

Revised 3/2005

**ATTACHMENT A**

**INSTRUCTIONS TO BIDDERS/PROPOSERS**

**REGIONAL TRANSPORTATION DISTRICT  
SMALL BUSINESS ENTERPRISE**

**(SBE) PROGRAM**

**REGIONAL TRANSPORTATION DISTRICT**

**ATTACHMENT A**

**Small Business Enterprises (SBE) Program**

**A. Overview of RTD's Policy**

RTD's policy is to ensure nondiscrimination in the award and administration of the District's construction contracts, professional service contracts, and in the procurement of common goods and services. It is RTD's intention to create a level playing field on which SBEs can compete fairly for local funded contracts. An SBE is a for-profit small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in 49 CFR, Section 26.65(b). **For the purpose of this Attachment, all federally certified DBE's – regardless of state of certification will be considered SBE's**

To count a minority or woman-owned business's participation toward the goal established for this contract, the firm must be certified as a SBE and perform a "commercially useful function" as defined in this attachment. Prime contractors should also be sure that the SBE is certified as of the date that the RTD receives this bid/proposal.

To accomplish this objective, RTD requires that on projects with a SBE goal, bidders/proposers complete and return the following Enclosures:

To accomplish this objective, RTD requires that on projects with a DBE goal, bidders/proposers complete and return the following Enclosures:

- **Enclosure 1A** – SBE Affidavit
- **Enclosure 1B** - SBE Affidavit (SBE Prime Contractor) if appropriate
- **Enclosure 2** – Schedule of SBE Subcontractor Participation
- **Enclosure 3** – Letters of Intent to Perform as a Subcontractor
- **Enclosure 4** – SBE Unavailability Certification (if appropriate)\*
- **Enclosure 5** – Employer Certification of Workforce
- **Enclosure 6** – Solicitation Statistics
- **Enclosure 7** – Small Business Outreach

**\* Contractors failing to meet the specified SBE goal are required to submit Enclosure 4 along with complete documentation of good faith efforts accomplished to meet the goal. Failure to provide complete documentation of good faith efforts will result in your bid/proposal being deemed non-responsive.**

**Failure to return all required DBE Enclosures will result in your bid/proposal being deemed non-responsive.**

Modification of any Enclosure document will result in your bid/proposal being deemed non-responsive.

The contractor completing the Enclosures comprising Attachment A is advised to contact the RTD Small Business Opportunity Office at 303 299 2111 if they have any questions or concerns prior to their submitting their bid documentation. No additional Attachment A information will be accepted after the contractor submits their bid documentation to RTD.

**1. Overall Goals:**

RTD sets an annual overall goal for small business participation. RTD will attempt to meet the maximum feasible portion of the overall goal with race-neutral means. RTD will also establish contract goals on contracts that have subcontracting possibilities in order to meet any portion of our overall goal that cannot be met by race-neutral means.

The expected percentage of certified SBE participation may vary from contract to contract depending on the number of available SBE's in a given field and the opportunity for subcontracting on the procurement.

**2. Contract Goal:**

RTD has specified the following goal for work to be performed on this contract:

\_\_\_\_\_ % SBE – (Small Business Enterprise)

The SBE goal is determined by such factors as the type of work involved, the location of the work, and the availability of SBEs for the work of the particular contract. SBE participation is counted by the dollar value of work performed by certified SBEs compared to the total value of all work performed under this contract and/or, by the portion of the total dollar value of a contract with a joint venture equal to the percentage of the ownership and controls of the SBE partner in the joint venture. **(Material suppliers are credited for 60% of their contract value.)** See 49 CFR, Section 26.55 for specifics.

**3. Discrimination:**

**RTD's commitment to a specific goal is to meet SBE objectives and is not intended and shall not be used to discriminate against any qualified company or group of companies.**

**B. Requirements of Attachment A**

The contract will be awarded to the responsive and responsible bidder/proposer who offers the lowest price or for Architectural and Engineering projects who proposes the most technically qualified team and approach. A bidder/proposer who fails or refuses to complete and return the required enclosures to this Attachment will be deemed non-responsive. The contractor's commitment to the percentage of certified SBE utilization during the term of this contract will be stated in the SBE Affidavit (Enclosure 1A). All

extensions, amendments, and options of the contract are subject to review by RTD's Small Business Administrative Officer.

