

COUNTY OF INYO
REQUEST FOR PROPOSALS



For the Creation of a Virtual Transportation Museum
at the Eastern California Museum
in Independence, California

Deadline for Submission: July 10, 2010

County of Inyo
Public Works Department
P.O. Drawer Q, 168 N. Edwards St.
Independence, California 93526

REQUEST FOR PROPOSALS

INTRODUCTION

The County of Inyo, through its Public Works Department, seeks to obtain an independent contractor/consultant with expertise in museum cataloging, curatorial techniques, handling and scanning of historic photographs, web development, and knowledge of the transportation history of the Eastern Sierra region for the creation of a Virtual Transportation Museum from historic photographs at the Eastern California Museum in Independence and the Laws Railroad Museum in Laws, California.

The project is funded by the American Recovery and Reinvestment Act of 2009 (federal economic stimulus funds).

SETTING

Inyo County is located near the center of California (from north to south) and adjacent to the eastern edge of California. The western edge of the County is the crest of the Sierra Nevada mountain range and the east edge of the County is the State of Nevada. Inyo County is a large, rural county. The County is the second largest county in California, comprising more than 10,142 square miles. The County has a wide range of topography, including the highest point in the contiguous United States (Mt. Whitney at 14,505 feet above sea level) and the lowest point in the western hemisphere (Badwater Basin in Death Valley at 282 feet below sea level).

The Eastern California Museum is located in Independence, California. This will be the primary site for this project. A secondary location will be the archives of the Laws Railroad Museum.

SCOPE OF WORK

The Consulting firm will provide the services listed below:

- 1. Meet with County**
Orientation meeting.

- 2. Photo Selection**
This project will establish a “Virtual Transportation Museum.” The consultant will review the Eastern California Museum photo archives (the museum has more than 25,000 photos in its archives) and include a minimum of 500 transportation related photographs. A list of potential transportation topics includes by foot, horseback, mule, mining-related transportation systems, horse-drawn wagons, cars, buses, trucks, etc. The selected photos will be cataloged and scanned.

Applicants are required to physically locate and organize the photos for each section of the project. Those photographs without Accession Numbers will be assigned Accession Numbers.

Eastern California Museum staff will make the final determination of what photographs are selected. The photos can't leave the Museum, so they need to be scanned at the museum site. The Eastern California Museum is open Monday through Friday from 8:30 a.m. to 5:00 p.m. and on Saturday and Sunday from 10:00 a.m. to 5:00 p.m. Two hundred and fifty (250) hours will need to be devoted to this research and organizing effort.

3. Scan Photographs

Scan a minimum of 500 historic transportation-related photos. First, the digital image is scanned and processed at an archival-level resolution (based on Library of Congress standards), and saved in two formats, a JPEG and a TIFF. Then the image is saved once again as a low-resolution image in the Museum inventory/database using PastPerfect. That image can also be used for a Web page. Finally, to facilitate the photos being printed in the future, they will additionally need to be adjusted using Photoshop or similar program to create a usable print. Then, all the different types and kinds of images are saved and stored in various locations (a segregated section of the county's server system) and County owned media (disks, flash drives). The contractor will need to provide a computer and a scanner that can meet archival-level resolution standards set by the Library of Congress.

4. Captions

Write captions and background information for each of the above-described minimum of 500 photographs. Research and write photo captions to accompany each section of the multi-part exhibit. This will ensure a consistent style and continuity. Museum staff will have final approval of caption wording. The research and writing will need to take a minimum of 200 hours.

5. Web Site

Create a web site that includes a minimum of 500 historic photographs with captions included when available. Create a web page template, create separate sections corresponding with different transportation nodes or historic events, write corresponding text, and include appropriate captions. The web page should use similar font and have a similar layout to the Eastern California Museum web site. The contractor must provide the web development software and then upload the new Virtual Transportation Museum web pages onto a stand-alone website. The form and layout of the site will be such that Eastern California Museum staff can expand the website.

6. Slide Show

Create slide show compatible for viewing with Windows XP and Windows 7 for full screen viewing. This will be an interactive slide show, similar in design to the website. The difference between this and the website is that the photographs can be viewed at full screen resolution. This can also be played as a looping digital slideshow of historic photographs. After project completion this will be displayed on a computer monitor at the Eastern

California Museum and also via a digital projector. The contractor will be required to supply the software to develop the slideshow.

PROJECT EVALUATION

It is the intent of the County to evaluate all proposals received in response to this RFP. To be considered, proposals must be received prior to the close of business on July 10, 2010, at the Inyo County Public Works Department, 168 N. Edwards Street, P.O. Box Q, Independence CA 93526.

Following an initial screening of all the proposals, a short list of the most qualified respondents will be established, consisting of up to three firms. These firms will be interviewed by a selection committee to evaluate each firm's capability, experience, staffing level, availability, history, past clientele, and ability to meet deadlines, budgets and work with public agencies. Following interviews, the County shall commence contract negotiations with the highest ranked respondent, as more fully described below.

