

**DISABLED VETERAN BUSINESS ENTERPRISE ("DVBE")  
PARTICIPATION PROGRAM OVERVIEW AND RESOURCES**

1. **DVBE Participation Program Policy.** The District is committed to achieving the administratively established Participation Requirement for Disabled Veteran Business Enterprises ("DVBEs") in accordance with Resolution In Support of Service Disabled Veteran-Owned Businesses (SDVOB) and Disabled Veteran Business Enterprises (DVBE) approved on May 10, 2011 by the Board of Education Resolution. Through the DVBE participation program, the District encourages contractors to ensure maximum opportunities for the participation of DVBE's in the Work of the Contract. The District's commitment to the achievement of DVBE Participation Requirement for the Work of the Contract shall not, however, result in the District's discrimination in the award of the Contract on the basis of ethnic group identification, ancestry, religion, age, sex, race, color, or physical or mental disability.

Your participation is mandatory for all construction jobs with San Diego Unified School District.

Information regarding the DVBE Participation program, including a listing of DVBE certified businesses, is available on the internet at the State of California website at: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>.

2. **Definitions.**

- 2.1 **Broker:** A certified DVBE/SDVOB contractor that does not have title, possession, control, and risk of loss of materials, supplies, services or equipment provided, unless one or more of the disabled veteran owners has at least 51-percent (51%) ownership of the quantity and value of the materials, supplies and equipment provided [Military and Veterans Code (MVC) Section 999.2(b)].
- 2.2 **Commercially Useful Function (CUF):** A "commercially useful function" (CUF) provides services or goods that contribute to the fulfillment of the contract requirements. It is not a CUF if the DVBE/SDVOB's role is limited to that of an extra participant in a transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE/SDVOB participation. A CUF is a person or entity doing all of the following:
- a. is responsible for the execution of a distinct element of the work of the contract;
  - b. carries out the obligation by actually performing, managing or supervising the work involved;
  - c. performs work that is normal for its business services and functions; and
  - d. is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry standards.
- 2.3 **Disabled Veteran.** A "Disabled Veteran" means a veteran of the military, naval, or air service of the United States with at least ten percent (10%) service-connected disability who is a resident of the State of California.
- 2.4 **Disabled Veteran Business Enterprise.** A "Disabled Veteran Business Enterprise" ("DVBE") means a business enterprise certified by the Office of Small Business Certification & Resources, State of California, Department of General Services, pursuant to Military and Veterans Code §999, or an enterprise certifying that it is a DVBE by meeting all of the following requirements: (a) it is a sole proprietorship at least fifty-one percent (51%) owned by one or more Disabled Veterans, or in the case of a publicly owned business, at least fifty-one percent (51%) of its stock is owned by one or more Disabled Veterans; or a subsidiary wholly owned by a parent corporation, but only if at least fifty-one percent (51%) of the voting stock of the parent corporation is owned by one or more Disabled Veterans; or a joint venture in which at least fifty-one percent (51%) of the joint venture's management and control and earnings are held by one or more Disabled Veteran; (b) the management and control of the daily business operations are by one or more Disabled Veterans; provided that the Disabled Veteran(s) exercising

management and control of the business enterprise are not required to be the same Disabled Veteran(s) who is/are the equity Owner(s) of the business enterprise; and (c) it is a sole proprietorship, corporation, or partnership with its home office located in the United States and which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business. The terms "foreign corporation" "foreign firm" and "foreign-based business" shall be deemed to mean a business entity that is incorporated or which has its principal headquarters located outside the United States of America.

- 2.5 **Front.** A subcontractor providing artificial or incidental participation to meet the objective of a contract (e.g., DVBE/SDVOB participation requirement), or a provider who does not own the equipment they are providing, but going to an outside source.
- 2.6 **Pass-through.** A supplier providing access to materials and supplies for which they are not specifically certified/verified. Also see "Front" above.

### 3. Participation Requirement.

- 3.1 **Participation Requirement Defined.** The term "Participation Requirement" is a numerically expressed condition of DVBE participation in performing the Work of the Contract
- 3.2 **DVBE Participation.** The Bid Proposal of a bidder shall be deemed responsive only if the bidder achieves or exceeds the DVBE Participation Requirement of Three Percent (3%) of total amount of bidder's Bid Proposal. The bidder's achievement of the Participation Requirement will not by itself render the Bid Proposal of such bidder to be responsive; in accordance with the Information for Bidders, the entirety of the Bid Proposal must be responsive.  
  
