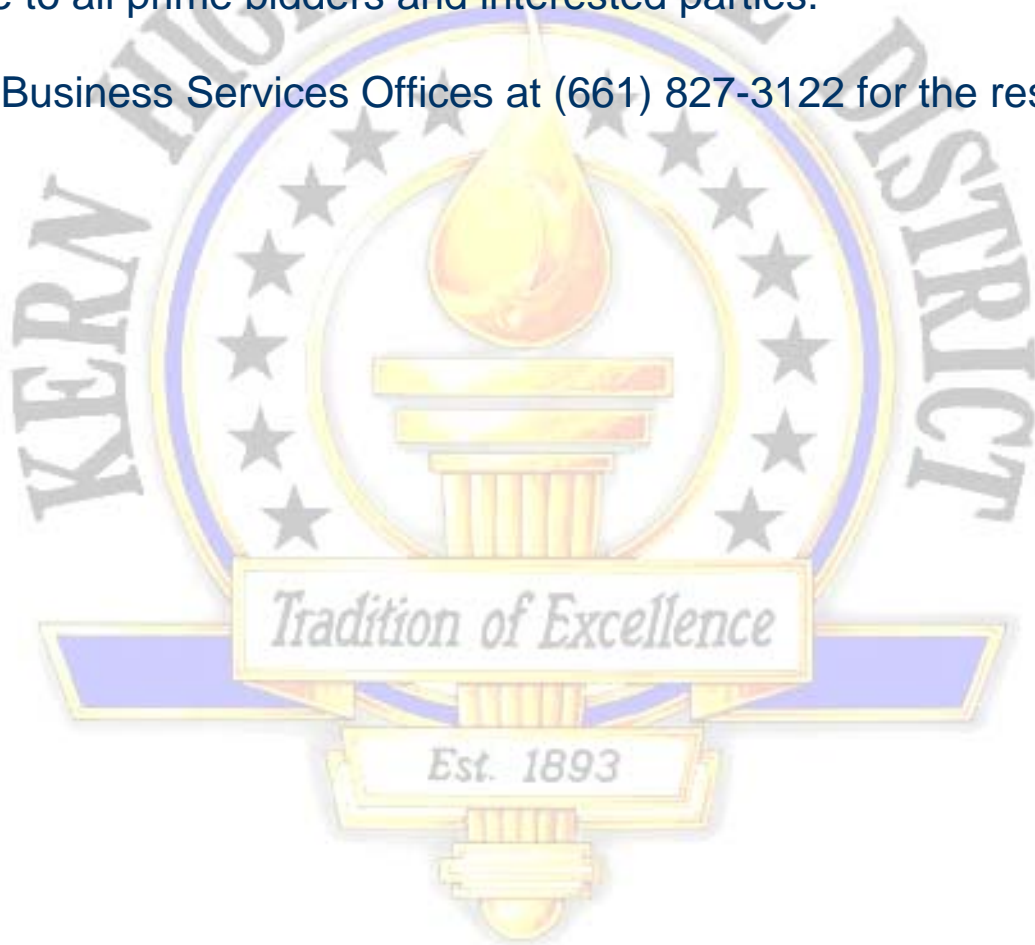
1. **DGS-PD, Office of Small Business and DVBE Certification (formerly OSBCR and OSMB)** maintains a database of certified DVBEs. The database is available in three formats:
 - a. A printed list, updated quarterly which can be mailed upon request;
 - b. An online list , updated quarterly, which can be viewed online or downloaded to your computer; and
 - c. An Internet database, updated daily, which can be searched on-line,
 - This database allows specific queries; based on the type of firms you're looking for and the area of the state in which you're searching
 - To view online or download and print, go to www.pd.dgs.ca.gov/smbus/ Click on "Search for Certified SBs and DVBEs by Specific Criteria" and follow screen prompts for your search
2. A **partial** listing of suggested DVBE **organizations** is included at the back of the DVBE forms included in each bid package. You **MUST** contact several organizations from that list and **document** each contact on page 10 of 13 under PART 1-CONTACTS, 3. DVBE Organizations (List) on the form. The purpose of the contact is to acquire a list of potential DVBE **enterprises**.

