

**SMALL LOCAL BUSINESS ENTERPRISES (SLBE) PROGRAM
COMPLIANCE AGREEMENT**

I. Certified SLBE Firms' Responsibilities:

- A. Maintain current profile of your firm on Richland County's Certification and Compliance Management System , B2GNow, <https://rcgov.gob2g.com/> (e.g. mailing address, phone number, email address, NAICS commodity code designation, description of goods and services sold, web site address, Federal Tax ID Number).
- B. Notify the Office of Small Business Opportunity (OSBO) of any significant changes (e.g. ownership, address, increased workforce) in writing within thirty (30) days of the occurrence of the change. However, to request an expansion of your firm's certified area of work and/or NAICS code designation(s), you must submit a separate expansion application in your firm's B2GNow account for OSBO Division staff review and approval.
- C. Acknowledge and adhere to all notices from the OSBO Division regarding temporary suspension, permanent graduation, and expiration.
- D. Recognize the firm's SLBE certification will be suspended if a physical location is not maintained within Richland County limits as mandated by the SLBE governing ordinance.
- E. All (E)SLBE firms will be required to submit a recertification application every two (2) years to remain certified.
- F. Immediately report any fraudulent or attempted fraudulent activity to the Originating Department and the OSBO Division wherein SLBE or Emerging SLBE certification status is being improperly used to provide an opportunity for participation on a County contract by a firm that otherwise fails to satisfy eligibility requirements for being an SLBE or Emerging SLBE firm, and would not be entitled to such contract participation. This includes any solicitation by a non-SLBE firm to a certified firm to perform something other than a Commercially Useful Function in order for the non-SLBE firm to benefit from the application of an Affirmative Procurement Initiative under the SLBE Program.
- G. Respond truthfully and forthrightly to any inquiry or investigation from the OSBO Division regarding the operation of the SLBE Program. Respond timely (within given allotted time or if not specified, no later than two (2) weeks from date of request)
- H. Failure to comply with these compliance requirements may be cause for suspension or termination of contracts, de-certification of SLBE or Emerging SLBE status, withholding of funds due under contract, refusal by the County to accept bids from the firm, or debarment for up to two years.

II. Solicitation Process/Pre-Award

- A. Attend pre-bid meeting when possible and applicable to identify potential prime contractors that are seeking SLBE subcontractors with your certified area of work/NAICS code designation. Proactively send written correspondence indicating your interest in bidding with a prime.
- B. Fill out and execute Form B, "SLBE and Prime Contractor's Statement of Intent" describing scope of work and dollar value and/or percentage of total value of bid

- assigned to SLBE subcontractor to perform with own forces in the event prime contractor is awarded the contract. Ensure that any scope of work you agree to perform corresponds with your certified area of work and NAICS code designation(s). Notify a prime if any portion of the proposed scope is outside of your certified area of work/NAICS code designation. Do NOT allow prime to modify the form in any way after you sign it.
- C. If requested by a prime that you intend to bid with as a subcontractor, provide a copy of your SLBE certification approval letter and current certificate.
 - D. Do not provide executed Form U, "SLBE Unavailability Form" to a prime bidder unless you have reviewed the solicitation and determined that there is no scope of work within that solicitation that your firm is ready, willing, and able to perform at the designated time.

III. Award/Contract Performance

- A. Negotiate, finalize, and execute a written subcontract agreement with the prime contractor upon award by Richland County that is consistent with the terms outlined in the corresponding Form B, "SLBE and Prime Contractor's Notice of Intent". Do NOT permit the prime to shop your bid with other SLBE firms and readjust your numbers after award.
- B. When the final subcontract agreement is executed, provide a copy to the OSBO division and to the Originating Department.
- C. Attend post-award/pre-construction meeting(s) with the Originating Department and prime contractor to determine performance schedule and deliverable/payment values.
- D. Perform work in accordance with subcontract agreement and contract performance schedule; notify the OSBO division and Originating Department in writing immediately in the event your firm is not permitted by the prime contractor to perform work as scheduled and contracted; document any causes for delay in writing.
- E. Submit all invoices in accordance with the contract payment terms. Indicate on each invoice the portion of work and dollar value performed by each lower tiered subcontractor for the performance period corresponding to the invoice with supporting documentation (e.g. invoices, receipts).
- F. Adhere to the prompt payment requirement outlined in Richland County Ordinance No. 029-14HR in performing all Richland County contracts.
- G. Input all requested information regarding billing and payment in the OSBO Division's compliance management system, B2GNow.
- H. Request all necessary change orders in writing to Prime Contractor with copies to the Originating Department. Do NOT perform any work that is outside of the scope of the subcontract agreement without receiving written approval of a change order from either the prime contractor and/or the Originating Department.
- I. Report any instances of harassment, abuse, non-payment, slow payment, breach of agreement, improper substitution or self-performance of subcontractor's scope of work by prime contractor immediately in writing to the Originating Department's representative and to the OSBO Division.

IV. SLBE Prime Contractor Additional Responsibilities

- A. Certified SLBE/Emerging SLBE/Approved (E)SLBE Joint Ventures must NOT subcontract more than forty-nine percent (49%) of the prime contract value to non-SLBE firms. However, they may count that portion of the prime contract that is performed with their own forces and materials towards satisfaction of any mandatory SLBE subcontracting goals.
- B. Upon contract award, as a condition precedent for the Notice to Proceed, Certified SLBE/Emerging SLBE/Approved (E)SLBE Joint Ventures must enter all information from executed subcontract agreements (e.g. subcontractor names, vendor ID numbers, SLBE certification status, applicable NAICS codes, description of scopes of work, dollar value of scope of work, percentage of total contract value represented by subcontractor's scope of work, point of contact for each subcontractor) and upload executed digital versions of each to the OSBO division's compliance reporting system, B2GNow.
- C. Notify all subcontractors of monthly payment audit requirements. Facilitate subcontractor B2GNow registration when necessary. Ensure that all SLBE and DBE Law Compliance, Reporting, and Document Retention clauses are included in any subcontractor agreements and that they are passed down through lower tiered subcontracts.

I have read, understand, and agree to the above outlined requirements to participate in the Richland County Small Local Business Enterprise program. I further agree to utilize the Richland County Office of Small Business Opportunity as the firm's first and primary point of contact for all certification, bidding, contractual, performance, billing, and payment issues and thereby will allow the Division to advocate on my behalf.

SLBE Firm Name

Majority Owner's Name (Printed)

Signature

Date