

FIRST AMENDMENT TO THE MASTER FACILITIES LEASE
GMP INCREMENT 1

ATTACHMENT NO. 3

**DESIGNATED DVBE/SDVOB PARTICIPATION DOCUMENTATION
AND
DESIGNATED SUBCONTRACTORS LIST**

DISABLED VETERAN BUSINESS ENTERPRISE ("DVBE")

PARTICIPATION PROGRAM OVERVIEW AND RESOURCES

1. **DVBE Participation Program Policy.** The District is committed to achieving the administratively established Participation Requirement for Disabled Veteran Business Enterprises ("DVBEs") in accordance with Resolution In Support of Service Disabled Veteran-Owned Businesses (SDVOB) and Disabled Veteran Business Enterprises (DVBE) approved on May 10, 2011 by the Board of Education Resolution. Through the DVBE participation program, the District encourages contractors to ensure maximum opportunities for the participation of DVBE's in the Work of the Contract. The District's commitment to the achievement of DVBE Participation Requirement for the Work of the Contract shall not, however, result in the District's discrimination in the award of the Contract on the basis of ethnic group identification, ancestry, religion, age, sex, race, color, or physical or mental disability.

Your participation is mandatory for all construction jobs with San Diego Unified School District.

Information regarding the DVBE Participation program, including a listing of DVBE certified businesses, is available on the internet at the State of California website at:
<https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>.

2. **Definitions.**

- 2.1 Broker: A certified DVBE/SDVOB contractor that does not have title, possession, control, and risk of loss of materials, supplies, services or equipment provided, unless one or more of the disabled veteran owners has at least 51-percent (51%) ownership of the quantity and value of the materials, supplies and equipment provided [Military and Veterans Code (MVC) Section 999.2(b)].
- 2.2 Commercially Useful Function (CUF): A "commercially useful function" (CUF) provides services or goods that contribute to the fulfillment of the contract requirements. It is not a CUF if the DVBE/SDVOB's role is limited to that of an extra participant in a transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE/SDVOB participation. A CUF is a person or entity doing all of the following:
 - a. is responsible for the execution of a distinct element of the work of the contract;
 - b. carries out the obligation by actually performing, managing or supervising the work involved;
 - c. performs work that is normal for its business services and functions; and
 - d. is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry standards.
- 2.3 **Disabled Veteran.** A "Disabled Veteran" means a veteran of the military, naval, or air service of the United States with at least ten percent (10%) service-connected disability who is a resident of the State of California.

- 2.4 **Disabled Veteran Business Enterprise.** A "Disabled Veteran Business Enterprise" ("DVBE") means a business enterprise certified by the Office of Small Business Certification & Resources, State of California, Department of General Services, pursuant to Military and Veterans Code §999, or an enterprise certifying that it is a DVBE by meeting all of the following requirements: (a) it is a sole proprietorship at least fifty-one percent (51%) owned by one or more Disabled Veterans, or in the case of a publicly owned business, at least fifty-one percent (51%) of its stock is owned by one or more Disabled Veterans; or a subsidiary wholly owned by a parent corporation, but only if at least fifty-one percent (51%) of the voting stock of the parent corporation is owned by one or more Disabled Veterans; or a joint venture in which at least fifty-one percent (51%) of the joint venture's management and control and earnings are held by one or more Disabled Veteran; (b) the management and control of the daily business operations are by one or more Disabled Veterans; provided that the Disabled Veteran(s) exercising management and control of the business enterprise are not required to be the same Disabled Veteran(s) who is/are the equity Owner(s) of the business enterprise; and (c) it is a sole proprietorship, corporation, or partnership with its home office located in the United States and which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business. The terms "foreign corporation" "foreign firm" and "foreign-based business" shall be deemed to mean a business entity that is incorporated or which has its principal headquarters located outside the United States of America.
- 2.5 **Front.** A subcontractor providing artificial or incidental participation to meet the objective of a contract (e.g., DVBE/SDVOB participation requirement), or a provider who does not own the equipment they are providing, but going to an outside source.
- 2.6 **Pass-through.** A supplier providing access to materials and supplies for which they are not specifically certified/verified. Also see "Front" above.

