

## **Memorandum to Bidders and Proposers Related to changes with required bid documents**

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There are important changes to City bidding procedures that are effective for all formal bids advertised on or after December 1<sup>st</sup>, 2018. All bidders must review the bid documents carefully and follow all instructions therein.

Bidders will be required to submit a signed Bidders, Solicitation, and SUBP Commitment List with the bid. Bidders must then submit the Final SUBP Commitment Form and a Letter of Intent to subcontract for each SUBP firm the bidder is committing to utilize on the contract by 5 pm on the day after bid opening. Bidders that do not commit to meeting the SUBP goal(s) must also submit documentation demonstrating good faith efforts no later than 5 pm on the day after bid opening.

**Please note that all bidders, including bidders who are not the apparent low bidder, are required to submit documentation by 5 pm on the first business day following bid opening. If the apparent low bidder is not awarded the contract for any reason, only bidders who have submitted their documentation by 5 pm on the first business day following the bid opening will be considered. Failure to adhere to this deadline will result in bid rejection.**

Instructions for completion and submission of these documents are detailed in the City's bid publication. Please refer to these documents for more details.

## Notice of Civil Rights Rules and Regulations

This notice advises City of Minneapolis contractors of their commitments under Minneapolis Code of Ordinances section 139.50. All contractors must comply with all provisions of Minneapolis Code of Ordinances Title 7 and with all rules and regulations issued by the Minneapolis Department of Civil Rights (“MDCR”) director. Contractors will be subject to a pre-award compliance review. Failure to cooperate may result in denial of contract award.

1. **Non-Discrimination:**<sup>1</sup> The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, age (over the age of 18), marital status, familial status, or status with regard to a public assistance program. The contractor will take affirmative action to ensure that all employment practices are free of such discrimination. Such employment practices include but are not limited to the following: Hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
2. **Equal Employment Opportunity/Affirmative Action Employer:** The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that it is an equal opportunity or affirmative action employer.
3. **Affirmative Action Plan:** The contractor must have an Affirmative Action Plan approved by MDCR before it may enter into a contract over \$100,000 with the City.
4. **Small and Underutilized Business Program (SUBP):** When applicable, the contractor must comply with the SUBP program, including, but not limited to, making a good faith effort to meet the Minority-Owned Business Enterprises and Women-Owned Business Enterprises goals established on City construction and development projects.
5. **Employment Goals:**<sup>2</sup> The contractor should make a good faith effort to meet the City’s aspirational construction workforce goals of **20%** female participation and **32%** minority participation.
6. **Prevailing Wage:**<sup>3</sup> When applicable, the contractor must comply with prevailing wage laws on City construction and development projects. For contracts greater than or equal to \$50,000, contractors and subcontractors may be required to submit Certified Payroll Reports, via any software systems specified by MDCR.
7. **HUD Section 3:**<sup>4</sup> When applicable, the contractor must comply with Section 3 of the Housing and Urban Development Act of 1968, as amended. Contractors must incorporate the Section 3 Clause into all subcontracts and to the greatest extent feasible, ensure that employment and other economic activities be directed to low income persons.
8. **Posting Requirement:** The contractor must provide this notice to its trade and labor union or representative of workers and must post the notice in conspicuous places available to employees and applicants for employment.
9. **Reporting:** Reporting may be required in accordance with any of the above-mentioned programs via any software systems specified by MDCR.

<sup>1</sup> Acts of discrimination are defined in the Minneapolis Code of Ordinances, Chapter 139.

<sup>2</sup> See Request for City Council Committee Action, Adopted September 21, 2017; incorporated into section 139.50 as a rule issued by the MDCR director.

<sup>3</sup> See Minneapolis Code of Ordinances section 24.220, CPED Prevailing Wage Policy (adopted by City Council June 8, 2004), and Davis-Bacon and Related Acts; enforcement authority has been delegated to MDCR.

<sup>4</sup> See 24 CFR Section 135.38; enforcement authority has been delegated to MDCR.

**City of Minneapolis**  
**Small and Underutilized Business Enterprise Program**  
**Special Provisions - City Bidded Projects**

I. Overview

The City of Minneapolis policy is to provide equal opportunities to all businesses, with an effort to redress discrimination in the City's marketplace and in public contracting against minority-owned business enterprises ("MBEs") and women-owned business enterprises ("WBEs"). This is accomplished through the Small and Underutilized Business Program ("SUBP") as detailed in the Minneapolis Code of Ordinances Chapter 423. SUBP applies to any contract over \$175,000. SUBP goals are set on projects based on the project scope, subcontracting opportunities and availability of eligible MBEs/WBEs.