**1. Meeting contract goals:**

- a. The bidder/proposer may meet RTD contract goals by subcontracting portions of the work to currently certified SBE's

**2. The responsive bidder/proposer:**

To be considered a responsive bidder/proposer, when a SBE goal is specified for a project, a bidder/proposer must meet the goal referred to in the bid specification and Attachment A or make a good faith effort to attain the goal.

**3. The responsible bidder/proposer:**

The responsible bidder/proposer must submit the following written intent to comply with RTD's SBE goals with the bid/proposal:

- a) Names and addresses of certified SBE participating subcontractors and the work they are to perform,
- b) The dollar value of each proposed certified SBE contract,
- c) Documentation of good faith efforts, if applicable.

**4. Enclosures 1 – 7:**

The contractor's commitment to the percentage of certified SBE utilization during the term of this contract will be stated in the SBE Affidavit (Enclosure 1A). Requirements for the SBE program are addressed in Enclosures 1 –4, while Enclosure 5 meets requirements for the Equal Employment Opportunity Program. Enclosure 6 must be included for all bidders (prime and subcontractors) whether or not they are awarded the bid by RTD or the Prime contractor. Bidders/proposers must complete and return all applicable Enclosures. **All enclosures must be submitted with the bid/proposal.**

**Enclosure 1A**, SBE Affidavit, must be submitted by all **prime contractors, whether SBE or not**, to acknowledge the percentage of SBE participation and indicate intent to comply with the SBE goal.

**Enclosure 1B**, SBE Affidavit, if applicable, must be submitted by all **SBE prime contractors – with a current SBE certificate** to affirm SBE status.

**Enclosure 2**, Schedule of SBE Participation, must be submitted **with the bid/proposal** by all prime contractors for all SBE subcontractors. It must contain the information specified in paragraphs 3a and 3b above. If the prime is a certified SBE, they must list all SBE or non-SBE subcontractors on this form. No changes to the SBE subcontractors listed and no additional SBE subcontractors can be provided after bid/proposal openings.

**Enclosure 3**, Letter of Intent to Perform as a Subcontractor must be submitted by the prime contractor for every SBE subcontractor. It must contain the information specified in paragraphs 3a and 3b above and be signed by the prime SBE subcontractor. A copy of the current SBE certificate for each listed SBE subcontractor must be attached for that SBE subcontractor to be counted toward the assigned SBE goal.

**Enclosure 4**, Unavailability Certification, along with complete documentation of good faith efforts, must be submitted by any prime contractor who has failed to meet the specified SBE goal.

**Enclosure 5**, Employment Data Form defines the make-up of the company's work force and must be filed by every prime contractor on a contract of \$50,000 or more, or with 50 or more employees.

**Enclosure 6**, Solicitation Statistics is for statistical purposes only and is submitted for the prime and all companies the prime receives bids from on subcontract work.

**Enclosure 7**, Small Business Outreach, provides current outreach program information for contracted prime and subcontractors. This information will be used by the RTD Small Business Opportunity Office to establish and maintain an outreach program information database for use by the Denver metro large and small business community.

## **5. Joint Ventures:**

A Joint Venture as defined in 49 CFR, Part 26 is an association of a SBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the SBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

RTD will count toward its SBE goal a portion of the total dollar value of a contract with a joint venture (eligible under the standards of 49 CFR, Section 26.55) equal to the distinct, clearly defined portion of the work of the contract that the SBE performs with its own forces toward SBE goals.

## **C. Compliance**

### **1. SBE Certification:**

The following are the only acceptable SBE certifications:

- DBE, SBE or ESB certification from the Colorado Department of Transportation (CDOT)
- DBE or SBE certification from the city and county of Denver office of Contract Compliance (MOCC)

- 8a, SDB or Hub Zone certification from the Small Business Administration (SBA)
- DBE or SBE certification from any state outside Colorado

## 2. **Good Faith Efforts:**

To award a contract to a contractor that has failed to meet the DBE contract goals as stated in that specific solicitation, the RTD Business Opportunity Administrative Officer will decide whether the contractor made a “good faith” effort to actively and aggressively seek DBEs to meet those goals.

The kinds of efforts that are considered demonstrative of a “good faith” effort include, **but are not limited to**, the following:

Whether the contractor solicited through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

Whether the contractor selected portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

Whether the contractor provided interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

Whether the contractor negotiated in good faith with interested DBEs. It is the bidder’s responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

Whether the contractor made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

Whether the contractor made efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

Whether the contractor effectively used the services of available minority/women community organizations, contractors' groups and other organizations to provide assistance in the recruitment and placement of DBEs.

