

Country Club Hills Contract Requirements Policy for Minority/Female Business Participation

MBE/FBE BUSINESS ENTERPRISE REQUIREMENTS

Purpose: The City of Country Club Hills is committed to the success of minority and women-owned businesses. Therefore, the Contractor should structure its procedures for the performance of the work required under the contract to attempt to achieve the minority and women business enterprise (M/WBE) goal stated in the Invitation for Bids or Request for Proposals. MBE performance must be in accordance with this Exhibit. Contractor agrees to exercise all good faith efforts to carry out the requirements set forth in this Exhibit.

Policy & Goals: The (MBE) Minority Business Enterprise and (FBE) Female Business Enterprise goals for this general contract are: 25 percent of the total dollar amount of the contract awarded by the City of Country Club Hills shall be to a Minority Business Enterprise and 5 percent of the total dollar amount of this contract awarded by the City of Country Club Hills shall be to a Female Business Enterprise. By submitting a response to this solicitation, the bidder agrees that this dollar amount of the contract will be performed by certified minority business enterprises.

The contractor/vendor should hire subcontractors, to meet the MBE/FBE requirements, if necessary. The Contract Compliance Committee may, at its discretion, accept a waiver from the Bidders and/or have the right to change the requirements based on the size of the contract and any other factors deemed pertinent by the City/Contract Compliance Committee. For purposes of meeting MBE/FBE requirements, the City of Country Club Hills will accept the MBE/FBE certifications from the following organizations/entities:

- SBA 8(a)
- City of Chicago
- Cook County
- Illinois Department of Transportation
- Chicago Transit Authority
- Metra
- Pace
- Central Management Services
- The Chicago Minority Supplier Development Council (CMSDC)
- Women's Business Development Center
- National Minority Supplier Development Council

Instructions: A bidder must include with its bid:

- 1) A completed Certified MBE Affidavit (Attachment A) whereby the bidder acknowledges the certified MBE participation goal or requests a waiver, commits to make a good faith effort to achieve the goal, and affirms that MBE subcontractors were treated fairly in the solicitation process.
- 2) A completed MBE Participation Schedule (Attachment B) whereby the bidder responds to the expected degree of Minority Business Enterprise participation as stated in the solicitation, by identifying the specific commitment of certified MBEs at the time of submission. The bidder shall specify the price and/or the percentage of contract value associated with each MBE subcontractor identified on the MBE Participation Schedule.

If a bidder fails to submit Attachment A and Attachment B with the bid as required, the City Clerk shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

Within 10 working days from notification that it is the apparent awardee or from the date of the actual award, whichever is earlier, the apparent awardee must provide the following documentation to the Contract Compliance Committee:

- 1) Outreach Efforts Compliance Statement (Attachment C);
- 2) Subcontractor Project Participation Statement (Attachment D);
- 3) If the apparent awardee believes a waiver (in whole or in part) of the overall MBE goal or of any sub goal is necessary, it must submit a fully documented waiver request; and
- 4) Any other documentation required by the Contract Compliance Committee to ascertain bidder responsibility in connection with the certified MBE participation goal.

If the apparent awardee fails to return each completed document within the required time, the Contract Compliance Committee may determine that the apparent awardee is not responsible and therefore not eligible for contract award. If the contract has already been awarded, the award is voidable.

CONTRACT ADMINISTRATION REQUIREMENTS

Contractor shall:

- 1) Submit monthly to the City a report listing any unpaid invoices, over 30 days old, received from any certified MBE subcontractor, the amount of each invoice and the reason payment has not been made.
- 2) Include in its agreements with its certified MBE subcontractors a requirement that those subcontractors submit monthly to the City a report that identifies the prime contract and lists all payments received from Contractor in the preceding 30 days, as well as any outstanding invoices, and the amount of those invoices.
- 3) Maintain such records as are necessary to confirm compliance with its MBE participation obligations. These records must indicate the identity of certified minority and non-minority subcontractors employed on the contract, the type of work performed by each, and the actual dollar value of work performed. Subcontract agreements documenting the work performed by all MBE participants must be retained by the Contractor and furnished to the Contract Compliance Committee on request.
- 4) At the option of the Contract Compliance Committee, upon completion of the contract and before final payment and/or release of retainage, submit a final report in affidavit form and under penalty of perjury, of all payments made to, or withheld from MBE subcontractors.

