

# CITY & COUNTY OF SAN FRANCISCO

## HUMAN RIGHTS COMMISSION



### HRC ATTACHMENT 2

#### *Requirements for Architecture, Engineering, & Professional Services Contracts*

FOR CONTRACTS \$50,000 AND OVER

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#### **PART I. GENERAL**

##### **1.01 SAN FRANCISCO ADMINISTRATIVE CODE CHAPTERS 12B AND 14B**

- A. To be eligible for this contract award, prime proposers must agree to comply with the Local Business Enterprise ("LBE") requirements sanctioned by San Francisco Administrative Code Chapter 12B, Section 12B.4 and Chapter 14B, and its implementing Rules and Regulations. Chapters 12B and 14B are administered and monitored by the San Francisco Human Rights Commission ("HRC").
- B. Chapters 12B and 14B and their implementing Rules and Regulations are incorporated by reference herein as though fully set forth and provide that the failure of any proposer or consultant to comply in good faith with these requirements shall be deemed a material breach of contract. Copies of both Chapters 12B and 14B and their implementing Rules and Regulations are available on the HRC website at <http://www.sf-hrc.org/>.
- C. Chapter 14B allows for a ten percent (10%) rating discount, referred to in this Attachment 2 as a "rating bonus," for HRC certified Small – or Micro LBE's. Subject to certain limitations and exceptions, HRC SBA-LBEs may be entitled to a two percent (2%) rating bonus. Joint Ventures with Small or Micro-LBE participation may be entitled to a five percent (5%), seven and a half percent (7.5%), or to 10 percent (10%) rating bonus. The Certification Application is available on the HRC website at <http://www.sf-hrc.org/>.

*For assistance with HRC Attachment 2, please contact the following number(s):*

***HRC Main Office (415) 252-2500 or LBE Certification Unit (415) 252-2537 or (415) 252-2530***

***For compliance and assistance with the Equal Benefits Program, please contact the HRC Main Office.***



## 1.02 SUBMISSION OF HRC FORMS

- A. **Unless otherwise authorized** by HRC, the proposer must submit the following HRC forms in a separate sealed envelope marked "HRC Forms" with the proposal. Failure to complete or submit any of the HRC Forms may cause the proposal to be deemed non-responsive and ineligible for contract award.

Proposers are responsible for reviewing the specific instructions and requirements on each HRC form.

1. **Form 2A: HRC Contract Participation Form:** Identify LBE subconsultants, vendors, and lower tier subconsultants that the proposal relies on to meet LBE subconsultant participation goal. Check the appropriate box under Rating Bonus.
2. **Form 2B: HRC "Good Faith Outreach" Requirements Form:** Document solicitation of LBE participation. This form must be submitted for every solicitation that includes LBE subconsultant participation. Proposer shall meet the specified LBE subcontractor participation goal and shall complete and submit Form 2B in accordance with Form 2B instructions.

In accordance with Section 14B.8(B) of the Administrative Code ("Code"), if a proposer does not demonstrate in its proposal that proposer exceeds the established LBE subcontracting participation goal by at least 35%, such proposer must demonstrate adequate good faith efforts to meet the LBE subconsulting goal. Such proposer must complete and submit Form 2B as required by Form 2B instructions and must submit all good faith documentation as specified in Form 2B with its proposal. Failure to meet the LBE subconsulting participation goal and demonstrate/document adequate good faith efforts shall cause the proposal to be determined non-responsive and rejected.

If a proposer demonstrates in its proposal that it exceeds the established LBE subconsulting participation goal by 35% or more, such proposer is not required to conduct good faith outreach efforts or to submit evidence of good faith efforts. Such proposer shall complete and submit Form 2B as required by Form 2B instructions. **NOTE: A SMALL OR MICRO-LBE PRIME PROPOSER MAY COUNT ITS OWN CONTRACT WORK TOWARD THE 35% GOOD FAITH EFFORTS EXCEPTION.**

- *Example:* The LBE subconsulting goal is 10%. Good faith efforts requirements will be waived if the Proposer:
  - 1) Meets the 10% LBE subconsulting goal;
  - AND**
  - 2) Has total LBE participation that equals or exceeds 13.5% of the total proposal amount. The 13.5% represents the 10% LBE subconsulting goal plus 35% of that 10% subconsulting goal.

|  |              |
|--|--------------|
| LBE subconsulting goal set for project               | 10.0%        |
| 35% of the 10% LBE subconsulting goal                | 3.5%         |
| <b>Total LBE participation must equal or exceed:</b> | <b>13.5%</b> |

3. **Form 3: HRC Non-Discrimination Affidavit:** Must be signed by Proposer under penalty of perjury.
4. **Form 4: HRC Joint Venture Form:** Submit ONLY if the Proposer is requesting a rating bonus based on LBE participation in a joint venture partnership.
5. **Form 5: HRC Employment Form:** List the key personnel and responsibilities of the Proposer, Joint Venture partners, and Subconsultants.



## B. HRC Contract Performance Forms

Proposers are responsible for reviewing the instructions and requirements on each form. The following HRC forms are submitted with progress and final payment requests.

1. **Form 7: HRC Progress Payment Form:** Submit to Contract Awarding Authority and to HRC for each payment request. *Note:* Page 2; column "A" of the form, ALL firms must be continuously listed including lower tier subconsultants for each payment request.
2. **Form 9: HRC Payment Affidavit:** Submit within ten (10) working days to Contract Awarding Authority and HRC following receipt of each progress payment from the Contract Awarding Authority. This form must be submitted EVEN if there were no payments to subconsultants associated with the progress payment.
3. **Form 8: HRC Exit Report and Affidavit: Submit with final Form 7. A separate Form 8 must be completed** for each LBE Joint Venture partner and LBE subconsultant (including lower-tier LBEs).
4. **Form 10: HRC Contract Modification Form:** This form shall be completed by the Consultant when any (all) amendments, modifications, or supplemental change orders that cumulatively increase the original contract amount by more than 20%, and then for all subsequent modifications.

Failure to submit any HRC contract performance forms may result in sanctions under Section 14B.11.C including but not limited to withholding or delaying progress and final payments.

## 1.03 "GOOD FAITH OUTREACH" REQUIREMENTS

All proposers shall undertake adequate good faith outreach as set forth in Section 14B.8(C) of the Administrative Code to select subconsultants to meet the LBE subconsulting participation goal, unless a proposer qualifies for the good faith efforts exception set forth in Section 14B.8(B) for proposers that demonstrate in their proposals that they exceed the established LBE subconsulting participation goal by 35% or more. Please see example in Section 1.02A.2 above.

Under Section 14B.8(C) of the Code, proposals that do not meet the LBE subconsulting participation goal set will be rejected as non-responsive unless the HRC Director finds that the proposer diligently undertook adequate good faith efforts required by Chapter 14B and that the failure to meet the goal resulted from an excusable error.