Whether other bidders on the procurement met the DBE goal.

If, after reviewing the "good faith efforts" documentation submitted by the contractor, the RTD Business Opportunity Administrative Officer determines that "good faith efforts" were met, the contract will be recommended for award to the contractor. If the RTD Business Opportunity Administrative Officer determines that the contractor failed to meet the "good faith efforts" requirements, the contractor will be informed in writing that their submittal was deemed non-responsive to the Attachment A requirements and will not be considered for contract award. The contractor may appeal the decision of the RTD Business Opportunity Administrative Officer to the Good Faith Efforts (GFE) Committee. If the contractor wishes to appeal, they must do so in writing to the RTD Senior Manager of Materials Management within 5 business days of being informed of the decision of the RTD Business Opportunity Officer that their submission was non-compliant.

If the decision of the Business Opportunity Officer is appealed in writing, within the 5 day submission window, the GFE Committee will review the documentation initially submitted by the contractor – and no other information - under this section to decide whether the DBE requirements have been satisfied through "good faith efforts". If the written appeal request is received after the 5 business day submission window, it will be disallowed and the determination of the RTD Business Opportunity Administration Officer that the submission was non-compliant will stand.

If the GFE committee determines that "good faith efforts" were met, the contract will be recommended for award to the contractor. If the GFE Committee determines that the contractor has failed to meet the good faith effort requirements, the contractor will be informed in writing. The contractor has an opportunity for administrative reconsideration of the determination of the GFE committee. If the contractor requests administrative consideration, they must do so in writing to the RTD Senior Manager of Materials management within 5 business days of receiving the decision of the GFE Committee that their submission was non-compliant. If the written administrative consideration request is received after the 5 business day submission window, it will be disallowed and the determination of the GFE committee that the submission was non-compliant will stand.

The reconsideration official will be a member of RTD staff who did not take part in the initial "good faith" effort decision. The reconsideration official will review the documentation initially submitted – and no other information - under this section to decide whether the DBE requirements have been satisfied through good faith efforts.

If the reconsideration official determines that "good faith" efforts were met, the contract will be recommended for award to the contractor. If the reconsideration official determines that the contractor has failed to meet the "good faith effort requirements, the contractor

will be informed in writing. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

**3. Termination of SBE Contract:**

The prime contractor shall not terminate a SBE subcontractor for convenience and then perform that work with its own forces or its affiliate

**4. Defaulting SBE Subcontractors:**

A contractor must make a good faith effort to replace a defaulting SBE with another Certified SBE. The prime contractor must notify RTD's Small Business Opportunity Office immediately of the SBE's inability to perform and of the intent to obtain a substitute certified SBE. The prime contractor must provide RTD's Small Business Opportunity Office with reasonable documentation of the defaulting subcontractor's inability to perform, as well as the contractor's good faith efforts to come to terms with the SBE subcontractor. The substitute SBE must receive prior approval by RTD's Small Business Opportunity Office who will consult with RTD's contract administrator. When the contractor obtains a substitute SBE, the contractor will notify the SBE Officer and provide copies or descriptions of new or amended subcontracts and a completed certification form for each new SBE, or any applicable certificate of good faith effort.

**5. Failure to Comply:**

If RTD finds that the contractor has failed to comply with the requirements of this attachment, RTD's Contracting Officer must notify the contractor in writing. The contractor shall immediately take corrective action. If the contractor fails or refuses to comply in the time specified, RTD's Contracting Office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the Contracting Officer may issue a termination for default proceeding.

**6. Records and Documents;**

It is the contractor's responsibility to maintain those records and documents that indicate compliance with this Attachment for three (3) years following the performance of the contract. Those records will be made available at reasonable times and places for inspection upon request by any authorized representative of RTD, with any other compliance information that such representative may require. This reporting requirement is also extended to any certified SBE subcontractor.

