

# **The City of Philadelphia**

## **Local Business Entity (“LBE”) Determination Form**

In accordance with Chapter 17-109 of The Philadelphia Code relating to Local Bidding Preferences and the Regulations promulgated thereto, this opportunity/bid may be subject to a local bid preference.<sup>1</sup> **This form is required to be uploaded to PHLContracts by the Seller along with all required supporting documentation described herein in order to be eligible for any LBE preference available.**

This form does not replace the LBE certification process or the annual affidavit requirements for an LBE and is not itself an application for LBE certification. **Seller must be certified as an LBE at the time of the bid opening to receive the preference.** For more information regarding obtaining and maintaining LBE certification please visit: <http://www.phila.gov/bids>, and follow the “Local Preference” link.<sup>2</sup>

### **I) Contract Incorporation**

This LBE Determination Form, the certifications contained herein, and all supporting documentation shall be considered incorporated into any contract resulting from this opportunity/bid if an LBE preference is awarded to Seller. Following Seller’s submission of the required materials, the Procurement Department, in its sole discretion, shall make the final determination as to whether the LBE preference is applied to Seller’s bid.

### **II) Definitions**

For the purposes of this LBE Determination Form and certification, capitalized terms shall have the following meanings:

“Majority of Any Work” means 51% of the overall work performed on the contract resulting from this opportunity/bid, as determined by the proportionate dollar cost for the work compared to the total dollar value of the contract.

### **III) Certification**

Seller hereby makes the following certification in connection with the grant of any local bidding preference:

- A) Throughout the entirety of the contract, Seller or Seller’s LBE certified subcontractor(s) will perform the Majority of Any Work on the subject contract within the geographic limits of the City of Philadelphia and Seller or Seller’s LBE certified subcontractor(s) will maintain within the City a majority of the inventory or equipment that will be used on the contract or the amount of inventory that is customary for that industry;
- B) Seller understands that failure to comply with this certification at any time during the term of its contract, may result in Seller’s LBE certification being revoked at the discretion of the Procurement Commissioner and Seller shall be in breach of such contract and subject to any and all remedies available, including payment of liquidated damages in the amount of 10% of the total awarded contract amount, and may be debarred by the Procurement Commissioner in accordance with the Procurement Department Debarment Regulation for a period of up to three years. Seller further understands that the City has the right to request any information related to this certification at any time; and

- C) Seller anticipates that the percentage of work to be performed by an LBE on any contract resulting from this opportunity/bid will be as follows: <sup>3</sup>

<b>Seller or Subcontractor Name</b>	<b>Description of Work</b>	<b>Cost of Work (Dollars)</b>	<b>Overall Percentage of Work (%)</b>

Totals

#### **IV) Supporting Documentation**

Seller hereby certifies that it has submitted with this LBE Determination Form the following supporting documentation, uploaded as an attachment or attachments to PHLContracts with Seller's bid:

A) Seller Documentation

- i) A current valid certification from the Procurement Commissioner designating Seller as an LBE; and
- ii) Seller's most recent LBE annual affidavit;

B) Subcontractor Documentation <sup>4</sup>

To the extent that Seller is relying on an LBE subcontractor to meet any of its certification requirements in section III:

- i) A current valid certification from the Procurement Commissioner designating such subcontractor as an LBE; and
- ii) Any such subcontractor's most recent LBE annual affidavit.

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<sup>1</sup> For quotes of One Million Dollars or less, the preference is ten percent (10%); for all other quotes the preference is five percent (5%).

<sup>2</sup> Evidence is required in order to obtain LBE certification and a review is conducted. The City cannot guarantee that LBE certification applications will be processed before the opportunity/bid opening date. The Procurement Department reserves the right to request any additional or clarifying information at any time prior to award of a contract, and during the performance of a contract.

<sup>3</sup> Attach additional sheets as needed.

<sup>4</sup> The identity of any subcontractor relied on for an LBE preference is required with Seller's bid submission, notwithstanding any other subcontractor identification requirements contained elsewhere in the opportunity/bid or contract.