A proposer must contact an LBE before listing that LBE as a subconsultant in the proposal. A proposal that fails to comply with this requirement will be rejected as non-responsive. Proposers are required to submit Form 2B and supporting documentation EVEN IF the LBE subconsulting goal has been met.

## 1.04 NON COMPLIANCE AND SANCTIONS

### A. Non-Compliance with Chapter 14B

1. A complaint of discrimination or non-compliance concerning LBE participation initiated by any party after contract award will be processed in accordance with Chapter 14B and its implementing rules and regulations.
  - a. If the HRC Director determines that there is cause to believe that a consultant has failed to comply with any of the requirements of the Chapter 14B, HRC Rules and Regulations, or contract provisions pertaining to LBE participation, the HRC Director shall notify the contract



- awarding authority and attempt to resolve the non-compliance through conference and conciliation.
- b. If the non-compliance is not resolved through conference and conciliation, the HRC Director shall conduct an investigation and, where the Director so finds, issue a written Finding of Non-Compliance.
  - c. The Director's finding shall indicate whether the consultant acted in good faith or whether noncompliance was based on willful or bad faith noncompliance with the requirements of Chapter 14B, HRC Rules and Regulations, or contract provisions pertaining to LBE participation.
1. Where the Director finds that the consultant acted in good faith, after affording the consultant notice and an opportunity to be heard, the Director shall recommend that the contract awarding authority take appropriate action. Where the Director finds willful or bad faith noncompliance, the Director shall impose sanctions for each violation of the ordinance, HRC rules and regulations, or contract provisions pertaining to LBE participation, which may include:
    - i) reject all proposals;
    - ii) declare a proposal non-responsive;
    - iii) suspend a contract;
    - iv) withhold funds;
    - v) assess penalties;
    - vi) debarment;
    - vii) deny HRC certification;
    - viii) revoke HRC certification; or
    - ix) pursuant to 14B.7(H)(2), assess liquidated damages in an amount equal to the consultant's net profit on the contract, 10% of the total amount of the contract or \$1,000, whichever is greatest as determined by HRC.
  2. The Director's determination of non-compliance is subject to appeal pursuant to HRC Rules and Regulations.
  3. An appeal by a consultant to the Commission shall not stay the Director's findings.
  4. The HRC Director may require such reports, information and documentation from consultants, subconsultants, contract awarding authorities, and heads of departments, divisions, and offices of the City and County as are reasonably necessary to determine compliance with the requirements of Chapter 14B.

**B. Procedure for the collection of penalties is as follows:**

1. The HRC Director shall send a written notice to the Controller, the Mayor and to all contract awarding authorities or City and County department officials overseeing any contract with the proposer or consultant that a determination of bad faith non-compliance has been made and that all payments due the proposer or consultant shall be withheld.
2. The HRC Director shall transmit a report to the Controller and other applicable City departments to ensure that the liquidated damages are paid to the City.

**PART II. RATING BONUS**

**2.01 APPLICATION**

- A. **Eligibility for the LBE Rating bonus:** Certified Small or Micro-LBEs, including certified non-profit organizations, are eligible for an LBE rating bonus if the LBE is HRC certified in the type of work that is called out by the Contract Awarding Authority. Under certain circumstances, SBA LBE's are



eligible for an LBE rating bonus. A proposer that has a certification application pending, that has been denied certification, that has had its certification revoked or that is in the process of appealing an HRC denial or revocation at the date and time the proposal is due is not an LBE and is not eligible to receive the rating bonus even if the firm is later certified or ultimately prevails in its appeal.

- B. **Application of the Rating bonus:** The following rating bonus shall apply at each stage of the selection process, i.e., qualifications, proposals, and interviews:

1. **Contracts with an Estimated Cost in Excess of \$10,000 and Less Than or Equal To 400,000.**  
A 10% rating bonus will apply to any proposal submitted by an HRC certified Small or Micro-LBE. Proposals submitted by SBA-LBEs are not eligible for a rating bonus.
  2. **Contracts with an Estimated Cost in Excess of \$400,000 and Less Than or Equal To \$10,000,000.** A 10% rating bonus will apply to any proposal submitted by an HRC certified Small or Micro-LBE ...Pursuant to Section 14B.7(E), a 2% rating bonus will be applied to any proposal from an SBA-LBE, except that the 2% rating bonus shall not be applied at any stage if it would adversely affect a Small or Micro-LBE proposer or a JV with LBE participation.
  3. **Contracts with an Estimated Cost In Excess of \$10,000,000 and Less Than or Equal To \$20,000,000.** A 2% rating bonus will apply to any proposal submitted by an SBA-LBE..
  4. **The rating bonus for a Joint Venture ("JV") with LBE participation that meets the requirements of Section 2.02 below is as follows for contracts with an estimated cost of in excess of \$10,000 and Less Than or Equal to \$10,000,000:**
    - a. 10% for each JV among Small and/or Micro LBE prime proposers.
    - b. 5% for each JV which includes at least 35% (but less than 40%) participation by Small and/or Micro-LBE prime proposers..
    - c. 7.5% for each JV that includes 40% or more in participation by Small and/or Micro-LBE prime proposers.
    - d. The rating bonus will be applied by adding 5%, 7.5%, or 10% (as applicable) to the score of each firm eligible for a bonus for purposes of determining the highest ranked firm. Pursuant to Chapter 14B.7(F), SBA-LBEs are not eligible for the rating bonus when joint venturing with a non LBE firm. However, if the SBA-LBE joint ventures with a Micro-LBE or a Small-LBE, the joint venture will be entitled to the joint venture rating bonus only to the extent of the Micro-LBE or Small-LBE participation described in Section 2.01B.4b. and c. above.
  5. A 10% rating bonus for HRC LBE certified non-profit agencies for contracts estimated in excess of \$10,000, but less than or equal to \$10,000,000.
- C. The Rating Bonus for Small or Micro-LBEs or JVs does not apply for contracts estimated by the Contract Awarding Authority to exceed \$10 million. The rating bonus for SBA-LBEs does not apply for contracts estimated by the Contract Awarding Authority to exceed \$20 million.

## 2.02 JOINT VENTURE/PRIME ASSOCIATION

- A. Each Small and/or Micro-LBE JV partner must be responsible for a clearly defined portion of the work to be performed. The rating bonus is applied only when the Small and/or Micro-LBE partner has sufficient skill, experience, and financial capacity to perform the portion of the work identified for the Small and/or Micro-LBE. This portion must be set forth in detail separately from the work to be performed by the non-LBE JV partner. The joint venture partners must be of the same discipline/each possess the license required by the RFP and the LBE partner(s) must be HRC LBE certified in that area in order to be eligible for the rating bonus. The joint venture partners must be jointly responsible for the overall project management, control, and compliance with 14B requirements.