**7. Reporting:**

**To ensure that assigned SBE goals are met by the prime contractor, the prime contractor must provide an updated report documenting the actual amount paid to**

every SBE sub-contractor to the RTD Small Business Opportunity Office every month. This report must include:

- The contract number and description
- Prime contractor name, contact name, address, city, state, zip, phone and fax
- Name, contact name, address, city, state, zip, phone and fax of all SBE sub-contractors as listed in Enclosure 2 - or their authorized replacements
- Total contracted amount for each SBE sub contractor – including any approved amendments to amounts to be paid to SBE sub-contractors
- Amount “paid-to-date” to each SBE sub-contractor
- Total Amount “paid-to-date” to each SBE sub-contractor

When the contract is closed. An “End-of-Contract Report” must be submitted to the RTD Small Business Opportunity Office. The “End-of-Contract Report” must include all information mentioned above. This report will review final payments to all SBE sub-contractors to ensure that the actual amount paid to the DBE subcontractors equals or exceeds the dollar amounts stated in Enclosure 2. All discrepancies must be noted and explained.

Contact Information for the RTD Small Business Opportunity Office:

RTD Small Business Opportunity Office  
Paul Deines, Business Opportunity Administrative Officer  
1600 Blake Street – Blake 11  
Denver, CO 80202  
(Phone) 303 299 2111  
(Fax) 303 299 2015  
(Email) paul.deines@rtd-denver.com

8. Payments:

The prime contractor must pay subcontractors for satisfactory performance of their contracts no later than 5 days from the receipt of payment made to the prime by RTD. Prompt return of retainage payments from the prime contractor to the subcontractor will be made within 5 days after the subcontractor’s work is satisfactorily completed.

Failure to comply with the above may be construed to be a breach of contract.

## ATTACHMENT A DEFINITIONS

**Commercially useful function** occurs when a SBE 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. The SBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.

**Joint Venture** is an association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge.

**Race-neutral** measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this definition, race-neutral includes gender-neutrality.

**Small business concern** is a small business as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in 49 CFR, Section 26.65(b).

**Small Business Enterprise (SBE)** A Small Business Enterprise is defines as any business currently certified in one or more of the following programs:

- DBE, SBE or ESP from the Colorado Department of Certification (CDOT)
- SBE from the Regional Transportation District (RTD)
- DBE or SBE from the City and County of Denver Mayor’s Office of Contract Compliance (MOCC)
- SBA 8(a), SDB or Hub Zone
- DBE or SBE from any state outside Colorado.

**No Other Certifications Will Be Accepted**

**ON-LINE DBE / SBE LIST RESOURCES**

**ON-LINE DBE LIST RESOURCES**

Enter [www.dot.state.co.us/app\\_ucp/](http://www.dot.state.co.us/app_ucp/) to access the Colorado Unified Certification Program DBE Directory. With this directory, you can sort by :

- Company Name
- City
- County and
- Work Code

E-mail [renad.liljenberg@dot.state.co.us](mailto:renad.liljenberg@dot.state.co.us) or [greg.diehl@dot.state.co.us](mailto:greg.diehl@dot.state.co.us) if you have any problems or questions concerning the UPC DBE on-line directory.

**RTD - (Small Business Small Business Database)**

[www.rtd-denver.com](http://www.rtd-denver.com)

1. Click “Business Center”
2. Click “RTD Small Business Opportunity Office”
3. Click “RTD Small Business Database”

4. Select the RTD Small Business Database in the form required. The database will be displayed for viewing. The list may be cut and pasted into a word processing, spreadsheet, or data base program for review, sorting, analysis and printing as needed.

**Mayor's Office of Contract Compliance (MOCC) - (SBE List)**

[www.denver.gov/org/mocc](http://www.denver.gov/org/mocc)

1. Click "DBE / SBE List (Excel)"
2. Click the appropriate SBE list

**Colorado Department of Transportation - (UBE List)**

[www.dot.state.co.us](http://www.dot.state.co.us)

1. Click "Business with CDOT"
2. Click "Disadvantages Business Enterprise [DBE]"
3. Click "Directory of UBE's"

**Colorado Department of Transportation (ESB List)**

[www.dot.state.co.us](http://www.dot.state.co.us)

1. Click "Business with CDOT"
2. Click "Emerging Small Business [ESB]"
3. Click "Monthly Directory of Eligible Contractors & Consultants"

**Small Business Association - SBA - (SDB, 8a and Hub Zone Lists)**

**Small Business Association – SBA - (SDB, 8a and Hub Zone Lists)**

<http://pro-net.sba/gov>

1. Click "HOTLINK"
2. Click "Search CCR"

## ATTACHMENT A ENCLOSURE CHECKLIST

This checklist will help you verify all the required enclosures are complete and submitted as required. Submit this checklist as the front page of your Attachment A Enclosures. Failure to submit a completed checklist with your Attachment A Enclosures may result in your proposal to be deemed Non-Responsive. Modification of any Attachment A Enclosure will result in your proposal to be deemed Non-Responsive. All enclosures must be submitted with the bid/proposal. If you have any questions concerning the completion of any of the Enclosures, please contact the RTD Small Business Opportunity Office at 303 299 2111.

