

**MBE AND WBE PARTICIPATION  
COMMITMENT FORMS**

Name of Bidder (Proposer) \_\_\_\_\_

Address \_\_\_\_\_

Contracting Agency: \_\_\_\_\_

Contract (Project) Title: \_\_\_\_\_

Contract Number: \_\_\_\_\_

Bid Due Date: \_\_\_\_\_

**The MBE goal is \_\_\_\_\_ %    The WBE goal is \_\_\_\_\_ %**

**THIS PACKAGE OF MBE AND WBE PARTICIPATION  
COMMITMENT FORMS IS DUE WITH THE BID.**

**FOR MORE INFORMATION OR ASSISTANCE WITH THESE FORMS CONTACT:**

Department of Economic Inclusion  
Two Centennial Plaza, Suite 610  
805 Central Avenue  
Cincinnati, Ohio 45202  
(513) 352-3144

## PART A: INSTRUCTIONS

The requirements of C.M.C. 324 – Minority and Women’s Business Program are a part of this contract and are incorporated by reference. **THE FAILURE OF ANY BIDDER, CONTRACTOR OR SUBCONTRACTOR TO COMPLY WITH C.M.C. 324 AND THE IMPLEMENTING REGULATIONS SHALL BE A BREACH OF CONTRACT.**

Highlights of the City’s MBE/WBE program are noted below. A complete copy of C.M.C 324 and the implementing regulations are available on the website at: [www.cincinnati-oh.gov/inclusion](http://www.cincinnati-oh.gov/inclusion) or at the Department of Economic Inclusion.

### 1. **BID REQUIREMENTS**

Bid must include a commitment to utilize MBEs and WBEs at a percentage that equals or exceeds the contract goals indicated in the contract specifications. Bidder must submit the following completed documents **WITH THE BID**:

**Form 2003M/WBE: Subcontractor M/WBE Utilization Plan**

**Form 2004-1M/WBE: Statement of Intent to Self-Perform**

**Form 2004M/WBE: Statement of Intent to Utilize Firms**

**Part B: MBE/WBE Participation Affidavit**

**Part C: MBE/WBE Participation Waiver Request** (to be completed and submitted by Bidder if unable to meet the participation goals)

Any bid that does not include signed Statement of Intent Form(s) and the MBE/WBE Participation Affidavit is non-responsive and will be rejected.

Bidder must keep a record of its efforts to obtain MBE and WBE participation.

The following form is not required to be submitted with the bid. It may be required by the City of the successful bidder at a later time.

**Form 2006M/WBE: Subcontractor Substitution**

### 2. **VERIFYING CERTIFICATION**

**Bidder is responsible for verifying that each MBE and WBE to be used on a contract is certified by the Department of Economic Inclusion (DEI) at bid opening. The MBEs and WBEs named must be certified to provide the services that they are listed to perform, and the services must be required as part of the work on this contract.** A directory of certified MBEs and WBEs is available online at <https://cincinnati.diversitycompliance.com> or at the offices of DEI.

### 3. COUNTING MBE AND WBE PARTICIPATION

a) Participation of M/WBE's

**A business enterprise that is certified as both an MBE and WBE (M/WBE) may not be counted toward both the MBE and WBE goals for the same project.** The bidder must select the goal to which the business enterprise is to be counted. (C.M.C 324-17(a))

b) Credit for Self-Performance

A bidder that is an MBE or WBE may count up to 100% of the dollar value of the work it intends to perform with its own forces toward the applicable MBE or WBE goal. **Intentions to count self-performance toward the MBE or WBE goal must be indicated on Form 2004-1M/WBE: Statement of Intent to Self-Perform.**

c) Commercially Useful Function

The bidder may count toward the contract goals only expenditures to MBEs and WBEs that perform a commercially useful function in the execution of the contract. Commercially useful function means the performance of real and distinct work for which the business enterprise has the skill, expertise and actual responsibility to perform, manage and supervise.

d) Joint Ventures

A bidder may count toward the contract goal the portion of its expenditure to a joint venture that is equal to the percentage of the MBE or WBE participation in the joint venture. The MBE or WBE member of the joint venture must have an interest in the control, management, risks and operation of the joint venture commensurate with the member's percentage of ownership. The MBE or WBE member of the joint venture must be responsible for a clearly defined portion of the work to be performed, equal to its share in the ownership, control and management of the joint venture.

e) Subcontracting by MBE or WBE

A bidder may not count toward its contract goal any agreement with a certified MBE or WBE subcontractor who intends to subcontract more than 10% of the dollar amount of the services to be performed under its agreement with the bidder. This restriction does not apply to MBE's or WBE's contracts for the purchase of materials, equipment or supplies that are incidental to the performance of services under its agreement with the bidder.

f) Manufacturers and Suppliers

Manufacturers – A bidder may count toward the contract goal its entire expenditure to a certified MBE or WBE that manufactures the goods supplied.