1. The Small and/or Micro-LBE JV partner's work must be assigned a commercially significant dollar value of the prime work and use its own employees and equipment.
  2. Each member of the joint venture must perform a "commercially useful function" as that term is defined by Section 14B.2 of the Ordinance. A Small and/or Micro-LBE JV partner that relies on the resources and personnel of a non-LBE firm will not be deemed to perform a "commercially useful function."
  3. The following actions are prohibited: i) the non-LBE JV partner performing work for the Small and/or Micro-LBE JV partner; ii) leasing of equipment or property by the Small and/or Micro-LBE JV partner from the non-LBE JV partner; and iii) the hiring of the non-LBE JV partner's employees by the Small and/or Micro-LBE JV partner.
  4. The Small and/or Micro-LBE JV partner must share in the ownership, control, management and administrative responsibilities, risks, and profit of the JV in direct proportion to its stated level of JV participation.
  5. The Small and/or Micro-LBE JV partner must perform work that is commensurate with its experience.
  6. A JV must submit an executed JV agreement and management plan detailing each JV partner's responsibilities and tasks.
  7. A JV must obtain a Federal ID number for that entity.
  8. A JV must obtain a tax registration certificate from the City Tax Collectors Office for that entity.
- B. A prime association or partnership is considered the same as a joint venture and must comply with all the JV requirements stated above.
- C. The proposal items to be performed by the Small and/or Micro-LBE JV partner must be identified separately and all work must be accounted for, including subconsulting work.
- D. The cost of the work to be performed by the Small and/or Micro-LBE JV partners is to be calculated as a percentage of the work to be performed by the joint venture partners. The joint venture should deduct the amount of work to be performed by subconsultants from its total contract amount. This percentage is used to determine whether or not the joint venture is eligible for a rating bonus.

**EXAMPLE:**

Step 1. Calculate total JV partner work:

|   |   |      |
|---|---|------|
| Total Contract Work   | = | 100% |
| Percentage of Total Contract Work Performed by Subconsultants | - | 40%  |
| Percentage of Total Contract Work Performed by JV partners    | = | 60%  |

Step 2. Calculate Small and/or Micro-LBE JV partner work:

|  | A  | B                               | C  |
|--|--|---------------------------------|--|
| Description of JV Partners' Scopes of Work | JV Partners' Work as a % of the total contract | % of Task by Non-LBE JV Partner | % of Task by Small and/or Micro-LBE JV Partner |
| TASK 1                                     | 5%   | 3%                              | 2%   |
| TASK 2                                     | 20%  | 11%                             | 9%   |
| TASK 3                                     | 25%  | 12.5%                           | 12.5%  |
| TASK 4                                     | 10%  | 6%                              | 4%   |
| <b>TOTAL JV Partner %</b>                  | <b>60%</b>                                     | <b>32.5%</b>                    | <b>27.5%</b>                                   |



Step 3. Calculate Small and/or Micro-LBE JV partner work as a percentage of the total JV partner work for the rating bonus.

|                                    |       |   |            |     |   |       |
|------------------------------------|-------|---|------------|-----|---|-------|
| Total Small and/or Micro- LBE JV % | 27.5% | ÷ | Total JV % | 60% | = | 45.8% |
|------------------------------------|-------|---|------------|-----|---|-------|

The Small and/or Micro-LBE JV partner's participation is 45.8%. The JV is therefore eligible for a 7.5% rating bonus.

### PART III SUBCONSULTANT PARTICIPATION

#### 3.01 SUBCONSULTANT PARTICIPATION GOAL

**NOTE: FOR PURPOSES OF THE LBE SUBCONSULTING REQUIREMENTS, "LBE" REFERS TO SMALL AND MICRO-LBES ONLY, UNLESS THE RFP ALLOWS FOR SBA-LBE SUBCONSULTANTS TO COUNT TOWARDS THE LBE PARTICIPATION GOAL.**

- A. All proposers shall achieve the LBE subconsultant participation goal and undertake adequate good faith outreach as set forth in Section 14B.8(D) of the Ordinance to select subconsultants to meet the LBE subconsultant participation goal unless the proposer meets the good faith outreach exception in Section 14B.8.(B). See example in Section 1.02A.2. The LBE subconsultant participation goal can only be met with HRC certified Small and Micro-LBES.

For a directory of certified LBES, please go to:

[http://sf-hrc.org/ftp/uploadedfiles/sfhumanrights/directory/vlistS\\_1.htm](http://sf-hrc.org/ftp/uploadedfiles/sfhumanrights/directory/vlistS_1.htm).

Proposals that do not meet the LBE subconsultant participation goal set under 14B.8(A) of the Ordinance will be rejected as non-responsive unless the HRC Director finds that the proposer diligently undertook good faith efforts required by the Ordinance and that the failure to meet the goal resulted from an excusable error.

- B. Proposers must identify on Form 2A the particular LBE subconsultants and lower tier subconsultants to be utilized in performing the contract, specifying for each the percentage of participation, the type of work to be performed and such information as the HRC reasonably shall require to determine the responsiveness of the proposal.

The proposer must contact LBE subconsultants prior to listing them. LBES must be certified with HRC on the proposal due date to receive LBE subconsulting credit. Listing an LBE that is not certified at the date and time the proposal is due will result in the loss of credit for that LBE subconsultant and may result in a non-responsive proposal.

Additionally, subconsultants may be listed by more than one proposer.

- C. A subconsultant that has a certification application pending, that has been denied certification, that has had its certification revoked or that is in the process of appealing an HRC denial or revocation at the date and time the proposal is due is not an LBE and cannot be counted as an LBE for purposes of achieving LBE subconsultant participation goal even if the firm is later certified or ultimately prevails in its appeal.
- D. HRC may require the successful proposer to submit performance reports on actual LBE participation at 30%, 50%, 70%, and 90% completion to the Contracting Awarding Authority and HRC.



E. Determination and calculation of LBE subconsultant participation:

1. The Small and/or Micro LBE subconsultant shall be listed to perform a specific task(s), which is described in the RFP or RFQ.
2. If the Small and/or Micro-LBE subconsultant forms a joint venture with a non-LBE subconsultant, the Small and/or Micro-LBE subconsultant joint venture partner will be credited only for its portion of the work, as follows:

*EXAMPLE:*

If the total subcontract amount = \$ 1,000,000 of which  
\$510,000 is the Small and/or Micro-LBE JV subcontract amount and \$490,000 is the non-LBE subcontract amount, then \$510,000 is credited toward the LBE subconsultant participation goal.

3. All work done by lower-tier Small and/or Micro-LBE subconsultants will be credited toward meeting the goal.

*EXAMPLE:*

If the total subcontract amount = \$1,000,000,  
of which \$200,000 is the lower-tier Small and/or Micro-LBE subconsultant's portion,  
then \$200,000 is credited toward the LBE subconsultant participation goal.