SERVICES PROVIDED BY THE CONTRACTOR

In addition to the above-described Scope of Work, the contractor will need to complete the work using their own: computer, flatbed scanner (that meets archival-level resolution standards set by the Library of Congress), web development software, photo manipulation software, and slideshow software.

SERVICES PROVIDED BY INYO COUNTY AND EASTERN CALIFORNIA MUSEUM STAFF

The County of Inyo will provide the services listed below in support of the Consulting firm's services:

- A. An orientation to the historic photo archives at the Eastern California Museum.
- B. Input on where to access historic records related to the photo archives and to the final grouping of photographs selected, photograph captions, and the content of the photograph captions.
- C. Final approval on what photographs to scan and which photographs to include.
- D. Participate in meetings with the Consultant(s) as required.
- E. Final approval of the web design template.
- F. Access to the County network to save scanned images and to access PastPerfect®.

RESPONSE TO THIS RFP

Responses to this RFP must contain the items listed below. Any proposal that does not include all of the requested information may be considered as non-responsive and may not be considered.

1. A narrative that addresses the nature of the project. This narrative should demonstrate an understanding of the scope of work and should discuss the proposed approach to the project.
2. A price proposal including the total price for the work and the estimated cost of each component of the project. The proposal must be for a total contract amount of \$25,525 or less.
3. The character and overall reputation of the firm or individual, qualifications, and in-house capabilities relative to work tasks.
4. Include a description of the firm's experience in successfully completing similar museum-related projects.
5. A proposed time frame for completion of each phase of the work. Include discussion regarding the firm's experience and history in meeting deadlines on previous projects. The contractor must complete the project within 180 calendar days of receiving the Notice to Proceed.
6. A discussion of the Firm's ability to support software needed including number of years' experience and examples of work using PastPerfect, web-development software, slideshows, and other photo manipulation software.
7. A discussion of the Firm's ability to provide the necessary equipment to complete this project (a computer, a scanner, and necessary software).
8. Identification of staff capabilities along with the resumes of key personnel who will be assigned to each portion of the work, and their availability for the project.
9. A listing of references that may be contacted regarding the firm's experience, including a description, approximate costs, and location of similar projects completed by the firm. The listing shall also include the names and addresses of the owners and the names and telephone numbers of persons in charge of the projects for the owners.
10. A statement as to the respondent's ability to enter into County of Inyo Standard Contract No. 113 (attached hereto), which will govern the selected respondent's work. Note ability to meet Insurance requirement set forth in *Terms and Conditions* No. 9 on page 3 and 4 of Contract.
11. A maximum of three pages of additional information if the respondent feels the information may be useful and is applicable to this project.

DBE/UDBE PARTICIPATION

The provisions of 49 CFR, Part 26 require that local agencies receiving federal-aid funds comply with the Disadvantaged Business Enterprise (DBE) program, and that DBE firms have the opportunity to participate in the projects. **The 2009/2010 DBE program and contract goal requirements have changed significantly.**

The UDBE contract goal for the project is 0 percent. The county has established a 0 percent UDBE goal because there appear to be no UDBEs in the county's market area available to do the work. Therefore, good faith efforts are not required. However, respondents are encouraged to use any and all UDBEs/DBEs that they may find available.

All respondents are required to comply with the requirements in the *Notice to Bidders/Proposers Disadvantaged Business Enterprise Information* and the *Standard Agreement for Subcontractor DBE Participation*; and to complete the *Local Agency Proposer UDBE Commitment (Consultant Contracts)*¹ form. Only the selected consultant is required to complete the *Local Agency Proposer DBE Information (Consultant Contracts)*². All of these forms are included as Attachment B.

DEBARMENT AND SUSPENSION CERTIFICATION

All respondents are required to submit a signed and dated Debarment and Suspension Certification (Attachment C) with their RFP.

NON LOBBYING CERTIFICATION

All respondents are required to submit a signed and dated *Non Lobbying Certification and Disclosure of Lobbying Activities* form (Attachment C) with their RFP.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 MONTHLY EMPLOYMENT REPORT

For the purpose of complying with the American Recovery and Reinvestment Act of 2009, the selected consultant must complete a Monthly Employment Report form by the 5th of each month for the previous month (see Attachment D). If the selected consultant fails to submit a complete and accurate report, the county withholds 2 percent of the monthly progress estimate. The county does not withhold more than \$10,000 or less than \$1,000. The county releases the withholding upon submission of the completed form.