The City has set the following SUBP goals to facilitate participation of eligible MBEs and WBEs (MBEs/WBEs) on this contract:

**XX% Minority-Owned Business Enterprise (MBE); and**  
**XX% Woman-Owned Business Enterprise (WBE).**

Only eligible MBEs/WBEs count towards the SUBP goals. A MBE/WBE is eligible if they are:

1. Certified as a Disadvantaged Business Enterprise (DBE). This is the only MBE/WBE certification accepted by the SUBP.
2. DBE-certified within in the scope of work that they will perform.
3. Performing a commercially useful function. An MBE/WBE performs a commercially useful function when it executes a distinct element of work and carries out its responsibilities by actually performing, managing, and supervising the work involved.
4. Located<sup>1</sup> within the City's marketplace, which includes only the Minnesota Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Le Sueur, Mille Lacs, Ramsey, Scott, Sherburne, Sibley, Washington, and Wright; and the Wisconsin Counties of Pierce and St. Croix.

Firms certified as both MBE and WBE shall first be counted toward the MBE goal only, if the bidder or contractor has not yet committed to meet the MBE goal. If the bidder or contractor has already committed to meet the MBE goal via the participation of other MBE firms, then firms certified as both MBE and WBE may be counted toward the WBE goal. In no circumstances may the dollars committed to an individual firm be split between the MBE and WBE goal. All dollars committed to an individual firm must be counted entirely toward the MBE goal or entirely toward the WBE goal.

**Bidders should search for DBE-certified MBE and WBE firms using the Minnesota Unified Certification Program (MnUCP) directory, here: (<http://mnucp.metc.state.mn.us/>).**<sup>2</sup>

II. Good Faith Efforts Evaluation

The bidder must either meet both goals listed above, or demonstrate a Good Faith Effort to do so. A Good Faith Effort means that the bidder made *every necessary and reasonable effort* to subcontract with eligible MBEs/WBEs.

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<sup>1</sup> The firm's principal place of business must be located within the City's marketplace at the time of bid opening or solicitation. *Principal place of business* means the primary physical location at which or from which a business performs, is maintained, or operates.

<sup>2</sup> A firm's DBE certification, and business location, should be verified by checking in the online MnUCP Directory. A firm's current profile in that directory is evidence of current DBE certification. If a bidder identifies a business that is not yet certified, but may qualify for certification as MBE/WBE, the bidder should encourage the business to immediately begin the application process for certification with the MNUCP. The bidder should include this in their Good Faith Efforts documentation.

To determine if the bidder demonstrated good faith efforts to meet both SUBP goals, the following list of factors may be considered:

1. Soliciting through all reasonable and available means (attendance at pre-bid meetings, advertising and/or written notices) the interest of all eligible MBEs/WBEs certified in the scopes of work of the contract. The bidder must solicit MBEs/WBEs in sufficient time prior to bid opening to allow MBEs/WBEs time to respond to solicitations. The bidder must determine with reasonable certainty if the MBEs/WBEs are interested by taking appropriate steps to follow up on initial solicitations.
2. Selecting portions of the work to be performed by eligible MBEs/WBEs in order to increase the likelihood that the SUBP goals will be achieved. This includes, where appropriate, breaking out contract work into smaller units to facilitate MBE/WBE participation, even when a bidder might otherwise prefer to perform these work items with its own forces.
3. Providing interested eligible MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. The bidder must negotiate in good faith with interested eligible MBEs/WBEs and provide written documentation of such negotiation with each such business.
5. A bidder should consider a number of factors in negotiating with potential MBE/WBE subcontractors, and should take into consideration an eligible MBE or WBE's price and capabilities and scheduling as well as established contract goals. However, the fact that there may be some additional costs involved in finding and using eligible MBE's/WBE's is not in itself sufficient reason for a bidder's failure to meet the established MBE/WBE goals, as long as such costs are reasonable. The ability or desire to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Bidders are not, however, required to accept higher quotes from eligible MBE's/WBE's if the price difference is excessive or unreasonable.
6. The bidder or proposer must offer information regarding, and make reasonable efforts to assist, solicited eligible MBEs/WBEs in obtaining bonding, lines of credit or insurance as required by the city or by the bidder or proposer; provided that the bidder or proposer need not provide financial assistance toward this effort.
7. Effectively using the services of minority/woman community organizations; minority/woman contractors' groups; local, state and federal business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the solicitation and placement of MBEs/WBEs.
8. Whether the apparent successful bidder met or exceeded the average eligible MBE/WBE participation obtained by other bidders responding to the same City bid.