ATTACHMENTS

- (1) Certified MBE Utilization and Fair Solicitation Affidavit (must be submitted with the technical proposal)
- (2) MBE Participation Schedule (must be submitted with the price proposal)

- (3) Outreach Efforts Compliance Statement (must be submitted within 10 working days of notification of apparent award or actual award, whichever is earlier)
- (4) Subcontractor Project Participation Statement (must be submitted within 10 working days of notification of apparent award or actual award, whichever is earlier)

Proposal Submitted By: _____
(Contractor/Company Name)

I, _____ (Contractor/Company Name), hereby acknowledge that I have read, understand and agree to be bound by the above stated Country Club Hills Contract Requirements Policy for Minority/Female Business Participation

(Signature)

(Printed Name) (Title)

(Date)

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**ATTACHMENT A
CITY OF COUNTRY CLUB HILLS
CERTIFIED M/WBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT**

This affidavit must be included with the bid/proposal. If the bidder fails to accurately complete and submit this affidavit, as required, the bid shall be deemed non-responsive or the proposal ineligible of being selected for award.

In connection with the bid submitted in response to Request for Proposal (RFP) No. _____, I affirm the following:

1. M/WBE Participation (PLEASE CHECK ONLY ONE)

☐ I have met the overall certified Minority Business Enterprise (M/WBE) Participation goal of

Percent (%) and the following sub-goals, if applicable:

Percent (%) for African American-owned MBE firms

Percent (%) for Hispanic American-owned MBE firms

Percent (%) for Asian American-owned MBE firms

Percent (%) for Women-owned WBE firms

I agree that these percentages of the total dollar amount of the Contract, for the M/WBE goal and sub-goals (if any), will be performed by certified M/WBE firms as set forth in the M/WBE Participation Schedule.

OR

☐ I conclude that I am unable to achieve the M/WBE participation goal and/or sub-goals. I hereby request a waiver, in whole or in part, of the overall goal and/or sub-goals. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the City of Country Club Hills, I will submit a written waiver request and all requested documentation. For a partial waiver request, I agree that certified M/WBE firms will be used to accomplish the percentages of the total dollar amount of the Contract, for the M/WBE goal and sub-goals (if any), as set forth in the M/WBE Participation Schedule.

2. Additional M/WBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the City of Country Club Hills, I must submit the following documentation within 10 business days of receiving such notice:

- (a) Outreach Efforts Compliance Statement;
- (b) Subcontractor Project Participation Statement;
- (c) M/WBE Waiver Request documentation (if waiver was requested); and

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- (d) Any other documentation required by the City of Country Club Hills to ascertain bidder's responsibility of being selected for award in connection with the certified M/WBE participation goal and sub-goals, if any.

I acknowledge that if I fail to return each completed document (in 2 (a) through (d) within the required time, the City of Country Club Hills may determine that I am not responsible and therefore not eligible for contract award or that the proposal is not susceptible of being selected for award.

3. Information Provided to M/WBE firms

In the solicitation of subcontract quotations or offers, M/WBE firms were provided not less than the same information and amount of time to respond as were non-M/WBE firms.

4. Products and Services Provided by M/WBE firms

I hereby affirm that the M/WBEs are only providing those products and services for which they are M/WBE certified.

