



## 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.
- **I am a CBE Prime Contractor doing 100% of the work under my contract, am I required to complete the SBE Subcontracting Plan?**
  - 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 an SBE. 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?**
  - 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.
- **Does my SBE Subcontracting Plan have to cover all options periods of the contract or solely the current performance period?**
  - 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 before 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 **for each 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 subcontracting 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: **LSXXXXXXXXXX2026**.

### 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 APPLICANT INFORMATION

### Section 1A. BENEFICIARY INFORMATION

|   |                              |                      |
|---|------------------------------|----------------------|
| Company: _____  | Contact #: _____             | Email address: _____ |
| Street Address: _____   | City/ State/ Zip Code: _____ |                      |
| Company's point of contact for agency contract, private project, or Sports Wagering Licensee: |                              |                      |
| Point of Contact: _____   | Title: _____                 |                      |
| Contact #: _____  | Email address: _____         |                      |
| Street Address: _____   |                              |                      |

### Section 1B. SOLICITATION/CONTRACT/SPORTS WAGERING APPLICANT INFORMATION

|   |   |
|---|---|
| Solicitation /Contract/ApplicantNo.: _____  | Solicitation Due Date: _____  |
| Agency: _____   | Total Dollar Amount of Contract: _____  |
|   | Total Value of <b>ALL</b> CBE Subcontracts: _____<br>(Include all lower tiers)  |
| Please select all the applicable subcontracting requirements for this solicitation:<br><input type="checkbox"/> 35% Subcontracting Requirement<br><input type="checkbox"/> 50% Subcontracting Requirement<br><input type="checkbox"/> DSLBD approved an adjusted subcontracting requirement:<br>> Adjusted Subcontracting Requirement: _____% | I affirm that the value of all my CBE Subcontracts meets or 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 CBE provided a commercially useful function with its own organization and resources.<br><input type="checkbox"/> I AGREE<br><input type="checkbox"/> I DISAGREE |

### Section 1C. CBE BENEFICIARY (ONLY COMPLETE IF THE BENEFICIARY IS A CERTIFIED BUSINESS ENTERPRISE)

**If the Beneficiary is a Certified Business Enterprise, select all that apply and provide the following information:**

I am a CBE that **WILL** perform 100% of the contracting effort with my own organization and resources and will not subcontract any portion of the contract. Therefore, I am NOT required to submit an SBE Subcontracting Plan that demonstrates subcontracting.

I am a CBE that **WILL NOT** perform 100% of the contracting effort with my own organization and resources and will subcontract a portion of the contract. Therefore, I understand I am required to submit an SBE Subcontracting Plan (located in Section on 2) that demonstrates that the required subcontracting amount, as indicated above, will go to qualified CBEs.

**Please include the percentage of the contract the CBE Prime will perform under the contract or project.**

> The CBE Prime will self-perform \_\_\_\_\_% of the contract's total dollar volume of the contract or project.

**Please provide the current CBE Certification Number of the CBE Prime.**

> CBE Certification No. \_\_\_\_\_

### 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: \_\_\_\_\_  
 JOB TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

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

| CBE Subcontractor Company Name   | Address | Certification 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 |   |
|--|---------|-------------------|---|--|---|
| _____  | _____   | _____             | _____   | _____  |   |
| <b>SBE/CBE Point of Contact:</b>   |         |                   | <b>CBE Subcontractor Self-Performance Indicator:</b>  |  |   |
| Name: _____<br>Title: _____<br>Telephone Number: _____<br>Email Address: _____ |         |                   | <input type="checkbox"/> This CBE will perform the ENTIRE subcontract with its own organization and resources.<br><input type="checkbox"/> This CBE will subcontract a portion of the subcontract and will perform _____% of the subcontract's total dollar volume.<br><b>NOTE: If the CBE will not self-perform 100% of the subcontract, it must list each lower-tier CBE subcontractor below.</b> |  |   |
| LOWER TIER CBE Subcontractor Name  | Address | Certification 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 Subcontractor Company Name | Address | Certification 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 |
|--------------------------------|---------|-------------------|---|--|
| _____                          | _____   | _____             | _____                                     | _____  |

|  |  |  |   |  |
|--|--|--|---|--|
| <b>SBE/CBE Point of Contact:</b>   |  |  | <b>CBE Subcontractor Self-Performance Indicator:</b>  |  |
| Name: _____<br>Title: _____<br>Telephone Number: _____<br>Email Address: _____ |  |  | <input type="checkbox"/> This CBE will perform the ENTIRE subcontract with its own organization and resources.<br><input type="checkbox"/> This CBE will subcontract a portion of the subcontract and will perform _____% of the subcontract's total dollar volume.<br><b>NOTE: If the CBE will not self-perform 100% of the subcontract, it must list each lower-tier CBE subcontractor below.</b> |  |

| LOWER TIER CBE Subcontractor Name | Address | Certification 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 Subcontractor Company Name | Address | Certification 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 |
|--------------------------------|---------|-------------------|---|--|
| _____                          | _____   | _____             | _____                                     | _____  |

