



**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 multiple form 2003s 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)	If Applicable	

IT IS HIGHLY RECOMMENDED THAT YOU REVIEW THE MBE/WBE INSTRUCTIONS CONTAINED WITHIN THIS PACKET PRIOR TO COMPLETING AND SUBMITTING THE REQUIRED FORMS TO ENSURE THAT YOU ARE ADHERING TO THE MBE/WBE PROGRAM REQUIREMENTS. FAILURE TO ADHERE TO THE MBE/WBE PROGRAM REQUIREMENTS IN SUBMITTING THE REQUIRED FORMS MAY CAUSE YOUR BID TO BE DEEMED NON-RESPONSIVE.

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/PROPOSER, 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: <http://www.cincinnati-oh.gov/inclusion/ordinances-and-regulations/> or by request from the Department of Economic Inclusion.

1. BID/PROPOSAL REQUIREMENTS

Bid/Proposal 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/Proposer must submit the following completed documents WITH THE BID/PROPOSAL:

MWP-10:	MBE/WBE Commitment Packet Coversheet
MWP-20:	MBE/WBE Participation Affidavit
Form 2003:	Subcontractor M/WBE Utilization Plan
Form 2004-1:	Statement of Intent to Self-Perform (if applicable)
MWP-30	MBE/WBE Participation Waiver Request (if applicable)

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 being requested.

Bidder/Proposer must provide a record of its Good Faith efforts to obtain MBE and WBE participation if a MBE/WBE Participation Waiver is being requested (see C.M.C. 324-21(b)).

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 MBEs and WBEs named must be certified to provide the services that they are listed to perform and those services must be required as part of the work on this contract. A directory of certified MBE and WBE firms is available online at www.cincinnati.diversitycompliance.com or at the offices of DEI.

3. COUNTING MBE AND WBE PARTICIPATION

a) Participation of M/WBEs

A business enterprise that is certified as both an MBE and 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 select the goal to which the business enterprise is to be counted.

b) Credit for Self-Performance

A bidder/proposer 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. (C.M.C. 324-27(b)). **Intentions to count self-performance toward the MBE or 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 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, 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 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. (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 who 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 the bidder. (C.M.C. 324-27(i))

f) Manufacturers and Suppliers

Manufacturers – A bidder/proposer may count towards the contract goal its entire expenditure to a certified MBE or WBE firm that manufactures the goods supplied. (C.M.C. 324-27(f))

Supplier/Wholesale – **Only 25% of the payment to a certified MBE or WBE supplier that is a wholesaler warehousing the goods supplied 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

A 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 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.

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/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

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?

Reminders for completing your Subcontractor Utilization Plan:

1. 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>
2. Only 25% of the payment to a certified MBE/WBE supplier that is a wholesaler warehousing the goods supplied 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.**
3. 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 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" please 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" please 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" please 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" please 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" please attach information on the advice and assistance that 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" please provide an explanation of your thorough investigation of their capabilities.

Requests for waivers or reductions will only be considered in the event that 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 will not be considered.

Signature of Authorized Company Representative

Date

Request is Approved: _____ Denied: _____

Authorized Signature: Economic Inclusion Date: _____