SECTION I

1 PURPOSE

It is the express purpose of the Enhanced Construction Outreach Program (ECOP) to encourage the participation in the County of Alameda (County), General Services Agency (GSA) capital projects of

- Minority Owned Business Enterprise (MBE),
- Woman Owned Business Enterprise (WBE),
- Local Business Enterprise (LBE) and
- Small Local Business Enterprise (S/LBE)

to ensure that all contracting firms receive an equal opportunity to bid and receive work for this project. The ECOP encourages the inclusion of small businesses in this construction contract in accordance with Public Contract Code Section 2002.

It is also the purpose of this program to encourage businesses to locate and remain in Alameda County, to employ residents of Alameda County, and to spend County funds for County construction projects within the County.

In addition, for this project, GSA is interested in contracting with those businesses that can demonstrate the ability and willingness to provide jobs required to complete this project to local apprentices, youth, unemployed and under-employed County residents.

In the event of conflict between the terms of this Section 0022 19 and any other Sections of the bid documents for this project, the terms of this Section 0022 19 shall take priority.

By responding to this request for bids, bidders acknowledge and agree to all Section 0022 19 ECOP provisions contained herein.

2 APPLICATION

The provisions outlined in this Section 0022 19 apply to this contract for construction of the above-referenced project. This project is funded solely with local dollars and these provisions shall apply to all work performed under any contract awarded as a result of this competitive process.

To be considered for a contract award, any contractor who fails to meet all ECOP goals identified herein shall be required to demonstrate to the satisfaction of the County that all good faith efforts (GFEs) were made in accordance with the criteria listed in Section 7.7, GFE 1-9. A contract, if awarded, will be awarded to the responsible bidder with the lowest responsive bid.
3 DEFINITIONS

3.1 LOCAL BUSINESS ENTERPRISE (LBE)

For the purposes of this program, a Local Business Enterprise means a business that is a firm or dealer with fixed offices located in, and having a street address within the County for at least 6 months prior to the date upon which a request for sealed bids or proposals is issued and which holds a valid business license issued by the County or a city within the County.

3.2 MINORITY OR WOMEN BUSINESS ENTERPRISE (MWBE)

For the purposes of this program, a MWBE is a Small Business Enterprise (SBE), as that term is defined by the State of California, that meets both of the following criteria:

- At least 51 percent of the business is owned by one or more minority persons or women, or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more minority persons or women; and

- Whose management and daily business operations are controlled by one or more such individuals.

A MWBE must be certified as such by local agencies identified or recognized by the County as having effective certification programs. When the State of California SBE definition is met, validation of the current certification by one of the following local agencies must be provided with the bid response:

- Bay Area Rapid Transit (BART)
- Northern California Minority Supplier Development Council (NCMSDC)
- San Francisco Redevelopment Agency
- Womens’ Business Enterprise National Council (WBENC)

3.3 MINORITY PERSON

Minority person, for purposes of this section, means Black Americans, Hispanic Americans, Native Americans (including American Indians, Eskimos, Aleuts and Native Hawaiians), Asian-Pacific Americans (including persons whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia and Taiwan).

3.4 RESPONSIBLE BIDDER AND RESPONSIVE BID

The intent of this bid solicitation is to award a contract to the responsible bidder with the lowest responsive bid.

3.4.1 A responsible bidder is defined by the California Public Contract Code section 1103 as “a bidder who has demonstrated the attribute of trustworthiness, as well as quality,
3.4.2. A responsive bid is a solicited bid that has been determined to be in conformance with the conditions, completion or delivery requirements, and specifications detailed in the solicitation for bid. Responsive bids are those that are submitted in accordance with the instructions contained herein and that promise to do what the bidding instructions require. Responsive bids are those submitted on time; contain complete information, and required submittals and/or supporting documentation.

3.5 SMALL BUSINESS ENTERPRISE (SBE)

For the purposes of this program a SBE meets the current State of California definition of a small business, which is one that:

- Must be independently owned and operated;
- Cannot be dominant in its field of operation;
- Must have its principal office located in California;
- Must have its owners (or officers in the case of a corporation) domiciled in California; and
- Together with its affiliates, be either:
  - A business with 100 or fewer employees, and an average annual gross receipts of $14 million or less over the previous three tax years, or
  - A manufacturer with 100 or fewer employees.

A SBE must be certified or recognized as such by organizations whose certification is accepted by the California Department of General Services or by local agencies identified by the County of Alameda to have effective certification programs. Validation of the current certification by one of the following local agencies must be provided with the bid response:

- Alameda County Transportation Improvement Authority (ACTIA)
- California Department of General Services (DGS)
- Port of Oakland
- San Francisco Redevelopment Agency

\textit{and, when the State SBE definition is met}, Alameda County (SLEB certification)
3.6 SMALL LOCAL BUSINESS ENTERPRISE (S/LBE)

For the purposes of this program, a Small Local Business Enterprise is defined by the County of Alameda and means a business that meets the SBE definition above, and is a firm or dealer with fixed offices located in, and having a street address within the County, and holds a valid business license issued by the County or a city within the County.