DVBE's need to have a current and valid certification from the State of California Department of General Services for the business type and classification as listed on the bid documents. SDVOB's need to have a current and valid verification letter from the Department of Veteran's Affairs Center for Veterans Enterprise relevant to the bid (e.g., NAICS Code); self-representation will not be accepted. DVBE eligibility is a one year period and must be renewed annually; SDVOB eligibility is a two year period. Eligibility must be current at time of bid and contract award.
- 3.3 **Exclusions.** The District expressly prohibits pass-throughs and fronts.

## **DVBE RESOURCE INFORMATION**

The Elite Service Disabled Veteran-Owned Business (SDVOSB) Network, San Diego Chapter at [www.elitesdvob.org](http://www.elitesdvob.org)

Disabled Veteran Business Alliance: [www.gousvba.org](http://www.gousvba.org)

Veterans In Business Network: [www.vibnetwork.org](http://www.vibnetwork.org)

Federal SDVOSB database: [www.vip.VetBiz.gov](http://www.vip.VetBiz.gov)

State of California DVBE database: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>

The District's Outreach Team can also be reached for assistance:

1. Karen Linehan, Outreach Program Manager at 858-627-7232 or [klinehan@sandi.net](mailto:klinehan@sandi.net); or
2. Alma D. Bañuelos, Business Outreach Coordinator at 858-573-5852 or [abanuelos@sandi.net](mailto:abanuelos@sandi.net).

Please review the District's Disabled Veteran Business Participation Tip Sheet at:

[https://www.sandiegounified.org/sites/default/files\\_link/district/files/dept/facilities\\_planning\\_&\\_construction/BizOutreach/DVBE%20TipSheet\\_single%20page%20for%20website%200416.pdf](https://www.sandiegounified.org/sites/default/files_link/district/files/dept/facilities_planning_&_construction/BizOutreach/DVBE%20TipSheet_single%20page%20for%20website%200416.pdf)

**DVBE PARTICIPATION DOCUMENTATION  
BIDDER'S DVBE STATEMENT**

1. **General Information.**

Bidder's Name: \_\_\_\_\_

Bidder's Address: \_\_\_\_\_

Bidder's Telephone Number: \_\_\_\_\_

Bidder's Fax Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Total Amount of Bidder's Bid Proposal: \_\_\_\_\_

Bidder's Representative: \_\_\_\_\_

2. **DVBE Participation Achieved.**

<u>Minimum Participation Requirement</u>	<u>Participation Achieved</u>
DVBE's: 3%	DVBE's: ____%

3. **Submittal of Documentation.**

Concurrently with the submittal of this Bidder's DVBE Statement, the bidder has also submitted duly completed, and executed if required, the Documentation of Disabled Veteran Business Enterprise Program Requirements (DVBEPR). All of the information provided by the bidder in its responses to (DVBEPR) is true, correct and accurate; there are no omissions in the responses of the bidder to the foregoing Attachments, which render any of the bidder's statements or information provided therein to be false or misleading.

4. **Certification of DVBE Status.**

The bidder certifies, warrants and represents to the District that the bidder has exercised due diligence in ascertaining the status of each proposed DVBE identified in (DVBEPR) as a DVBE in compliance with the applicable provisions of the District's DVBE Participation Program Policy and applicable law. By executing and submitting this Bidder's DVBE Statement, the bidder represents to the District that each DVBE identified in (DVBEPR) is duly and properly certified as a DVBE in conformity with the District's DVBE Program Policy and applicable law. The bidder acknowledges that in the event that the District shall reasonably determine that any DVBE identified in the bidder's responses to (DVBEPR) is not duly and properly certified in the appropriate category of DVBE, the Bid Proposal of such bidder may be rejected by the District as being non-responsive. For each DVBE identified in (DVBEPR), the bidder has submitted with its Bid Proposal forms of DVBE Certification (DVBEPR) duly completed and executed by each such DVBE.

5. **Authority to Execute.**

The individual executing this Bidder's DVBE Statement on behalf of the bidder warrants and represents to the District that she/he is duly authorized to execute this Bidder's DVBE Statement on behalf of the Bidder.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_  
(City and State)

I declare under penalty of perjury under the laws of the State of California that all of the foregoing is true and correct.

\_\_\_\_\_  
(Sign)

\_\_\_\_\_  
(Name of Individual Executing Statement)

[Printed or Typed]