### III. Required Documentation

1. The bidder must thoroughly document its efforts to solicit and incorporate eligible MBE/WBE participation to meet the SUBP goals. The following must be submitted with the bid, prior to the time set for the City's bid opening:
  - a. *Bidders, Solicitation, and SUBP Commitment List*: Must include ALL contractors (including your firm), sub-contractors/consultants, suppliers, and service providers that were:
    - i. solicited to submit a bid/quote for this project;
    - ii. that submitted a bid/quote to your firm without being solicited; OR
    - iii. that will be used on the project.This completed form should show a complete picture of the prime bidder's solicitation efforts for this bid submittal, including but not limited to MBE and WBE firms that were solicited to meet the SUBP goals. The prime bidder must also list the MBE and WBE participation percentage commitments.
2. No later than 5 pm on the first business day after bid opening, the bidder must submit a *Final SUBP Commitment Form*, listing all contractors, sub-consultants, suppliers, and service providers that will be used on the project. This completed form will be used to determine whether the bidder is committing to meeting the SUBP goals. The commitments listed by the bidder on this form are a material condition of contract award, and constitute minimum commitments on this contract.

3. No later than 5 pm on the first business day after the City bid opening, the bidder must submit one completed *Letter of Intent* for each of the SUBP-eligible MBE and WBE firms listed in the *Final SUBP Commitment Form*. Each *Letter of Intent* must be fully completed, and must be signed by both the bidder and the SUBP-eligible MBE or WBE. If the bidder is unable to obtain a signature from each firm prior to the submission deadline, the bidder must submit a quote from the MBE or WBE firm that matches the amount of the bidder's commitment to each firm.
4. If the *Final SUBP Commitment Form* does not demonstrate verifiable MBE and WBE participation sufficient to meet both SUBP goals, **then the bidder must submit documentation demonstrating that the bidder made sufficient good faith efforts (GFE) to meet both SUBP goals.** If one of the two goal percentages is met and the other is not, then the bidder must submit documentation demonstrating its good faith efforts to meet the goal percentage (MBE or WBE) that has not been met. **This GFE documentation will be due no later than 5 pm on the first business day after the City's bid opening.** This GFE documentation includes:
  - a. *Good Faith Efforts Checklist*: A checklist based on the factors that may be considered in determining whether a bidder made good faith efforts to meet the SUBP goals. The bidder must use the checklist during subcontractor bid solicitation to document the efforts the bidder made.
  - b. *Supporting Documentation to Demonstrate Good Faith Efforts*: The bidder must submit documentation evidencing the efforts taken to achieve the SUBP goals. The documentation may include, but is not limited to, copies of solicitation emails, bids received, faxes, and phone call logs. Any such documentation of solicitations to MBE/WBE firms must clearly include the identification of the recipient firm(s).
5. The *Final SUBP Commitment Form*, each *Letter of Intent*, and the bidder's GFE documentation, may be submitted:
  - a. Via email to [SUBPsubmissions@minneapolismn.gov](mailto:SUBPsubmissions@minneapolismn.gov) (*preferred*); OR
  - b. To make other arrangements to submit this documentation email the Division at: [contractcompliance@minneapolismn.gov](mailto:contractcompliance@minneapolismn.gov).
6. If the City determines that the bidder made a good faith effort to meet the SUBP goals, a *Pre-Construction Book* must be submitted prior to contract approval by MDCR.
  - a. *Pre-Construction Book*: Collects information related to subcontracts, minority and female employment participation, construction schedules, and required wages.
7. The contract may be monitored through the Contract Compliance Information Management System (CCIMS)/B2Gnow software, or other method specified by MDCR. If specified by MDCR, the prime contractor and its subcontractors and suppliers will be responsible for entering information into the specified software. Such information will include, but may not be limited to, payment amounts made to the prime contractor and payment amounts made to MBE and WBE subcontractors and suppliers. The prime contractor and its subcontractors and suppliers will also be responsible for maintaining the appropriate records to document their compliance and for producing such records if audited.