4 ENHANCED CONSTRUCTION OUTREACH PROGRAM (ECOP) GOALS

4.1 MBE PARTICIPATION SUBCONTRACTING – 15% GOAL

The MBE element of the ECOP program shall include subcontractors, manufacturers, suppliers and truckers in calculating achievement of the MBE goal. Any contractor who fails to meet the MBE goals described herein must demonstrate to the satisfaction of the County of Alameda that a good faith effort was made to meet these goals in order to be considered for a contract award.

a. The County shall award construction contracts to the responsible bidder with the lowest responsive bid as required by law. The County shall further require that in order to be awarded a contract, a prime contractor must show that a good faith effort was made to provide at least 15% of the total contract amount to MBE subcontractors, manufacturers, suppliers and truckers.

b. The MBE goals must be achieved by the use of MBE subcontractors, manufacturers, suppliers and/or truckers. If the Contractor plans to perform all the work with the Contractor’s own forces, the goal will still apply and must be achieved by the use of suppliers, manufacturers, and/or truckers.

A certified MBE prime contractor may not apply the percentage of the prime contractor’s work toward meeting the goals as set forth above. An MBE subcontractor meeting the definition of both an MBE and a WBE may not be used to achieve both MBE and WBE required goals. The percentage of MBE firms utilized for the project described herein can only be applied to either MBE or WBE required goals. For purposes of meeting the MBE goals for this project, each participating MBE must be identified as a MBE.

c. Prime contractors are strongly encouraged to sub-contract with S/LBE certified MBEs to meet the goals.

4.2 WBE PARTICIPATION SUBCONTRACTING – 5% GOAL

The WBE element of the ECOP program shall include subcontractors, manufacturers, suppliers and truckers in calculating achievement of the WBE goal. Any contractor who fails to meet the WBE goals described herein must demonstrate to the satisfaction of the County of Alameda that a good faith effort was made to meet these goals in order to be considered for a contract award.
a. The County shall award construction contracts to the responsible bidder who submitted the lowest responsive bid, as required by law. The County shall further require that in order to be awarded a contract; a prime contractor must show that a good faith effort was made to provide at least 5% of the total contract amount to WBE subcontractors, manufacturers, suppliers and/or truckers.

b. The WBE goals must be achieved by the use of subcontractors, manufacturers, suppliers and/or truckers. If the Contractor plans to perform all the work with the Contractor’s own forces, the goal will still apply and must be achieved by the use of manufacturers, suppliers and/or truckers.

A certified WBE prime contractor may not apply the percentage of the prime contractor’s work toward meeting the goals as set forth above. A WBE subcontractor meeting the definition of both an MBE and a WBE may not be used to achieve both the MBE and WBE required goals. The percentage of WBE firms utilized for the project described herein can only be applied to either MBE or WBE required goals. For purposes of meeting the WBE goals for this project, each participating WBE must be identified as a WBE.

c. Prime contractors are strongly encouraged to sub-contract with S/LBE certified WBEs to meet the goals.

4.3 LBE PARTICIPATION GOALS – 60% GOAL

The LBE element of the ECOP program shall include subcontractors, manufacturers, suppliers and/or truckers in calculating achievement of the LBE goal. Any contractor who fails to meet the LBE goals described herein must demonstrate to the satisfaction of the County of Alameda that a good faith effort was made to meet these goals in order to be considered for a contract award.

a. The County shall award construction contracts to the responsible bidder who submitted the lowest responsive bid, as required by law. The County shall further require that in order to be awarded a contract; a prime contractor must show that a good faith effort was made to provide at least 60% of the total contract amount to a LBE.

b. The prime contractor may count a portion or all of its work towards meeting the goal and/or the LBE goal may be achieved by the use of subcontractors, manufacturers, suppliers and/or truckers.

4.4 S/LBE PARTICIPATION- 20% GOAL

The S/LBE element of the ECOP program shall include subcontractors, manufacturers, suppliers and/or truckers in calculating achievement of the S/LBE goal. Any contractor who fails to meet the S/LBE goals described herein must demonstrate to the satisfaction of the County of Alameda that a good faith effort was made to meet these goals in order to be
a. The County shall award construction contracts to the responsible bidder who submitted the lowest responsive bid, as required by law. The County shall further require that in order to be awarded a contract; a prime contractor must show that a good faith effort was made to provide at least 20% of the total contract amount to a S/LBE.

b. The prime contractor may count a portion or all of its work towards meeting the goal and/or the S/LBE goal may be achieved by the use of subcontractors, manufacturers, suppliers and/or truckers. For purposes of meeting this goal, the 20% S/LBE participation may also be counted toward achieving the 60% LBE participation goal and/or a part of the prime contractor LBE participation.

5 SMALL BUSINESS ENTERPRISE 5% BID PREFERENCE

Prime contractors who are certified small local businesses (S/LBE) shall be eligible to receive a 5% bid preference. Prime contractors that subcontract with certified small local businesses (S/LBE) (in accordance with the Public Contract Code 2002) for a minimum 40% of the contract amount will also be eligible to receive this 5% bid preference. This bid preference shall be applied by multiplying the total Base Bid amount by .95 to determine the bid amount for comparison purposes.

6 HIRING OF LOCAL APPRENTICES, YOUTH, UNEMPLOYED AND UNDEREMPLOYED RESIDENTS

PURPOSE

The County of Alameda, General Services Agency (GSA), Technical Services Department (TSD) strongly encourages the hiring of local apprentices, youth, unemployed and underemployed County residents to complete the work required for this project. Those firms that can demonstrate the ability and willingness to provide jobs required to complete this project to local apprentices, youth, unemployed and underemployed County residents should include such evidence in their bid response.

7 GOOD FAITH EFFORTS, ECOP PACKAGE SUBMITTALS, AND EVALUATION PROCEDURES

7.1 It is required that bidders exercise a good faith effort to secure the participation, as set forth in the specifications, of M/W/S/LBE subcontractors, manufacturers, suppliers and/or truckers on the project. Achievement of the ECOP goals shall constitute prima facie evidence of a Good Faith Effort (GFE). The failure of any bidder to make a good faith effort to achieve the specified participation of M/W/S/LBE subcontractors, manufacturers, suppliers and/or truckers shall be grounds for determining that the bid is non-responsive.

7.2 Upon request from GSA the two responsible bidders with the lowest responsive bids
must submit to the Project Manager documentation to support the ECOP goals met and the GFEs made. The documentation submitted by each bidder shall be referred to as the ECOP Package.

7.3 ECOP bid submittal evaluation will initiate following GSA’s determination of the two (2) responsible bidders who submitted the lowest responsive bids and their submission of the ECOP Package, which shall include, but not be limited to, ECOP Form 101A, 101B, 102A and 102B (provided at the end of this section) and supporting documentation verifying ECOP goals met and GFEs made. The ECOP Package is to be submitted by the two (2) responsible bidders who submitted the lowest responsive bids to GSA no later than 2:00 p.m. on the second business day following notification and request by GSA.

   a. The total dollar amount to be subcontracted, including manufacturers, suppliers and truckers will be listed on ECOP Form 102A.

   b. The individual dollar amounts to be subcontracted to the M/W/S/LBE listed in the bidder’s proposal will be listed on the M/WBE Subcontractor Participation Information ECOP Form 101A and S/LBE Participation Information ECOP Form 101B

   c. ECOP Forms 101A, 101B, 102A and 102B and supporting documentation shall be delivered to the assigned Project Manager.

7.4 After the bids are opened, the M/W/S/LBE subcontractors, manufacturers, suppliers and/or truckers who bid to the two (2) responsible bidders with the apparent lowest responsive bids are required to provide the amounts of their bids to the County for the purposes of verification. This information shall be certified by a principal of the subcontracting firm. To the extent permitted by law, the information provided by the subcontractors, manufacturers, suppliers and/or truckers will be treated as proprietary, and will be solely for the use of County staff or its agents.

7.5 Each ECOP Package will be reviewed and evaluated by GSA or its agents within approximately five (5) business days of receipt. Bidders must meet all the ECOP goals OR make all the GFEs (see section 7.9) in order for their bid to be deemed responsive.

7.6 The ECOP Package must be complete and contain legible documents fastened together in the following order:

   a. ECOP Forms 101A, 101B, 102A, and 102B completed and signed

   b. Supporting certification documentation for the prime contractor and each subcontractor, manufacturer, supplier and/or trucker M/W/S/LBEs submitted in the order they are listed in the ECOP forms

   • To be considered towards meeting the ECOP goals bidders must submit

      — Acceptable certifying documentation for the prime contractor and its subcontractors, manufacturers, suppliers and/or truckers, as applicable (for example, local business license with proof of issue and expiration date, certification letters with expiration date).

      — Evidence that manufacturers, suppliers and/or truckers are providing
c. Documents evidencing those good faith efforts that were made, submitted in the order listed in the table below with the corresponding item number (1-9) noted on each document.

d. Evidence of M/W/S/LBE participation (copies of bids, agreements, etc.) for all listed subcontractors, manufacturers, suppliers, and/or truckers that are not directly contracting with them (for example, material suppliers to subcontractors).

7.7 GSA reserves the right, as it may deem appropriate and necessary, to contact the two responsible bidders who submitted the apparent two lowest responsive bids during the evaluation process for clarification and/or submission of additional ECOP Goals or GFE documentation.
### ECOP GOALS / GOOD FAITH EFFORTS REQUIRED

Listed in the table (below) are examples of acceptable documentation to support a determination that ECOP goals have been met.

