



FORM 6

SBE/DVBE Regular Dealer/ Distributor Affirmation Form

Bidder Name:

Contract Name/Number:

Metro will make a preliminary counting determination for each SBE/DVBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in the Instructions to Bidders/Proposers of the solicitation and in the Contract Compliance Manual, under the Contract at issue. An SBE/DVBE regular dealer is a firm that owns (or leases) and operates, a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in sufficient quantities, and regularly sold or leased to the public in the usual course of business. Items kept and regularly sold by the SBE or DVBE are of the "general character" when they share the same material characteristics and application as the items specified by the contract. A SBE distributor is an established business that engages in the regular sale or lease of the items specified by the contract. An SBE/DVBE distributor assumes responsibility for the items it purchases once they leave the point of origin (e.g., a manufacturer's facility), making it liable for any loss or damage not covered by the carrier's insurance. An SBE/DVBE distributor may receive 40% credit for drop-shipped items. The amount of SBE or DVBE credit will be made on a contract-by-contract basis. **A copy of the bidder's quote, commitment, contract, or purchase order showing the materials the SBE or DVBE regular dealer or distributor is supplying must be attached to this form.**

SBE Name:	Total Subcontract/Purchase Order Amount:
Authorized SBE Representative (Name and Title):	NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will ALL items sold or leased be provided from the on-hand inventory at your establishment?

☐ YES ☐ NO

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. STOP here. Read and sign the affirmation below. If "NO" Continue.)

a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)?

☐ YES ☐ NO **(If "YES," Go to Question 2. If "NO" Continue.)**

b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?

☐ YES ☐ NO* **(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. STOP here. Read and sign the affirmation below.**

***If 1., 1. a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)**

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?

☐ YES ☐ NO¹

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. STOP here. Read and sign the affirmation below.)

¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third-party transfer responsibility, including risk for loss or damage to your company at the point of origin (e.g. a manufacturing facility)?

☐ YES² ☐ NO³

a). Will you be using sources other than the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased?

☐ YES² ☐ NO³

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's Subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of SBE/DVBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the SBE/DBE named above and ensuring that the counting of the SBE/DVBE's participation is accurate. Any shortfall caused by errors in counting is the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative: