

# SBE Subcontracting Plan FAQs & Checklist

This Checklist and FAQs are being provided to assist you in completing the SBE Subcontracting Plan. You must submit the Subcontracting Plan for all construction and non-construction contracts for government-assisted projects and for any application for a Class A Operator, Class B Operator, or Management Service Provider (MSP) license to be issued by the Office of Lottery & Gaming (OLG). You must adhere to all District laws regarding the requirements of Subcontracting Plans, the instructions on the SBE Subcontracting Plan (below), and any instructions provided by the procuring agency or OLG.

#### FREQUENTLY ASKED QUESTIONS

### > Who is required to complete an SBE Subcontracting Plan?

 All beneficiaries of construction or non-construction contracts for government-assisted projects in excess of \$250,000 must submit an SBE Subcontracting Plan unless the subcontracting requirement is otherwise fully waived by the Director of the Department of Small & Local Business Development. A partial waiver still requires an SBE Subcontracting Plan.

### What is the duration for allocating at least 35% of the contract value to SBE?

 For an agency contract at least 35% of the dollar volume of the contract shall be subcontracted to a qualified SBE for each performance period for the life of the contract.

## ► I am a CBE Prime Contractor doing 100% of the work under my contract, am I required to complete the SBE Subcontracting Plan?

o If a CBE Prime is selected as a beneficiary of a construction or non-construction contract and will perform 100% of the work, subcontracting is not required. If 100% of the work is performed by the CBE Prime, it shall attest to completing 100% of the work. However, if a CBE Prime subcontracts any portion of the work, 35% of the total amount subcontracted must be with anSBE. For example, if a CBE Prime receives a contract for \$1,000,000 and will perform only \$900,000 of the contract, 35% of the remaining \$100,000 (*i.e.*, \$35,000) must be subcontracted to qualified SBEs. The SBE Subcontracting Plan, based on this example, should be completed.

#### Will DSLBD credit 100% of a CBE's subcontract towards my subcontracting goal?

O DSLBD will only provide credit towards your subcontracting goal for work whereby a SBE provides a commercially useful function. For example, if a Prime contractor awards a \$100,000 contract to an SBE subcontractor to procure software licenses at \$95,000, and the remaining \$5,000 is paid to the SBE for obtaining those software licenses, only the \$5,000 will be credited towards the subcontracting goal. Any pass-thru costs or other work where the SBE is not providing a commercially useful function--with its own organization and resources--will not be credited.

## > <u>Does my SBE Subcontracting Plan have to cover all options periods of the contract or solely the current performance period?</u>

- The SBE Subcontracting Plan should only include information for the current period of performance. Thus, the SBE Subcontracting Plan should not represent anticipated option periods. A new subcontracting plan must be submitted and executed before the start of each period of performance.
- The base period of my contract was awarded during the COVID-19 Public Health Emergency (i.e., March 11, 2020, through November 5, 2021). What is my subcontracting requirement for my performance periods that fall outside of those dates?
  - If the base period of your contract was awarded during the public health emergency, you are required to maintain a 50% subcontracting requirement for all options and extensions associated with that contract unless otherwise reduced or waived by the Director of DSLBD.

## > I do not believe I can meet the required 35% or 50% subcontracting requirement. What must I do to waive this requirement?

- If you believe you cannot achieve the required subcontracting requirements, you should communicate this concern to the contracting officer or other procuring staff <u>before</u> signing your contract. Only the Director of DSLBD can waive the subcontracting requirements, and DSLBD does not retroactively approve waivers. For instance, if a contract is executed before a final determination has been rendered by DSLBD's Director, you will be required to achieve the subcontracting requirement, or the contract may be voided, pursuant to District law.
- The contracting officer is required to submit a waiver request to DSLBD for the contract <u>for each</u> period of performance. Beneficiaries are not permitted to submit a waiver request. DSLBD does



not approve waivers retroactively; therefore, contracting officers and beneficiaries should ensure that the waiver is approved prior to executing the contract. Otherwise, the contract is **voidable** pursuant to District law.

## > Can I utilize any CBE to meet my subconctrcting requirements or does it have to be an SBE specifically?

If there are insufficient qualified SBEs to completely fulfill the subcontracting requirement, then the requirement may be satisfied by subcontracting a CBE; provided, that all reasonable efforts shall be made to ensure that qualified SBEs are significant participants in the overall subcontracting work.



