



**City of Cincinnati
Department of Economic Inclusion**

**SUBCONTRACTOR INCLUSION BID SUBMISSION CHECKLIST
For use on ITBs, RFPs AND RFQs with MBE and WBE Subcontracting Goals**

Please be sure the following items are completed and included in your bid response for a bid with MBE and WBE subcontracting goals. Failure to submit all of the forms required below will result in a bid being deemed "Non-Responsive" by the Department:



here

Form no.	Form Name/Description	Required?	Completed
MWP-10	MBE/WBE Commitment Package Cover Sheet	YES	
MWP-20	MBE/WBE Participation Affidavit	YES	
2003	Subcontractor Utilization Plan (Complete a separate Form 2003 for each alternate bid. Use additional forms if all subs cannot fit on one form)	YES	
2004-1	Statement of Intent to Self-Perform (Complete only if the bidder is a certified MBE or WBE with the City of Cincinnati AND is requesting to count work that it will self-perform towards the applicable subcontracting goal)	If Applicable	
MWP-30	MBE/WBE Participation Waiver Request (only if a waiver is being requested) ALL SUPPORTING DOCUMENTATION MUST BE ATTACHED.	If Applicable	

REVIEW THE MBE/WBE INSTRUCTIONS CONTAINED WITHIN THIS PACKET PRIOR TO COMPLETING AND SUBMITTING THE REQUIRED FORMS.

FAILURE TO FULLY AND CORRECTLY COMPLETE AND SUBMIT ALL REQUIRED FORMS MAY RESULT IN REJECTION OF YOUR BID OR PROPOSAL.

INSTRUCTIONS

The requirements of C.M.C. Chapter 324, Minority and Women's Business Program, are a part of this contract and are incorporated by reference. THE FAILURE OF ANY AWARDED BIDDER/ PROPOSER, CONTRACTOR, OR SUBCONTRACTOR TO COMPLY WITH C.M.C. CHAPTER 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. Chapter 324 and the implementing regulations are available online at: <http://www.cincinnati-oh.gov/inclusion/ordinances-and-regulations/> or from the Department of Economic Inclusion by request.

1. BID/PROPOSAL REQUIREMENTS

Bid/Proposal MUST include a SPECIFIC commitment, **expressed as a dollar value**, to utilize SPECIFIC City-certified MBEs and WBEs for work the firms have been certified to perform. The amounts of the proposed subcontracts must be sufficient to meet or exceed the contract goals indicated in the bid, RFP or RFQ document. A percentage response without a stated dollar value or a "TBD" response for the proposed amount or the proposed subcontractor is not acceptable.

Bidder/Proposer must submit WITH THE BID/PROPOSAL each required or otherwise applicable document included on the Subcontractor Inclusion Bid Submission Checklist included with this packet.

Any bid/proposal that does not include complete MWP-10 MBE/WBE Commitment Packet Coversheet, MWP-20 MBE/WBE Participation Affidavit, Form 2003 Subcontractor Utilization Plan, and signed Statement of Intent to Self-Perform Form (if applicable) will be considered non-responsive (see C.M.C. 324-19) unless an MBE/WBE Participation Waiver is requested and approved.

A waiver request will be considered only if NO other responsive Bidder/Proposer eligible for award meets the inclusion goals.

Bidder/Proposer must provide evidence of its Good Faith efforts to obtain MBE and WBE participation if a MBE/WBE Participation Waiver is requested (see C.M.C. 324-21(b)). The failure to submit the required supporting documentation for an MBE/WBE Participation Waiver and/or the failure of the submitted documentation to demonstrate Good Faith efforts will result in denial of the request.

2. VERIFYING CERTIFICATION

Bidder/Proposer 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 the time of the bid opening/proposal submission. The proposed MBEs and WBEs must be certified to provide the services described on the Form 2003, and those services must be a necessary element of the scope of this contract. A directory of certified MBE and WBE firms is available online at www.cincinnati.diversitycompliance.com or at <https://cincinnati-oh.gov/inclusion>.

