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18. **“Proposer”** shall mean a person or firm that submits a proposal or statement of qualifications.
19. **“Project”** shall mean a contract or series of contracts to perform construction work or construction-related professional services work.
20. **“Subcontractor”** shall mean any individual, partnership, corporation or other legal entity entering into a contract with the prime contractor to perform a portion of the work.
21. **“Subconsultant”** shall mean any individual, partnership, corporation or other legal entity entering into a contract with the prime consultant to perform a portion of the work.
22. **“Target”** shall mean the level of small local business participation in construction-related professional service contracts that the District encourages prime consultants to achieve in meeting the goals that reflect the availability of small local businesses in a given trade or profession.

II. POWERS AND DUTIES

III. GOALS AND INCENTIVES

There are two types of subconsulting goals: (1) overall program goals which represent the percentage of SLB of ~~(4)~~ 0.00 percent

B Project Subconsultant Goals

The District will set project-specific subconsultant goals on each construction-related professional service contract, based on the availability of SLBEs to perform the specified work required

The District will forward this information to CMD, and in addition, may independently investigate the complaint. If, upon completion of the investigation, the District determines that the complaint is meritorious, it will not include the challenged firm's participation in its calculation of goal attainment. It may also levy penalties against the firm as described in Part XVIII, below.

VI. CONTRACT SIZE

The District will use its best efforts to design contracts to most effectively enhance the opportunity for participation by SLBE firms to the maximum extent feasible in accordance with applicable ordinance 4(e) (its) maximum will use

IX. PRE-AWARD PROCESSES

Written SLBE procedures will be established for the procurement of construction and

- i) Identifying with specificity units of work that SLBEs have the capacity to perform;
 - ii) Soliciting qualifications from firms certified with the CMD in the professions and/or specialty required for the advertised project in a number specified by the District
 - iii) Providing the scope of work and other documentation necessary for the targeted SLBEs to prepare a statement of qualifications.
- 5) Considering available SLBEs by contacting those willing and able to perform services within the scope of the project by:
- iv) Having documented follow-up contact with a majority of the SLBE firms solicited in accordance with the required level of SLBE contact.
 - v) Directly negotiating with SLBE firms.
 - vi) Offering smaller portions of work or other assistance

2. Good Faith Effort Review

If a consultant has not met the goals for SLBE participation, the District is to review the Good Faith Effort and make a recommendation whether the proposal should be accepted or rejected. The Compliance Officer will make a determination whether the consultant made a good faith effort to attain the goals. In addition to other actions in investigating the proposal, the Compliance Officer may contact the SLBE firms listed on the Good Faith Effort Report to verify the information provided by the consultant. When requested by the District, the consultant will also provide further documentation regarding its efforts to attain SLBE participation.

3. Appeals

Whenever the Compliance Officer recommends rejection of a proposal that has not met the goals, the consultant may appeal that denial to the Chmal -(nc)-5.9(e)]TJ9 0 reconce

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out of this program that occur during the post-award phase of construction-related professional service contracts.

XIV. CONTRACT COMPLIANCE

A Assessing Participation

The prime consultant is responsible for ensuring that those SLBEs committed to perform work under the consultant's contract perform a commercially useful function. Failure to fulfill this obligation will be considered a breach of the contract and damages may be assessed.

The prime consultant will be given credit toward the SLBE goals only when the SLBE performs a commercially useful function. The District will consider that a commercially useful function has been performed when a SLBE is responsible for the execution of a distinct element of the work by actually performing,

XV. SUBCONSULTANT UTILIZATION

Compliance, reporting, and tracking for construction-related professional services contracts requires the collection and maintenance of complete contract data. The

contracting. This training will be included in the new employee orientation program.

XXII. PROGRAM REVISIONS

The Chancellor or designee shall review proposed policy and program changes as well as the performance and outcomes of District contracting. The Chancellor in his/her discretion may establish an appropriate committee which may assist the Chancellor in these tasks. The committee may be composed of construction prime and subcontractors and construction-related professional services consultants.

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