#### SBE SUBCONTRACTING PLAN

**INSTRUCTIONS**: All construction & non-construction contracts for **government-assisted projects** (agency contracts & private projects with a District subsidy) over \$250,000, shall require at least 35% of the total dollar volume of the contract (i.e., the total amount of agency contract or total private project development costs) be subcontracted to Small Business Enterprises (SBE), and if insufficient qualified SBEs to Certified Business Enterprises (CBE). The SBE Subcontracting Plan must list all SBE and CBE subcontracts at every tier. Once the SBE Subcontracting Plan is submitted for agency contracts, options, and extension, it can only be amended by the Director of the Department of Small & Local Business Development

#### **SUBMISSION OF CBE PLAN:**

- ♦ For **agency** solicitations submit to the agency with bid/proposal.
- ♦ For **agency** options & extensions submit to the agency before an option or extension is exercised.
- For **public-private projects** submit to DSLBD, the agency project manager, and with each quarterly report. As private projects may not have awarded all contracts at the time the District subsidy is granted, the SBE Subcontracting Plan may be submitted simultaneously with each quarterly report and list all SBE/CBE subcontracts executed by the time of submission.

**CREDIT:** For each subcontract listed on the SBE Subcontracting Plan, credit will only be given for the portion of the subcontract performed, at every tier, by an SBE/CBE using *its own organization and resources*. **COPIES OF EACH FULLY EXECUTED SUBCONTRACT WITH SBES AND CBES (AT EVERY TIER) MUST BE PROVIDED TO RECEIVE CREDIT**.

**CERTIFICATION INFORMATION:** Certification as a Local Business Enterprise (**LBE**) is a prerequisite to be certified in any additional business enterprise category within the CBE Program. The Small Business Enterprise (**SBE**) is a category of the Certification. However, not all CBEs have a Small Business Enterprise (SBE) category. If the subcontracting plan is with a CBE without the SBE category, the contract may not receive credit towards the subcontracting goal for work provided by the CBE if there were qualified SBEs that could have been utilized to completely fulfill the subcontracting requirement.

The certification number must include the **Local Business Enterprise (LBE)** and **Small Business Enterprise (SBE) categories**. i.e., Certification Number:**LS**XXXXXXXXX2026.

#### **SUBCONTRACTING CREDIT PURSUANT D.C. LAW 24-39:**

Pursuant to the Coronavirus Support Temporary Amendment Act of 2021 and the Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021, contracts awarded during the Public Health Emergency shall receive credit as follows:

- (1) For every dollar expended by a beneficiary with a resident-owned business, the beneficiary shall receive a credit for \$1.10 against the CBE minimum expenditure.
- (2) For every dollar expended by a beneficiary with a disadvantaged business enterprise, the beneficiary shall receive a credit for \$1.25 against the CBE minimum expenditure.
- (3) For every dollar expended by a beneficiary that uses a company designated as both a disadvantaged business enterprise and as a resident-owned business, the beneficiary shall receive a maximum credit for \$1.30 against the CBE minimum expenditure.

**EXEMPTION:** If the **Beneficiary (e.g., the Prime Contractor or Developer)** is a CBE and will perform the ENTIRE **government-assisted project** with *its own organization and resources* and will NOT subcontract any portion of the services and goods, then the CBE Beneficiary is not required to subcontract to SBEs.



# SECTION 1.BENEFICIARY AND SOLICITATION/CONTRACT/SPORTS WAGERING APPLICANTINFORMATION

Section 1A. BENEFICIARY INFORMATION	
Company: Street Address:	Contact #: Email address:  City/ State/ Zip Code:
Company's point of contact for agency contract, private pri	•
Point of Contact:	Title:
Contact #:	Email address:
Street Address:	Linaii audiess.
Offeet Address.	_
Section 1B. SOLICITATION/CONTRACT/SPORTS W.	AGERING APPLICANT INFORMATION
Solicitation /Contract/ApplicantNo.:	Solicitation Due Date:
Agency:	Total Dollar Amount of Contract:
rigoloy.	Total Value of <b>ALL</b> CBE Subcontracts:(Include all lower tiers)
Please select all the applicable subcontracting requirement solicitation:  35% Subcontracting Requirement  50% Subcontracting Requirement  DSLBD approved an adjusted subcontracting requirement  Adjusted Subcontracting Requirement:	exceeds the subcontracting requirement required under this solicitation or contract. Further, I understand that DSLBD will only provide credit towards my SBE Subcontracting Requirement for work whereby a CRE provided a commercially useful function.
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Section 1C. CBE BENEFICIARY (ONLY COMPLETE	FIF THE BENEFICIARY IS A CERTIFIED BUSINESS ENTERPRISE)
☐ I am a CBE that WILL perform 100% of the contracting portion of the contract. Therefore, I am NOT required to su ☐ I am a CBE that WILL NOT perform 100% of the contract portion of the contract. Therefore, I understand I am required demonstrates that the required subcontracting amount, as Please include the percentage of the contract the CBE	E Prime will perform under the contract or project.  of the contract's total dollar volume of the contract or project.



#### **BENEFICIARY ATTESTATION**

I declare, certify, verify, attest, and state under penalty of perjury that the information provided above is true and correct to the best of my knowledge and belief. Pursuant to D.C. Official Code § 22-2402, I understand that a person convicted of perjury shall be fined not more than \$5,000 or imprisoned for not more than 10 years, or both. I understand that any false or fraudulent statement that I provide or assert may be grounds for revocation of my CBE registration pursuant to D.C. Official Code § 2-218.63. Further, a Prime Contractor, Developer, CBE, Certified Joint Venture, or Sports Wagering Licensee that fails to comply with the requirements of the Small and Certified Business Enterprise Development and Assistance Amendment Act of 2005, as amended, (D.C. Law 20-108) (the "Act"), shall be subject to penalties as outlined in the Act.

PRINT NAME:	SIGNATURE:
JOB TITLE:	DATE:

### Section 2. SBE/CBE SUBCONTRACTORS (FOR EACH TIER):

CBE Subcontrac Company Nam		Address		Certification No.	Price to be paid to the CBE Subcontractor	Description of subcontr of work to be performed be for a commercially function by the C	that shall useful	
				_			-	
SBE/CBE Point of Co	ntact:				CBE Subcontractor Self-Performance Indicator:			
Name:  Title:  Telephone Number:  Email Address:	_				own organization and re ☐ This CBE will subcor will perform% of the	ntract a portion of the subconte subcontract's total dollar whot self-perform 100% of the	ntract and olume.	
LOWER TIER CBE Subcontractor Name	Address	Certificat		ion No.	Price to be paid to the CBE Subcontractor	Description of subcontract scope of work to be performed that shall be for a commercially useful function by the CBE	Tier (e.g., 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , etc.)	
					\$			
					\$			
					\$			
					\$			
					\$			



CBE Subcontrac Company Nam		Address		Certification No.	Price to be paid to the CBE Subcontractor	Description of subcontr of work to be performed be for a commercially function by the C	that shall useful	
							-	
SBE/CBE Point of Co	ntact:		CBE Subcontractor Self-Performance Indicator:					
Name:  Title:  Telephone Number:  Email Address:					☐ This CBE will perform the ENTIRE subcontract with its own organization and resources. ☐ This CBE will subcontract a portion of the subcontract and will perform% of the subcontract's total dollar volume.  NOTE: If the CBE will not self-perform 100% of the subcontract, it must list each lower-tier CBE subcontractor below.			
LOWER TIER CBE Subcontractor Name	Address	Certificati		ion No.	Price to be paid to the CBE Subcontractor	Description of subcontract scope of work to be performed that shall be for a commercially useful function by the CBE	Tier (e.g., 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , etc.)	
					\$			
					\$			
					\$			
					\$			
					\$			
CBE Subcontrac Company Nam		Address		Certification No.	Price to be paid to the CBE Subcontractor	Description of subcontract sco of work to be performed that sh be for a commercially useful function by the CBE		
SBE/CBE Point of Co	ntact:				CBE Subcontractor Self-Performance Indicator:			
Name: Title: Telephone Number: Email Address:	_				☐ This CBE will perform the ENTIRE subcontract with it own organization and resources. ☐ This CBE will subcontract a portion of the subcontract will perform% of the subcontract's total dollar volur NOTE: If the CBE will not self-perform 100% of the subcontract, it must list each lower-tier CBE subcontractor below.			
LOWER TIER CBE Subcontractor Name	Address		Certificat	ion No.	Price to be paid to the CBE Subcontractor	Description of subcontract scope of work to be performed that shall be for a commercially useful	Tier (e.g., 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , etc.)	