Enclosure 1A - SBE Affidavit

This form must be submitted by all **prime contractors, whether SBE or not**, to acknowledge the percentage of SBE participation and indicate intent to comply with the DBE goal.

Enclosure 1B - SBE Prime Affidavit

This form - if applicable - must be submitted – with a current SBE certificate - by all **SBE prime contractors** to affirm SBE status.

Enclosure 2 - Schedule of SBE Participation

This form must be submitted by **all** prime contractors for **all** SBE subcontractors. It must contain the following information: names and addresses of certified SBE participating subcontractors, the work they are to perform and the dollar value of each proposed certified SBE contract. No changes to the SBE subcontractors listed and no additional SBE subcontractors can be submitted after bid/proposal openings.

Enclosure 3 - Letter of Intent to Perform as a Subcontractor

This form must be submitted by the prime contractor. It must contain the following information: names and addresses of certified SBE participating subcontractors, the work they are to perform and the dollar value of each proposed certified SBE contract and be signed by the SBE subcontractor. **A copy of the current SBE Certificate for each listed SBE subcontractor must be attached.**

Enclosure 4 - Unavailability Certification

This form must be submitted - along with complete documentation of good faith efforts - **with the bid/proposal** by a prime contractor who has failed to meet the specified SBE goal.

Enclosure 5 - Employment Data Form

This form defines the make-up of the company's work force and must be filed by every prime contractor on a contract of \$50,000 or more, or with 50 or more employees.

Enclosure 6 - Solicitation Statistics

This form is for statistical purposes only. It is for the prime and all companies the prime receives bids from on subcontract work.

Enclosure 7 – Small Business Outreach

This form provides current outreach program information for contracted prime and subcontractors.

**SBE AFFIDAVIT**

THIS PAGE MUST BE COMPLETED BY ALL PRIME PROPOSERS/BIDDERS TO INDICATE THE PERCENTAGE OF SMALL BUSINESS ENTERPRISE PARTICIPATION.

The undersigned contractor hereby agrees that the goal established for SBE participation in this project through subcontracting or entering into a joint venture with Small Business Enterprise(s) in conformity with the Requirements, Terms, and Conditions of this Attachment is:

\_\_\_\_\_ % - SBE (Small Business Enterprise)

THIS PERCENTAGE RELATES TO SBE SUBCONTRACTING ONLY AND IS CONSISTENT WITH THE SMALL BUSINESS ENTERPRISE STATEMENT LISTED IN THE BID/PROPOSAL FORM.

THIS BIDDER/PROPOSER IS COMMITTED TO COMPLY WITH OR EXCEED THE ABOVE GOAL.

Business Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING STATEMENTS ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF

\_\_\_\_\_ TO MAKE THIS AFFIDAVIT.  
(Name of Business Entity)

\_\_\_\_\_ (Date)                      \_\_\_\_\_ (Affiant)                      \_\_\_\_\_ (Title)

State of \_\_\_\_\_:

City and County of \_\_\_\_\_:

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the

undersigned officer, personally appeared \_\_\_\_\_, known to me to be the person described in the foregoing Affidavit, and acknowledged that he (she) executed the same in the capacity therein stated and for the purposes therein contained. In witness thereof, I hereunto set my hand and official seal.

My Commission Expires: \_\_\_\_\_

(Notary Public)

(SEAL)

SBE AFFIDAVIT

THIS PAGE MUST BE COMPLETED BY SMALL BUSINESS ENTERPRISE CONTRACTOR (PROPOSER/BIDDER)

I HEREBY DECLARE AND AFFIRM that I am the \_\_\_\_\_ (Title)

and duly authorized representative of (the firm of) \_\_\_\_\_ (Name of Corporation or Joint Venture)

whose address is \_\_\_\_\_

\_\_\_\_\_  
(Phone No.)