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

Company Name

Signature of Representative

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**ATTACHMENT B
CITY OF COUNTRY CLUB HILLS
PROPOSED SCHEDULE OF MBE/WBE PARTICIPATION**

Name of Contractor:

RFP Title:

RFP No.:

Date:

Alternate Bid Amount:

MBE CODE (SEE BELOW)	MBE Firm Name	Phone#	Scope of Work to be Subcontracted (indicate if the Contract will include Labor and Material)	Dollar Value	Certifying Agency (Attach proof of certification)

MBE Code	Code Description	Total Dollar Value (\$)	Percentage of Alternate Bid (%)
AA	African American Participation	_____	_____
HANA	Hispanic, Asian, Native American Participation	_____	_____
WBE	Women Owned Participation	_____	_____
TOTAL	Minority Participation	_____	_____

The undersigned will enter into a formal Agreement with the MBE firms (Subcontractors/Proposers) identified herein for work listed in this schedule, conditioned upon execution of a contract with the City of Country Club Hills.

Signature: _____ **Title:** _____

ATTACHMENT B
CONTRACT COMPLIANCE REQUIREMENTS & DAMAGES

Without limitation, the following constitute material breaches of the contract and shall entitle the City to declare a default, terminate the contract and exercise those remedies provided for in the contract and at law or in equity:

- 1) Failure to satisfy the MBE goal and/or the WBE goal required by the contract;
- 2) Failure to demonstrate Good Faith Efforts or
- 3) The disqualification of the MBE or WBE when such status was a factor in the contract award and was misrepresented by the submitter.

If the City's Contract Compliance Committee determines that an awardee is in default or that an awardee or a MBE or WBE has made fraudulent misrepresentations to the City regarding the utilization of MBEs or WBEs, or has colluded with another making such fraudulent misrepresentations,

1. Payments due to the contractor may be withheld until corrective action is taken;
2. An administrative penalty of not less than \$50.00 and not more than \$500.00 shall be imposed, pursuant to City Code _____. The contractor shall have the right to request an administrative hearing regarding the final determination of non-compliance and the imposition of any penalty within fifteen (15) days of the final determination by the Contract Compliance Committee.
3. Remedies or sanctions may include disqualification from contracting or subcontracting on additional City contracts for up to five years;
4. The consequences provided herein shall be in addition to any other criminal or civil liability to which such entities may be subject. The City Attorney shall inform the appropriate law enforcement officers of instances of fraudulent misrepresentation and collusion.

Under penalties of perjury, I declare that I have read for foregoing conditions and instructions, and the facts, as revealed to the City of Country Club Hills herein, are true to the best of my knowledge and belief.

Signature: _____ **Title:** _____

Date: _____

M/WBE OUTREACH EFFORTS COMPLIANCE STATEMENT

In conjunction with the bid or offer submitted in response to Request for Proposal (RFP) No. _____, I state the following:

1. Contractor identified opportunities to subcontract in these specific work categories:
 - a.
 - b.
 - c.
 - d.
 - e.
 - f.
2. Attached to this form are copies of written solicitations (with instructions) used to solicit certified M/WBEs for these subcontract opportunities.
3. Contractor made the following attempts to contact personally the solicited M/WBEs.
4. Contractor assisted M/WBEs to fulfill or to seek waiver of bonding requirements.
(DESCRIBE EFFORTS)

☐ This project does not involve bonding requirements.

Contractor Name

By: _____

Address

Name and Title

Date

Date

SUBMIT ONE FORM FOR EACH CERTIFIED MBE LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that _____ is awarded the contract in conjunction
Main Contractor Name

With Request for Proposal (RFP) No. _____, it and _____, a
Subcontractor Name

Minority/Woman owned business enterprise, certified by _____,
Certifying Agency Name

Intend to enter into a contract by which Subcontractor shall:

(Describe Work) _____

☐ No bonds are required of Subcontractor

☐ The following amount and type of bonds are required of Subcontractor:

1. _____
2. _____
3. _____

Main Contractor Signature

By: _____
Name, Title

Date

Subcontractor Signature

By: _____
Name, Title

Date