



December 8, 2005

Dear _____ :

The following requirements will need to be completed by the Lessor prior to the lease execution by the Real Estate Services Division (RESD), Professional Services Branch. In addition, please note Item #5 which explains Real Estate Services Division's method of calculating usable square footage:

1. **ASBESTOS** - Current State policy dictates that all buildings built before calendar year 1979 must be certified in writing to be "Free from hazards from Asbestos Containing Material (ACM)." The certification must be provided by an Industrial Hygienist certified by the American Board of Industrial Hygiene (ABIH) or an Environmental Protection Agency (EPA) Asbestos Hazard Emergency Response Act (AHERA) Certified Inspector. If the building was constructed subsequent to calendar year 1979, a photocopy of the Occupancy Certificate issued by the city or county building department is all that is required to be provided prior to the execution of the lease.
2. **LEAD** - Current State policy dictates that all buildings built before 1980 must be certified as free of hazard from Lead Containing Materials (LCM). Paint chip samples to be collected by California Department of Health Services (DHS) Lead Certified Project Designer for laboratory analysis to determine lead content. DHS websites to review are:
<http://www.childlead.com/prevent.html>
<http://www.childlead.com/clppb.html>
Or contact 800-597-5323 or (510) 622-5072.
3. **SEISMIC REQUIREMENT** - All facilities the State occupies must be evaluated for the ability to meet a seismic performance objective of substantial life safety. All facilities will be subject to an initial screening. Those facilities not deemed acceptable in the screening process must undergo a structural evaluation performed by an independent licensed structural engineer.
4. **DVBE PARTICIPATION REQUIREMENTS** - State law and policy requires that State lease contracts over \$10,000 must accomplish either of the following two alternatives:

- A. Meet or exceed participation goals of 3% Disabled Business Enterprises (DVBEs) for the proposed lease contract, or
- B. Make a Good Faith Effort to meet the goals.

Included in the lease contract amount for DVBE participation is:

- 1) Tenant improvements,
- 2) Janitorial services, maintenance and property management during the firm term of the lease,
- 3) Capital improvements directly related to the State's specifications for space,
- 4) Architectural/engineering/consulting fees which are directly incurred as a result of the State's specifications.

<http://www.disabledveteranbusinessenterprise.com/goodfaith.html> is a website that provides additional information that will assist in accomplishing this State requirement imposed by law.

- 5. **SQUARE FOOTAGE CALCULATION** - Usable square footage is based on the modified BOMA USABLE definition, further described in Exhibit B, Division 1 (E).
- 6. **ADA/TITLE 24** - All leased space including restrooms and parking areas shall meet ADA Title 24 Requirements. **Note that Lessors are now required to provide an Accessibility Survey as described in Division 3 of Exhibit C, a copy of which is attached hereto.**
- 7. **SUSTAINABLE MEASURES-** All State leased facilities are now subject to review and reporting procedures under Sustainable Measures/Authority sections of Exhibit C, Division 1 and Division 4.
- 8. **FLOOR CERTIFICATION** - Floors shall be evaluated for conformance to the State specifications for floor level (1/4" in 10'-0").
- 9. **ARCHITECTURAL SERVICES** – The State may request provision of architectural and design services by Lessor. If agreed, Lessor shall secure the services of a licensed Architect or Certified Interior Designer who shall prepare, after consultation with the State's Space Planner, a scope of work statement subject to review and approval by the State. A list of general requirements for the services will be provided subsequent to the request.
- 10. **AS-BUILT PLANS** – Lessor must provide accurate drawings depicting the "as-built" condition of the space considered for lease, including common areas and paths of travel necessary for State tenancy. All drawings received by RESD will be considered as accurate unless noted otherwise. If accurate drawings do not exist, it shall be the Lessor's responsibility to commission such and to provide them within a time frame agreed upon by the State. Lessor will be responsible for any rework, design changes, change orders etc., caused by discrepancies in plans provided to RESD for planning and design purposes

In addition, you will find the following documents enclosed:

- a sample copy of the State's Standard Lease Form;
- a copy of the State's Exhibit "B" Specifications, further detailing the State's requirement for leased space;

a copy of the State's Exhibit "C" Lessor Compliance Procedures, outlining the Lessor's responsibilities relative to State Fire Marshal and State Architect (Access Compliance) approvals.

As a reminder, both of these Exhibits will be attached to the State's Lease along with the Space Plan, Exhibit "A".

If you should have any questions regarding any of these requirements, please contact me at (916) 375-.