Note: Example follows

STEP 3: PUBLISH ADVERTISEMENTS IN DVBE TRADE AND FOCUS PAPERS (WAIVED BY THE KERN HIGH SCHOOL DISTRICT)

The Kern High School District, as awarding agency, has chosen to waive the advertising requirements. The District will complete the advertising requirements for each bid package and make the results available to all prime bidders and interested parties.

Call the Business Services Offices at (661) 827-3122 for the results.



STEP 4: INVITE POTENTIAL DVBE CONTRACTORS TO BID

Conducting Steps 1-3 should establish a list of potential DVBE subcontractors (**DVBE enterprises**). Step 4 requires the bidder to invite these potential DVBE subcontractors to supply the needed service or goods.

Invite DVBEs to bid by supplying them with all the information they need in order to respond, such as:

- The service or product available for bid
- The geographic area where the work will be performed, if applicable
- The awarding agency
- The bid due date and any other information needed to bid

The invitation you make must be specific enough so that a response may be made. The terms of the invitations must also be equal for example, if bonding assistance is offered to one potential subcontractor, it must be offered to all.

You may invite potential DVBE subcontractors to bid via:

- Direct Mail
- Telephone
- Fax
- E-mail
- Or through referral centers

DOCUMENT A LIST OF THOSE DVBE ENTERPRISES CONTACTED ON Page 11 of 13, Part III-DVBE Solicitations of the forms.

Note: Example follows

Sample DVBE Form

PRIME BIDDER GOOD FAITH EFFORT WORKSHEET

PART II—ADVERTISEMENTS

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

Attach copies of advertisements to this form.

FOCUS/TRADE PAPER NAME	CHECK ONE		DATE OF ADVERTISEMENT
	FOCUS	TRADE	
The Kern High School District, as awarding agency, has chosen to waive the advertising requirements. The District will complete the advertising requirements for each bid package and make the results available to all Prime Bidders. Call the Business Services office at (661) 827-3122 for the results.			

PART III—DVBE SOLICITATIONS

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

IF THE DVBE... was selected to participate was not selected to participate did not respond to solicitation	THEN... check "YES" in the "SELECTED" column, include the applicable dollar amount in Part III of the "Prime Bidder Certification of Disabled Veteran" form. check "NO" in the "SELECTED" column. check the "NO RESPONSE" column.	AND... include a copy of their DVBE letter from OSDC. State why in the "REASON NOT SELECTED" column.
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DISABLED VETERANS BUSINESS ENTERPRISES CONTACTED	SELECTED		REASON NOT SELECTED THIS SECTION MUST BE COMPLETED	NO RESPONSE
	YES	NO		
John Worker		X		X
Todd Foreman Structures		X	Bid too high	
James Nail, Inc.		X		X

IMPORTANT NOTE

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

Certification

I, _____ certify that I am the bidder's Chief executive officer and that I have made a diligent effort to ascertain the facts with regard to the representations made herein. In making this certification, I am aware of section 12650 et seq. of the Government Code providing for the imposition of treble damages for making false claims.