¹ All respondents are required to submit Exhibit 10-01, "*Local Agency Proposer UDBE Commitment (Consultant Contracts)*," with their RFP. If the respondent can identify a UDBE subcontractant to participate in the project, fill in the appropriate information. The respondent may otherwise indicate that they have met the contract goal of 0 percent by filling in a Total Claimed Participation Amount of \$0, and a Total Claimed Participation Percentage of 0.

² Only the selected consultant is required to submit Exhibit 10-02, "*Local Agency Proposer DBE Information (Consultant Contracts)*," at the time of contract execution. The respondents do not need to submit Exhibit 10-02 with their RFP.

EVALUATION CRITERIA/SELECTION PROCESS

A selection committee composed of various staff of the County of Inyo will evaluate all submitted proposals. The information provided in your proposal will be the basis for selecting a consultant firm. The criteria for selection will be determined from the following areas with the weights for each specific area as indicated.

A. The Firm’s ability to address each of the scope of work requirements.....	20%
B. Capability of firm and qualifications of assigned personnel.....	20%
C. Experience with projects of similar type and size.....	20%
D. The Firm’s ability to use software necessary to implement the project.....	10%
E. Knowledge of Eastern California history.....	10%
F. Reference check.....	10%
G. Ability to enter into Contract No. 113.....	10%

Total.....100%

The three respondents receiving the highest preliminary ranks from the County review committee will be invited to an interview. Following those interviews, the committee will make a final ranking of those three respondents and the County will commence contract negotiations with the firm receiving the highest final ranking.

If the County and that firm are unable to consummate an agreement, the County will reject that firm and begin negotiations with the firm receiving the second highest rank from the committee. This process shall continue until the County reaches an agreement with a consultant.

Once an agreement is reached, the successful consultant shall execute Standard County Contract No. 113, which will then be forwarded to the Board of Supervisors for approval. The execution of the contract by the Chairperson of the Inyo County Board of Supervisors will constitute notice to the consultant to proceed with the work.

Inquiries: Direct questions to: Courtney Smith, Transportation Planner, Public Works Department, at Phone No. (760) 878-0207 or e-mail csmith@inyocounty.us. If you have any questions, please submit these in writing. Responses to those questions will be forwarded to all firms who have received an RFP or have indicated they will submit a response to this RFP.

Qualified individuals and firms wishing to submit proposals should send them to:

Courtney Smith
Inyo County Public Works Department
P.O. Box Q
168 N. Edwards Street
Independence, CA 93526

DEADLINE: To be considered, five (5) copies of the Proposal must be received at the above address by the close of business on July 10, 2010, postmarks and facsimiles are not acceptable.

Ted Pedersen
Inyo County Public Works Director

Date: May 28, 2010

ATTACHMENT A

CONTRACT

(Contact the Inyo County Public Works Department at (760) 878-0201
if you would like to receive a paper copy of this contract)

ATTACHMENT B

**NOTICE TO BIDDERS/PROPOSERS
DISADVANTAGED BUSINESS ENTERPRISE INFORMATION**

**EXHIBIT 10-01 - LOCAL AGENCY PROPOSER UDBE COMMITMENT
(CONSULTANT CONTRACTS)**

**EXHIBIT 10-02 - LOCAL AGENCY PROPOSER DBE INFORMATION
(CONSULTANT CONTRACTS)**

**STANDARD AGREEMENT FOR SUBCONTRACTOR/DBE
PARTICIPATION**



TED PEDERSON – Director

DEPARTMENT OF PUBLIC WORKS
P.O. DRAWER Q
INDEPENDENCE, CALIFORNIA 93526
(760) 878-0201
(760) 878-2001 FAX

County of

INYO

May 28, 2010
NOTICE TO PROPOSERS
DISADVANTAGED BUSINESS ENTERPRISE
INFORMATION

The County of Inyo has established an Underutilized Disadvantaged Business Enterprise (UDBE) goal for the contract for museum services for the Virtual Transportation Museum project of **0 percent**.

1 TERMS AS USED IN THIS DOCUMENT

- The term “Disadvantaged Business Enterprise” or “DBE” means a for-profit small business concern owned and controlled by a socially and economically disadvantaged person(s) as defined in Title 49, Part 26.5, Code of Federal Regulations (CFR).
- The term “Underutilized Disadvantaged Business Enterprise” or “UDBE” is a firm meeting the definition of a DBE as specified in 49 CFR and is one of the following groups:
 - Black American
 - Asian-Pacific American
 - Native American
 - Women
- The term “Agreement” also means “Contract.”
- Agency also means the local entity entering into this contract with the Contractor or Consultant.
- The term “Small Business” or “SB” is as defined in 49 CFR 26.65.

2. AUTHORITY AND RESPONSIBILITY

A. DBEs and other small businesses are strongly encouraged to participate in the performance of Agreements financed in whole or in part with federal funds (See 49 CFR 26, “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs”). The Contractor should ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The bidder/proposer shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.

B. Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.