4. If a Proposer owns or controls more than one business that is HRC certified as an Small and/or Micro-LBE, the proposer will not receive credit if it lists its other firms to meet the LBE subconsultant participation goal when submitting as a prime. In determining ownership of a business, a business owned by proposer's spouse or domestic partner shall be deemed to be owned by the proposer.
5. It is the responsibility of the proposer to verify the subconsultant's LBE certification status.
6. A Small and/or Micro-LBE subconsultant must be certified in the type of work that the Proposer lists the firm for on HRC Form 2A.
7. The Small and/or Micro-LBE subconsultant must be utilized on the contract to perform a commercially useful function. No credit will be given for a LBE that serves as a pass-through.
8. A Small and/or Micro-LBE Prime proposer must meet the LBE subconsultant participation goal. A Small and/or Micro LBE Prime proposer may not count its participation towards meeting the LBE subconsultant participation goal.
9. A Small and/or Micro-LBE Prime proposer may count its participation towards meeting the good faith outreach exception set forth in 14B.8(B).

F. **Substitution, removal, or contract modification of LBE:**

No LBE subconsultant listed on Form 2A shall be substituted, removed from the contract or have its contract, purchase order or other form of agreement modified in any way without prior HRC approval. Additionally, no new subconsultants shall be added without prior HRC approval.





## **PART IV EMPLOYMENT NON-DISCRIMINATION AND ECONOMICALLY DISADVANTAGED WORKFORCE HIRING PROVISIONS**

### **4.01 GENERAL**

As a condition of contract award, Consultants and subconsultants shall comply with the nondiscrimination in employment provisions required by Chapter 12B of the Administrative Code and the hiring of economically disadvantaged persons as required by the City's First Source Hiring Program, Chapter 83 of the Administrative Code.

### **4.02 NONDISCRIMINATION PROVISIONS**

- A. Prior to the award of the contract, the consultant must agree that it does and will not, during the time of the contract or any contract amendment, discriminate in the provision of benefits between its employees with spouses and employees with domestic partners.
- B. The consultant and subconsultants on this contract will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or AIDS/HIV status, weight, height, or association with members of classes protected under this chapter or in retaliation for opposition to any practices forbidden under this chapter. Discrimination on the basis of sex includes sexual harassment as defined in Section 16.9-25(b) of this Code. The Consultant, Contractor or Subconsultant/Subcontractor will take action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to the fact or perception of their race, color, creed, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability, weight, height, or AIDS/HIV status. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship.
- C. **Non-Compliance with Chapter 12B Prior to Contract Award**

The consultant and any subconsultants must be in compliance with the nondiscrimination provisions of Chapter 12B, on all existing City contracts prior to award of this contract.

Prior to the award of any City contract, the HRC has the authority to review the consultant's and subconsultant's prior performance to ensure compliance with the nondiscrimination provisions of Chapter 12B.

If the HRC determines that there is cause to believe that a consultant or subconsultant is not in compliance with the nondiscrimination provisions of Chapter 12B, the HRC shall notify the contract awarding authority and attempt to resolve the non-compliance through conciliation.

- 1. If the non-compliance cannot be resolved, the HRC shall submit to the consultant or subconsultant and the contract awarding authority a written Finding of Non-compliance.
- 2. The HRC shall give the consultant or subconsultant an opportunity to appeal the Finding.
- 3. The HRC may stay the award of any contract to a consultant where the consultant or any subconsultant is the subject of an investigation by written notice to the contract-awarding agency.

#### **D. Complaints of Discrimination after Contract Award**

- 1. A complaint of discrimination in employment initiated by any party after contract award shall be processed in accordance with the HRC Rules of Procedure, adopted pursuant to Chapter 12B of the San Francisco Administrative Code.
- 2. A finding of discrimination may result in imposition of appropriate sanctions, including:



- a. There may be deducted from the amount payable to the consultant or subconsultant under this contract a penalty of \$50 for each person for each calendar day the person was discriminated against in violation of the provisions of the contract.
- b. The contract may be canceled, terminated or suspended in part by the contract awarding authority.
- c. The consultant, subconsultant or vendor may be determined ineligible to perform work or supply products on any City contract for a period not to exceed two years.

#### 4.03 TRAINEES – FIRST SOURCE HIRING PROGRAM

- A. **Trainee Requirements:** Consultants are required to comply with the City's First Source Program, Administrative Code Section 83, which fosters employment opportunities for economically disadvantaged individuals. Consultants are required to notify the First Source Program of all open, entry-level positions and consider all program referrals fairly and equally. In addition the City requires consultants to hire a minimum number of professional service trainees in the area of the consultant's expertise. These hires count toward the First Source Hiring requirements. Trainees may be obtained through the City's One Stop Employment Center, which works with various employment and job training agencies/organizations or other employment referral source.

| Number of Trainees  |             |
|---|-------------|
| Project Fees  | To Be Hired |
| \$0 – \$499,999   | 0           |
| \$500,000 – \$899,999   | 1           |
| \$900,000 – \$1,999,999   | 2           |
| \$2,000,000 – \$4,999,999   | 3           |
| \$5,000,000 – \$7,999,999   | 4           |
| \$8,000,000 – \$10,999,999  | 5           |
| \$11,000,000 – \$13,999,999   | 6           |
| (> = \$14M, for each additional \$3 million in consultant fees, add one additional trainee) |             |

2. The trainee must be hired by the prime consultant or by any subconsultant on the project team.
3. No trainee may be counted towards meeting more than one contract goal.
4. A trainee must meet qualifications for enrollment established under the City's First Source Hiring Program as follows:
  - (i) "Qualified" with reference to an economically disadvantaged individual shall mean an individual who meets the minimum bona fide occupational qualifications provided by the prospective employer to the San Francisco Workforce Development System in the job availability notices required by the Program, and
  - (ii) "Economically disadvantaged individual" shall mean an individual who is either: (1) eligible for services under the Workforce Investment Act of 1988 (WIA) (29 U.S.C.A 2801 et seq.), as determined by the San Francisco Private Industry Council; or (2) designated "economically disadvantaged" for the First Source Hiring Administration, as an individual who is at risk of relying upon, or returning to, public assistance.



5. On-the-job Training (to be provided by the consultant): The consultant shall hire the trainee on a full-time basis for at least 12 months or on a part-time basis for 24 months, with prior approval offering him/her on-the-job training which allows the trainee to progress on a career path.
6. A summary of a job description and training for the trainee with the rate of pay should be submitted for approval.
7. The trainee's commitment does not require that he/she is used only on this project, but also on other projects under contract to the Architect, Engineering, or Professional firm, which is appropriate for the trainee's skill development.