#### IV. Post-Award Substitutions

A contractor shall not substitute, reduce participation of, or eliminate MBE/WBE subcontractors listed in the *Final SUBP Commitment Form* without prior written approval of the Minneapolis Department of Civil Rights. A contractor who substitutes, reduces participation of, or removes an MBE/WBE subcontractor listed in the *Final SUBP Commitment Form* without prior written approval shall be subject to a fine of up to \$10,000 per violation, or any of the penalties listed below. The contractor must make good faith efforts to replace an MBE/WBE subcontractor that is unable to perform with another MBE/WBE to perform the same scope of work.

#### V. Penalties for Non-Compliance

Compliance with SUBP is a material condition of the contract. The City may take the following actions wholly, partly, or in any combination:

- a) Temporarily withhold cash payments pending correction of the deficiency.

- b) Permanently withhold payment for all or part of the activity not in compliance with this chapter if the deficiency cannot be corrected, or the entity refuses to correct the deficiency.
- c) Suspend or debar the noncompliant contractor, subcontractor, supplier or vendor as ineligible for all current or potential contracts with the City or supported by City funds.
- d) Designate the noncompliant contractor, subcontractor, supplier or vendor as high-risk for future contracts and require of the contractor, subcontractor, supplier or vendor increased reporting requirements, mandatory audits and similar measures.

The City will monitor compliance with the SUBP throughout the contract. Compliance with the MBE/WBE goals and other SUBP requirements will be a material condition of the contract and failure to comply may be deemed a breach of contract.

Please review Minneapolis Code of Ordinances Chapter 423 for more information or contact the City of Minneapolis Department of Civil Rights at (612) 673-2086 or [contractcompliance@minneapolismn.gov](mailto:contractcompliance@minneapolismn.gov).

**THIS FORM IS DUE BY 5 PM ON THE FIRST BUSINESS DAY AFTER THE CITY BID OPENING.**

**CITY OF MINNEAPOLIS – DEPARTMENT OF CIVIL RIGHTS  
FINAL SUBP<sup>1</sup> COMMITMENT FORM**



**INSTRUCTIONS:**

- List **all** contractors (including your company), sub-consultants, suppliers, and service providers **that will be used on the project.**
- Make additional copies of this form as necessary.
- This completed form should show how the prime bidder intends to include minority-owned and women-owned business enterprises (MBEs and WBEs) to meet the SUBP goal(s). **By completing this form you are committing to using the MBE and WBE firms listed for at least the dollar amounts that you listed in this form. The bidder must submit one completed *Letter of Intent* for each of the SUBP-eligible MBE and WBE firms listed in this Final SUBP Commitment Form.**
- A contractor shall not substitute, reduce participation of, or eliminate MBE/WBE subcontractors listed in this form without prior written approval of the Minneapolis Department of Civil Rights. A contractor who substitutes or removes an MBE/WBE subcontractor listed in this form without prior written approval shall be subject to a fine of up to \$10,000 per violation, or other penalties listed in ordinance §423.120.
- Only MBEs and WBEs certified as Disadvantaged Business Enterprise (DBE)<sup>2</sup> count toward the SUBP goal(s). Place a mark “x” in the appropriate column below if a firm is DBE-certified as an MBE or WBE.
  - To count toward the SUBP goal(s), the MBE/WBE must be DBE certified in the scope of work it will perform, and the MBE/WBE must have its principal place of business located within the Minnesota counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Le Sueur, Mille Lacs, Ramsey, Scott, Sherburne, Sibley, Washington, and Wright, and the Wisconsin counties of Pierce and St. Croix.
- Firms certified as both MBE and WBE shall first be counted toward the MBE goal only, if the bidder or contractor has not yet committed to meet the MBE goal. If the bidder or contractor has already committed to meet the MBE goal via the participation of other MBE firms, then firms certified as both MBE and WBE may be counted toward the WBE goal. In no circumstances may the dollars committed to an individual firm be split between the MBE and WBE goal. All dollars committed to an individual firm must be counted entirely toward the MBE goal or entirely toward the WBE goal.
- If an MBE/WBE subcontracts work to a non-MBE/WBE, the value of that work will not count toward the SUBP goal(s).
- An MBE/WBE must perform a commercially useful function to count toward the SUBP goals. An MBE/WBE performs a commercially useful function when it executes a distinct element of work and carries out its responsibilities by performing, managing, and supervising the work.
- This form is due no later than 5 pm on the first business day after the City bid opening. This form may be submitted via email to [SUBPsubmissions@minneapolismn.gov](mailto:SUBPsubmissions@minneapolismn.gov); OR to make other arrangements email the Division at: [contractcompliance@minneapolismn.gov](mailto:contractcompliance@minneapolismn.gov).
- **Failing to complete, sign, and submit this form, or indicating “not applicable,” will result in a non-responsive bid.**