I hereby declare and affirm that I am a Small Business Enterprise (SBE) and am certified as of the date that the RTD receives this bid/proposal and as defined by the Regional Transportation District in Attachment A for

\_\_\_\_\_ and that I will provide (Contract number and name)

information and/or the certification to document this fact with this enclosure.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING STATEMENTS ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

\_\_\_\_\_  
(Date) (Affiant) (Title)

State of \_\_\_\_\_:

City and County of \_\_\_\_\_:

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the

undersigned officer, personally appeared \_\_\_\_\_, known to me to

be the person described in the foregoing Affidavit, and acknowledged that he (she) executed the same in the capacity therein stated and for the purposes therein contained. In witness thereof, I hereunto set my hand and official seal.

My Commission Expires: \_\_\_\_\_

(Notary Public)

(SEAL)



**LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR**

Re: \_\_\_\_\_  
 (Name of RTD Project)

The undersigned SBE subcontractor intends to perform work in connection with the above project as (check one):

\_\_\_\_\_ an individual                      \_\_\_\_\_ a corporation  
 \_\_\_\_\_ a partnership                      \_\_\_\_\_ a joint venture

The SBE status of the undersigned is confirmed on the attached Schedule of SBE Participation and represents a company that is certified as of the date that the RTD receives this bid/proposal. **(Specify in detail particular work items or parts thereof to be performed, and associated cost.)**

ITEM	PROJECTED COMMENCEMENT DATE	PROJECTED COMPLETION DATE	COST

\_\_\_\_\_ % of the dollar value of this SBE subcontract will be sublet and/or awarded to non-Small contractors and/or non-Small suppliers. (In order to be considered to be performing a commercially useful function the SBE must perform at least 30% of the work on his/her subcontract with his/her own workforce.) The undersigned prime contractor and SBE subcontractor will enter into a formal agreement for the above work conditioned upon the prime contractor's execution of a contract with the Regional Transportation District.

\_\_\_\_\_  
 NAME OF PRIME CONTRACTOR

\_\_\_\_\_  
 NAME OF SBE SUBCONTRACTOR

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 TITLE                      DATE

\_\_\_\_\_  
 TITLE                      DATE

Subcontractor Contact Name: \_\_\_\_\_  
 Subcontractor Address: \_\_\_\_\_  
 Subcontractor City, State, ZIP: \_\_\_\_\_  
 Subcontractor Phone / Fax: \_\_\_\_\_  
 Subcontractor Email: \_\_\_\_\_

**SBE UNAVAILABILITY CERTIFICATION**

I, \_\_\_\_\_, \_\_\_\_\_, of  
 (Name) (Title)

\_\_\_\_\_, certify that our company made the following  
 (prime contractor/bidder/proposer)

efforts to meet the SBE goal on Regional Transportation District Contract No. \_\_\_\_\_:

*(please attach any additional efforts that do not fit on this form)*

- A Company representative attended the pre-bid meeting. Yes \_\_\_\_\_ No \_\_\_\_\_
- Newspaper Advertisement Log: (attach copies of ads)

Newspaper/Publication	Type of Publication Minority/General/Trade	Dates of Advertisement

- Selected portions of the work to be performed by SBEs

Work Categories	Type of Proposal/Bid (Sub or Supplier)	Prime's Estimated Budget	Additional Comments

- Made efforts to assist interested SBEs in obtaining bonding, lines of credit, insurance or any necessary equipment, supplies, materials, etc. (List any specific offers made by your company)

--

- Solicited the following SBEs

Date Contacted	Name of SBE Firm	Contact Person	Phone #	Work Category

- Followed up with initial contacts

Date	Name of SBE Firm	Phone #	Bidding/Proposing (Yes or No)	Additional Comments

- Contacted the following other agencies, organizations in recruitment of SBEs:

Date	Organization	Phone #

As shown by the documentation provided to RTD, we feel that we have made good faith effort to attain the contract goal.

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

9.

**FOR EMPLOYER CERTIFICATION OF WORKFORCE**

Please note that this data may be obtained by visual survey or post-employment records. Neither visual surveys nor post employment records are prohibited by Federal, State or local law. All specified data are required to be filled in by law.