Sincerely,

REAL ESTATE OFFICER

cc:

Enclosures

CERTIFICATION OF STRUCTURAL EVALUATION

Preparer certifies that the structure located at _____ has been evaluated and meets a seismic performance level as set forth in FEMA 178 or is equivalent to at least 75% of the current Uniform Building Code. Documentation of this evaluation will be retained by preparer and shall be available to State on request.

The results of this evaluation show that the subject facility will, will not, meet the above referenced performance objectives.

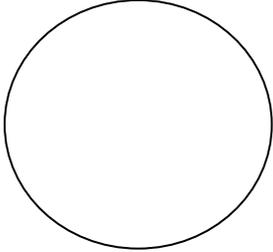
Name:

Affix Stamp Here

Date review completed: _____

Affix Stamp Here

Firm:



Telephone: () -

License No.:

Expiration Date:

Signature Date:

Comments:

DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION PROGRAM REQUIREMENTS FOR STATE LEASES

Public Contract Code Section 10115 et seq. establishes a contract participation goal of at least three percent (3%) for disabled veteran business enterprise (DVBE). For lease contracts, this participation goal applies when the anticipated lease contract amount, as defined below, exceeds \$10,000. When the certified lease contract amount shown below is \$10,000 or less, no special DVBE participation effort or documentation beyond the certification below is required.

This package provides program information and Lessor responsibilities for the DVBE Participation Program. Lessors must meet DVBE Participation Program requirements to be viewed as responsive. Failure to submit a complete response will delay and possibly stop your lease from being executed by the State.

The Office of Small Business Certification and Resources (OSBCR) offers program information and may be reached at:

Department of General Services
Office of Small Business Certification and Resources
707 Third Street 1st Floor
West Sacramento, CA 95605
Homepage: <http://www.osmb.dgs.ca.gov>
24 hour information and document request system: (916) 322-5060
Receptionist: (916) 375-4940
FAX: (916) 375-4950

CONTRACT AMOUNT CERTIFICATION

Lease Project No.: _____

I hereby certify that the Disabled Veteran Business Enterprise (DVBE) Lease Contract Amount, as defined herein, is the amount of \$_____. I understand that the DVBE Lease Contract Amount is the total dollar figure against which the DVBE participation requirements of 3% will be evaluated.

Lessor Name

Date

Lessor's Signature

Printed Name

Definition: Lease contract amount is the total amount of lease costs expended by the Lessor over the firm term of the lease which are attributable to expenditures by the Lessor to make the leased property sufficient for State occupancy. This typically includes, but is not necessarily limited to, tenant improvements, extraordinary maintenance, and janitorial

services specified in the lease. In the case of a build-to-suit facility, the total of the construction and off-site development costs, as well as architectural and engineering costs, would be included.

INSTRUCTIONS FOR DVBE PARTICIPATION PROGRAM COMPLIANCE

Lessors may meet or exceed the DVBE participation goal of at least 3% for the proposed lease contract by one of the following two ways:

1. **If you are a non-DVBE Lessor:** Commit to use DVBE's for at least 3% of the lease contract amount or value.
2. **If you are a DVBE Lessor:** Commit to perform at least 3% of the lease contract amount or value with your firm or in combination with other DVBE's.

To Document DVBE Participation: Use the attached Disabled Veteran Business Enterprise Participation summary, form STD 840.

DVBE Certification: The Office of Small Business Certification and Resources (OSBCR) certifies qualified DVBE firms. This is the only acceptable certification. Lessors must include a copy of the OSBCR certification for each participating DVBE firm, subcontractor, and/or supplier.

Good Faith Efforts: Should full goal attainment not be achieved, your "good faith efforts" must be documented to meet DVBE Participation Program requirements by completing the attached Good Faith Effort Documentation form in its entirety. Lessors are encouraged to seek at least partial DVBE participation.

Step 1. Outreach. Awarding Department – Contact the leasing officer or planner identified for this lease for assistance in identifying potential DVBE subcontractors/suppliers. Document contact(s) and results on the attached Good Faith Effort Documentation form.

Step 2. Outreach. Other state, federal and local organizations

State – Contact the OSBCR to identify certified DVBE's. An Internet Certified DVBE Query Report is available at <http://www.osmb.dqs.ca.gov> or a listing may be requested by calling (916) 375-4940. Document contact and results.

Federal – No contact necessary as no viable federal contacts are currently known.