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<sup>1</sup> For more information about the Small and Underutilized Business Program (SUBP) goals, see the SUBP Special Provisions published with this bid, and review Minneapolis Ordinances Chapter 423.

<sup>2</sup> A firm’s DBE certification, and business location, should be verified by checking in the online MnUCP Directory: <http://mnuccp.metc.state.mn.us/>. A firm’s current profile in that directory is evidence of current DBE certification.

**THIS FORM IS DUE BY 5 PM ON THE FIRST BUSINESS DAY AFTER THE CITY BID OPENING.**

**CITY OF MINNEAPOLIS – DEPARTMENT OF CIVIL RIGHTS**

**FINAL SUBP COMMITMENT FORM**



Company Name		City, State	Phone & Email	Contact Method (fax, phone, email)	Date of Solicitation	Scope of Work	Bid/Quote Amount	MNUCP MBE	MNUCP WBE
YOUR FIRM HERE >									

**THIS FORM IS DUE BY 5 PM ON THE FIRST BUSINESS DAY AFTER THE CITY BID OPENING.**

Company Name	City, State	Phone & Email	Contact Method (fax, phone, email)	Date of Solicitation	Scope of Work	Bid/Quote Amount	MNUCP MBE	MNUCP WBE

Check here if your company intends to self-perform all work and DOES NOT intend to subcontract out any work for this project:   
*Checking this box means that your company will need to demonstrate good faith efforts (GFE) to meet the SUBP goals, in order to be awarded the contract. All GFE documents and supporting evidence will be due no later than 5 pm on the first business day after the City's bid opening date.*

The bidder certifies that the foregoing is correct, and that all contractors (including your company), sub-contractors, sub-consultants, suppliers, and service providers that will be used on the project are listed herein.

**Failure to complete, sign, and submit this form will result in your bid being deemed non-responsive.**

\_\_\_\_\_  
Bidder Company Name                      Contact Name & Title                      Phone & Email                      Date                      Signature

**THIS FORM IS DUE NO LATER THAN 5 PM ON THE FIRST BUSINESS DAY AFTER THE CITY BID OPENING.**  
**Bidder must submit one completed Letter of Intent for each of the SUBP-eligible MBE and WBE firms listed in the Final SUBP Commitment Form.**

**CITY OF MINNEAPOLIS – DEPARTMENT OF CIVIL RIGHTS**  
**LETTER OF INTENT**



Bidder:	OP Number:	Project Name:

SUBP Firm Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Participating as: \_\_\_ Prime Contractor \_\_\_ Subcontractor \_\_\_ Supplier/Manufacturer

Work to be performed by SUBP firm:		
Description	SUBP Bid Amount	Dollar Amount for SUBP Credit

1. This is a letter of intent between the bidder on this project and an SUBP firm to perform subcontract work on this project.
2. By signing below, the bidder is committing to utilize the above-named SUBP firm to perform the work described above.
3. By signing below, the above-named SUBP firm is committing to perform the work described above.<sup>1</sup>

Affirmation: I hereby affirm that the information above is true and correct.

Bidder Representative Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Bidder Representative Signature: \_\_\_\_\_

SUBP Firm Representative Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

SUBP Firm Representative Signature: \_\_\_\_\_

<sup>1</sup> If a bidder is unable to obtain the SUBP firm’s signature, it may submit a copy of the accepted SUBP firm quote in lieu of this document. The quote must match the bidder’s commitment to the SUBP firm.

**CITY OF MINNEAPOLIS  
SMALL AND UNDERUTILIZED BUSINESS PROGRAM (SUBP)  
GOOD FAITH EFFORTS CHECKLIST**

If the SUBP goal(s) for the project have not been met, then a Good Faith Efforts Review will be conducted by the Department of Civil Rights Contract Compliance Division (CCD) prior to contract award. The following checklist should be used during bid solicitation to document the efforts that were made to meet the SUBP goal(s). This checklist must be submitted to CCD if the *Final SUBP Commitment Form* does not demonstrate verifiable MBE/WBE participation sufficient to meet the SUBP goal(s). This checklist is due no later than 5 pm on the first business day after the City’s bid opening.

This checklist may be submitted:

- Via email to [SUBPsubmissions@minneapolismn.gov](mailto:SUBPsubmissions@minneapolismn.gov) (preferred);
- Via fax to 612-673-2427; OR
- In person at the City of Minneapolis Department of Civil Rights:  
350 South 5th St. (City Hall), room 239, Minneapolis, MN 55415.

Date:	
Company Name:	
Completed By:	
Title:	
Signature:	

**Checklist Instructions:**

- All factors listed below **may** be considered.<sup>1</sup> Some factors may not be applicable to all projects or situations.
- Check all actions that were taken and enter comments for each factor explaining the actions taken. Submit supporting documentation as instructed in each factor.
- **Along with this form, the bidder must submit documentation evidencing the efforts taken to achieve the SUBP goals. The documentation may include, but is not limited to, copies of solicitation emails, bids received, faxes, and phone call logs. Any such documentation of solicitations to MBE/WBE firms must clearly include the identification of the recipient MBE/WBE firm(s).**
- Use additional sheets if necessary to supplement the responses and attach them to this form.

**1. Solicited through all Reasonable and Available Means:** As stated in City ordinance §423.90(c)(1), the department may consider whether the bidder or proposer solicited *through all reasonable and available means (attendance at pre-bid meetings, advertising and/or written notices) the interest of all eligible MBEs/WBEs certified in the scopes of work of the contract. The bidder or proposer must solicit MBEs/WBEs in sufficient time prior to bid opening or the proposal deadline to allow MBEs/WBEs to respond to solicitations. The bidder or proposer must determine with reasonable certainty if the MBEs/WBEs are interested by taking appropriate steps to follow up on initial solicitations.*

- Solicited to all firms listed on the MnUCP report provided by CCD that listed MBEs/WBEs certified in scopes of work related to the project. (Submit copies of phone logs, emails, fax sheets, etc.) **If no, please explain here:**  
\_\_\_\_\_
- Utilized the [Online MnUCP Directory](#)<sup>2</sup> to identify additional MBEs/WBEs that have the capability to perform the work of the contract.
- Attended Pre-Bid Meeting to learn about the project and SUBP goals. **Date attended:** \_\_\_\_\_

<sup>1</sup> Per City ordinance (Chapter 423), there are eight factors that may be considered to determine whether or not the bidder or proposer made good faith efforts to meet the contract goals.

<sup>2</sup> Link to MnUCP Online Directory: <http://mnucp.metc.state.mn.us/>

- Reviewed bid documents or RFP for SUBP goals and policies regarding solicitation and utilization of MBEs/WBEs.
- Solicited MBEs/WBEs in sufficient time prior to bid opening or proposal due date to allow MBEs/WBEs to respond to the bid solicitation (CCD recommends 2 weeks prior to bid opening). **Date solicited:** \_\_\_\_\_
- Followed up with the MnUCP certified MBEs/WBEs to confirm interest in participation.  
(Submit log of follow-up activities.)
- Other: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Broke the Contract Work into Smaller Units:** As stated in §423.90(c)(2), the department may consider whether the bidder or proposer selected *portions of the work to be performed by eligible MBEs/WBEs in order to increase the likelihood that the contract goals will be achieved. This includes, where appropriate, breaking out contract work into smaller units to facilitate MBE/WBE participation, even when a contractor might otherwise prefer to perform these work items with its own forces.*

- Broke the contract into smaller, economically feasible units of work in order to facilitate MBE/WBE participation. Please list the scopes that were broken into smaller units:  
\_\_\_\_\_  
\_\_\_\_\_
- Subcontracted/solicited scopes of work that could have been self-performed. Please list these scopes:  
\_\_\_\_\_  
\_\_\_\_\_
- Other: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Provided MBEs/WBEs with Adequate Information:** As stated in §423.90(c)(3), the department may consider whether the bidder or proposer provided *interested eligible MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.*

- Bid invitations/advertisement included adequate information about the scope of work, contract requirements, deadline to submit a bid, etc. (Submit copy of invite/advertisement.)
- Provided MBEs/WBEs adequate project information and access to the plans and specifications.
- Other: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

**4. Negotiated in Good Faith:** As stated in §423.90(c)(4), the department may consider whether the bidder or proposer negotiated *in good faith with interested eligible MBEs/WBEs and provide(d) written documentation of such negotiation with each such business.*

- Negotiations with MBEs/WBEs are conducted fairly.
- Communication to MBEs/WBEs regarding pricing, scheduling and capability requirements are consistent with project plans and requirements. Communications and project information provided is the same to all potential bidders.