**FORM 2A: HRC CONTRACT PARTICIPATION FORM**

**Section 1:** This form must be submitted with the proposal or the proposal may be deemed non-responsive and rejected. Prime Proposer, each Joint Venture Partner, Subconsultants, Vendors, and lower sub tiers must be listed on this form. Only HRC certified Small and/or Micro-LBEs can be used to meet the LBE subconsultant participation goal unless the RFP allows for SBA-LBE subconsultants to count towards the LBE participation goal. A Small and/or Micro- LBE Prime proposer/JV with LBE participation must meet the LBE subconsultant goal. A Small and/or Micro-LBE Prime proposer/JV with LBE participation may not count its participation towards meeting the LBE subconsultant participation goal. Be sure to check box for Rating Bonus. If more space is needed, attach additional copies of this form. This form is also completed and submitted for all contract modifications which exceed the original contract amount by more than 20%.

|                        |  |  |  |
|------------------------|--|--|--|
| <b>Contract:</b>       |  | <b>RATING BONUS</b>                                |  |
|                        |  | <input type="checkbox"/> LBE 10%                   | <input type="checkbox"/> Joint Venture 7.5%            |
| <b>Firm:</b>           |  | <input type="checkbox"/> Joint Venture 5%          | <input type="checkbox"/> Joint Venture 10% (LBEs ONLY) |
| <b>Contact Person:</b> |  | <input type="checkbox"/> No Rating Bonus Requested |  |
| <b>Address:</b>        |  | LBE Goal      %                                    |  |
| <b>City/ZIP</b>        |  |  |  |
| <b>Phone</b>           |  |  |  |

\*Type: Identify if prime (P), JV partner (J), Subconsultant (S), or Vendor (V)

| TYPE *                | Firm | PORTION OF WORK<br>(describe scope(s)<br>of work) | % OF<br>WORK | INDICATE<br>LBE<br>YES/NO   | If an LBE,<br>Identify<br>MBE, WBE,<br>or OBE ** | % OF LBE<br>SUBWORK |
|-----------------------|------|---|--------------|-----------------------------|--|---------------------|
|                       |      |   | %            |                             |  | %                   |
|                       |      |   | %            |                             |  | %                   |
|                       |      |   | %            |                             |  | %                   |
|                       |      |   | %            |                             |  | %                   |
|                       |      |   |              |                             |  |                     |
| Total % of Work: 100% |      |   |              | Total LBE<br>Subconsulting% |  | %                   |

I declare, under penalty of perjury under the laws of the State of California, that I am utilizing the above Consultants for the portions of work and amounts as reflected in the Proposal for this Contract.

Owner/Authorized Representative (Signature): \_\_\_\_\_ Date: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

\*\* MBE = Minority Business Enterprise, WBE = Women Business Enterprise, OBE = Other Business Enterprise. See HRC website [http://sf-hrc.org/ftp/uploadedfiles/sfhumanrights/directory/vlistS\\_1.htm](http://sf-hrc.org/ftp/uploadedfiles/sfhumanrights/directory/vlistS_1.htm) for each firm's status.



**Section 2. Prime Proposer, Joint Venture Partners, Subconsultant, and Vendor Information**

Provide information for each firm listed in Section 1 of this form. Firms which have previously worked on City contracts may already have a vendor number. Vendor numbers of LBE firms are located in the HRC LBE website at [http://sf-hrc.org/ftp/uploadedfiles/sfhumanrights/directory/vlistS\\_1.htm](http://sf-hrc.org/ftp/uploadedfiles/sfhumanrights/directory/vlistS_1.htm). Use additional sheets if necessary.

|                |  |        |               |  |
|----------------|--|--------|---------------|--|
| FIRM NAME:     |  |        | VENDOR #:     |  |
| ADDRESS:       |  |        | FEDERAL ID #: |  |
| CITY, ST, ZIP: |  | PHONE: | FAX:          |  |
| SERVICE:       |  |        |               |  |

|                |  |        |               |  |
|----------------|--|--------|---------------|--|
| FIRM NAME:     |  |        | VENDOR #:     |  |
| ADDRESS:       |  |        | FEDERAL ID #: |  |
| CITY, ST, ZIP: |  | PHONE: | FAX:          |  |
| SERVICE:       |  |        |               |  |

|                |  |        |               |  |
|----------------|--|--------|---------------|--|
| FIRM NAME:     |  |        | VENDOR #:     |  |
| ADDRESS:       |  |        | FEDERAL ID #: |  |
| CITY, ST, ZIP: |  | PHONE: | FAX:          |  |
| SERVICE:       |  |        |               |  |

|                |  |        |               |  |
|----------------|--|--------|---------------|--|
| FIRM NAME:     |  |        | VENDOR #:     |  |
| ADDRESS:       |  |        | FEDERAL ID #: |  |
| CITY, ST, ZIP: |  | PHONE: | FAX:          |  |
| SERVICE:       |  |        |               |  |

|                |  |        |               |  |
|----------------|--|--------|---------------|--|
| FIRM NAME:     |  |        | VENDOR #:     |  |
| ADDRESS:       |  |        | FEDERAL ID #: |  |
| CITY, ST, ZIP: |  | PHONE: | FAX:          |  |
| SERVICE:       |  |        |               |  |

|                |  |        |               |  |
|----------------|--|--------|---------------|--|
| FIRM NAME:     |  |        | VENDOR #:     |  |
| ADDRESS:       |  |        | FEDERAL ID #: |  |
| CITY, ST, ZIP: |  | PHONE: | FAX:          |  |
| SERVICE:       |  |        |               |  |



**FORM 2B: "GOOD FAITH OUTREACH" REQUIREMENTS FORM**

This "Good Faith Outreach" form, along with the required supporting documentation must be completed and submitted per the instructions in this form **EVEN IF** the LBE subconsulting participation goal has been met (*Section 14B.8 of the San Francisco Administrative Code*). *Proposers* may obtain a list of certified LBEs from the HRC website: [http://sfgov.org/site/uploadedfiles/sfhumanrights/directory/vlistS\\_1.htm](http://sfgov.org/site/uploadedfiles/sfhumanrights/directory/vlistS_1.htm)

**SECTION A**

Under Section 14B.8(B) of the Administrative Code, the good faith outreach exception states that if a proposer demonstrates total LBE participation that exceeds by 35% the established LBE subconsultant participation goal for the project, the proposer is not required to conduct good faith outreach efforts or to submit evidence of good faith outreach efforts. Note that a Small or Micro-LBE prime proposer may count its own Contract Work toward the 35% good faith outreach exception. Please see example in HRC Attachment 2, Section 1.02A.2.

Does your proposal demonstrate that you have exceeded the established LBE subconsultant participation goal by 35% or more in accordance with Section 14B.8(B)? ☐ YES\* ☐ NO

If the answer is yes, please check "YES", above, and complete Section C (if applicable) and Section D of this Form. If the answer is no, please check "NO", above, and complete Sections B and D of this Form, and submit all required supporting documentation in accordance with the instructions in Section B.

\* Note: An answer of "YES", above, is subject to verification by HRC. If the HRC determines that proposer did not exceed the LBE subconsultant participation goal by at least 35% and proposer either failed to undertake adequate good faith outreach efforts or failed to submit supporting documentation with its proposal as required by Section B, items 2 and 4, below, then proposer's proposal shall be declared non-responsive and **AND INELIGIBLE FOR CONTRACT AWARD.**

**NOTE: "LBE" REFERS TO SMALL AND MICRO-LBES ONLY, UNLESS THE RFP ALLOWS FOR SBA-LBE SUBCONSULTANTS TO COUNT TOWARDS THE LBE PARTICIPATION GOAL.**

**SECTION B**

All proposers that do not qualify for the good faith outreach exception set forth in Section 14B.8(B) of the Administrative Code must complete this Section B and submit supporting documentation as required.

