

**SBE AFFIDAVIT**  
**REQUIRED OF ALL PROPOSERS/BIDDERS**  
**(This Affidavit will become part of the contract for the selected Proposer/Bidder)**

The City of Los Angeles, Los Angeles World Airports (LAWA) is committed to creating an environment that provides all individuals and businesses open access to the business opportunities available at LAWA. LAWA's Small Business Enterprise (SBE) Program was created to provide additional opportunities for small businesses to participate in LAWA contracts.

**MANDATORY SBE PARTICIPATION LEVEL:**

This Project has a mandatory SBE participation level of \_\_\_\_%.

If awarded the contract, the selected Proposer/Bidder commits to achieving \_\_\_\_% SBE participation on the Project (the "SBE Subcontract amount"). The SBE achievement level will be calculated as the percentage of the total contract amount for which SBEs were utilized.

The selected Proposer/Bidder's SBE achievement level will be calculated at the end of the contract term.

**SUBCONTRACTORS:**

The selected Proposer/Bidder will be required to comply with California's "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Sections 4100 et seq.) ([www.leginfo.ca.gov/cgi-bin/calawquery?codesection=pcc&codebody=&hits=20](http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=pcc&codebody=&hits=20)).

Any reduction, increase, or other change to the SBE Subcontract amount without prior written approval of Procurement Services Division (PSD) is considered an Unauthorized Subcontractor Substitution, and the selected Proposer/Bidder may be subject to a penalty. A subcontract dollar value increased or reduced as the result of a Change Order issued by LAWA to add or delete from the original scope of work shall not be subject to a penalty for an Unauthorized Subcontractor Substitution.

Only PSD is authorized to grant either initial approval of SBE Subcontractor(s) or SBE Subcontractor substitution(s).

Proposers/Bidders must list all Subcontractors on LAWA's Subcontractor Participation Plan and include all requested information.

**PENALTIES:**

Violation of the SBE Program Rules and Regulations ([http://www.lawa.org/welcome\\_LAWA.aspx?id=146](http://www.lawa.org/welcome_LAWA.aspx?id=146)) may result in a penalty of as much as 10% of the unpaid/underpaid amount of the Subcontract(s) involved.

At the end of each project, LAWA may withhold as disputed funds 15% of the total dollar value of all subcontract(s) that appear to be in violation of the SBE Program and 15% of the total dollar value of all subcontract(s) where work was performed on the project without, or prior to, approval by LAWA.

**REPORTING REQUIREMENTS:**

The selected Proposer/Bidder shall submit to LAWA, on a monthly basis, together with its invoice the Subcontractor Utilization Report listing the SBE subcontractors utilized during the reporting period. LAWA will not process or pay selected Proposer/Bidder's subsequent invoices if the Subcontractor Utilization Reports are not submitted with the monthly invoice.

The Contractor must submit the Final Subcontracting Report to PSD within fifteen (15) calendar days after a request for the report by PSD. Failure to comply shall result in the assessment of liquidated damages in the amount of \$100.00 per day by LAWA.

**CERTIFICATION**

The Bidder/Proposer certifies that it/he/she has read and understood the SBE Program Rules and Regulations (located at [http://www.lawa.org/welcome\\_LAWA.aspx?id=146](http://www.lawa.org/welcome_LAWA.aspx?id=146)) and further certifies that, if awarded the Contract, it/he/she shall fully comply with LAWA's SBE Program.

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Company Name, Address and Phone Number

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Signature of Officer or other Authorized Representative

Date

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Print Name and Title of Officer or Other Authorized Representative

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Project Title