<table>
<thead>
<tr>
<th>ECOP GOALS</th>
<th>EXAMPLES OF ACCEPTABLE DOCUMENTATION</th>
</tr>
</thead>
</table>
| 1 60% Local Business Enterprise (LBE) | - Business license issued by the County of Alameda or a city within the County of Alameda and proof of date issued (which is at least 6 months prior to the date bids were solicited).  
- Certification letter from an acceptable certifying agency* showing a local address and issuance/expiration dates. |
| LBE participation may consist of the Prime Contractor and Subcontractors and may count towards the LBE, SBE, MBE and/or WBE ECOP goals. |
| 2 20% Certified Small Business Enterprise (SBE) | - Same as LBE PLUS  
- Current certification document or letter with SBE designation* |
| Certified SBEs must be Local (S/LBE) to be considered. S/LBE participation may consist of the Prime Contractor and Subcontractors and may count towards the LBE, SBE, MBE and/or WBE ECOP goals.  
An SBE meets the LBE definition above and the current State definition of a small business which is <100 employees and <$14 Million annual gross revenues (over the last three years). |
| 3 15% Minority Owned Business Enterprise (MBE) | - Current certification document, letter, etc., with MBE designation** |
| Subcontractors |  
MBEs are defined per PCC 2000(e)(1), (e)(2) and (f) and are not required to be LBEs. An MWBE may count towards only MBE or WBE participation (not both); however, a local MBE may count towards both LBE and S/LBE ECOP goals.  
An MBE is a minority-owned business certified by one of the agencies listed below. An MBE can also be an SBE or LBE for purposes of meeting the SBE or LBE subcontracting goals, but an MBE cannot also be considered a WBE.** |
| 4 5% Woman-Owned Business Enterprise (WBE) | - Current certification document, letter, etc., with WBE designation** |
| Subcontractors |  
WBEs are defined per PCC 2000(e)(1), (e)(2) and (f) and are not required to be LBEs. An MWBE may count towards only MBE or WBE participation (not both); however, a local WBE may count towards both the LBE and S/LBE ECOP goals.  
A WBE is a minority-owned business certified by one of the agencies listed below. A WBE can also be a SBE or LBE for purposes of meeting the SBE or LBE subcontracting goals, but a WBE cannot also be considered an MBE.** |

*Current SBE accepted certifying agencies are: Alameda County Transportation Improvement Authority (ACTIA), California Department of General Services (DGS), Port of Oakland, San Francisco Redevelopment Agency, and, when the State SBE definition is met, Alameda County (SLEB certification)

**When the State SBE definition is met, current MWBE acceptable certifying agencies are: Bay Area Rapid Transit (BART), Northern California Minority Supplier Development Council (NCMSDC), San Francisco Redevelopment Agency, Womens’ Business Enterprise National Council (WBENC)
The examples of GFE Indicators listed in the table below and suggested samples and are not meant to be mandatory or exclusionary. Other documentation may be acceptable as long as it evidences a GFE. For additional information regarding the ECOP Package submittals contact the GSA Contract Compliance Officer listed in Section IV below.

<table>
<thead>
<tr>
<th>Required Good Faith Effort Indicators</th>
<th>Examples of Acceptable Documentation</th>
</tr>
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<tbody>
<tr>
<td>1. The bidder attended mandatory pre-solicitation or pre-bid meetings that were scheduled by the local agency to inform all bidders of the ECOP requirements for the project for which the contract will be awarded.</td>
<td>Copy of pre-bid meeting sign-in sheet (which is e-mailed to attendees and available on County Current Contracting Opportunities website listed below). The name of the firm must be listed. <a href="http://www.acgov.org/gsa_app/gsa/purchasing/bid_content/contractopportunities.jsp">http://www.acgov.org/gsa_app/gsa/purchasing/bid_content/contractopportunities.jsp</a></td>
</tr>
<tr>
<td>2. The bidder identified and selected specific items of the project for which the contract will be awarded to be performed by M/W/S/LBEs to provide an opportunity for participation by those enterprises.</td>
<td>Copy of advertisements, certified letters, successfully completed faxes and/or other notices to M/W/S/LBEs with selected specific items identified.</td>
</tr>
<tr>
<td>3. The bidder advertised, not less than ten (10) calendar days before the date the bids are opened, in one or more local daily or weekly newspapers, trade association publications, minority or trade oriented publications, or trade journals for M/W/S/LBEs that are interested in participating in the project.</td>
<td>Copy of advertisements placed showing publication name and date, and dated receipts. Dated receipt with ad copy.</td>
</tr>
<tr>
<td>4. The bidder provided written notice of his or her interest in bidding on the contract to the number of M/W/S/LBEs required to be notified by the project specifications not less than ten (10) calendar days prior to the opening of bids. The bidder may utilize the list of certified local business enterprises in the on-line County Small Local Emerging Business (SLEB) Vendor Query System located at <a href="http://www.acgov.org/sleb_query_app/gsa/sleb/query/slebmenu.jsp">http://www.acgov.org/sleb_query_app/gsa/sleb/query/slebmenu.jsp</a>. The minimum number of M/W/S/LBE firms required to be notified is three (3) for each item of the project selected to be performed by a M/W/S/LBE, where a M/W/S/LBE subcontractor has not been secured for that item.</td>
<td>Copy of dated notice, complete distribution list(s) and evidence of distribution (proof of faxes, e-mails sent etc.) Undelivered faxes do not count toward the effort to meet the minimum requirement Trades and specialties, in addition to M/W/S/LBE designation, must be clearly identified to meet the minimum requirement by using certification letter or source documentation</td>
</tr>
<tr>
<td>5. The bidder followed up initial solicitations of interest by contacting the enterprises to determine with certainty whether the enterprises were interested in performing specific items of the project.</td>
<td>Successfully completed telephone log containing specific dates, name of caller, person contacted and comments (i.e., why not bidding, information sent to/date)</td>
</tr>
<tr>
<td>6. The bidder provided interested M/W/S/LBEs with information about the plans, specifications, and requirements for the selected subcontracting or material supply work.</td>
<td>Copy of published advertisements, letters, successfully completed faxes, etc. with M/W/S/LBE name/contact information including the required information or directions on how to obtain it and the date the information was provided</td>
</tr>
</tbody>
</table>
7. The bidder requested assistance from local and small business and minority and women community organizations; local and small, minority and women contractor groups, local, state, or federal M/W/S/LBE assistance offices, or other organizations that provide assistance in recruitment and placement of M/W/S/LBEs.