3. **Participation Requirement. (For Overall value of all phases of the project)** 

- 3.1 **Participation Requirement Defined.** The term "Participation Requirement" is a numerically expressed condition of DVBE participation in performing the Work of the Contract
- 3.2 **DVBE Participation.** The Proposal of a contractor shall be deemed responsive only if the contractor achieves or exceeds the DVBE Participation Requirement of Three Percent (3%) of total amount of contractor's Proposal. The contractor's achievement of the Participation Requirement will not by itself render the Proposal of such contractor to be qualified; in accordance with the Information for Contractor, the entirety of the Proposal must be the qualified Contractor whose responses conform to the RFP.
- DVBE's need to have a current and valid certification from the State of California Department of General Services for the business type and classification as listed on the bid documents. SDVOB's need to have a current and valid verification letter from the Department of Veteran's Affairs Center for Veterans Enterprise relevant to the bid (e.g., NAICS Code); self-representation will not be accepted. DVBE eligibility is a two-year period and must be renewed annually; SDVOB eligibility is a three-year period. Eligibility must be current at time of bid and contract award.
- 3.3 **Exclusions.** The District expressly prohibits pass-throughs and fronts.

DVBE RESOURCE INFORMATION

The Elite Service Disabled Veteran-Owned Business (SDVOSB) Network, San Diego Chapter at www.elitesdvob.org Disabled Veteran Business Alliance: www.dvba.org
Veterans In Business Network: www.vibnetwork.org Federal SDVOSB database: www.vip.VetBiz.gov
State of California DVBE database: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
The District's Outreach Team can also be reached for assistance:

1. Karen Linehan, Outreach Program Manager at 858-627-7232 or klinehan@sandi.net; or
2. Alma D. Bañuelos, Business Outreach Coordinator at 858-573-5852 or abanuelos@sandi.net.

Please review the District's Disabled Veteran Business Participation Tip Sheet at:
https://www.sandiegounified.org/sites/default/files_link/district/files/dept/facilities_planning_&_construction/BizOutreach/DVBE%20TipSheet_single%20page%20for%20website%200416.pdf

PROGRESS DOCUMENT
Increment 1 Tracking
DVBE PARTICIPATION DOCUMENTATION
CONTRACTOR'S DVBE STATEMENT

NO. CZ19-0082-42
1st Amend to MFL
Dated 5/28/19

1. General Information.

Contractor's Name: Balfour Beatty Construction, LLC
Contractor's Address: 10620 Treena St., Suite 300, San Diego, CA 92131
Contractor's Telephone Number: 858-635-7400
Contractor's Fax Number: 858-635-7401
Project Name: Pacific Beach Middle School Whole Site Modernization: Increment 1
Total Amount of Contractor's Proposal: Inc 1 GMP: 5,992,457 with Precon: \$6,342,388
Contractor's Representative: Connor Miller

2. DVBE Participation Achieved.

Minimum Participation Requirement

Participation Achieved

DVBE's: 3% (Overall for Increment 1 & 2 combined value)

DVBE's: 2.12% (Inc 1 Only)

3. Submittal of Documentation

Concurrently with the submittal of this Proposer's DVBE Statement, the proposer has also submitted duly completed, and executed if required, the Documentation of Disabled Veteran Business Enterprise Program Requirements (DVBEPR). All of the information provided by the proposer in its responses to (DVBEPR) is true, correct and accurate; there are no omissions in the responses of the proposer to the foregoing Attachments, which render any of the proposer's statements or information provided therein to be false or misleading.

4. Certification of DVBE Status

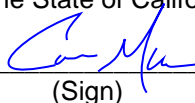
The contractor certifies, warrants and represents to the District that the contractor has exercised due diligence in ascertaining the status of each proposed DVBE identified in (DVBEPR) as a DVBE in compliance with the applicable provisions of the District's DVBE Participation Program Policy and applicable law. By executing and submitting this Contractor's DVBE Statement, the contractor represents to the District that each DVBE identified in (DVBEPR) is duly and properly certified as a DVBE in conformity with the District's DVBE Program Policy and applicable law. The contractor acknowledges that in the event that the District shall reasonably determine that any DVBE identified in the contractor's responses to (DVBEPR) is not duly and properly certified in the appropriate category of DVBE, the Proposal of such contractor may be deemed by the District as being non-responsive. For each DVBE identified in (DVBEPR), the contractor has submitted with its Proposal forms of DVBE Certification (DVBEPR) duly completed and executed by each such DVBE.

5. Authority to Execute.

The individual executing this Contractor's DVBE Statement on behalf of the contractor warrants and represents to the District that she/he is duly authorized to execute this Contractor's DVBE Statement on behalf of the Contractor.

Executed this 7th day of May 2019, at San Diego, CA
(City and State)

I declare under penalty of perjury under the laws of the State of California that all of the foregoing is true and correct.


(Sign)

Connor Miller

(Name of Individual Executing Statement)
[Printed or Typed]

Company Name: Balfour Beatty Construction, LLC

DVBE/SDVOB CONTRACTOR DECLARATION

1. Prime Contractor Information:

- a. Identify current California certification(s) (MB, SB, SB/NVSA, DVBE) _____ Or None
- b. Will DVBE/SDVOB subcontractors or suppliers be used for this contract? Yes No _____
- c. If you answered NO, skip to 4. CERTIFICATION below.

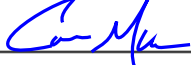
2. Subcontractor/Supplier Information:

- a. If you answered YES to 1.b. above, have you verified whether your DVBE/SDVOB subcontractors/suppliers have current and valid CA DVBE certification or SDVOB Center for Veterans Enterprise (CVE) Verification Letters? Yes No _____
- b. If you answered YES, list your DVBE/SDVOB firms in 3. DVBE/SDVOB SUBCONTRACTOR/SUPPLIERS below.
- c. You must list only qualified DVBE's possessing a current and valid certification or SDVOB possessing a current and valid verification letter from the CVE. Any listed subcontractors/suppliers found to not have either a certification or verification letter will ~~render your bid non-responsive.~~
~~No exceptions.~~ not contribute to the overall DVBE participation rate. *CM*

3. DVBE/SDVOB Subcontractor/Supplier Listing: Proposer shall submit at time of proposal opening due date a COMPLETE DVBE/SDVOB CONTRACTOR DECLARATION with ALL columns complete, along with the completed Contractor DVBE Statement.

Subcontractor/Supplier Name, Contact Person, Phone and Fax number	Subcontractor/Supplier Address and E-mail Address	CA DVBE Certification # or SDVOB Verification Letter Date	Work to be performed or supplies provided for this contract	Corresponding % of proposal price
IO Environmental & Infrastructure Inc. Michael Bilodeau (P) 619-280-3278 (F) 619-677-5648	2840 Adams Ave, Sute 301 San Diego, CA 92116	53483	Landscape & Irrigation	1.46%
G&C Corportion John Brawdy (P) 310-515-6715 (F) 310-515-5046	1715 W. 130th St, Unit F Gardena CA, 90249	5092	Electrical Components (25173900) Heating Equipment and parts and accessories (40101800)	0.66%

4. CERTIFICATION: By signing this Declaration, I certify under penalty of perjury that the information provided is true and correct.