|  |  |  |   |  |
|--|--|--|---|--|
| <b>SBE/CBE Point of Contact:</b>   |  |  | <b>CBE Subcontractor Self-Performance Indicator:</b>  |  |
| Name: _____<br>Title: _____<br>Telephone Number: _____<br>Email Address: _____ |  |  | <input type="checkbox"/> This CBE will perform the ENTIRE subcontract with its own organization and resources.<br><input type="checkbox"/> This CBE will subcontract a portion of the subcontract and will perform _____% of the subcontract's total dollar volume.<br><b>NOTE: If the CBE will not self-perform 100% of the subcontract, it must list each lower-tier CBE subcontractor below.</b> |  |

| LOWER TIER CBE Subcontractor Name | Address | Certification 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 Subcontractor Company Name | Address | Certification 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 |
|--------------------------------|---------|-------------------|---|--|
| _____                          | _____   | _____             | _____                                     | _____  |

|                                  |  |
|----------------------------------|--|
| <b>SBE/CBE Point of Contact:</b> | <b>CBE Subcontractor Self-Performance Indicator:</b> |
|----------------------------------|--|

|  |   |
|--|---|
| Name: _____<br>Title: _____<br>Telephone Number: _____<br>Email Address: _____ | <input type="checkbox"/> This CBE will perform the ENTIRE subcontract with its own organization and resources.<br><input type="checkbox"/> This CBE will subcontract a portion of the subcontract and will perform _____% of the subcontract's total dollar volume.<br><b>NOTE: If the CBE will not self-perform 100% of the subcontract, it must list each lower-tier CBE subcontractor below.</b> |
|--|---|

| LOWER TIER CBE Subcontractor Name | Address | Certification 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   |
|--|---|
| <p>Agency: _____<br/>           Prime Contractor: _____<br/>           Contract Number: _____<br/>           Date SBE Subcontracting Plan Accepted: _____<br/>           Date agency contract signed: _____</p> <p>Anticipated Start Date of Contract: _____<br/>           Anticipated End Date of Contract: _____</p> <p>Total Dollar Amount of Contract: \$ _____</p> <p><i>*Design-Build must include total contract amount for both design and build phase of the project.</i></p> <p>35% of the Total Contract Amount: \$ _____</p> <p>50% of Total Dollar Amount of Contract: \$ _____<br/>           (pursuant to D.C. Law 24-39)</p> <p>Total Amount of All SBE/CBE Subcontracts: \$ _____<br/>           (include every tier)</p> <p>(✓ if applies)<br/> <input type="checkbox"/> Base Period Contract – Option/Extension Period: _____<br/> <input type="checkbox"/> Multi-year Contract<br/>               First Year (Period) of Contract: _____<br/>               Current Year (Period) of Contract: _____<br/> <input type="checkbox"/> Design-Build – Date of Guaranteed Contract: _____</p> <p><input type="checkbox"/> 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.</p> | <p>Agency Providing Subsidy: _____<br/>           District Subsidy: _____<br/>           Developer: _____<br/>           Amount of District Subsidy: _____<br/>           Date District Subsidy Provided/ contract signed: _____</p> <p>Anticipated Start Date of Project: _____<br/>           Anticipated End Date of Project: _____</p> <p>Project Name: _____<br/>           Project Address: _____</p> <p>Total Development Project Budget: \$ _____<br/>           (include pre-construction and construction costs)</p> <p>35% of the Total Development Project Budget: \$ _____</p> <p>50% of Total Dollar Amount of Contract: \$ _____<br/>           (pursuant to D.C. Law 24-39)</p> <p>Total Amount of All SBE/CBE Subcontracts: \$ _____<br/>           (include every lower tier)</p> <p><input type="checkbox"/> Check if developer is a CBE and will perform the ENTIRE government-assisted project (private project) with its own organization and resources and NOT subcontract any portion of services or goods.</p> |
| <input type="checkbox"/> AGENCY CONTRACTING OFFICER'S AFFIRMATION OR <input type="checkbox"/> AGENCY PROJECT MANAGER'S AFFIRMATION<br>(✓ which applies)  |   |
| <p>The below Agency Contracting Officer or Agency Project Manager affirms the following (✓ to affirm):</p> <p><input type="checkbox"/> If the Beneficiary is a CBE, DSLBD was contacted to confirm Beneficiary's CBE certification.</p> <p><input type="checkbox"/> The fully executed Contract (Base or Option or Extension or Multi-Year) or subsidy document, between the Beneficiary and Agency, was emailed to DSLBD at <a href="mailto:Compliance.Enforcement@dc.gov">Compliance.Enforcement@dc.gov</a> within five (5) days of signing:</p> <p><input type="checkbox"/> <b>FOR AGENCY CONTRACT</b> the SBE Subcontracting Plan, submitted by Beneficiary, was emailed to DSLBD at <a href="mailto:Compliance.Enforcement@dc.gov">Compliance.Enforcement@dc.gov</a> within five (5) days of signing the contract between the Beneficiary and Agency.</p> <p>_____<br/>           Name of Agency Contracting Officer or Agency Project Manager</p> <p>_____<br/>           Title of Agency Contracting Officer or Agency Project Manager</p> <p style="display: flex; justify-content: space-between;"><span>_____<br/>Signature</span><span>_____<br/>Date</span></p>  |   |