Contractor must attempt to contact at least two organizations.

8. The bidder negotiated in good faith with the M/W/S/LBEs and did not unjustifiably reject as unsatisfactory bids prepared by any M/W/S/LBEs as determined by GSA.

- Copies or list of all bids and a spreadsheet listing all bids with firm name, contact person, bid items(s), bid price, M/W/S/LBE classification, and comments re selection or rejection
- M/W/S/LBE bids accepted and included in bid response

9. Where applicable, the bidder advised and made efforts to assist interested M/W/S/LBEs in obtaining bonds, lines of credit, or insurance required by either the GSA or the contractor.

- Copy of advertisements or other notices with specifics referencing willingness to assist M/W/S/LBEs
- Agenda, meeting notes including presenter’s name and title, specific topics discussed, handouts etc., name of M/W/S/LBE firms in attendance, contact persons who received advice, location and date advice was provided

7.10 The performance by a bidder of the GFE Indicators specified in the table above shall create a rebuttable presumption, affecting the burden of producing evidence, that a bidder has made a good faith effort to comply with the goals and requirements relating to participation by M/W/S/LBEs established pursuant to Section 4 herein.
Whenever a joint venture occurs involving either a prime or non-prime (for example, subcontractors, manufacturers, suppliers, and truckers) M/W/S/LBE firm at any level of contracting, trucking, manufacturing, or supplying, the prime contractor shall provide the County with a full account of the nature of ownership interests, the basis for creation of the joint venture, and the particular financial participation and administrative responsibilities of the interested parties. In evaluating the prime contractor's effort, the M/W/S/LBE percentage that is to be attributed to a joint venture shall be determined by multiplying the percentage of the total contract amount that is to be performed by the joint venture times the percentage of actual financial participation in the joint venture represented by the M/W/S/LBE business.

9  NONDISCRIMINATION

9.1  Purpose

The Contractor shall comply with the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964 and shall not, in regard to any position for which an employee or applicant for employment is qualified, discriminate against any employee or applicant for employment because of race, creed, color, disability, sex, sexual orientation, political affiliation, or by any other non-merit factors be otherwise subjected to discrimination. The Contractor shall apply the ECOP that ensures applicants are employed, and that employees are treated during employment without regard to their race, age, religion, Vietnam Era Veteran’s status, political affiliation, or any other non-merit factors. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other terms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

Contractor shall, in all solicitations or advertisements for employees placed on behalf of the County, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, disability, sex, sexual orientation or national origin, age, religion, Vietnam Era Veteran’s status, political affiliation, or any other non-merit factors.

SECTION II

CONTRACT COMPLIANCE REQUIREMENTS

1  APPLICATION

The following provisions shall apply to all contracts subject to the provisions of Section I and/or Section IV.

2.  ALAMEDA COUNTY CONTRACT COMPLIANCE SYSTEM
Alameda County utilizes the Elation Systems contract compliance application as part of its commitment to assist contractors to comply with certain legal and contractual requirements. The Elation Systems, a secure web-based computer system, was implemented to monitor compliance and to track and report M/W/S/LBE participation in County contracts.

The prime contractor and all participating local and M/W/S/LBE subcontractors awarded contracts as a result of the bid process for this project are required to use the Elation System to submit ECOP information including, but not limited to, weekly certified payrolls, monthly progress payment reports and other information related to M/W/S/LBE participation. Use of the Elation System, support and training is available at no charge to prime and subcontractors participating in County contracts.

Upon contract award

1. The County will provide contractors and subcontractors participating in any contract awarded as a result of this bid process, a code that will allow them to register and use the Elation System free of charge.

2. Contractors should schedule a representative from their office/company, along with each of their subcontractors, to attend Elation Systems training.
   a. Free multi-agency Elation Systems one-hour training sessions require reservations and are held monthly in the Oakland, California area.

It is the Contractor’s responsibility to ensure that they and their subcontractors are registered and trained as required to utilize Elation Systems.

For further information, please see the Elation Systems training schedule online at [http://www.elationsys.com/elationsys/support_1.htm](http://www.elationsys.com/elationsys/support_1.htm) or call Elation Systems at (510) 764-1870.

If you have questions regarding the utilization of the Elation System, please contact the Auditor-Controller’s Office of Contract Compliance (OCC) located at 1221 Oak Street, Room 249, Oakland, CA 94612 at Tel: (510) 891-5500, Fax: (510) 272-6502 or via E-mail at ACSLEBcompliance@acgov.org.

3 \ MEETINGS

After award of the contract and prior to beginning work, the General Services Agency may hold a pre-construction conference at which a representative of the Contractor and of each subcontractor must attend. As it becomes necessary during the course of the contract, the General Services Agency may call meetings of the Contractor and pertinent subcontractors.