3. COUNTING MBE AND WBE PARTICIPATION

a) Counting Spend with MBE and WBE Firms

A business enterprise that is certified both as an MBE and as a WBE (M/WBE) may not be counted toward both MBE and WBE goals for the same project (C.M.C. 324-27(a)). The Bidder/Proposer must identify the goal to which the business enterprise is to be counted.

b) Credit for Self-Performance

A Bidder/Proposer that is a City-certified 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. (C.M.C. 324-27(b)). Intentions to count self-performance toward the MBE goal or the WBE goal must be indicated on the Form 2004-1 M/WBE Statement of Intent to Self Perform.

c) Commercially Useful Function

The Bidder/Proposer may count toward the contract goals only payments to MBEs and WBEs that perform a commercially useful function in the execution of the contract. Commercially useful function means the performance of a distinct scope of work for which the MBE or WBE has the skill, experience and actual responsibility to perform, manage and supervise. (C.M.C. 324-27(d))

d) Joint Ventures

A Bidder/Proposer may count toward the contract goal the portion of its payment 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 also 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. (C.M.C. 324-27(e))

e) Subcontracting by MBE or WBE

A Bidder/Proposer may not count toward the contract goal any agreement with a certified MBE or WBE subcontractor that intends to subcontract more than 10% of the dollar amount of the services performed under its agreement with the Bidder/Proposer. 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 Bidder/Proposer. (C.M.C. 324-27(i))

f) Spend with Manufacturers and Suppliers

Manufacturers - Bidder/Proposer may count toward the contract goal its entire payment to a certified MBE or WBE firm that manufactures the goods supplied. (C.M.C. 324-27(f)) **A SIGNIFICANTLY LESSER CREDIT IS ALLOWED FOR SPEND WITH SUPPLIERS/WHOLESALERS/RESELLERS/DISTRIBUTORS (see below).**

Suppliers - Only 25% of the total payment to a certified MBE or WBE supplier that is not the manufacturer can be counted towards the contract goal. (C.M.C. 324-27(g))

g) Insurance Companies and Travel Agents

A Bidder/Proposer may count towards the contract goals only the fees or commissions charged by an MBE or WBE insurance company or travel agent. (C.M.C. 324-27(h))

h) Financial Institutions

Bidder/Proposer may count towards the contract goal only the fees charged and earned by an MBE or WBE financial institution.

i) Non Affiliation

A Bidder/Proposer may not use an MBE or WBE to meet the 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. (C.M.C. 324-27(j)).

4. **WAIVER REQUESTS**

If a bidder/proposer is unable to comply with the contract goal, the bidder/proposer may submit a waiver request with the bid. The waiver request must be made on the MBE/WBE Participation Waiver Request Form. Requests for waivers or reductions will only be considered in the event that no bid or proposal that is determined to be the lowest and best or most advantageous and therefore eligible for award meets the MBE or WBE contract participation goals. A waiver shall not be granted unless the waiver request includes documentation that demonstrates good faith efforts to meet the goals (C.M.C 324-21(b)).

5. **SUBSTITUTION OF MBE OR WBE**

The Department of Economic Inclusion must approve substitution of an MBE or WBE specified at bid opening/proposal submission. Any unjustified failure to comply with this requirement is a material breach of contract. Subcontract substitution requests must be made on Form 2006 (C.M.C 324-23).

**MBE AND WBE PARTICIPATION
COMMITMENT PACKAGE COVERSHEET**

THIS PACKAGE OF MBE AND WBE PARTICIPATION COMMITMENT FORMS, INCLUDING THIS COVERSHEET, FORM 2003, FORM 2004-1 (IF APPLICABLE) FORM MWP-20, & MWP-30 (IF APPLICABLE) MUST BE COMPLETED AND RETURNED WITH THE BID OR PROPOSAL.

Name of Bidder (Proposer): _____

Address: _____

Contracting Agency: _____

Bid/Proposal Title: _____ Bid/Proposal Number: _____

Indicate what part of the bid this form package is being submitted for:

- 1. Base Bid/Proposal Only: _____
- 2. Base Bid/Proposal with Alternates*: _____ (List Alternate #s _____)
- 3. Only Bid/Proposal Items*: _____ (List Item #s _____)

*If you are only bidding on certain items or alternates on a bid/proposal, indicate the alternates or item #s that correspond to the MBE/WBE participation information you are providing.

The Advertised MBE Goal is _____ % The Advertised WBE Goal is _____ %

THE BIDDER'S PROPOSED MBE AND WBE PARTICIPATION SUBMITTED WITH A WINNING BID, AS VERIFIED BY DEI AFTER BID OPENING AND REFLECTED BELOW, WILL BE INCORPORATED INTO THE CONTRACT AS THE MANDATORY GOALS FOR THE CONTRACT, SUPERCEDING THE ADVERTISED GOALS.

