



**Small Business Opportunity Program**

**SBOP Form 3**

Subcontractor / Supplier Utilization Commitment

(page 1 of 2)

This form **MUST** be submitted at the time of Bid Opening

*Copy this Form 3 as needed, to document additional SBE commitments. Indicate page number range above.*

§Per Part B, Section 3.6 of the SBO Policy<sup>1</sup> the Subcontractor/Supplier Utilization Commitment (**Form 3**), captures information regarding the SBEs and other subcontractors and suppliers that the Bidder intends to use on the Contract.

**Failure to properly complete and submit Form 3 with the Bid constitutes grounds for rejection of the Bid**

<b>Bidder Name:</b>		<b>Bid Opening:</b>	
<b>Project Name:</b>			
<b>Project Number:</b>		<b>Established SBE Goal:</b>	%

1. List below all **SBEs** that you intend to use on this contract

SBE Vendor Name	Description of work / materials	NIGP Commodity Code	VMS (Vendor) #	Total Projected Utilization (\$)

**NOTE:** You will only receive credit for SBEs who have an active Certification with the City, as of the Bid Opening Date.

2. List below all **non-SBEs** that you intend to use on this contract

Firm Name	Description of work / materials	NIGP Commodity Code	VMS (Vendor) #	Projected Utilization (if known) (\$)

**Total Subcontractor / Supplier Utilization** (including SBEs and Non-SBEs) \$ \_\_\_\_\_

**Total SBE Utilization** \$ \_\_\_\_\_

**Total Bid Amount** (including Contingency) \$ \_\_\_\_\_

**Percent SBE Utilization\*** (Total SBE Utilization *divided by* Total Bid Amount) \_\_\_\_\_ %

\* The SBE Utilization percentage stated here **MUST** be rounded to (2) decimal places.

**Additional SBE Commitments after Bid Opening**

§Per Part B, Section 3.5 of the SBO Policy<sup>1</sup>, if a Bidder achieves **75.00% or more** of the SBE Goal (rounding up not allowed) prior to Bid Opening and documents it as required on this Form, the Bidder shall be deemed to have met the SBE Goal if it provides **SBOP Form 4** Letters of Intent for the remaining 25% of the SBE Goal within three (3) Business Days after the City requests the Bidder's Good Faith Efforts Compliance Form (**SBOP Form 5**). Additional SBE commitments **must** be documented on SBOP Form 3-A within the City's specified timeframe.

<sup>1</sup> SBO Policy v.2009 amended April 8, 2011



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This form **MUST** be signed and submitted at the time of Bid Opening

**Letters of Intent submitted upon notice from the City**

§Per Part B, Section 3.7 of the SBO Policy<sup>1</sup>, *within three (3) Business Days after receiving a request from the City (or within such longer time as may be communicated by the City in writing), Bidders must submit a separate Letter of Intent (SBOP Form 4) for each SBE listed on SBOP Form 3 and for any additional SBEs for which the Bidder seeks credit under the last sentence of Part B, Section 3.5. Each Letter of Intent must be executed by both the SBE and the Bidder. The City shall not count proposed SBE utilization for which it has not received a Letter of Intent by this deadline unless the SBE certifies to the City that it originally agreed to participate in the Contract at the level reported by the Bidder, but subsequently declined to do so.*

**Adding subcontractors or suppliers after submitting this form**

Nothing in this certification shall be deemed to preclude you from entering into subcontracting arrangements after submission of this form. However, per Part D of the SBO Policy<sup>1</sup>, you must comply with the following:

- You must maintain the level of SBE participation proposed on this form throughout the duration of the Contract, except as specifically allowed in Part D, Section 2.2.
- If you need to terminate or replace an SBE, you must comply with Part D, Section 5.
- If the scope of work on the Contract increases, or if you elect to subcontract any portion of work not identified on this form as being subcontracted, then you must comply with Part D, Section 6.
- A Letter of Intent (**SBOP Form 4**) must also be submitted for each SBE you add subsequent to contract award.

**All Subcontractors and Suppliers must be registered with the City of Charlotte.**

Pursuant to the City's Vendor Registration Policy, each subcontractor or supplier (non-SBE and SBEs) that you use on this contract must be registered in the City's vendor management system (VMS) database, indicated by a VMS Number. You will need to provide the VMS # for each subcontractor or supplier used on this contract as a condition for receiving final payment on this Contract.

**Signature**

Your signature below indicates that the undersigned Company certifies and agrees that:

- (a) It has complied with all provisions of the SBO Program;
- (b) Failure to properly document such compliance in the manner and within the time periods established by the SBO Program shall constitute a forfeiture of the Company's bid bond, and shall entitle the City to recover under the bid bond; and
- (c) In the absence of a bid bond, such failure shall entitle the City to recover damages for breach of contract.

Signature of Authorized Official	Printed Name	Title	Submittal Date
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<sup>1</sup> SBO Policy v.2009 amended April 8, 2011