4 \ INFORMATION AND RECORDS

For the purposes of determining compliance with this program, the Contractor shall provide the County with access to all records and documents that relate to M/W/S/LBE participation, and to all records of employment advertisements, application forms, tests and other selection techniques used
Upon request, the Contractor must submit the following information to the General Services Agency on Alameda County approved forms. All subcontractor submittals must be through the prime contractor.

1. M/WBE Subcontractor Participation Information and S/LBE Participation Information, (ECOP Forms 101A and 101B attached) submitted no later than 2:00 p.m. on the second business day following notification and request by GSA.

2. Subcontractor Information (ECOP Form 102A attached) submitted no later than 2:00 p.m. on the second business day following notification and request by GSA.

3. Checklist for Review of Good Faith Efforts (ECOP Form 102B attached) submitted no later than 2:00 p.m. on the second business day following notification and request by GSA.

4. Certified weekly payroll records (AAP Form 103 and 103A) showing the wages paid to each employee, the employee's job classification, gender and ethnic code. Payrolls will be submitted by the Contractor and each subcontractor via the Contractor. This provision applies to all classifications, including truckers. A Fringe Benefits Statement (AAP Form 105A) must be submitted by each contractor/subcontractor with the first certified payroll.

5. Prevailing Wage Information Sheet (AAP Form 104) for prevailing wage rates for both Contractor and Subcontractors.


7. Equal Employment Policy (AAP Form 107) completed by both Contractor and Subcontractors.

5 NONDISCRIMINATION POLICY FORM

The Contractor must post a Nondiscrimination Policy in a conspicuous place at each construction site.

6 SUBSTITUTION OF M/W/S/LBE FIRMS

Substitution of other firms (subcontractors at any level, manufacturers, suppliers and/or truckers) for those listed in the proposal on the sheet entitled M/WBE Subcontractor Participation Information or S/LBE Participation Information shall not be made without prior approval of the County, and shall be in accordance with State or Federal law where applicable.
SECTION III

NON-COMPLIANCE WITH ECOP

1 APPLICATION

The following provisions shall apply to all contracts subject to the provisions of Section I and/or Section IV.

2 DETERMINATION OF NON-COMPLIANCE

During the performance of the contract, if the General Services Agency has reason to believe or finds that the Contractor has not met the ECOP requirements in the contract, the Director of the General Services Agency (or the Director’s designee) shall hold a meeting with the Contractor for the purpose of determining whether the Contractor is out of compliance. If after the meeting the Contractor is found to be out of compliance, the Contractor will be notified of a public hearing. The public hearing will be held before the Board of Supervisors with a minimum five calendar-day notice given to the Contractor. If the Board of Supervisors finds that there has been a violation, the County will notify the Contractor in writing of the sanctions to be imposed by the Board.

In addition, the County shall deem a finding by the Fair Employment Practice Commission that there was willful violation of the California Fair Employment Act also to be a violation by the Contractor of the ECOP requirements of the contract, and such violation shall be subject to the sanctions provided herein.

3 SANCTIONS

3.1 A finding at the public hearing that there has been a violation of the ECOP requirements of the contract shall be cause for the Board of Supervisors to impose any or all of the following sanctions:

3.1.1 Withhold an additional ten percent (10%) of all further contract progress payments until the Contractor provides evidence satisfactory to the Board of Supervisors that the condition of noncompliance has been corrected.

3.1.2 Suspend the contract until such time as the Contractor provides evidence satisfactory to the Board of Supervisors that the condition of noncompliance has been corrected.

3.1.3 Terminate the contract and collect appropriate damages from the Contractor.

3.1.4 Declare that the Contractor is not a responsible bidder, and is ineligible to make bids on future County contracts for a stated period of time or until the Contractor can demonstrate to the satisfaction of the Board of Supervisors that the violation has been corrected.

SECTION IV
To promote the ECOP goals and assist contractors and subcontractors in their efforts to develop the relationships they may require to meet the ECOP goals for this project, the County will

a. E-mail the Notice to Bidders to the appropriate vendors in the GSA Local Vendor Database and other sources. Advertise the project in multiple local ethnic newspapers, trade organizations and chambers of commerce, and plan rooms. Notice of this project will also be posted on the GSA Current Contracting Opportunities and Calendar of Events websites (see website URL addresses below).

b. Incorporate a networking and informational component in the mandatory bid walk/site visit.

c. Provide information about the project, the ECOP, and other current and upcoming projects at the bid conference/networking meeting.

e. E-mail the list of attendees from the mandatory bid walk to each attendee when issuing the first Addendum for the Project and post the attendance and first Addendum on the Current Contracting Opportunities website.

