

Oct. 4. 2013 10:20AM

No. 0145 P. 2

City and County of San Francisco
Office of Contract Administration
Purchasing Department
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4683



Contract Modification 2

Equipment Rental: Industrial and Construction

All American Rentals
Attn: Michael D. Carter
8136 Enterprise Drive
Newark, CA 94560
E-mail: MikeC@AllAmericanRentals.com

Date: September 3, 2013
Buyer Name: Darlene Frohm
Term contract: 68179
City Blanket No. DPSP 00003618
Type: Indefinite quantity
Not-to-exceed amount: \$500,000.

The history of this contract and its modifications is as follows:

Modification	Start date	End date	Amount	Other changes
Original contract	9/01/09	8/31/12	\$500,000	
1	9/01/12	8/31/13	No Change	1-Year Extension
2	9/01/13	8/31/14	No Change	Add/Update Bid & Contract Conditions 1-Year Extension

This modification 1 changes the contract as follows:

- It extends the contract from September 1, 2013 Through August 31, 2014.
- Updates/replaces various standard contractual clauses. See Attachment A.

All other terms and conditions remain the same.

Approved by the City:

Jael Fong, Director of OCA

10/8/2013
Date

Approved by Contractor:

Signature

10/4/2013
Date

Name and title

Michael D. Carter, President

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Attachment A
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Equipment Rental: Industrial and Construction
September 3, 2013

Bid and Contract Condition 29 has been revised and is hereby replaced in its entirety to read as follows:

29. Submitting False Claims; Monetary Penalties

Pursuant to San Francisco Administrative Code §21.35, any contractor, subcontractor or consultant who submits a false claim shall be liable to the City for the statutory penalties set forth in that section. The text of Section 21.35, along with the entire San Francisco Administrative Code is available on the web at [http://www.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates\\$fn=default.htm\\$1.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://www.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates$fn=default.htm$1.0$vid=amlegal:sanfrancisco_ca$sync=1).

A contractor, subcontractor or consultant will be deemed to have submitted a false claim to the City if the contractor, subcontractor or consultant: (a) knowingly presents or causes to be presented to an officer or employee of the City a false claim or request for payment or approval; (b) knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by the City; (c) conspires to defraud the City by getting a false claim allowed or paid by the City; (d) knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the City; or (e) is a beneficiary of an inadvertent submission of a false claim to the City, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the City within a reasonable time after discovery of the false claim.

Bid and Contract Condition 41 has been revised and is hereby replaced in its entirety to read as follows:

41. LBE Ordinance

To qualify for a bid discount under the provisions of Administrative Code Chapter 14B, an LBE must be certified by the Contracts Monitoring Division (formerly 'Human Rights Commission') by the Bid Due date. The certification application is available from CMD (415) 581-2310, and on the web. CMD's home page is:

<http://sfgsa.org/index.aspx?page=6130>

Click on the "LBE Certification" tab.

General Condition 43 has been revised and is hereby replaced in its entirety to read as follows:

43. LBE Bid Discount; Brokerage Services

Pursuant to Section 14B.7 of the Administrative Code, a bid discount will only be awarded to an LBE directly responsible for providing materials, equipment, supplies or services to the City as required by the Bid solicitation. An LBE will be deemed to be directly responsible for providing the required commodity or service only if it regularly does business as a manufacturer, or authorized manufacturer's representative, dealer or distributor, stocking distributor, franchisee, licensee, service provider, or has another direct agency relationship with the manufacturer or provider of the solicited commodity or service, and has been so certified by the Contracts Monitoring Division. An LBE will be considered to be "regularly doing business", as that term is used in the foregoing paragraph, if in the normal course of business, it stocks, warehouses or distributes commodities to businesses or entities other than public entities having a local business preference program. Such a determination will be subject to audit by CMD. No preference will be

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September 3, 2013

given to an LBE engaging in brokerage, referral or temporary employment services not meeting this definition, unless those services are required and specifically requested by the department.

General Condition 44 has been revised and is hereby replaced in its entirety to read as follows:

44. LBE Subcontracting

- a. **Subcontracting to LBEs.** Bidder is encouraged to make good faith efforts to award subcontracts to City and County of San Francisco-certified LBEs. This can be achieved through subcontracting, sub-consulting or supply opportunities. With the bid, the bidder is encouraged to provide a description of the type of good faith efforts the bidder estimates it may make under the contract.
- b. **Examples of Good Faith Efforts.** "Good Faith Efforts" include but are not limited to the following:
- (1) Identifying and selecting specific products or services which can be subcontracted to certified LBEs.
 - (2) Providing written notice to potential LBE subcontractors that Bidder will be bidding on this Contract and will be seeking subcontractors.
 - (3) Advertising in one or more daily or weekly newspapers, trade association publications, trade oriented publications, trade journals, or other media specified by the City, for LBEs that are interested in participating in the project.
 - (4) Following up on initial notices the Contractor sent to LBEs by contacting the LBEs to determine whether they were interested in performing specific parts of the project.
 - (5) Providing interested LBEs with information about the scope of work.
 - (6) Negotiating in good faith with the LBEs, and not unjustifiably rejecting as unsatisfactory proposals prepared by any LBEs, as determined by the City.
 - (7) Where applicable, advising and making efforts to assist interested LBEs in obtaining insurance required by the City and the prime contractor.
 - (8) Making efforts to obtain LBE participation that the City could reasonably expect would produce a level of participation sufficient to meet the City's goals and requirements.
- c. **Examples of Subcontracting.** The following are examples of products which could be subcontracted under this Contract. The list is not intended to be exhaustive:
- (1) the products or services which the vendor in turn sells to the City, or components of those products; (see Page 1 of the bid sheet);
 - (2) packing containers and materials used to ship the City's order;