*A proposer must achieve at least 80 points, as determined by HRC, to be deemed compliant with the "good faith outreach" requirements. A proposer who fails to achieve at least 80 points will be declared non-responsive, and the proposal will be rejected. Please check yes or no for each item listed below.*

|  |   |   |
|--|---|---|
| 1. Did your firm attend the pre-proposal meeting scheduled by the City to inform all proposers of the LBE program requirements for this project?<br>If the City does not hold a pre-proposal meeting, all proposers will receive 15 points.  | <input type="checkbox"/> Yes<br>(15 Points) | <input type="checkbox"/> No<br>(0 Points) |
| 2. Did your firm advertise, not less than 10 calendar days before the due date of the proposal, in one or more daily or weekly newspapers, trade association publications, LBE trade oriented publications, trade journals, or other media, such as: Small Business Exchange, or the Bid and Contracts Section of the Office of Contract Administration's website ( <a href="http://mission.sfgov.org/OCABidPublication/">http://mission.sfgov.org/OCABidPublication/</a> )? If so, <b><u>please enclose a copy of the advertisement.</u></b><br><i>The advertisement must provide LBEs with adequate information about the project.</i><br>If the City gave public notice of the project less than 15 calendar days prior to the proposal due date, no advertisement is required, and all proposers will receive 10 points. | <input type="checkbox"/> Yes<br>(10 points) | <input type="checkbox"/> No<br>(0 Points) |



|   |   |   |
|---|---|---|
| <p>3. Did your firm identify and select work types (as categorized in HRC's LBE Directory) to meet the LBE subconsultant participation goal? If so, please identify the work types below:</p> <p>_____</p> <p>_____</p> <p>_____</p>  | <input type="checkbox"/> Yes<br>(10 points)       | <input type="checkbox"/> No<br>(0 Points) |
| <p>4. Did your firm contact LBE firms (LBE firms include MBEs, WBEs and OBEs) for the identified work types (see #3 above), not less than 10 calendar days prior to the due date of the proposal? If so, <u>please include documentation (i.e. phone logs, emails, faxes, etc.) to verify that contacts were made.</u> The purpose of contacting LBE firms is to provide notice of interest in proposing for this project.</p> <p>A proposer who contacts those LBE firms certified in the identified work types, not less than 10 calendar days prior to due date of the proposal, will receive up to 45 points. If a proposer does not comply with paragraphs a. &amp; b. below, one point will be deducted for each LBE firm within each identified work type that is not contacted.</p> <p>a. If there are less than 25 firms within an identified work type, a proposer should contact all of them.</p> <p>b. If there are 25 or more firms within an identified work type, a proposer should notify at least 25 firms within such identified work type.</p> <p>If a proposer does not contact any LBE firms, the proposer will receive no points.</p> <p>When contacting LBEs, you should provide adequate information about the project.</p> <p>If the City gave public notice of the project less than 15 calendar days prior to the proposal due date, the allocation of points above still applies, except that the proposer may contact those LBE firms certified in the identified work types less than 10 calendar days prior to the due date of the proposal.</p> | <input type="checkbox"/> Yes<br>(Up to 45 points) | <input type="checkbox"/> No<br>(0 Points) |
| <p>5. Did your firm follow-up and negotiate in good faith with interested LBEs? If so, <u>please include documentation (i.e. phone logs, emails, faxes, etc.) to verify that follow-up contacts were made.</u> If applicable, your follow-up contact with interested LBEs should provide information on the City's bonding and financial assistance programs.</p> <p>For each interested LBE firm that the proposer does not follow-up with, a point will be deducted.</p> <p>A proposer who does not perform any follow-up contact with interested LBEs will receive no points.</p> <p>*"Interested LBE" shall mean an LBE firm that expresses interest in being a subconsultant to the proposer.</p>  | <input type="checkbox"/> Yes<br>(Up to 20 points) | <input type="checkbox"/> No<br>(0 Points) |
| <p>6. A proposer shall submit the following documentation with this form:</p> <p>(1) Copies of all written proposals submitted, including those from non-LBEs;</p> <p>(2) If oral proposals were received, a list of all such proposals, including those from non-LBEs. The work type and dollar amounts for each such proposal must be specified; and</p> <p>(3) A full and complete statement of the reasons for selection of the subconsultants for each work type. If the reason is based on relative qualifications, the statement must address the particular qualification at issue.</p>   |   |   |



SECTION C

If a Small or Micro-LBE prime proposer checks "YES" in Section A, above, and is relying on self-performed Contract Work to meet the 35% good faith efforts outreach exception, such Small or Micro-LBE prime proposer must indicate the total value of Contract Work that proposer will perform with its own forces in the space below:

           % of work

SECTION D

---

Contract Name: \_\_\_\_\_

Contract No.: \_\_\_\_\_

Signature of Owner/Authorized Representative: \_\_\_\_\_

Owner/Authorized Representative (Print): \_\_\_\_\_

Name of Firm (Print): \_\_\_\_\_

Title and Position: \_\_\_\_\_

Address, City, ZIP: \_\_\_\_\_

E-mail: \_\_\_\_\_

Date: \_\_\_\_\_





**FORM 3: HRC NON-DISCRIMINATION AFFIDAVIT**

1. I will ensure that my firm complies fully with the provisions of Chapter 14B of the San Francisco Administrative Code and its implementing Rules and Regulations and attest to the truth and accuracy of all information provided regarding such compliance.
2. I acknowledge and agree that any monetary penalty assessed against my firm by the Director of the Human Rights Commission shall be payable to the City and County of San Francisco upon demand. I further acknowledge and agree that any monetary penalty assessed may be withheld from any monies due to my firm on any contract with the City and County of San Francisco.
3. I declare and swear under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct and accurately reflect my intentions.

Signature of Owner/Authorized Representative: \_\_\_\_\_

Owner/Authorized Representative (Print) \_\_\_\_\_

Name of Firm (Print) \_\_\_\_\_

Title and Position \_\_\_\_\_

Address, City, ZIP \_\_\_\_\_

Federal Employer Identification Number (FEIN): \_\_\_\_\_

Date: \_\_\_\_\_



**FORM 4: HRC JOINT VENTURE FORM**

This form must be submitted ONLY if the proposer is requesting a Joint Venture partnership with an Small and/or Micro-LBE firm for the rating bonus. The Joint Venture partners must submit a joint venture agreement and management plan with the proposal. All work must be accounted for including subconsulting work.