For Department of Economic Inclusion Use Only:
 Based on a review of the bidder's submitted MBE and WBE Participation Commitment Forms, DEI has determined that the bidder proposed the following MBE and WBE subcontractor utilization:

MBE Commitment: ____% WBE Commitment__ %

FOR MORE INFORMATION OR ASSISTANCE WITH THESE FORMS CONTACT:

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

MBE/WBE PARTICIPATION AFFIDAVIT

The Undersigned authorized representative of the 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 ____% advertised for this contract. Contractor had committed to the following MBE and WBE participation:

Total MBE Subcontract Amount - \$_____ and Total WBE Subcontract Amount of \$_____ of the total contract bid/proposal amount of \$_____.

My firm has made good faith efforts to meet or exceed the advertised goals for this contract. I understand the Department of Economic Inclusion (DEI), using that portion of the amounts I have identified as the dollar value of my firm's proposed MBE and WBE spend for which DEI has determined credit is permitted under Chapter 324 of the Cincinnati Municipal Code, will calculate the actual inclusion percentages achieved by my firm's bid/proposal.

I understand that, if awarded the contract, ALL OF THE FOLLOWING WILL APPLY:

- I will be required to meet the inclusion percentages calculated by DEI from my bid/proposal not only on the original contract amount, but also on any amendments and/or change orders that, in the aggregate, increase the original contract amount by 10% or more.
- I will be required to submit to DEI copies of subcontract agreements with each of the MBE and WBE firms utilized to achieve the inclusion goals for the contract, and those subcontract agreements must be submitted prior to the issuance of a Notice to Proceed and before the subcontractor is permitted to perform work under the contract.
- My firm must submit to DEI canceled checks and any other documentation and reports required by DEI to verify payments made to the MBE and WBE firms utilized on the contract.
- If I find I am unable to utilize the MBEs or WBEs identified in my Subcontractor Utilization Plan (Form 2003), I must substitute other certified MBE or WBE firms to meet the participation goals and that I may not make a substitution until after I have submitted a complete Subcontractor Substitution Form (Form 2006) and I have obtained the written approval of DEI for the substitution.
- Authorized representatives of DEI may examine, from time to time, the books, records and files of my firm to the extent such material may be 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 penalty of perjury that the contents of the foregoing Affidavit are true and accurate to the best of my knowledge, information and belief.

Company Name: _____ Signature: _____
 Co. Address: _____ Printed Name _____
 and Title: _____

Sworn and subscribed before me this ____ day of _____, 20__.

Notary Public

MBE/WBE/SBE SUBCONTRACTOR UTILIZATION PLAN (FORM 2003)

(Include all proposed subcontractors, including both certified and non-certified)

Failure to complete the MBE/WBE/SBE Utilization Plan in its entirety could result in your bid being deemed non-responsive

SECTION 1: Bidder/Respondent Information

A. Bid/Proposal Name: _____ B. Bid/Proposal Reference ID: _____

C. Bidder/Proposer Name: _____ D. Total Bid/Proposal Amount: _____

E. Primary Contact Name: _____ Phone: _____ Email: _____

SECTION 2: Subcontractor Utilization Information - Attach additional forms if necessary.

Subcontractor Name	SBE, SLBE, ELBE, MBE, WBE or N/A	Federal Tax ID	Detailed description of work to be performed or supplies to be provided	Subcontract Amount	(DEI Use Only) Subcontract % of Total	(For DEI Use Only) DEI Approved?

SECTION 3: Clarification of Subcontract Amount Listed Above for Suppliers - YOU MUST SELECT ONE OPTION EVEN IF YOU ARE NOT UTILIZING SUPPLIERS

- _____ The listed amount(s) is/are 100% of the total proposed spend with each identified supplier.
- _____ The listed amount(s) is/are only 25% of the total proposed spend with each supplier. Total spend with the supplier(s) will be 4 times greater than shown.
- _____ Not Applicable. **No suppliers are listed in Section 2.**

- You must ensure that the firm is certified with the City of Cincinnati to perform the services or provide the supplies that you are proposing in your utilization plan at the time of the bid opening. You can confirm the services and supplies of City Certified firms through the public directory: <https://cincinnati.diversitycompliance.com/FrontEnd/SearchCertifiedDirectory.asp>
- Only 25% of the payment to a certified MBE/WBE supplier that is not a manufacturer may be counted toward an MBE/WBE participation goal (CMC 324-27). **An MBE/WBE contractor that only supplies laborers for use and direction by the prime contractor is considered a supplier and only 25% of that payment can be counted towards the MBE/WBE participation goal.**
- A business enterprise that is certified as both an MBE and WBE (M/WBE) may be counted toward either the MBE contract participation goal or the WBE contract participation goal, but not towards both. The participation of an MWBE also may not be allocated partially to the MBE contract participation goal and partially to the WBE contract participation goal (C.M.C. 324-27(a)). The bidder must select the goal to which the business enterprise is to be counted.