- It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. The bidder must submit evidence of this.
  - Evidence of such negotiation may include the names, addresses and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
- Bidder did not reject MBEs/WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.
  - Were there any MBE/WBE firms that bid to you that you did not consider qualified to perform the work? If yes, explain here:

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- MBE/WBE bids were rejected. Identify the rejected MBE/WBE(s)\* and explain the reasons why here:

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\* If any MBEs/WBEs were rejected, the prime bidder should submit a copy of those MBE/WBE quotes along with the prime bidder's supporting GFE documentation. If a non-M/WBE firm was awarded the same scope of work that a rejected M/WBE quoted, the prime bidder should also submit a copy of that non-M/WBE firm's quote.

- Other: 

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**5. Rejected each quote from MBE/WBE firms only after determining that the cost of using the firms was unreasonable:** As stated in §423.90(c)(5), *A bidder or proposer should consider a number of factors in negotiating with potential MBE/WBE subcontractors, and should take into consideration an eligible MBE or WBE's price and capabilities and scheduling as well as established contract goals. However, the fact that there may be some additional costs involved in finding and using eligible MBE's/WBE's is not in itself sufficient reason for a bidder or proposer's failure to meet the established MBE/WBE goals, as long as such costs are reasonable. The ability or desire to perform the work of a contract with its own organization does not relieve the bidder or proposer of the responsibility to make good faith efforts. Bidders or proposers are not, however, required to accept higher quotes from eligible MBE's/WBE's if the price difference is excessive or unreasonable.*

- The prime bidder is not required to accept higher quotes from MBEs/WBEs if the price difference is excessive or unreasonable.
  - If the bidder makes such a determination it should provide a written explanation for this conclusion, along with copies of any accepted non-M/WBE quotes, and copies of any M/WBE quotes that were higher for that same scope of work.

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**6. Provided MBEs/WBEs with Assistance in Meeting City Contracting Requirements:** As stated in §423.90(c)(6), *the bidder or proposer must offer information regarding, and make reasonable efforts to assist, solicited eligible MBEs/WBEs in obtaining bonding, lines of credit or insurance as required by the city or by the bidder or proposer; provided that the bidder or proposer need not provide financial assistance toward this effort.*

- Provided reasonable assistance to help MBEs/WBEs obtain bonds, lines of credit, or insurance that is required by the City.
- Made and documented efforts to assist interested MBEs/WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- Referred MBEs/WBEs in need of financial or technical assistance to City's **Business and Technical Assistance Program (B-TAP)**. For more information on B-TAP please visit: <http://www.minneapolismn.gov/business/B-TAP>.
- Other: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Effectively Used Community Organizations:** As stated in §423.90(c)(7), *effectively using the services of minority/woman community organizations; minority/woman contractors' groups; local, state and federal business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the solicitation and placement of MBEs/WBEs.*

- Used services of minority/women community organizations.
- Used services of minority/women professional organizations.
- Other: \_\_\_\_\_

**Please list the organizations that were used:**

\_\_\_\_\_  
\_\_\_\_\_

**8. Other Good Faith Efforts**

Provide a statement of the prime bidder's overall plan for obtaining MBE/WBE participation, noting barriers or challenges the bidder encountered in obtaining MBE/WBE participation. Include an explanation of any other good faith efforts made by your company not included above. Specifically, detail all necessary and reasonable steps taken to achieve the MBE/WBE goal or other requirements which, by their scope, intensity, and appropriateness to the objective of achieving the MBE/WBE goal, could reasonably be expected to obtain sufficient MBE/WBE participation – even if the bidder was not successful. Examples may include: identifying firms eligible to become MnUCP certified MBEs/WBEs; hosting open houses or networking events; and participation in trainings related to equity and inclusion.

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