**SECTION 1: GENERAL INFORMATION**

1. Name of Contract or Project:

\_\_\_\_\_

2. Name of all JV partners: (Check LBE if applicable)

|  |                              |
|--|------------------------------|
|  | LBE <input type="checkbox"/> |
|  | <input type="checkbox"/>     |
|  | <input type="checkbox"/>     |
|  | <input type="checkbox"/>     |

3. Attach a copy of Joint Venture Agreement and Management plans.

4. The management plan must include the following information:

- Describe in detail how decisions will be made for work distribution and compliance of Small and/or Micro-LBE Joint Venture participation.
- Provide each Joint Venture partner's specific duties and responsibilities (include organizational chart)
- Identify the Location of Joint Venture Office.
- Provide in detail how decision will be made for work distribution to Small and /or Micro-LBE subconsultants and/or vendors.
- Submit copies of bank signature cards with authorized names, titles, and address/city of the bank (required after award of contract.)

5. Calculation of the Rating Bonus. See §2.02D of HRC Attachment 2 for an example.

If the joint venture partners are dividing the work according to a different formula than that described below, please contact HRC staff and describe the arrangement in detail prior to submittal of proposal.

Joint venture partners are encouraged to meet with HRC regarding their joint venture prior to submitting their proposal.

The rating bonus is awarded based on the Small and/or Micro-LBE JV partner tasks calculated as a percentage of the total JV partner tasks.

Step 1. Calculate total JV partner tasks.

|  |   |      |
|--|---|------|
| Total Contract Tasks                                       | = | 100% |
| Percentage of Total Work to be Performed by Subconsultants | - | %    |
| Percentage of JV partner tasks                             | = | %    |



Step 2. Calculate Small and/or Micro-LBE JV partner tasks:

|  | A   | B                                     | C   |
|--|---|---------------------------------------|---|
| Description of JV partner Scopes of Work<br>(Specific details of work) | JV Partners'<br>Work as a % of<br>the total project | % of Task by<br>Non-LBE JV<br>Partner | % of Task by<br>Small and/or<br>Micro-LBE JV<br>Partner |
|  | %   | %                                     | %   |
|  | %   | %                                     | %   |
|  | %   | %                                     | %   |
|  | %   | %                                     | %   |
|  | %   | %                                     | %   |
| TOTAL JV %   | %   | %                                     | %   |

Step 3. Calculate Small and/or Micro-LBE JV partner work as a percentage of the total JV partner work for the rating bonus.

|  |  |   |            |  |   |   |
|--|--|---|------------|--|---|---|
| Total Small and/or Micro-LBE<br>JV Partner % |  | ÷ | Total JV % |  | = | % |
|--|--|---|------------|--|---|---|

---

JOINT VENTURE PARTNERS MUST SIGN THIS FORM

Owner/Authorized Representative (Signature)

Owner/Authorized Representative (Signature)

Name and Title (Print)

Name and Title (Print)

Firm Name

Firm Name

Telephone

Date

Telephone

Date



**FORM 5: HRC EMPLOYMENT FORM**

This form is to be submitted with the proposal.

1. Indicate key personnel designated to work on this project for the entire project team (prime proposer, joint venture partners, subconsultants, and vendors).

The employees listed should include all those listed in other sections of the proposal.

| NAME OF FIRM | NAME OF EMPLOYEE | PROJECT ROLE | RACE | SEX |
|--------------|------------------|--------------|------|-----|
|              |                  |              |      |     |
|              |                  |              |      |     |
|              |                  |              |      |     |
|              |                  |              |      |     |
|              |                  |              |      |     |

Indicate the Number of disadvantaged individuals that will be hired as on -the-job-trainees by the entire project team. See §4.03 of HRC Attachment 2.

- a. Estimated Project Fee: \$ \_\_\_\_\_
- b. HRC on-the-job training goal: \_\_\_\_\_
- c. Number of on-the-job-trainees that will be hired by the project team \_\_\_\_\_
- d. If less than HRC goal, explain: \_\_\_\_\_

- e. Length of training: \_\_\_\_\_ If less than 12 months, explain \_\_\_\_\_

Sign below including each joint venture partner.

\_\_\_\_\_  
Owner/Authorized Representative (Signature)

\_\_\_\_\_  
Owner/Authorized Representative (Signature)

\_\_\_\_\_  
Name and Title (Print)

\_\_\_\_\_  
Name and Title (Print)

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Date



**FORM 7: HRC PROGRESS PAYMENT FORM**

To be completed by Consultant and submitted to the Contract Awarding Authority and HRC with its monthly progress payment application (transmit to the following):

**TRANSMITTAL**

TO: Project Manager/Designee COPY TO: HRC Contract Compliance Officer  
Firm: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 1. Fill in all the blanks**

Contract Number: \_\_\_\_\_ Contract Name: \_\_\_\_\_

Reporting Period From: \_\_\_\_\_ To: \_\_\_\_\_ Progress Payment No: \_\_\_\_\_

The information submitted on Sections 1 and 2 of this form must be cumulative for the entire contract as opposed to individual task orders. Additionally, the information submitted on Sections 1 and 2 of this form must be consistent. See next page for Section 2.

|   |          |
|---|----------|
| 1. Original Contract Award Amount:  | \$ _____ |
| 2. Amount of Amendments and Modifications to Date:                                  | \$ _____ |
| 3. Total Contract to Date including Amendments and Modifications (Line 1 + Line 2): | \$ _____ |
| 4. Sub-total Amount Invoiced this submittal period: Professional Fees               | \$ _____ |
| 5. Sub-total Amount Invoiced this submittal period: Reimbursable Expenses           | \$ _____ |
| 6. Gross Amount Invoiced this submittal period (Line 4 + Line 5):                   | \$ _____ |
| 7. All Previous Gross Amounts Invoiced:   | \$ _____ |
| 8. Total Gross Amounts of Progress Payments Invoiced to Date (Line 6 + Line 7):     | \$ _____ |
| 9. Percent Completed (Line 8 ÷ Line 3):   | _____ %  |

Consultant, including each joint venture partner, must sign this form.

\_\_\_\_\_  
Owner/Authorized Representative (Signature)

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Title (Print)

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner/Authorized Representative (Signature)

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Title (Print)

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Date



**SECTION 2.** For column "A", list the Prime Consultant, each joint venture partner and ALL subconsultants and vendors including 2<sup>nd</sup> and 3<sup>rd</sup> tier subconsultants. Make copies if more space is needed. Attach copies of all invoices from primes/subconsultants supporting the information tabulated for this progress payment.

**Notes:** 1) ALL firms must be CONTINUOUSLY listed on column "A" regardless if a firm is not requesting payment and  
2) Failure to submit all required information may lead to partial withholding of progress or final payment.

