

SECTION 100 SMALL CONTRACTOR OUTREACH AND OPPORTUNITIES PROGRAM

100.1 POLICY

- (a) The Water Authority's Small Contractor Outreach and Opportunities Program is designed to maximize participation of diverse qualified small contractors, consultants, and material suppliers seeking to do business with the Water Authority. Effective implementation of SCOOP is a requirement of the project and award of a contract will be determined, in part, by the Contractor's demonstrated effort in conducting effective outreach to small contractors. Failure to comply with the requirements herein shall render the bid as non-responsive.

100.2 DEFINITIONS

- (a) Small Contractor: A small business owned and operated independently from any other business concern and that has reported annual gross receipts for each of the last three years when neither year exceeded the size limit established by the U.S. Small Business Administration or that does not exceed the size standard for the number of employees specified for the related industry as determined by the U.S. Small Business Administration. The business must not be dominant in its field of operation, and must meet the size criteria of 13CFR121 (as amended).
 - (1) The business may be certified as an 8(a) business, a Small Disadvantaged Business, or a HUB Zone business by the U. S. Small Business Administration or certified as a Disadvantaged Business Enterprise by CALTRANS or by one of the signatory agencies within the California Unified Certification Program or certified by any public agency utilizing the size criteria of 13CFR121 (as amended), including the City of San Diego's Diverse Emerging Vendor Outreach and Minor Construction certifications, the Metropolitan Water District of Southern California's Regional/Small Business Program certification and the Water Authority's SCOOP.
 - (2) A business certified as a Small Business Enterprise or as a Disabled Veteran Business Enterprise by the California State Department of General Services, which satisfies all requirements contained in paragraph (a) of this definition will be eligible to participate in the Water Authority's Program as a small business.
- (b) Vendor/Material Supplier: An individual, partnership, corporation or other legal entity that provides equipment, materials or supplies under an executed contract.
- (c) Joint Venture: An association of two or more businesses, one of which is a small business, to carry out a single business enterprise for profit for which purpose the businesses combine their property, capital, efforts, skills, knowledge and will share proportionately in the risks, losses and profits of the association to complete a specified project.
- (d) Written Communication: Any handwritten or typed correspondence delivered by e-mail, fax, or U.S. mail.
- (e) Outreach Forms:
 - (1) Schedule A-1, Designation of All Subcontractors/Subconsultants/Vendors/Service Providers
 - (2) Schedule A-2 Subcontracting Opportunities and Contact Log
 - (3) Schedule A-3, Consultant/Contractor/Vendor Activity Report and Subcontractor Proof of Payment Form

100.3 OUTREACH RESOURCES PROVIDED BY THE WATER AUTHORITY

- (a) Outreach materials provided by the Water Authority shall be the primary source of outreach activity. Contractors are encouraged to supplement but not replace the Water Authority-provided materials. Water Authority-provided outreach materials include:
 - (1) SCOOP List: The list consists of potential subcontractors and vendors/material suppliers specific to the project. This list shall be used as the primary source for outreach activity. For each category of work identified by the bidder as a subcontracting opportunity in schedule A-2 the bidder is recommended to contact either 10 percent of the total number of firms listed or a minimum of 10 firms on the Water Authority provided SCOOP list, whichever is greater.
 - (2) List of media in the greater San Diego County area.
 - (3) List of professional/community based organizations in the greater San Diego County area.

100.4 OUTREACH ACTIVITY REQUIREMENTS AND EVIDENCE OF FULFILLMENT

- (a) The bidder shall conduct pre-bid outreach activities to provide equal opportunity to all firms, including small contractors, to participate on the project. Outreach solicitations shall occur prior to submission of the bid to be considered good faith outreach efforts. The following table outlines the outreach activity requirements and evidence of fulfillment:

Outreach Activity Requirements	
No.	Description
1.	Identify Work that can be Subcontracted. <u>Evidence of Fulfillment</u> <i>(i) Complete and submit Schedule A-2 by entering:</i> <ul style="list-style-type: none"> • <i>A description of each item of work solicited from subcontractors;</i> • <i>Estimated cost of work, materials or services;</i> • <i>Percent of total fee; and</i> • <i>Whether or not a subcontractor or vendor was selected, and the reason for selection/non-selection..</i>
2.	Advertise in a general circulation or trade association print or electronic media publication and in a minority and/or women-focused print or electronic publication regarding subcontracting opportunities. <ul style="list-style-type: none"> • Advertisements must be placed no fewer than 14 calendar days prior to the bid due date. • Advertisements must be placed in publications or electronic media serving the greater San Diego County area. • Advertisements shall name the Water Authority as the project owner, identify work available to subs, bid due date, and contact information including but not limited to telephone number, e-mail and name of contact. <u>Evidence of Fulfillment</u> <i>(i) Submit copies of tear sheets, certificate of publication or actual advertisement, or copies of electronic media submissions, showing the name, date, page, section and content of each publication.</i>