1 CONTRACTOR RESOURCES

The following sources may be contacted for assistance in soliciting M/W/S/LBE participation:

Asian American Contractors Association
Yum Jung, President
(415) 642-1818

Northern California Minority Supplier Development Council (NCMSDC) – MBE certifications only
460 Hegenberger Road, Suite 730
Oakland, CA 94621
(510) 686-2568
www.ncmsdc.org

Women’s Business Enterprise National Council (WBENC)
WBE certifications only – www.wbenc.org

Sources for assistance in hiring local apprentices, youth, unemployed and under-employed County residents include:

Cypress/Mandela Inc. Training Center
Contact: Art Shanks
E-mail: arthanks@yahoo.com
(510) 208-7350
www.cypressmandela.org

Youth Employment Partnership Program
Contact: Michele Clark-Clau
E-mail: mcc@yep.org
(510) 533-3447, x3344
www.yep.org

For information regarding apprenticeship programs, related forms, complete laws, regulations and
Labor Code provisions contact:

Department of Industrial Relations, Division of Apprenticeship Standards (DAS)
San Francisco Office
455 Golden Gate Avenue, 10th Floor, San Francisco, CA 94120
Phone: (415) 703-1128    FAX: (415)/703-5427
Website:  www.dir.ca.gov

Visit the following County of Alameda GSA websites for

<table>
<thead>
<tr>
<th>CERTIFIED SMALL LOCAL VENDORS</th>
<th><a href="http://www.acgov.org/sleb_query_app/gsa/sleb/query/slebresultlist.jsp?smEmInd=C">http://www.acgov.org/sleb_query_app/gsa/sleb/query/slebresultlist.jsp?smEmInd=C</a></th>
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</thead>
<tbody>
<tr>
<td>CURRENT CONTRACT OPPORTUNITIES</td>
<td><a href="http://www.acgov.org/gsa/purchasing/bid_content/ContractOpportunities.jsp">http://www.acgov.org/gsa/purchasing/bid_content/ContractOpportunities.jsp</a></td>
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<tr>
<td>UPCOMING CONTRACT OPPORTUNITIES</td>
<td><a href="http://www.acgov.org/gsa_app/gsa/purchasing/bid_content/futurecontractopportunities.jsp">http://www.acgov.org/gsa_app/gsa/purchasing/bid_content/futurecontractopportunities.jsp</a></td>
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<tr>
<td>CALENDAR OF EVENTS</td>
<td><a href="http://www.acgov.org/calendar_app/DisplayListServlet?site=Internet&amp;ag=GSA&amp;ty=PUR">http://www.acgov.org/calendar_app/DisplayListServlet?site=Internet&amp;ag=GSA&amp;ty=PUR</a></td>
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<tr>
<td>COUNTY OF ALAMEDA HOME PAGE</td>
<td><a href="http://www.acgov.org/index.htm">http://www.acgov.org/index.htm</a></td>
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</table>

For further information regarding the Enhanced Construction Outreach Program (ECOP) contact
Mel Go, Contract Compliance Officer
General Services Agency, Office of Acquisition Policy
Phone: (510) 208-9617    Fax: (510) 208-9720    E-mail:  melbourne.go@acgov.org
**COUNTY OF ALAMEDA**

ENHANCED CONSTRUCTION OUTREACH PROGRAM (ECOP)

M/WBE SUBCONTRACTOR** PARTICIPATION INFORMATION

<table>
<thead>
<tr>
<th>Name of M/WBE Subcontractor</th>
<th>M/WBE Location (City)</th>
<th>Certified By*</th>
<th>Certification File Number</th>
<th>Description of Work</th>
<th>MBE (X)</th>
<th>WBE (X)</th>
<th>Dollar Value of Contract</th>
<th>Percent</th>
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<tbody>
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15% Goal - TOTAL MBE PARTICIPATION

5% Goal - TOTAL WBE PARTICIPATION

This form is required to provide M/WBE information for the project specified above. Copy this form as needed to list additional M/WBEs.

*M/WBE must have current and valid certification from acceptable agencies identified in Section 3.2 as of the date bids are opened. **M/WBE certifications to this form.

**Subcontractor participation to include manufacturers, suppliers and truckers.

** Upon request from GSA, this form must be submitted by 2:00 p.m., two business days following the request from GSA to the General Services Agency, 1401 Lakeside Drive, Suite 907, Oakland, California 94612

Prime Contractor Signature: ____________________________ Date: ____________________________
### COUNTY OF ALAMEDA
### ENHANCED CONSTRUCTION OUTREACH PROGRAM (ECOP)
### S/LBE* PARTICIPATION INFORMATION

<table>
<thead>
<tr>
<th>Name of S/LBE</th>
<th>S/LBE Location (City)</th>
<th>Certified By*</th>
<th>S/LBE Certification Number</th>
<th>Description of Work</th>
<th>SBE (X)</th>
<th>LBE (X)</th>
<th>Dollar Value of Contract</th>
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**20% GOAL - TOTAL SBE PARTICIPATION**

**60% GOAL - TOTAL LBE PARTICIPATION**

This form is required to provide S/LBE information for the project specified above. Copy this form as needed to list additional S/LBEs.