		function by the CBE	
	\$		
	\$		
	\$		
	\$		
	\$		

CBE Subcontract Company Name		Address		Address		Certification No.	Price to be paid to the CBE Subcontractor	Description of subcontr of work to be performed be for a commercially function by the C	that shall useful
				_					
SBE/CBE Point of Co	ntact:		CBE Subcontractor Self-Performance Indicator:						
Name:  Title:  Telephone Number:  Email Address:					☐ This CBE will perform the ENTIRE subcontract with its own organization and resources. ☐ This CBE will subcontract a portion of the subcontract and will perform% of the subcontract's total dollar volume.  NOTE: If the CBE will not self-perform 100% of the subcontract, it must list each lower-tier CBE subcontractor below.				
LOWER TIER CBE Subcontractor Name	Address	Certificati		tion No.	Price to be paid to the CBE Subcontractor	Description of subcontract scope of work to be performed that shall be for a commercially useful function by the CBE	Tier (e.g., 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , etc.)		
					\$				
					\$				
					\$				
					\$				
					\$				



AGENCY CONTRACT AWARD	PRIVATE PROJECT SUBSIDY AWARD
Agency:	Agency Providing Subsidy: District Subsidy: Developer: Amount of District Subsidy: Date District Subsidy Provided/ contract signed: Anticipated Start Date of Project: Anticipated End Date of Project: Project Name: Project Address: Total Development Project Budget: \$ (include pre-construction and construction costs)
35% of the Total Contract Amount: \$	35% of the Total Development Project Budget: \$
35% of the Applicable Performance Period: \$	50% of Total Dollar Amount of Contract: \$(pursuant to D.C. Law 24-39)
50% of Total Dollar Amount of Contract: \$(pursuant to D.C. Law 24-39)	Total Amount of All SBE/CBE Subcontracts: \$ (include every lower tier)
Total Amount of All SBE/CBE Subcontracts: \$(include every tier)	Check if developer is a CBE and will perform the ENTIRE government-assisted project (private project) with its own
(√ if applies)  □ Base Period Contract – Option/Extension Period: □ Multi-year Contract     First Year (Period) of Contract: □ Current Year (Period) of Contract: □ □ Design-Build – Date of Guaranteed Contract: □ □ Check if prime contractor is a CBE and will perform the ENTIRE government-assisted project (agency contract) with its own organization and resources and NOT subcontract any portion of the services or goods.	organization and resources and NOT subcontract any portion of services or goods.
☐ AGENCY CONTRACTING OFFICER'S AFFIRMATION O	——————————————————————————————————————
The below Agency Contracting Officer or Agency Project Manager affirms ☐ If the Beneficiary is a CBE, DSLBD was contacted to confirm Beneficiar ☐ The fully executed Contract (Base or Option or Extension or Multi-Yea emailed to DSLBD at Compliance.Enforcement@dc.gov within five (5) da ☐ FOR AGENCY CONTRACT the SBE Subcontracting Plan, submitted Compliance.Enforcement@dc.gov within five (5) days of signing the contracting Plan is a contracting Plan in the contraction of the contractio	is the following (√ to affirm):  any's CBE certification.  r) or subsidy document, between the Beneficiary and Agency, was sys of signing:  I by Beneficiary, was emailed to DSLBD at
Name of Agency Contracting Officer or Agency Project Manager	
Title of Agency Contracting Officer or Agency Project Manager	
Signature D	<u> </u>



### **VENDOR VERIFICATION FORM ("VVF")**

Year:	<u>2025</u> Quarte	er: <u>Jan-Mar</u>		
PART	I. Agency Contract/ Project D	etails:		
	Contract/Project Name:			
	(✓ one)			
	☐ District Agency Contract: ☐ Private Project:		District Agency	_ & Contract #
PART	II. SBE/ CBE Contractor/ Sub	ocontractor & Lower Ti	ier Subcontractor Deta	ails:
Gener		wing scope of work/ prod	lucts <mark>using its own org</mark>	er Tier Subcontractor SBE/CBE anization and resources (specify)
PART	III. SBE/CBE Company's Sub	contracts to Lower Tie	· SBE/CBE or Non-CB	BE Companies: (✓ one)
	SBE/CBE Company provided 10 rganization and resources, and o			the <u>Entire Project/Contract</u> using its bcontractor. (Skip to Part IV.)
	SBE/CBE Company provided 10 ization and resources, and did no			the <u>Entire Subcontract</u> using its own tractor. (Skip to Part IV.)
	SBE/CBE Company subcontract		tract/Subcontract to a	lower tier subcontractor. (List every