Current utilization as of \_\_\_\_\_

Job Categories	Total Employees in Establishment			Black		Hispanic		American Indian & Alaskan		Asian		Other	
	TOTAL EMPLOYEES INCLUDING MINORITIES	TOTAL MALE INCLUDING MINORITIES	TOTAL FEMALE INCLUDING MINORITIES	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Officials & Managers													
Professionals													
Technicians													
Sales													
Office & Clerical													
Craft Workers (skilled)													
Operatives (semi-skilled)													
Laborers (unskilled)													
Service Workers													
<b>TOTAL</b>													

The undersigned certified that he/she is legally authorized by the bidder/proposer to make the statements and representations contained in this report; that he/she has read all of the foregoing statements and representations and they are true and correct to the best of his/her knowledge and belief. The undersigned understands that if any of the statements and representations are made knowing them to be false or there is a failure to implement any of the stated intentions or objectives set forth herein without prior notice to RTD, the bidder/proposer will be subject to the loss of all future awards.

Firm or Corporate Name \_\_\_\_\_

Address of Office Reporting \_\_\_\_\_

Signature \_\_\_\_\_

Date of Signing \_\_\_\_\_

## DESCRIPTION OF JOB CATEGORIES

**Officials and manager** – Occupations requiring administrative personnel who set board policies, exercise full responsibility for execution of these policies, and individual departments or special phases of the operations.

**Professionals** – Occupations requiring either college education or experience of such kind and amount as to provide a comparable background.

**Technicians** – Occupations requiring a combination of specific scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training.

**Sales** – Occupations engaging wholly or primarily in selling.

**Office and clerical** - Includes all clerical-type work, regardless of level of difficulty, where the activities are predominately non-manual though some manual work directly involved with altering or transporting the products is included.

**Craft Worker (skilled)** – Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercises considerable independent judgment and usually requires an extensive period of training.

**Operatives (semi-skilled)** – Workers who operate machines or processing equipment or perform other factory-related duties of intermediate skill level which can be mastered in a few weeks and require only limited training.

**Laborers (unskilled)** – Workers in manual occupations which generally require no special training perform rudimentary duties that may be learned in a few days and require the application of little or no independent judgment.

**Service Workers** – Workers in both protective and unprotective service occupations.

## RACE/ETHNIC IDENTIFICATION

**White (not Hispanic origin)** – All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

**Black (not Hispanic origin)** – All persons having origins in any of the Black racial groups of Africa.

**Hispanic** – All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

**Asian or Pacific Islander** – All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.

**Native American** – All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

### SOLICITATION STATISTICS

The Regional Transportation District must create and maintain bidders statistics, consisting of **all** firms bidding on prime contracts and bidding or quoting subcontracts on DOT-assisted projects per 49 CFR Part 26.11. We suggest you make copies of this form and send with your initial contact to the subcontractor(s) (both SBEs and non-SBEs) and ask them to return the filled out form with their bid/proposal to you. (A SBE is a Small Business Enterprise, a firm that is 51% owned/operated by woman or minority and certified.) You will then include these with your bid/proposal.

**This information will be used for statistical information only.**

**Firm Name:** \_\_\_\_\_

**Firm Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Status:** Non-SBE  SBE

**Type of Work Bid On:** \_\_\_\_\_

**Month/Year firm started:** \_\_\_\_\_

**Ethnic Background:**

- Asian  
 Black  
 Hispanic  
 Native American  
 White Female  
 White Male  
 Other \_\_\_\_\_

**Annual Gross Receipts of the Firm:** (check one)

0 to \$500,000

\$500,000 - \$1,000,000

\$1 Million - \$5 Million

\$5 Million - \$10 Million

\$10 Million - \$16.7 Million

Above \$16.7 Million

**Solicitation Number:** \_\_\_\_\_

## Small Business Outreach

As part of RTD's ongoing outreach activities to the Denver metro small business community, it is our goal identify and to establish a relationship with the small business outreach programs sponsored by the prime and subcontractors we partner with.

The prime and all contracted subcontractors are requested to provide the following requested information pertaining to their current small business outreach efforts – additional sheets may be used if necessary:

**RTD Contract Name and Number:**

\_\_\_\_\_  
**Prime Contractor:**

\_\_\_\_\_  
**Subcontractor – if applicable:**

\_\_\_\_\_  
**Small Business Outreach Contact (if none, list contact for this contract):**

\_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Website:** \_\_\_\_\_

**Currently Sponsored Small Business Outreach Activities:**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**How can RTD assist you in your current small business outreach efforts?**

\_\_\_\_\_  
\_\_\_\_\_

**Would you be interested becoming involved in current and future RTD sponsored outreach activities and committees:** [ ] Yes [ ] No

**If so, how?** \_\_\_\_\_

\_\_\_\_\_