3. SUBMISSION OF UDBE and DBE INFORMATION

If there is a UDBE goal on the contract, a “Local Agency Bidder/Proposer-UDBE Commitment (Consultant Contract)” (Exhibit 10-O1) form shall be included in the Request for Qualifications. In order for a respondent to be considered responsible and responsive, the respondent must make good faith efforts to meet the goal established for the contract. If the goal is not met, the respondent must document adequate good faith efforts. Only UDBE participation will be counted towards the contract goal; however, all DBE participation shall be collected and reported.

A “Local Agency Proposer -DBE –Information (Consultant Contract)” (Exhibit 10-O2) form shall be completed and submitted with the executed contract. The purpose of the form is to collect all UDBE and DBE commitment data required under 49 CFR 26. For contracts with no goals, this form collects information on all DBEs, including UDBEs. Even if no DBE participation will be reported, the successful bidder must execute and return the form.

4. DBE PARTICIPATION GENERAL INFORMATION

It is the respondent’s responsibility to be fully informed regarding the requirements of 49 CFR, Part 26, and the Department’s DBE program developed pursuant to the regulations. Particular attention is directed to the following:

A. A DBE must be a small business firm defined pursuant to 13 CFR 121 and be certified through the California Unified Certification Program (CUCP).

B. A certified DBE may participate as a prime consultant, subconsultant, subcontractor, joint venture partner, as a vendor of material or supplies, or as a trucking company.

C. A UDBE bidder, not bidding as a joint venture with a non-DBE, will be required to document one or a combination of the following:

1. The respondent is a UDBE and will meet the goal by performing work with its own forces.
2. The respondent will meet the goal through work performed by UDBE subconsultants, suppliers, or trucking companies.
3. The respondent made adequate good faith efforts to meet the goal.

D. A DBE joint venture partner must be responsible for specific contract items of work or clearly defined portions thereof. Responsibility means actually performing, managing and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.

E. A DBE must perform a commercially useful function pursuant to 49 CFR 26.55; that is, a DBE firm must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.

F. The (prime consultant) shall list only one subconsultant for each portion of work as defined in their proposal and all DBE subconsultants should be listed in the cost proposal list of subconsultants.

G. A prime consultant who is a certified DBE is eligible to claim all of the work in the Agreement toward the DBE participation except that portion of the work to be performed by non-DBE subconsultants

5. RESOURCES

A. The CUCP database includes the certified DBEs from all certifying agencies participating in the CUCP.

B. Access the CUCP database from the Department of Transportation, Civil Rights, Business Enterprise Program website at: <http://www.dot.ca.gov/hq/bep/>.

- Click on the link in the left menu titled Find a Certified Firm
- Click on Query Form link, located in the first sentence
- Click on Certified DBE's (UCP) located on the first line in the center of the page
- Click on Click To Access DBE Query Form
- Searches can be performed by one or more criteria
- Follow instructions on the screen
- “Start Search,” “Requery,” “Civil Rights Home,” and “Caltrans Home” links are located at the bottom of the query form

6. MATERIALS OR SUPPLIES PURCHASED FROM DBES COUNT TOWARDS DBE CREDIT, AND IF A DBE IS ALSO A UDBE, PURCHASES WILL COUNT TOWARDS THE UDBE GOAL UNDER THE FOLLOWING CONDITIONS:

A. If the materials or supplies are obtained from a DBE manufacturer, count one hundred percent of the cost of the materials or supplies. A DBE manufacturer is a firm that operates or maintains a factory, or establishment that produces on the premises, the materials, supplies, articles, or equipment required under the Agreement and of the general character described by the specifications.

B. If the materials or supplies purchased from a DBE regular dealer, count sixty percent of the cost of the materials or supplies. A DBE regular dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the Agreement are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a DBE regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a DBE regular dealer in such bulk items as petroleum products, steel,

cement, gravel, stone or asphalt without owning, operating or maintaining a place of business provided in this section.

C. If the person both owns and operates distribution equipment for the products, any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not an ad hoc or Agreement-by -Agreement basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not UDBE regular dealers within the meaning of this section.

D. Materials or supplies purchased from a DBE, which is neither a manufacturer nor a regular dealer, will be limited to the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on the job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

7. FOR DBE TRUCKING COMPANIES: CREDIT FOR DBES WILL COUNT TOWARDS DBE CREDIT, AND IF A DBE IS A UDBE, CREDIT WILL COUNT TOWARDS THE UDBE GOAL, UNDER THE FOLLOWING CONDITIONS:

A. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular Agreement, and there cannot be a contrived arrangement for the purpose of meeting the UDBE goal.

B. The DBE must itself own and operate at least one fully licensed, insured and operational truck used on the Agreement.

C. The DBE receives credit for the total value of the transportation services it provides on the Agreement using trucks it owns, insures, and operates using drivers it employs.

D. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Agreement.

E. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by the DBE.

F. For the purposes of this Section D, a lease must indicate that the DBE has exclusive use and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, as long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

**INSTRUCTIONS - LOCAL AGENCY BIDDER- UDBE COMMITMENT
(CONSULTANT CONTRACTS) (Revised 03/09)****ALL PROPOSERS:**

PLEASE NOTE: It is the proposer's responsibility to verify that the UDBE(s) falls into one of the following groups in order to count towards the UDBE contract goal: 1) Black American; 2) Asian-Pacific American; 3) Native American; 4) Women. This information shall be submitted with your proposal. Failure to submit the required UDBE commitment will be grounds for finding the proposal nonresponsive

UDBE is a firm meeting the definition of a DBE as specified in 49 CFR and is one of the following groups:

1. Black American
2. Asian-Pacific American
3. Native American
4. Women

The form requires specific information regarding the consultant contract: Agency, Location, Project Descriptions, Federal Aid Project Number (assigned by Caltrans-Local Assistance), Proposal Date, Proposer's Name, and Contract Goal.

The form has a column for the Work Item Number (or Item Nos) and Description or Services to be Subcontracted to UDBEs. The UDBE should provide a certification number to the Consultant. Notify the Consultant in writing with the date of the decertification if their status should change during the course of the contract. The form has a column for the Names of certified UDBEs to perform the work (must be certified on the date proposals are received and include UDBE address and phone number). Enter the UDBE prime consultant and subconsultant certification numbers. Prime consultants shall indicate all work to be performed by UDBEs including, if the prime consultant is a UDBE, work performed by its own forces.

There is a column for the total UDBE percentage. Enter the Total Claimed UDBE Participation percentage of items of work submitted with the proposal pursuant to the Special Provisions. (If 100% of item is not to be performed or furnished by the UDBE, describe exact portion of time to be performed or furnished by the UDBE.) See Notice to Bidders/Proposers Disadvantaged Business Enterprise Information to determine how to count the participation of UDBE firms. Note: If the proposer has not met the contract goal, the local agency must evaluate the proposer's good faith efforts to meet the goal in order to be considered for award of the contract.

Exhibit 10-O (1) must be signed and dated by the consultant proposing. Also list a phone number in the space provided and print the name of the person to contact.

For the Success Proposer only, local agencies should complete the Contract Award Date and Federal Share fields and verify that all information is complete and accurate before signing and sending a copy of the form to the District Local Assistance Engineer within 15 days of award. Failure to submit a completed and accurate form within the 15-day time period may result in the de-obligation of funds on this project.

District DBE Coordinator should verify that all information is complete and accurate. Once the information has been verified, the **District Local Assistance Engineer** signs and dates the form.

**INSTRUCTIONS - LOCAL AGENCY BIDDER DBE INFORMATION
(CONSULTANT CONTRACTS) (Revised 03/09)****SUCCESSFUL PROPOSER:**

The form requires specific information regarding the consultant contract: Agency, Location, Project Description, Federal Aid Project Number (assigned by Caltrans-Local Assistance), Proposal Date, and Successful Proposer's Name.

The form has a column for the Description or Services to be Subcontracted by DBEs. The DBE should provide a certification number to the prime consultant. The form has a column for the Names of DBE certified consultants to perform the work (must be certified on the date the proposal is received and include DBE address and phone number). Enter DBE prime consultant's and subconsultants' certification numbers. The prime consultant shall indicate all work to be performed by DBEs including, if the prime consultant is a DBE, work performed by its own forces.

Enter the Total Claimed DBE Participation percentage of items of work in the total DBE Dollar Amount column. (If 100% of item is not to be performed by the DBE, describe the exact portion of time to be performed by the DBE.) See Notice to Proposers/Bidders Disadvantaged Business Enterprise Information to determine how to count the participation of DBE firms.

Exhibit 10-O (2) must be signed and dated by the successful proposer at contract execution. Also list a phone number in the space provided and print the name of the person to contact.

For the successful proposer, Local agencies should complete the Contract Award Date and Federal Share fields and verify that all information is complete and accurate before signing and sending a copy of the form to the District Local Assistance Engineer within 15 days of contract execution. Failure to submit a completed and accurate form within the 15-day time period may result in the de-obligation of funds on this project.

District DBE Coordinator should verify that all information is complete and accurate. Once the information has been verified, the **District Local Assistance Engineer** signs and dates the form.