City of Cincinnati
STATEMENT OF INTENT TO SELF-PERFORM
Bid/Contract Reference No. _____

For City-certified MBE/WBE, SBE, or SLBE/ELBE Primes to be counted towards a subcontracting goal, this form must be completed and submitted with the bid or proposal
INFORMATION RECORDED HEREIN WILL BE INCORPORATED IN THE AWARDEES' CONTRACT.

PROJECT NAME	TOTAL BID AMOUNT.		
<u>Contracts with MBE/WBE Goals:</u> Self- Performance to be counted toward the MBE _____ or WBE _____ goal. <i>(Check One)</i>			
<u>Contracts with SBE Goals:</u> Self- Performance to be counted toward the SBE _____ goal. <i>(Check One)</i>			
<u>Contracts with ELBE/SLBE Goals:</u> Self- Performance to be counted toward the ELBE _____ or SLBE _____ goal. <i>(Check One)</i>			
Requesting Contractor	Federal Tax ID	Address	Zip Code
Authorized Representative	Title	Phone No.	
Prime Contractor Rep for Payments	Title	Phone No.	Email

ITEM NUMBER	DETAILED DESCRIPTION OF WORK	SELF-PERFORMANCE AMOUNT \$	(DEI USE ONLY) % OF TOTAL
Total Value of Work			

SIGNATURES

Bidder or Respondent	DATE
Economic Inclusion Staff	DATE
Director of Economic Inclusion	DATE

MBE/WBE PRE-AWARD PARTICIPATION WAIVER/REDUCTION REQUEST FORM

Name of Bidder (Proposer): _____

Bid/Proposal Title: _____ Bid/Proposal Ref Number: _____

Goals that have been set for this Bid/Proposal: MBE: _____ % and WBE: _____ %

Goals that I have achieved for this Bid/Proposal: MBE: _____ % and WBE: _____ %

Documentation of Good Faith Efforts (CMC 324-21(B)(3) & MBE/WBE Program Regulations):

The failure to attached requested documents may result in denial of the request for waiver/reduction.

1. **Did you identify sufficient subcontracting work to solicit from MBE/WBE firms?** _____(Y/N)
 - a. If "Yes," you must attach a sheet detailing the types of work for which you chose to seek subcontractors and the types of work you chose to self-perform.
2. **Did you conduct broad-based advertising to reach MBEs & WBEs including attendance at pre-bid meetings and submitting written notices to all certified MBEs and WBEs who have the capabilities to do the work of the contract?** _____(Y/N)
 - a. If "Yes," you must attach a sheet detailing the meetings and notices sent to solicit MBE and WBE participation including the specific firms contacted, the dates and times of such meetings, and attach copies of the written notices or communications.
3. **Did you follow-up on your initial meetings and solicitations to MBE/WBE firms and provide them with adequate notice of the opportunity prior to the bid opening?** _____(Y/N)
 - a. If "Yes," you must attach a sheet detailing your follow-up efforts to solicit bids from MBE/WBE firms including the contact information of these firms, the dates of contact, and method of contact (phone, email, etc) and attach copies of any written communications.
4. **Did you provide the plans and specifications for work in your meetings and solicitations to MBE/WBE firms?** _____(Y/N)
 - a. If "Yes," you must attach the plans and specifications that you provided in your meetings & solicitations.
5. **Did you make efforts to assist with bonding, insurance and credit lines where these items were a requirement of the subcontracting opportunity?** _____(Y/N)
 - a. If "Yes," you must attach information on the advice and assistance you offered.
6. **Did you rejected any bids from MBE/WBE firms that were submitted for this contract that you deemed to be unqualified to perform this work?**
 - a. If "Yes," you must provide a detailed explanation of your thorough investigation of their capabilities.

Requests for waivers or reductions will be considered ONLY in the event no bidder or respondent who is determined to be the lowest & best or most advantageous meets the MBE or WBE contract participation goals. Additionally, waivers that do not answer each question (1-6) above and document each "Yes" response as required will not be considered.

Signature of Authorized Company Representative

Date

Request is Approved: _____ Denied: _____

Authorized Signature: Economic Inclusion Date: _____