Outreach Activity Requirements	
No.	Description
3.	<p>Notify firms on the SCOOP List for each category listed on Schedule A-2 of subcontracting opportunities.</p> <ul style="list-style-type: none"> • Notification shall name the Water Authority as project owner; identify work available to subcontractors; bid due date; contact information including but not limited to telephone number, e-mail and name of contact; and, all available times and locations where plans, specifications and bid documents can be viewed or copied. <p><u>Evidence of Fulfillment</u></p> <p>(i) Provide copies of letter and written communication (including e-mail or fax) sent to firms on the Water Authority provided SCOOP List or on other sources identified by the bidder.</p> <p>(ii) Complete and submit Schedule A-2 to document contact with small contractors, including:</p> <ul style="list-style-type: none"> • Name and title of each person contacted; • Fax, e-mail, and phone number of the company. • Whether the firm submitted a bid to the contractor, and • If bid submitted to contractor, reason the firm was not selected to work on the project.
4.	<p>Notify professional/community based organizations, in writing, of subcontracting opportunities</p> <ul style="list-style-type: none"> • Notification shall be in writing and include the project name and location; identify the Water Authority as project owner; all work to be subcontracted; types of small business certifications accepted by the owner; name, email and telephone number of contact person; and all available times and locations where plans and specifications may be viewed or copied. <p><u>Evidence of Fulfillment</u></p> <p>(i) Provide copies of written documentation, including emails, sent to professional/community-based organizations.</p>
5.	<p>Attend pre-bid meetings held by the Water Authority for your project of interest to network with potential subcontractors.</p> <p><u>Evidence of Fulfillment</u></p> <p>(i) Printed name, email and address of business and signature of representative on the sign-in sheet.</p>

100.5 OUTREACH RESULTS: REPORTING REQUIREMENTS

- (a) Upon completion of the outreach activity requirements and as requested by the Water Authority, bidders shall submit the following items no later than the close of two business days after the bid opening.

Required Forms	Included
Completed Schedule A-1.	<input type="checkbox"/>
Completed Schedule A-2.	<input type="checkbox"/>
Letters of Intent from all Subcontractors.	<input type="checkbox"/>
Copies of Small Business Certifications.	<input type="checkbox"/>

Required Forms	Included
Evidence of Contact with Small Businesses on the SCOOP List (examples: dated e-mail, fax or letter).	<input type="checkbox"/>
Evidence to document contact with Professional/Community Based Organizations (examples: dated e-mail, fax or letter).	<input type="checkbox"/>
Proof of Advertisement (examples: actual advertisements and electronic media advertisements, and certificates of publication including advertisement dates and name of publications).	<input type="checkbox"/>

100.6 SUBCONTRACTOR SUBSTITUTION

- (a) Written authorization from the Water Authority is required prior to substitution of any subcontractor. Subcontractors may be substituted based on the criteria below:
 - (1) For any reason stated in California Public Contract Code Section 4107 which are incorporated herein.
 - (2) For reasons, which the Water Authority in its judgment, deems to be in the best interests of the Water Authority, except where prohibited by law.

100.7 AWARD OF AGREEMENT

- (a) The Contractor’s Schedule A-1 will be reviewed by the SCOOP manager or his/her designee, prior to the award of a contract, to determine whether good faith outreach efforts requirements, if applicable, were met.

100.8 SUBCONTRACTING PARTICIPATION CALCULATION

- (a) Contractors shall use the table below to calculate total small contractor participation. For each category: (1) add the subcontractor’s total participation amount, plus (2) the vendor/supplier total amount, plus (3) the fee amount paid to brokers as shown on Schedule A-1. (4) Enter the total of steps 1, 2, and 3. (5) Enter the total bid amount. (6) Divide the total entered on line 4 (total of lines 1, 2, and 3) by the total bid amount-line 5 and enter the result in line 6.

(1) Subcontractor/Subconsultant Total Participation Amount (Schedule A-1)	\$ _____	(small business)	\$ _____	(other)
+				
(2) Vendors/Suppliers Total Participation Amount (Schedule A-1)	\$ _____	(small business)	\$ _____	(other)
+				
(3) Material Broker Fee for Service (Schedule A-1)	\$ _____	(small business)	\$ _____	(other)
=				
(4) Enter Total (1)+(2)+(3)	\$ _____	(small business)	\$ _____	(other)
=				
(5) Total Bid Amount	\$ _____			
=				

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(6) Total Participation Percentage(4)/(5)	<u> </u> (small business %)	<u> </u> (other%)

100.9 POST-AWARD MONITORING

- (a) To ensure compliance with Contractor stated commitments, the Water Authority will monitor subcontracting activity throughout the duration of the contract. To comply with post-award monitoring the bidder shall:
 - (1) Ensure that each subcontractor and supplier is paid for acceptable performance within 10 calendar days of receipt of payment from the Water Authority.
 - (2) Ensure that subcontractors and suppliers perform the type of work and the quantity of work as specified in Schedule A-1.
 - (3) Complete and submit copy of Schedule A-3. This report shall be submitted to the project manager no later than 30 calendar days of receipt of payment from the Water Authority, for each month in which work on the project was provided either by the Contractor or subcontractor. The Contractor is required to issue payment to each subcontractor within 10 calendar days of receipt of payment from the Water Authority, unless the Water Authority has otherwise agreed to a different payment schedule in writing. A final report designated, as the “Final Report,” shall be submitted by the Contractor upon completion of the work.
 - (4) Provide the Water Authority with any additional reports, subcontracts, or other information deemed necessary for determining Contractor’s compliance with its subcontracting commitment.
 - (5) Maintain all reports and corresponding information for a period of no less than three years after the completion of the project, or until such time a program audit has been completed on the project by the Water Authority, whichever occurs first.

100.10 SCOOP NONCOMPLIANCE

- (a) Failure by the Contractor to fulfill any of the Program guidelines constitutes breach of a contractual obligation and may result in Water Authority-imposed sanctions on the Contractor. Upon determining that a Contractor is not in compliance with Program guidelines, the Water Authority may seek, without limitations, the following remedies:
 - (1) Withholding progress payments until the Water Authority deems the Contractor to be in compliance.
 - (2) Withholding an amount equal to the unmet portion of the amount contracted to the subcontractor, vendor, or supplier in question.
 - (3) Suspension or debarment pursuant to the Water Authority’s Administrative Code Chapter 4.12 Section 4.12.020.
 - (4) Termination of the contract.