*S/LBE must have current and valid certification from acceptable agencies identified in Section 3.5 as of the date bids are opened. LBEs must meet the Local definition in Section 3.1. **Attach Copy of all certifications and current and valid business license issued by the County or a city within the County.**

**Subcontractor participation to include manufacturers, suppliers and truckers.**

**UPON REQUEST FROM GSA, THIS FORM MUST BE SUBMITTED BY 2:00 P.M., TWO BUSINESS DAYS FOLLOWING REQUEST FROM GSA TO THE GENERAL SERVICES AGENCY, 1401 LAKESIDE DRIVE, SUITE 907, OAKLAND, CALIFORNIA 94612**

Prime Contractor Signature: __________________________ Date: __________________________
# COUNTY OF ALAMEDA
## ENHANCED CONSTRUCTION OUTREACH PROGRAM (ECOP)
### SUBCONTRACTOR INFORMATION (including manufacturers, suppliers and truckers)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>____________________________________________________________________________</th>
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<tbody>
<tr>
<td>Contractor</td>
<td>____________________________________________________________________________</td>
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<tr>
<td>Address</td>
<td>____________________________________________________________________________</td>
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<td>Estimated Start Date</td>
<td>____________________________________________________________________________</td>
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<td>Estimated Completion Date</td>
<td>____________________________________________________________________________</td>
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<td>Contractor’s License Number</td>
<td>____________________________________________________________________________</td>
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<td>Telephone</td>
<td>____________________________________________________________________________</td>
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<td>Payroll Clerk/Office Manager</td>
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**LIST BELOW ALL SUBCONTRACTORS (including manufacturers, suppliers and truckers) FOR THE ABOVE-NAMED PROJECT**

<table>
<thead>
<tr>
<th>SUBCONTRACTOR</th>
<th>BID PRICE</th>
<th>SBE</th>
<th>LBE</th>
<th>STREET ADDRESS</th>
<th>DESCRIPTION OF WORK</th>
<th>LICENSE #</th>
<th>FED. TAX ID</th>
<th>PHONE</th>
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Copy this form as needed to list additional Subs  Sheet _____ of _______
SUBCONTRACTOR | BID PRICE | SBE | LBE | STREET ADDRESS | DESCRIPTION OF WORK | LICENSE # | FED. TAX ID | PHONE |
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MBE WBE EMAIL ADDRESS

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MBE WBE EMAIL ADDRESS

FAX

Form Completed by ___________________________ Date ________________

Signature and Title

UPON REQUEST FROM GSA, THIS FORM MUST BE SUBMITTED BY 2:00 P.M., TWO BUSINESS DAYS FOLLOWING THE REQUEST FROM GSA TO THE GENERAL SERVICES AGENCY, 1401 LAKESIDE DRIVE, SUITE 907, OAKLAND, CALIFORNIA 94612
ECOP 102B
CHECKLIST FOR REVIEW OF GOOD FAITH EFFORTS

1. Did you attend the scheduled mandatory pre-bid conference?
   ( ) Yes ( ) No (Where and date) (Indicate how this was done and attach proof marked with the number “1”)

2. Have you identified and selected specific items of the project for which the contract will be awarded to be performed by M/W/S/LBEs to provide an opportunity for participation by those enterprises?
   ( ) Yes ( ) No (Indicate how this was done and attach proof marked with the number “2”)

3. Have you advertised not less than 10 calendar days before the date bids are opened in one or more local daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media specified by GSA, for M/W/S/LBEs that are interested in participating in this project?
   ( ) Yes ( ) No (Indicate where and when ads were placed and attach proof marked with the number “3”)

4. Have you provided written notice of your interest in bidding on the contract to the number of M/W/S/LBEs required to be notified by the project specifications not less than ten (10) calendar days prior to the opening of bids?
   ( ) Yes ( ) No (Indicate how, when and to whom and attach proof marked with the number “4”)

5. Did you follow up initial solicitations of interest by contacting the enterprises to determine with certainty whether the enterprises were interested in performing specific items of the project?
   ( ) Yes ( ) No (Indicate how, when and to whom, and attach proof marked with the number “5”)

6. Have you provided interested M/W/S/LBEs with information about the plans, specifications, and requirements for the selected subcontracting or material supply work?
   ( ) Yes ( ) No (Indicate how, when, and to whom and attach proof marked with the number “6”)

7. Have you requested assistance from local and small business and minority and women community organizations; local and small, minority and women contractor groups, local, state, or federal M/W/S/LBE assistance offices, or other organizations that provide assistance in recruitment and placement of M/W/S/LBEs?
   ( ) Yes ( ) No (Indicate how, when and to whom and attach proof marked with the number “7”)

8. Have you negotiated in good faith the M/W/S/LBEs and not unjustifiably rejected as unsatisfactory bids prepared by any M/W/S/LBEs?
   ( ) Yes ( ) No (Indicate when and to whom and attach proof marked with the number “8”)

9. Have you advised and made efforts to assist interested M/W/S/LBEs in obtaining bonds, lines of credit, or insurance required by either GSA or the contractor?
   ( ) Yes ( ) No (Indicate how, when and to whom and attach proof marked with the number “9”)

_____________________________________________ _________________________________
Prime Contractor Signature Title

UPON REQUEST FROM GSA, THIS COMPLETED FORM AND ACCOMPANYING DOCUMENTS MUST BE SUBMITTED BY 2:00 P.M., TWO BUSINESS DAYS FOLLOWING THE REQUEST FROM GSA TO THE
GENERAL SERVICES AGENCY, 1401 LAKESIDE DRIVE, SUITE 907, OAKLAND, CALIFORNIA 94612