Printed name: Connor Miller Signature:  Date: 5/7/2019

SUBCONTRACTOR LIST

PROPOSER'S COMPANY NAME: Balfour Beatty Construction, LLC

	TRADE/PORION OF THE WORK	SUBCONTRACTOR NAME AND LICENSE NUMBER	LICENSE CLASSIFI-CATION	SUBCONTRACTOR BUSINESS LOCATION	% OF CONTRACT VALUE	DVBE/SBE?	DIR REG. NO.
1	Demolition and Abatement	T3 Contractors Corp 867365	C21, C22, ASB	17130 Van Buren Blvd #53 Riverside, CA 92504	14.9%	No	1000002965
2	Grading	F.J. Willert Contracting Co. 402473	A, C21	1869 Nirvana Ave Chula Vista, CA 91911	9.6%	No	1000004062
3	Concrete & Rough Carpentry	Rocky Coast Builders, Inc 745061	A, B, C5, C8	135 So. Market Place Escondido, CA 92029	2.5%	No	1000000574
4	Steel & Misc. Metals	San Diego Steel Solutions 932783	C51	135 So. Market Place Escondido, CA 92029	0.5%	No	1000009468
5	Casework & Countertops	Spooner's Woodworks Inc 672108	C6	12460 Kirkham Court Poway, CA 92064	0.3%	No	1000004870
6	Roofing & Sheet Metal	Sylvester Roofing Co., Inc. 516696	C39, C43	306N West El Norte Parkway, PMB #371 Escondido, CA 92026	0.6%	No	1000006357
7	Glazing & Storefront	Pacific Coast Glazing, Inc. 938152	C17	1451 Morena Blvd. San Diego, CA 92110	0.7%	No	1000006231
8	Framing, Drywall, Ceiling Finishes, Specialties, Signage, Final Clean	Standard Drywall Inc. 444328	B, C2, C9, C35	9902 Channel Rd. Lakeside, CA 92040	13.7%	No	1000000269
9	Flooring & Tiling	A&A Flooring Inc., DBA A&S Flooring 801134	C15/C54	2461 Fenton Street Chula Vista, CA 91914	1.1%	No	1000003115
10	Plumbing & Site Utilities	Strelc Plumbing Inc., dba Advance Plumbing Company 272557	C36	P.O. Box 1706 El Cajon, CA 92022	2.2%	No	1000002350
11	HVAC	ACCO Engineered Systems, Inc. 120696	C4, C10, C20, C36, C38	888 East Walnut Street Pasadena, CA 91101	3.8%	No	1000000546
12	Electrical, LV, Security	Baker Electric Inc 802588	C10	1298 Pacific Oaks Place Escondido, CA 92029	15.1%	No	1000000327
13	IO Environmental & Infrastructure, Inc.	IO Environmental & Infrastructure, Inc. 957419	A, C27	2840 Adams Ave, Suite 301 San Diego, CA 92116	1.5%	Yes	1000001765

NOTE: Under Public Contract Code section 4100 et. seq. known as the Subletting and Subcontracting Fair Practices Act, all subcontractors (defined under Public Contract Code section 4113 and Business & Professions Code section 7026) to the prime contractor performing work in excess of 0.5% of the proposal must be listed. Contractor **at time of submitting proposal** must list the name and location of business, contractor's license number, portion of work, and pursuant to SB854, the DIR Registration Number of every listed subcontractor. NOTE: LIST ALL DVBE SUBCONTRACTORS ON THE DVBE/SDVOB DECLARATION FORM, AS WELL AS, ON THIS SUBCONTRACTOR LIST, WHICH IS DUE AT TIME OF SUBMITTING PROPOSALS.

The Contractor shall designate/identify the listed subcontractors as DVBE's on the DVBE/SDVOB Declaration form and Subcontractor's List at **time of submitting proposal**. Failure of a Contractor to meet the 3% DVBE participation percentage requirement pursuant to Resolution In Support of Service Disabled Veterans Owned Businesses (SDVOB) and Disabled Veteran Business Enterprises (DVBE) approved on May 10, 2011 by Board of Education shall result in rejection of the Contractor's Proposal for non-responsiveness. DVBE's need to have a current and valid certification from the State of California Department of General Services. SDVOB's need to have a current and valid verification letter from the Department of Veteran's Affairs Center for Veterans Enterprise; self-representation will not be accepted. DVBE and SDVOB eligibility must be current at time of submitting proposal and contract award. Failure of a Contractor to submit the designation/identification of subcontractors pursuant to the preceding may result in rejection of the Contractor's Proposal for non-responsiveness. For purposes of the preceding, the following definitions shall apply:

Small Business: A business concern, independently owned and operated, not dominant in the field of operation and whose size determinations and annual receipts are in accordance with the U.S. Department of Commerce "*Standard Industrial Classification Manual*". Size determination is set by either (1) annual receipts or (2) number of employees. In size determinations where the standard is "annual receipts", size eligibility requires that the concern may not exceed the "annual receipts" in that standard. In size determinations where the standard is "number of employees", size eligibility requires that the concern may not exceed the number of employees in that standard. "Number of employees" means the average employment of the concern for the preceding completed 12 calendar month period. A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. The designation of small business shall include:

“DVBE” Disabled Veteran Business Enterprise: A business concern that is certified by the State of California Department of General Services Office of Small and Minority Business, 51% owned and operated by a disabled veteran.

“SBE” Small Business Enterprise: A small business concern independently owned and operated by a non-minority, qualifying in one of the above categories.

Percentage of Contract Value: The Proposer shall stipulate what percentage of work a small business; a DVBE or a SBE will perform in relation to total value.