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- (3) services of the carrier who delivers the City's orders;
 - (4) Pro rata share of LBE spending which is part of the vendor's general and administrative expenses, if the vendor can show that the pro rata share can be reasonably allocated to this contract.
- d. **Reports.** On a quarterly (January 1 – March 31, April 1 – June 30, July 1 – September 30, October 1 – December 31) basis, the Contractor will provide Purchasing with reports on LBE subcontracting under this Contract. The report must include a narrative description of the good faith efforts, if any, the Contractor has made during the quarter to provide subcontracting opportunities to LBEs and to meet the percentage goal.
- e. **CMD Data on LBEs.** Contractor will obtain from CMD a copy of CMD's database of LBEs, and this or other information from CMD, shall be the basis for determining whether a LBE is confirmed with CMD. Contractor will obtain an updated copy of CMD's database at least quarterly. Please call CMD at (415) 581-2310.

General Condition 51 has been revised and is hereby replaced in its entirety to read as follows:

51. Multi-year Term Contracts

Each year, no later than February 15; Contractor shall submit a soft copy report of the total items ordered, by month, under this contract during the preceding calendar year (January 1 – December 31). The report must be in a format acceptable to City and must list by department or location the following: (1) all items awarded under this contract; and (2) total quantity and dollar value of each item ordered, including items for which there were no orders. Contractor must also furnish a separate similar report for the total of all items ordered by City which are not part of this Contract, and any usage reports required prior to the extension of a Contract or Contract Modification. Emailed reports must not be larger than 10MB.

Contractor shall email reports to:

OCAVendor.Reports@sfgov.org

Any report files larger than 10MB must be submitted in electronic format on CD-ROM or USB drive and mailed to the address shown below with the term contract number and "Annual Vendor Reporting" clearly marked on the envelope/packaging.

Contractor shall mail the reports to:

OCA Vendor Reporting
Re: Term Contract No. 68179
City and County of San Francisco
Office of Contract Administration – Purchasing
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4685

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General Condition 64 "Contract Product/Service Quality Report" is hereby deleted in its entirety.

General Condition 66 "Graffiti Removal" is hereby deleted in its entirety.

City and County of San Francisco
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 Purchasing Department
 City Hall, Room 430
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102-4685



Contract Modification 1

Equipment Rental: Industrial and Construction

All American Rentals
 Attn: Michael D. Carter
 8136 Enterprise Drive
 Newark, CA 94560
 E-mail: MikeC@AllAmericanRentals.com

Date: August 29, 2012
 Buyer Name: Darlene Frohm
 Term contract: 68179
 City Blanket No.: BPSF 00003618
 Type: Indefinite quantity
 Not-to-exceed amount: \$500,000

The history of this contract and its modifications is as follows:

Modification	Start date	End date	Amount	Other changes
Original contract	9/01/09	8/31/12	\$500,000	
1	9/01/12	8/31/13	No Change	1-year extension Add/Update Bid & Contract Conditions

This modification 1 changes the contract as follows:

It extends the contract from September 1, 2012 Through August 31, 2013.

The following conditions has been added/updated from the contract and replaced with the following:
 Adds Electronic Payment and updates General Condition No. 41, LBE Ordinance (See Attachment A).

All other terms and conditions remain the same.

Approved by the City:

for *Jaci Fong*
 Jaci Fong, Director of OCA

8/29/12
 Date

Approved by Contractor:

Michael D. Carter
 Signature

8/30/12
 Date

Name and title

MICHAEL D. CARTER

Sign and return one original. The duplicate original is for your files.

P-280 (11/20/09)

BID AND CONTRACT CONDITIONS

Add the following Bid and Contract Conditions:

Getting paid for goods and/or services from the City:

1. Beginning January 2012, all City vendors receiving new contracts, contract renewals, or contract extensions must sign up to receive electronic payments through Paymode-X, the City's third party service that provides Automated Clearing House (ACH) payments.
2. Electronic payments are processed every business day and are safe and secure.
3. To sign up for electronic payments, visit www.sfgov.org/ach.
4. The following information is required to sign up:
 - a. The enroller must be their company's authorized financial representative.
 - b. The company's legal name, main telephone number and all physical and remittance addresses used by the company
 - c. The company's U.S. federal employer identification number (EIN) or Social Security number (if they are a sole proprietor)
 - d. The company's bank account information, including routing and account numbers

If you have questions, please email: ACH.Support@sfgov.org

GENERAL CONDITIONS

No. 41 is hereby deleted in its entirety and replaced with:

41. LBE Ordinance

To qualify for a bid discount under the provisions of Admin. Code Chapter 14B, an LBE must be certified by the Human Rights Commission by the Bid Due date. The certification application is available from HRC (415) 252-2500, and on the web. HRC's home page is:

www.sf-hrc.org

Click on the "LBE Certification" tab.