Identify LBE Goal of this contract: %

| A   | B                 | C   | D                                  | E  | F  | G  | H                                 |
|---|-------------------|---|------------------------------------|--|--|--|-----------------------------------|
| Name of Firm.<br>List prime consultant,<br>including each JV<br>partner, and all<br>subconsultants including<br>lower tier LBEs. Indicate<br>if the firm is an LBE. | Service Performed | Amount of Contract or<br>Purchase Order at<br>Time of Award | Amount of<br>Modifications to Date | Total Amount of Contract<br>or Purchase Order to<br>Date +/- Modifications<br>(C + D) or (C-D) | Amount Invoiced this<br>Reporting Period | Amount Invoiced to<br>Date, including Amount<br>Invoiced this Reporting<br>Period (F). | Percent Complete to Date<br>(G÷E) |
|   |                   |   |                                    |  |  |  | %                                 |
|   |                   |   |                                    |  |  |  | %                                 |
|   |                   |   |                                    |  |  |  | %                                 |
|   |                   |   |                                    |  |  |  | %                                 |
|   |                   |   |                                    |  |  |  | %                                 |
|   |                   |   |                                    |  |  |  | %                                 |
|   |                   |   |                                    |  |  |  | %                                 |
|   |                   |   |                                    |  |  |  | %                                 |
| LBE Sub-Totals  |                   |   |                                    |  |  |  | %                                 |
| Professional Fees   |                   |   |                                    |  |  |  |                                   |
| Reimbursable Expenses   |                   |   |                                    |  |  |  | %                                 |
| CONTRACT TOTALS   |                   |   |                                    |  |  |  | %                                 |



**FORM 9: HRC PAYMENT AFFIDAVIT**

Consultant or Joint Venture partners must submit this form to the Contract Awarding Authority and HRC within ten (10) working days following receipt of each progress payment from the Contract Awarding Authority. This form must be submitted EVEN if there is no sub payment of this reporting period and until completion of the contract.

TO: Project Manager/Designee

COPY TO: HRC Contract Compliance Officer

Firm: \_\_\_\_\_

Date: \_\_\_\_\_

List the following information for each progress payment received from the Contract Awarding Authority. Use additional sheets to include complete payment information for all subconsultants and vendors (including lower tiers utilized on this Contract. Failure to submit all required information may lead to partial withholding of progress payment.

Contract Number: \_\_\_\_\_ Contract Name: \_\_\_\_\_

Contract Awarding Department: \_\_\_\_\_

Progress Payment No.: \_\_\_\_\_ Period Ending: \_\_\_\_\_

Amount Received: \$ \_\_\_\_\_ Date: \_\_\_\_\_ Warrant/Check No.: \_\_\_\_\_

☐ Check box and sign below if there is no sub payment for this reporting period.

| Subconsultant/Vendor Name | Business Address | Amount Paid | Payment Date | Check Number |
|---------------------------|------------------|-------------|--------------|--------------|
|                           |                  | \$          |              |              |
|                           |                  | \$          |              |              |
|                           |                  | \$          |              |              |
|                           |                  | \$          |              |              |
|                           |                  | \$          |              |              |
|                           |                  | \$          |              |              |

I/We declare, under penalty of perjury under the laws of the State of California that the above information is complete, that the tabulated amounts paid to date are accurate and correct.

Prime consultant, including each joint venture partner, must sign this form (use additional sheets if necessary)

\_\_\_\_\_  
Owner/Authorized Representative (Signature)

\_\_\_\_\_  
Owner/Authorized Representative (Signature)

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Date



**FORM 8: HRC EXIT REPORT AND AFFIDAVIT**

Prime Consultant must complete and sign this form (Sections 1 and 4) for each LBE subconsultant (incl. lower tier LBEs). **All** LBEs must complete and sign Sections 2 and 3 of this form. These forms should be submitted to the Contract Awarding Authority with the final progress payment request.

**TRANSMITTAL**

TO: Project Manager/Designee COPY: HRC Contract Compliance Officer  
FROM (Consultant): \_\_\_\_\_ Date Transmitted: \_\_\_\_\_

**SECTION 1. Please check this box if there are no LBE subconsultants for this contract: ☐**

Reporting Date: \_\_\_\_\_ Contract Name: \_\_\_\_\_  
Name of LBE: \_\_\_\_\_ Portion of Work (Trade): \_\_\_\_\_  
Original LBE Contract Amount: \$ \_\_\_\_\_  
Change Orders, Amendments, Modifications \$ \_\_\_\_\_  
Final LBE Contract Amount: \$ \_\_\_\_\_  
Amount of Progress Payments Paid to Date: \$ \_\_\_\_\_  
Amount Owning including all Change Orders, Amendments and Modifications \$ \_\_\_\_\_

Explanation by Consultant if the final contract amount for this LBE is less than the original contract amount:

**SECTION 2. Please check one:**

☐ I did NOT subcontract out ANY portion of our work to another subcontractor.

☐ I DID subcontract out our work to:

Name of Firm: \_\_\_\_\_ Amount Subcontracted: \$ \_\_\_\_\_  
Name of Firm: \_\_\_\_\_ Amount Subcontracted: \$ \_\_\_\_\_

**SECTION 3.**

To be signed by the LBE Subconsultant or vendor:

☐ I agree ☐ I disagree

Explanation by LBE if it is in disagreement with the above explanation, or with the information on this form. LBE must complete this section within 5 business days after it has received it from the Prime. It is the LBE's responsibility to address any discrepancies within 5 business days concerning the final amount owed. If the LBE fails to submit the form within 5 business days, the Prime will note this on the form and submit the form as is with the final progress payment:

Owner/Authorized Representative (Signature)

Name and Title (Print)

Firm Name

Telephone

Date





---

SECTION 4.

If this form is submitted without the LBE's signature, the Prime must enclose verification of delivery of this form to the subconsultant.

I declare, under penalty of perjury under the laws of the State of California, that the information contained in Section 1 of this form is complete, that the tabulated amounts paid to date are accurate and correct, and that the tabulated amounts owing will be paid within three (3) days after receipt of the City's final payment under the Contract.

---

Owner/Authorized Representative (Signature)

---

Name and Title (Print)

---

Firm Name

---

Telephone

Date



**FORM 10: HRC CONTRACT MODIFICATION FORM**

Consultant must submit this form with the required supporting documentation when processing amendments, modifications or change orders that cumulatively increase the original contract amount by more than 20%, and then for all subsequent amendments, modifications or change orders. This form must be completed prior to the approval of such amendments, modifications or change orders. (This provision applies only to contracts originally valued at \$50,000 or more).

Name of Project/Contract Title: \_\_\_\_\_

Original Contract Amount: \_\_\_\_\_

Contract Amount as Modified to Date: \_\_\_\_\_

Amount of Current Modification Request: \_\_\_\_\_

**REQUIRED ATTACHMENTS:**

1. Revised Form 2A reflecting the new overall contract amounts for the prime consultant, joint venture partners, subconsultants, and vendors.
2. A list of all prior contract amendments, modifications, supplements and/or change orders leading up to this modification, including those leading up to the amendment which increased the original contract amount by more than 20%.
3. A spreadsheet showing each firm's participation for the overall contract, including each firm's participation to date and proposed participation under the modification.
4. A brief description of the work to be performed under this amendment, modification, or change order.

---

Owner/Authorized Representative (Signature)

Name (Print)

Title

Firm Name

Telephone

Date

---

Owner/Authorized Representative (Signature)

Name (Print)

Title

Firm Name

Telephone

Date