EXHIBIT 10-J STANDARD AGREEMENT FOR SUBCONTRACTOR/DBE PARTICIPATION**1. Subcontractors**

- A. Nothing contained in this Agreement or otherwise, shall create any contractual relation between the Agency and any subcontractors, and no subcontract shall relieve the Contractor of his/her responsibilities and obligations hereunder. The Contractor agrees to be as fully responsible to the Agency for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Contractor. The Contractor's obligation to pay its subcontractors is an independent obligation from the Agency's obligation to make payments to the Contractor.
- B. Any subcontract in excess of \$25,000, entered into as a result of this Agreement, shall contain all the provisions stipulated in this Agreement to be applicable to subcontractors.
- C. Contractor shall pay its subcontractors within ten (10) calendar days from receipt of each payment made to the Contractor by the Agency.
- D. Any substitution of subcontractors must be approved in writing by the Agency's Contract Manager in advance of assigning work to a substitute subcontractor.

2. Disadvantaged Business Enterprise (DBE) Participation

- A. This Agreement is subject to 49 CFR, Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." Bidders who obtain DBE participation on this contract will assist Caltrans in meeting its federally mandated statewide overall DBE goal.
- B. If the contract has an under-utilized DBE (UDBE) goal, the Contractor must meet the UDBE goal by using UDBEs as subcontractor or document a good faith effort to meet the goal. If a UDBE subcontractor is unable to perform, the Contractor must make a good faith effort to replace him/her with another UDBE subcontractor if the goal is not otherwise met. A UDBE is a firm meeting the definition of a DBE as specified in 49 CFR and is one of the following groups:
 - 1. Black American
 - 2. Asian-Pacific American
 - 3. Native American
 - 4. Women
- C. DBE and other small businesses, as defined in 49 CFR, Part 26 are encouraged to participate in the performance of agreements financed in whole or in part with federal funds. The Contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement. The Contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of US DOT- assisted agreements. Failure by the Contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.
- D. Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this section.

3. Performance of DBE Contractors and other DBE Subcontractors/Suppliers

- A. A DBE performs a commercially useful function when it is responsible for execution of the work of the Agreement and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible with respect to materials and supplies used on the Agreement, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, evaluate the amount of work subcontracted, industry practices; whether the amount the firm is to be paid under the Agreement is commensurate with the work it is actually performing, and other relevant factors.
- B. A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, Agreement, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, examine similar transactions, particularly those in which DBEs do not participate.
- C. If a DBE does not perform or exercise responsibility for at least thirty percent of the total cost of its Agreement with its own work force, or the DBE subcontracts a greater portion of the work of the Agreement than would be expected on the basis of normal industry practice for the type of work involved, it will be presumed that it is not performing a commercially useful function.

5. Prompt Payment of Funds Withheld to Subcontractors

The Agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency, of the contract work, and pay retainage to the prime contractor based on these acceptances. The prime contractor, or subcontractor, shall return all monies withheld in retention from a subcontractor within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Federal law (49CFR26.29) requires that any delay or postponement of payment over 30-days may take place only for good cause and with the agency's prior written approval. Any violation of this provision shall subject the violating prime contractor or subcontractor to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontract performance, or noncompliance by a subcontractor. This provision applies to both DBE and non-DBE prime contractors and subcontractors.

Any subcontract entered into as a result of this Agreement shall contain all of the provisions of this section.

6. DBE Records

- A. The Contractor shall maintain records of materials purchased and/or supplied from all subcontracts entered into with certified DBEs. The records shall show the name and business address of each DBE or vendor and the total dollar amount actually paid each DBE or vendor, regardless of tier. The records shall show the date of payment and the total dollar figure paid to all firms. DBE prime Contractors shall also show the date of work performed by their own forces along with the corresponding dollar value of the work.
- B. Upon completion of the Agreement, a summary of these records shall be prepared and submitted on the form entitled, "Final Report-Utilization of Disadvantaged Business Enterprises (DBE) First-Tier Subcontractors," CEM-2402F (Exhibit 17-F in Chapter 17 of the LAP), certified correct by the Contractor or the Contractor's authorized representative and shall be furnished to the Contract Manager with the final invoice. Failure to provide the summary of DBE payments with the final invoice will result in twenty-five percent (25%) of the dollar value of the invoice being withheld from payment until the form is submitted. The amount will be

returned to the Contractor when a satisfactory "Final Report Utilization of Disadvantaged Business Enterprises (DBE) First-Tier Subcontractors" is submitted to the Contract Manager.

1) Prior to the fifteenth of each month, the Contractor shall submit documentation to the Agency's Contract Manager showing the amount paid to DBE trucking companies. The Contractor shall also obtain and submit documentation to the Agency's Contract Manager showing the amount paid by DBE trucking companies to all firms, including owner-operators, for the leasing of trucks. If the DBE leases trucks from a non-DBE, the Contractor may count only the fee or commission the DBE receives as a result of the lease arrangement.

(2) The Contractor shall also submit to the Agency's Contract Manager documentation showing the truck number, name of owner, California Highway Patrol CA number, and if applicable, the DBE certification number of the truck owner for all trucks used during that month. This documentation shall be submitted on the Caltrans "Monthly DBE Trucking Verification, CEM-2404(F) form provided to the Contractor by the Agency's Contract Manager.

