

SUBCONTRACTOR OUTREACH & ENFORCEMENT SECTION FREQUENTLY ASKED QUESTIONS

1. I am a subcontractor. The prime contractor has not paid me, what can I do?

A: Call the Board of Public Works (213-978-0270) and request a Stop Notice. The Board of Public Works will issue a Stop Notice and withhold the amount of money that is owed to you from the prime contractor's retention. When you have been paid, you may call the Board of Public Works and release the stop notice.

2. I am applying for a Personal Services contract. If there is no Mandatory Subcontracting Minimum (MSM), why must I perform a Good Faith Effort outreach?

A: Per the specification requirements, the Department of Public Works is committed to ensuring full and equitable participation by minority, women and other businesses in the provision of all goods and services to the Department on a contractual basis. Respondents for contracts must demonstrate compliance with the indicators relating to an active outreach program to obtain participation by MBEs, WBEs and OBEs. Failure to demonstrate a good faith effort will render the bid non-responsive.

3. How do I know if a publication is acceptable?

A: The Helpful Hints link lists acceptable publications. If you would like to use another publication, please call the Subcontractor Outreach & Enforcement Section, so that someone may check to see if your publication would be acceptable.

4. What is an OBE?

A: Any subcontractor not certified as a Minority Business Enterprise (MBE) or a Woman Business Enterprise (WBE) is an Other Business Enterprise (OBE).

5. How do I count the days for Indicators 4, 5, 6, and 8?

A: When you start counting back the days, count all calendar days (including weekends) and do not include the bid due date as day one. Start counting from the day prior to the bid due date as day one. For example: If the bid due date is September 15th, you will count September 14th as day one; therefore, you will need to publish the advertisement per Indicator 4 no later than September 5th.

6. What is the difference between a DBE and a MBE or WBE requirements?

A: A Disadvantaged Business Enterprise (DBE) is a certified DBE subcontractor used in federally funded projects for the City's DBE program. At the time of Acceptance, these federally funded projects will be penalized 100% for illegal substitutions.

The City uses MBE and WBE certified subcontractors on City funded projects under the MBE/WBE/OBE Subcontractor Outreach program. At the time of project acceptance, these City funded projects will have a 10% penalty for illegal substitution, illegal reduction, and unapproved subcontractor issues.

7. How many letters must I send out for Indicator 5?

A: The Contractor must send out a reasonable number of letters proportionate to the size of the work area, including MBEs, WBEs, and OBEs in the outreach.

8. How do I substitute a subcontractor?

A: Contact Russ Strazzella with the Special Research & Investigation Section for instructions on how to substitute a subcontractor.

9. For DBE projects, why do I have to fill out the bid proposal and 15 GC forms?

A: The City uses the bid proposal to document your contractual obligation to use the subcontractors that you list, including DBE and OBE subcontractors. Caltrans requires that their federal form, the 15 GC, must be filled out, including DBE subcontractors only.

10. Will I fail Good Faith Effort if I do not meet the MBE and WBE percentages?

A: No. The MBE and WBE percentages are anticipated participation levels. You must show adequate Good Faith Effort documenting your efforts to obtain the MBE and WBE percentages.

11. Will I be deemed non-responsive if I do not meet the Mandatory Subcontracting Minimum (MSM)?

A: The Mandatory Subcontracting Minimum is a requirement. You may be deemed non-responsive if you do not obtain the Mandatory Subcontracting Minimum.

12. How are the MBE/WBE and MSM levels set?

A: The Bureau of Engineering project manager sets these levels based on the potential subcontracting opportunity for a particular work area in the City of Los Angeles area.

13. When is Good Faith Effort required?

A: Good Faith Effort is required on projects over \$100,000.00 that does not have substantially limited work areas to possibly subcontract.