Supplier/Wholesaler – **Only 25% of the payment to a certified MBE or WBE supplier that is a wholesaler warehousing the goods supplied can be counted toward the contract goal.**

g) Insurance Companies and Travel Agents

A bidder may count toward the contract goals only the fees or commissions charged by an MBE or WBE insurance company or travel agent

h) Financial Institutions

A bidder may count toward the contract goals only the fees charged and earned by an MBE or WBE financial institution.

i) Non Affiliation

A bidder may not use an MBE or WBE to meet a contract goal if the bidder has a financial interest in, has an interest in the ownership or control of, or is significantly involved in the operation of the MBE or WBE.

4. **WAIVER REQUESTS**

If a bidder is unable to comply with a contract goal, the bidder may submit a waiver request with the bid. The waiver request must be made on the MBE/WBE Participation Waiver Request Form. A waiver will not be granted unless the waiver request includes documentation that demonstrates good faith efforts to meet the goals.

5. **SUBSTITUTION OF MBE OR WBE**

The Department of Economic Inclusion must approve substitution of an MBE or WBE specified at bid opening. Any unjustified failure to comply with this requirement is a material breach of contract. Subcontractor substitution requests must be made on Form 2006M/WBE.



**City of Cincinnati**  
**SUBCONTRACTOR M/WBE UTILIZATION PLAN**  
 Solicitation Reference No. \_\_\_\_\_

Form 2003-1M/WBE

(SUBMIT WITH  
 BID/PROPOSAL)

**THIS DOCUMENT MUST BE ACCURATELY COMPLETED, SIGNED AND SUBMITTED WITH THE BID OR PROPOSAL**

<b>PROCUREMENT DESCRIPTION:</b>	<b>DATE SUBMITTED:</b>	<b>TOTAL CONTRACT VALUE \$:</b>
<b>COMPANY NAME:</b>	<b>FEDERAL TAX ID#:</b>	<b>ADDRESS/TELEPHONE:</b>

**THE ABOVE NAMED COMPANY PROPOSES TO USE THE SERVICES OF THE FOLLOWING LISTED FIRM(S) DEMONSTRATING SUFFICIENCY TO MEET OR EXCEED THE MANDATORY SUBCONTRACTING PARTICIPATION LEVEL. THE BIDDER MUST LIST ALL SUBCONTRACTORS, REGARDLESS OF AMOUNT OR SERVICE. FAILURE TO COMPLETE THIS FORM WITH ALL THE PERTINENT- REQUESTED INFORMATION (AS INDICATED IN EACH COLUMN) MAY CAUSE A BID TO BE DETERMINED AS NON-RESPONSIVE FOR SBE/M/WBE REVIEW PURPOSES.**

Name/Address/Telephone	Federal Tax ID#	Describe Exact Type Of Work /Supplier	Subcontract Dollars	Subcontract Percentage	MBE or WBE	FOR OFFICE USE ONLY (SBE CALCULATION)

**I certify that the above information is true to the best of my knowledge. The company acknowledges and agrees that if awarded the contract the information provided on this Form 2003 shall be incorporated into the terms and conditions of the final contract between the City and the Company. I acknowledge and agree that any changes to the above information must be submitted in writing on the Substitution Form 2006 and approved in advance by the City.**

<b>Signature</b>	<b>Title</b>	<b>DATE</b>
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**City of Cincinnati**  
**SUBCONTRACTOR APPROVAL REQUEST**  
 Statement of Intent to Utilize Firms  
**Solicitation Reference No.**

FORM 2004M/WBE  
 Revised 08/07/15

**THIS FORM MUST BE COMPLETED AND SUBMITTED TO CONTRACT OFFICER AFTER BID OPENING BUT PRIOR TO CONTRACT AWARD.**

**INFORMATION RECORDED HEREIN WILL BE INCORPORATED IN THE AWARDEES' CONTRACT.**

PROJECT NAME			CONTRACT NO.
City Agency Administering Contract	Contact Person	Phone No.	
Requesting Contractor	Federal Tax ID	Address	Zip Code
Authorized Representative	Title	Phone No.	
Prime Contractor (If not the same as above)	Federal Tax ID	Address	Zip Code
Prime Contractor E-Mail Address			

**SUBCONTRACTOR**

SUBCONTRACTOR	Federal Tax ID	Address	Zip Code		
Authorized Representative	Title	Phone No.	Fax No.		
E-Mail Address	Is MBE or WBE certified by the City of Cincinnati?		YES <input type="checkbox"/> NO <input type="checkbox"/>		
ITEM NUMBER	DESCRIPTION OF WORK	SUBCONTRACT'S CONTRACT AMOUNT \$	% OF TOTAL CONTRACT PRICE	ESTIMATED START DATE	COMPLETION DATE
<b>Total Value of Work</b>					