7. DBE Certification and De-certification Status

If a DBE subcontractor is decertified during the life of the Agreement, the decertified subcontractor shall notify the Contractor in writing with the date of de-certification. If a subcontractor becomes a certified DBE during the life of the Agreement, the subcontractor shall notify the Contractor in writing with the date of certification. Any changes should be reported to the Agency's Contract Manager within 30 days.

Materials or supplies purchased from DBEs will count towards DBE credit, and if a DBE is also a UDBE, purchases will count towards the UDBE goal under the following conditions:

A. If the materials or supplies are obtained from a DBE manufacturer, 100 % of the cost of the materials or supplies will count toward the DBE participation. A DBE manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises, the materials, supplies, articles, or equipment required under the Agreement and of the general character described by the specifications.

If the materials or supplies purchased from a DBE regular dealer, count 60 % of the cost of the materials or supplies toward DBE goals. A regular dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the Agreement, are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone or asphalt without owning, operating or maintaining a place of business provided in this section.

C. If the person both owns and operates distribution equipment for the products, any supplementing of regular dealers' own distribution equipment, shall be by a long-term lease agreement and not an ad hoc or Agreement-by-Agreement basis. Packers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this section.

D. Materials or supplies purchased from a DBE, which is neither a manufacturer nor a regular dealer, will be limited to the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on the job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

ATTACHMENT C

**DEBARMENT AND SUSPENSION CERTIFICATION,
NONLOBBYING CERTIFICATION FOR FEDERAL AID CONTRACTS, and
DISCLOSURE OF LOBBYING ACTIVITIES**

DEBARMENT AND SUSPENSION CERTIFICATION

TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29

The bidder, under penalty of perjury, by signing below, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, and manager:

- Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
- Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;
- Does not have a proposed debarment pending; and
- Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions.

CERTIFICATION

(Company Name)

(Signature)

Date

Exhibit 10-P Nonlobbying Certification For Federal-Aid Contracts

**NONLOBBYING CERTIFICATION
FOR FEDERAL-AID CONTRACTS**

The prospective participant certifies by signing and submitting this bid or proposal to the best of his or her knowledge and belief that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower-tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

(Company Name)

(Signature)

Date

Exhibit 10-Q Disclosure of Lobbying Activities

DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

<p>1. Type of Federal Action:</p> <p><input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance</p>	<p>2. Status of Federal Action:</p> <p><input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award</p>	<p>3. Report Type:</p> <p><input type="checkbox"/> a. initial <input type="checkbox"/> b. material change</p> <p>For Material Change Only: year _____ quarter _____ date of last report _____</p>
<p>4. Name and Address of Reporting Entity</p> <p><input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known</p> <p>Congressional District, if known</p>	<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known</p>	
<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description:</p> <p>CFDA Number, if applicable _____</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known:</p>	
<p>10. a. Name and Address of Lobby Entity (If individual, last name, first name, MI)</p> <p>(attach Continuation Sheet(s) if necessary)</p>	<p>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI)</p>	
<p>11. Amount of Payment (check all that apply)</p> <p>\$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned</p>	<p>13. Type of Payment (check all that apply)</p> <p><input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify _____</p>	
<p>12. Form of Payment (check all that apply):</p> <p><input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ Value _____</p>		
<p>14. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 11:</p> <p>(attach Continuation Sheet(s) if necessary)</p>		
<p>15. Continuation Sheet(s) attached: Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
<p>16. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the tier above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>		
		<p>Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____</p>
		<p>Authorized for Local Reproduction Standard Form - LLL</p>
<p>Federal Use Only:</p>		

Standard Form LLL Rev. 04-28-06

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient at the initiation or receipt of covered federal action or a material change to previous filing pursuant to title 31 U.S.C. Section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered federal action for which lobbying activity is and/or has been secured to influence, the outcome of a covered federal action.
2. Identify the status of the covered federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4. checks "Subawardee" then enter the full name, address, city, State and zip code of the prime federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the federal program name or description for the covered federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate federal identifying number available for the federal action identification in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant. or loan award number, the application/proposal control number assigned by the federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered federal action where there has been an award or loan commitment by the Federal agency, enter the federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in Item 4. to influenced the covered federal action.
(b) Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with federal officials. Identify the federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
15. Check whether or not a continuation sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name title and telephone number.

Public reporting burden for this collection of information is estimated to average 30-minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

SF-LLL-Instructions Rev. 06-04-90«ENDIF»

ATTACHMENT D

**AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
MONTHLY EMPLOYMENT REPORT**

MONTHLY EMPLOYMENT REPORT (AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)). For the purpose of complying with the American Recovery and Reinvestment Act of 2009, submit a completed Monthly Employment Report form by the 5th of each month for the previous month. For the form, go to:

<http://www.dot.ca.gov/hq/construc/forms.htm>

If you fail to submit a complete and accurate report, the county withholds 2 percent of the monthly progress estimate. The county does not withhold more than \$10,000 or less than \$1,000. The county releases the withhold upon submission of the completed form.