Local – The OSBCR publishes the "State Contracting Resource Packet" to assist Lessors in meeting this requirement. The "State Contracting Resource Packet" is available on the Internet at <http://www.osmb.dqs.ca.gov> or may be requested by calling (916) 322-5060. Document request and results. Contact listed local organizations to identify potential DVBE subcontractors/suppliers. Document contact(s) and results on the attached Good Faith Effort Documentation form.

Step 3. Advertisements – Advertise in at least one trade and one focus publication (minimum two ads).

- List publication name and advertisement dates on the attached Good Faith Effort Documentation form. Include copies of ads with your submittal to us.
- Advertising is mandatory unless the solicitation document specifically waives the requirement due to time constraints.
- Advertising, when required, must be published more than 14 days prior to submitting your DVBE documentation.
- Sample ad content:

(your company name here)
is seeking qualified Disabled Veteran Business Enterprise (DVBE)
subcontractors and suppliers to provide *(what)* for *(project/lease/location)*
contact: *(name, address, phone, fax, e-mail)*
due date: *(date/time)* (RES D project number)
- The OSBCR publishes a list of trade and focus publications to assist Lessors in meeting the advertising requirements. To obtain a list, please contact the OSBCR as noted on Page 1 of this document and request the “State Contracting Resource Packet” at:

STEP 4. Invitations to Bid – Invite identified DVBE subcontractors/suppliers to bid. Steps 1-3 should have produced a list of potential DVBE's.

- Solicitation Sample – On a separate sheet of paper, include a sample of the solicitation sent (letter, fax, e-mail) or discussed by phone with DVBE firms. If contact was by phone, document the conversation, date, time, contact person, and business opportunities discussed.
- Bidders List – On a separate sheet of paper, include the list of DVBE's invited to bid.

STEP 5. Consider responses – Lessors must consider responding DVBE's for contract participation. Consideration should be based upon business reasons and the same criteria applied to all potential subcontractors/suppliers.

- List on the attached Good Faith Effort Documentation form those firms from your resources identified that responded to your Invitation to Bid.
- Indicate using the word “selected” if a firm was selected for participation or provide the business reason for non-selection. NOTE: Firms shown as selected are to be listed on the attached Form STD 840. If you have exhausted all avenues to attain DVBE bid responses, and no responses were received, indicate “none” on Form STD 840.

CONTRACT AUDITS

Contractor agrees that the State or its delegate will have the right to review, obtain, and copy all records pertaining to performance of the contract, including but not limited to reports of payments made to subcontractors during the term of the contract. Lessor agrees to provide the State or its delegate access to its premise, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. Lessor further agrees to maintain such records for a period of three (3) years after final payment under the contract.

STATE OF CALIFORNIA

**DISABLED VETERAN BUSINESS
ENTERPRISE PARTICIPATION SUMMARY**

STD. 840 3/98

See completion instructions on reverse.

COMPANY NAME	NATURE OF WORK	CONTRACTING WITH	TIER	CLAIMED DVBE \$ VALUE	%	CERTIFICATION

**DISABLED VETERAN BUSINESS
ENTERPRISE PARTICIPATION SUMMARY**

STD.840

COMPLETION INSTRUCTIONS

THIS FORM **MUST** BE COMPLETED WHETHER THE CONTRACT GOALS ARE ACHIEVED OR A "GOOD FAITH EFFORT" IS MADE AND DOCUMENTED. IF NO PARTICIPATION IS OBTAINED, STATE "N/A" OR "NONE." FULL AND PARTIAL GOAL ACHIEVEMENT SHOULD BE REPORTED.

COMPANY NAME - list the name of the company proposed for DVBE participation. If the prime contractor is a DVBE, the name **MUST** be listed for participation.

NATURE OF WORK - identify the proposed work to be performed by the prime contractor or subcontractors.

CONTRACTING WITH - list the name of the department or company with which the company listed is contracting.

TIER - the contracting tier should be indicated with the following level designations:

- 0 = Prime or Joint Contractor
- 1 = Primary Subcontractor/Supplier
- 2 = Subcontractor/Supplier of Level 1 Subcontractor/Supplier
- 3 = Subcontractor/Supplier of Level 2 Subcontractor/Supplier, etc.

CLAIMED DVBE VALUE - the total participation dollar amount claimed by a disabled veteran business enterprise (DVBE) for this lease.

CERTIFICATION - to obtain DVBE participation credit, the firm must be formally certified by the Office of Small Business Certification and Resources. Check "yes" if the certification verification has been included for each firm listed for participation.