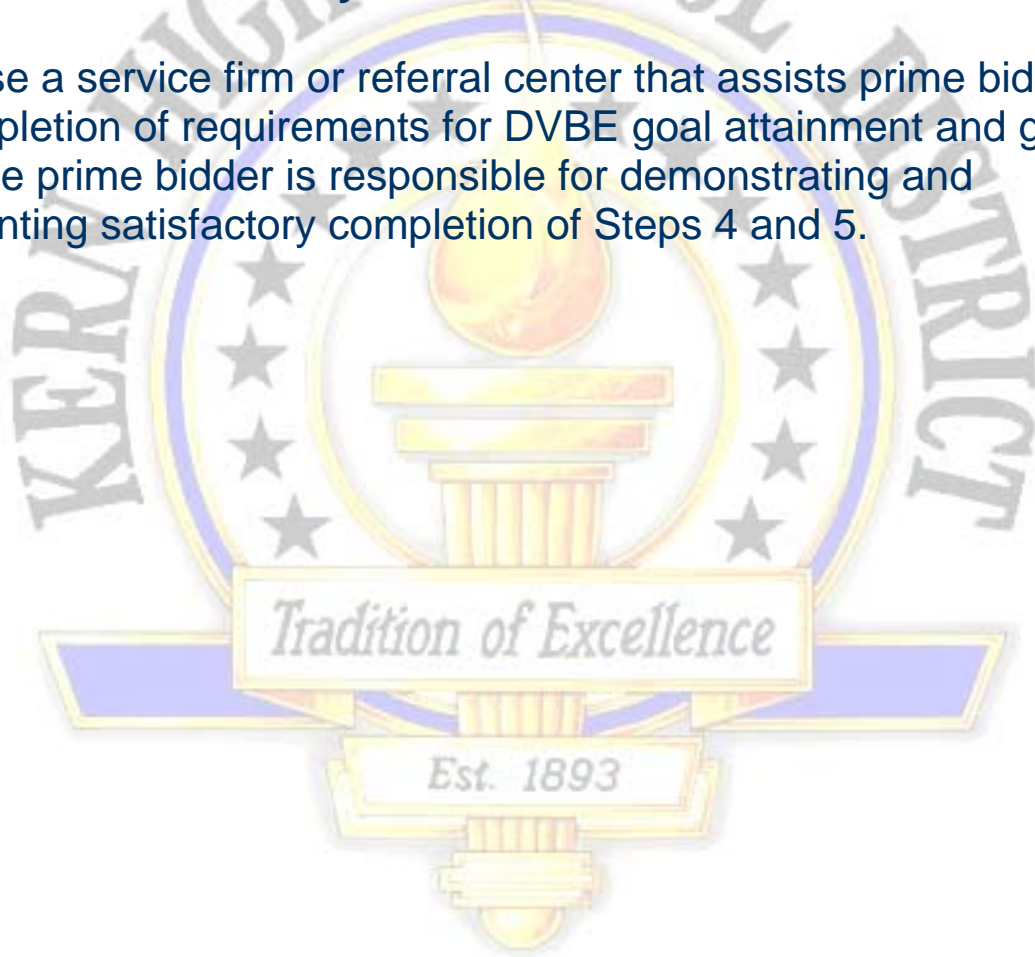
SIGNATURE OF CHIEF EXECUTIVE OFFICER	DATE
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STEP 5: CONSIDER AVAILABLE DVBEs

To fulfill Step 5, the bidder must:

- If the bidder decides not to select a DVBE, the business reasons for non-selection must be documented and submitted to the awarding agency
- Consider all DVBE responses, using the same evaluation criteria for each
- **And — as always — document the effort**

If you use a service firm or referral center that assists prime bidders with the completion of requirements for DVBE goal attainment and good faith effort, the prime bidder is responsible for demonstrating and documenting satisfactory completion of Steps 4 and 5.



WHAT THE AWARDING AGENCY LOOKS FOR

The awarding agency evaluates the effort made by the bidder to seek out and consider DVBEs as potential subcontractors. In evaluating the bidder's effort, the awarding department requires written documentation that the bidder completed all 5 good faith effort steps (with the exception only of Step 3 if the awarding agency waived it, in which case no advertising is required).

Based on this evaluation, the awarding agency, at its sole discretion, may find that the bidder complied with the program requirements. If a bidder fails to meet the participation program requirements, the bid shall be deemed non-responsive and ineligible for award. The District funding is subject to audit by Office Public School Construction (OPSC).