Lower Tier Subcontractor Name	Lower Tier Subcontractor is: SBE, CBE or Non-CBE	Total Amount of Lower Tier Subcontract	Amount Paid to Lower Tier Subcontractor This Quarter	Lower Tier Lower Tier bcontractor Subcontractor	Detailed Description of lower tier subcontractor's scope of work	CBE Certification Number	Fully Executed Lower Tier Subcontract provided with this VVF*
1.	Select	\$	\$	\$			Select
2.	Select	\$	\$	\$			Select
3.	Select	\$	\$	\$			Select
4.	Select	S	\$	S			Select

# \*THIS VVF WILL <u>NOT</u> BE ACCEPTED, AND <u>NO CREDIT</u> GIVEN, UNTIL THE FULLY EXECUTED CONTRACTS/SUBCONTRACTS AND VVFs FOR ALL SBEs & CBEs LISTED IN PART III c. ARE PROVIDED!

SBE/ CBE Subcontracting Credit will only be assessed for the portion of services & goods provided by each SBE/ CBE Company AND each SBE/ CBE Lower Tier Subcontractor *USING ITS OWN ORGANIZATION AND RESOURCES*.

PART IV: <u>Provide DETAILED Description of Scope of Work Provided by SBE/CBE Company:</u>
The total amount of the contract/subcontract = \$ (amount should include all change orders); the total amount subcontracted to SBE & CBE lower tier subcontractors = \$ (amount should include all change orders). SBE/CBE Company was paid total of \$, during this quarter. The total amount SBE/CBE has been paid to date for portion of contract/subcontract performed with its own organization and resources is \$ The remaining amount to be paid to the SBE/CBE Company for portion of contract/subcontract performed with its own organization and resources is \$
<u>ACKNOWLEDGEMENT</u>
I declare, certify, verify, attest or state under penalty of perjury that the information contained in this Vendor Verification Form, and any supporting documents submitted, are true and correct to the best of my knowledge and belief. I further declare, certify, verify, attest or state under penalty of perjury that I have the authority and specific knowledge of the goods and services provided under each contract/subcontract contained in this Vender Verification Form. I understand that pursuant to D.C. Official Code § 22-2402, any person convicted of perjury shall be fined not more than \$5,000 or imprisoned for not more than 10 years, or both. I understand that any false of fraudulent statement contained in this Vender Verification Form may be grounds for revocation of my CBE registration pursuant to D.C. Official Code § 2-218.63. I also understand that failure to complete this Vender Verification Form properly will result in no credit towards the SBE and CBE Subcontracting Requirements. Further, a Prime Contractor, Developer, CBE, or Certified Joint Venture, if subject to, that fails to comply with the requirements of the Small and Certified Business Enterprise Development and Assistance Amendment Act of 2014 (D.C. Law 20-108) (the "Act"), shall be subject to penalties as outlined in the Act.
<u>NOTARIZATION</u>
The undersigned, as a duly authorized representative of, CBE/SBE Company, swears or affirms that the statements
made herein are true and correct.
Signature: Title:
Print Name: Date:
District of Columbia (or State/Commonwealth of); to wit:
Signed and sworn to or affirmed before me on this day of ,
, by , who is well known to me or has been sufficiently verified as the person who executed the foregoing
affidavit and who acknowledged the same to be his/her free act and deed.
Notary signature:
(Seal)
My commission expires:

#### **ATTACHMENT 6**

## DOCUMENTATION OF ADDITIONAL OUTREACH EFFORTS

The following written documentation may be submitted as evidence of certified business enterprise "CBE" outreach and involvement efforts:

- (a) A listing of specific work scopes on a trade specific basis identified in which there are subcontracting opportunities for CBEs;
- (b) Copies of written solicitations used to solicit CBEs for these subcontracting opportunities;
- (c) A description of attempts to personally contact the solicited CBEs including the names, addresses, dates and telephone numbers of the CBEs contacted, a description of the information provided to the CBEs regarding plans, specifications and anticipated schedules for the work to be performed, and the responses of the CBEs to the solicitation;
- (d) In the event CBE subcontractors are found to be unavailable, a written request of a Statement of CBE Unavailability from the DSLBD is required;
- (e) A description of efforts to seek waiver of bonding requirements for CBEs, if bonding is required;
- (f) A copy of the request for reduction in or partial release of retainage for CBE;
- (g) A copy of the contract with each CBE subcontractor if a contract is executed between the District and the prime Contractor.