**SIGNATURES**

SUBCONTRACTOR	DATE
Requesting Contractor	DATE
Prime Contractor (If not the same as above)	DATE
Contract Administering Agency	DATE
Inclusion Manager	DATE
Director of Economic Inclusion	DATE



**City of Cincinnati**  
**SUBCONTRACTOR APPROVAL REQUEST**  
**Statement of Intent to Self-Perform**  
**Solicitation Reference No. \_\_\_\_\_**

**FORM 2004-1M/WBE**  
 Revised 08/07/15

**THIS FORM MUST BE COMPLETED AND SUBMITTED TO CONTRACT OFFICER AFTER BID OPENING BUT PRIOR TO CONTRACT AWARD.**  
**INFORMATION RECORDED HEREIN WILL BE INCORPORATED IN THE AWARDEES' CONTRACT.**

PROJECT NAME	CONTRACT NO.		
Self- Performance to be counted toward the MBE _____ or WBE _____ goal. ( <i>Check One</i> )			
Requesting Contractor	Federal Tax ID	Address	Zip Code
Authorized Representative	Title	Phone No.	
Prime Contractor E-Mail Address			

ITEM NUMBER	DESCRIPTION OF WORK	SUBCONTRACT'S CONTRACT AMOUNT \$	% OF TOTAL CONTRACT PRICE	ESTIMATED START DATE	COMPLETION DATE
<b>Total Value of Work</b>					

<b>SIGNATURES</b>
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Contract Administering Agency	DATE
Specialist Initial	DATE
Director of Economic Inclusion	DATE



**PART B: MBE/WBE PARTICIPATION AFFIDAVIT**

The Undersigned authorized representative of Contractor does hereby make the following Affidavit: Contractor has read the Bidder Information and Instructions regarding the MBE/WBE Program. Contractor acknowledges the MBE goal of \_\_\_\_% and the WBE goal of \_\_\_\_% for this contract. Contractor has achieved the following participation:

MBE-\$\_\_\_\_\_ or \_\_\_\_\_% and WBE-\$\_\_\_\_\_ or \_\_\_\_\_%

of the total contract amount which is \$\_\_\_\_\_.

My firm has made good faith efforts to achieve the MBE and WBE participation goals for this contract. I understand that, if awarded the contract, my firm must submit to the Department of Economic Inclusion (DEI) copies of all executed agreements with the MBE and WBE firms being utilized to achieve the participation goals and other requirements of C.M.C. 324. I understand that these documents must be submitted prior to the issuance of a notice to proceed.

I understand that, if awarded the contract, my firm must submit to the DEI canceled checks and any other documentation and reports required by DEI verifying payments to the MBE and WBE firms utilized on the contract.

I understand that, if awarded this contract and I find that I am unable to utilize the MBEs or WBEs identified in my Statements of Intent, I must substitute other certified MBE and WBE firms to meet the participation goals. I understand that I may not make a substitution until I have obtained the written approval of DEI.

I understand that, if awarded this contract, authorized representatives of the DEI may examine, from time to time, the books, records and files of my firm to the extent that such material is relevant to a determination of whether my firm is complying with the MBE and WBE participation requirements of this contract.

I do solemnly declare and affirm under the penalty of perjury that the contents of the foregoing Affidavit are true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
Contractor Company Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Print Name and Title

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**PART C: MBE/WBE PARTICIPATION WAIVER REQUEST FORM**

Name of Bidder (Proposer) \_\_\_\_\_

Address \_\_\_\_\_

Contracting Agency: \_\_\_\_\_

Contract (Project) Number and Title: \_\_\_\_\_

Bid Due Date: \_\_\_\_\_

**Goals on this contract.....**MBE: \_\_\_\_\_% **and** WBE: \_\_\_\_\_%

**I have achieved.....**MBE: \_\_\_\_\_% **and** WBE: \_\_\_\_\_%

I have contacted DEI for assistance: \_\_\_\_\_Yes \_\_\_\_\_No (*Check One*)

Number of MBE firms contacted: \_\_\_\_\_ (*Attach a list of names.*)

Number of WBE firms contacted: \_\_\_\_\_ (*Attach a list of names.*)

Explain why waiver is being requested:

Attach documentation of your good faith efforts to secure, contact and negotiate with MBEs and WBEs, including:

- (1) The reasons your company is unable to secure sufficient MBE/WBE participation to meet the stated goals
- (2) The efforts made by your company to select portions of the contract to be performed by MBEs and WBEs
- (3) For each MBE or WBE that placed a bid that you consider to be unacceptable, a statement that explains the basis for that conclusion

\_\_\_\_\_  
Signature of Authorized Company Representative

\_\_\_\_\_  
Date