JOB STAMP

**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)
 MONTHLY EMPLOYMENT REPORT**

See instructions that follow

1. CONTRACT NO.	2. FEDERAL-AID PROJECT NUMBER <i>(From special provisions)</i>							
3. FIRST DAY OF REPORTING PERIOD (mm/dd/yy):	4. REPORT MONTH (mm/yy)	5. CONTRACTING AGENCY						
6. CONTRACTOR NAME AND ADDRESS								
7. EMPLOYMENT DATA								
			EMPLOYEES		HOURS		PAYROLL	
			NEW HIRES	EXISTING EMPLOYEES	NEW HIRES	EXISTING EMPLOYEES	NEW HIRES	EXISTING EMPLOYEES
PRIME CONTRACTOR DIRECT, ON-PROJECT JOBS								
SUBCONTRACTOR DIRECT, ON-PROJECT JOBS								
SUBCONTRACTOR NAME(S):			DBE					
			<input type="checkbox"/>					
			<input type="checkbox"/>					
			<input type="checkbox"/>					
			<input type="checkbox"/>					
			<input type="checkbox"/>					
			<input type="checkbox"/>					
PRIME AND SUBCONTRACTOR SUBTOTALS								
PRIME AND SUBCONTRACTOR TOTALS (NEW + EXISTING)								
8. CERTIFIED BY CONTRACTOR: <i>(Signature and Title)</i>							DATE	
TO BE COMPLETED BY AGENCY OR AUTHORIZED REPRESENTATIVE								
9. REVIEWED BY CONTRACT ADMINISTRATOR: <i>(Signature and Title)</i>							DATE	

COPY DISTRIBUTION: **Original** - Resident Engineer **Copy** - Contractor **Copy** - Caltrans District Local Assistance Engineer

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

INSTRUCTIONS FOR COMPLETING ARRA MONTHLY EMPLOYMENT REPORT FORM

- BOX 1. *Contract Number.* The state-assigned project number or ID: district and expenditure authorization (EA).
- BOX 2. *Federal-aid Project Number.* The state-assigned federal-aid project number.
- BOX 3. *First Day of Reporting Period.* The first day of reporting period is the first day of the first payroll period of the month. If the beginning of the month splits the payroll period, then the report will include dates from the prior month as necessary to complete the payroll period.
- BOX 4. *Report Month.* The month and year covered by the report. Reported as “mm/yy” (e.g. May 2009 would be coded as “05/09.”).
- BOX 5. *Contracting Agency.* The name of the contracting agency. For state projects, enter Caltrans. For non-state projects, enter the name of the contracting agency (federal agency, tribe, MPO, city, county, etc.).
- BOX 6. *Contractor Name and Address.* The name and address of the contractor shall include the firm name, street address, city, state, and zip code.
- BOX 7. *Employment Data.*
Subcontractor Name(s). The name of each subcontractor that was active on the project for the reporting month.
Employees. The number of new hires and existing employees on the contractor’s workforce that month, and the number of new hires and existing employees for each of the active subcontractors that month. Do not include material suppliers. Reported as a whole number.
Hours. The total hours on the specified project for the new hires and existing employees on the contractor’s workforce that month, and the total hours for the new hires and existing employees for each of the active subcontractors that month. Reported as a whole number.
Payroll. The total dollar amount of wages paid by the contractor that month for employees on the specified project, and the total dollar amount of wages paid by each of the active subcontractors that month. Rounded to the nearest whole dollar and reported as a whole number. Refer to Section 9-1.03A(1), “Labor,” of the *Standard Specifications*.
Prime and Subcontractor Subtotals. The subtotal for number of employees, hours and payroll for new hires and existing employees for the contractor and listed subcontractor(s).
Prime and Subcontractor Totals (New + Existing). The total number of employees, hours and payroll for the contractor and listed subcontractor(s).
- BOX 8. *Certified by Contractor.*
Name. Contractor representative or person responsible for certification of the information included on the form. By completing the form, the authorized representative certifies that they are knowledgeable of the hours worked and employment status for all employees. Contractors are responsible to maintain data to support the employment form and make it available to the state should it request supporting materials.
Date. The date that the contractor completed the employment form. Reported as “mm/dd/yy.”
- BOX 9. *Reviewed by Contract Administrator.* (To be completed by the local agency or authorized representative.)
Name. Local agency representative, such as the resident engineer or contract manager, or authorized project representative responsible for reviewing the submitted form.
Date. The date that the state representative reviewed the form. Reported as “mm/dd/yy.”