Allegheny County Department of Equity and Inclusion

Minority, Women and Disadvantaged Business Enterprise Response – Checklist

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MANDATORY: You must perform a good faith effort prior to requesting an MWDBE participation waiver.

Section 1 – MWDBE Response Instructions for Bidders/Proposers

1.1 Overview

The Minority, Women and Disadvantaged Business Enterprise (MWDBE) section of this RFP outlines the steps your firm must take to be compliant with Allegheny County's business process and goals. You should carefully read this entire section and provide all requested information. All forms must be filled out completely and submitted with your bid/proposal. **Failure to complete, sign and submit these documents may be sufficient cause for rejection of a proposal.**

Chapter 435 – Section 2 of the Allegheny County Administrative Code has established goals of 13% minority and 2% women business enterprise participation on all County contracts. You must make a serious **"good faith effort"** to identify and utilize MWDBE firms on all contracts in order to assist us in meeting these goals.

Allegheny County is part of the Pennsylvania Unified Certification Program and certified MWDBEs can be found through the PA UCP website: https://paucp.dbesystem.com/. Please note that other MWDBE certifications are reviewed and accepted on a case-by-case basis. Allegheny County will not accept any "self certifications" or "certification registrations."

1.2 Good Faith Effort Guidance

The following CFR 49 Part 26 guidance should be referred to by the bidder/proposer in their endeavors to meet the goals of Allegheny County through their **"good faith efforts"**:

A. Soliciting through all reasonable and available means (e.g. attendance at pre-proposal meetings, advertising and/or written notices) the interest of all certified MWDBEs who have the capability to perform the work of the contract. The bidder/proposer must solicit this interest within sufficient time to allow the MWDBEs to respond to the solicitation. The bidder/proposer must determine with certainty if the MWDBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by MWDBEs in order to increase the likelihood that the MWDBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MWDBE participation, even when the bidder/proposer might otherwise prefer to perform these work items with its own forces.

C. Providing interested MWDBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

D. (1) Negotiating in good faith with interested MWDBEs. It is the bidder's/proposer's responsibility to make a portion of the work available to MWDBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MWDBE subcontractors and suppliers, so as to facilitate MWDBE participation. Evidence of such negotiation includes the names, addresses, email and telephone numbers of MWDBEs 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 MWDBEs to perform the work.

(2) A bidder/proposer using good business judgment would consider a number of factors in negotiating with subcontractors, including MWDBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using MWDBEs is not in itself sufficient reason for a bidder's/proposer's failure to meet the contract MWDBE goal, as long as such costs are reasonable. Also, the ability or desire of a bidder/proposer to perform the work of a contract with its own organization does not relieve the bidder/proposer of the responsibility to make good faith efforts. Bidders/Proposers are not, however, required to accept higher quotes from MWDBEs if the price difference is excessive or unreasonable.

E. Not rejecting MWDBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The bidder's/proposer's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's/proposer's efforts to meet the project goal.

F. Making efforts to assist interested MWDBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested MWDBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of MWDBEs.

I. In determining whether a bidder/proposer has made good faith efforts, you may take into account the performance of other bidders/proposers in meeting the contract goal. For example, when the apparent successful bidder/proposer fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder/proposer could have met the goal. If the apparent low bidder or successful proposer fails to meet the goal, but meets or exceeds the average MWDBE participation obtained by other bidders/proposers, you may view this, in conjunction with other factors, as evidence of the apparent low bidder or successful proposer having made good faith efforts.

1.3 Completing Attached Documents:

The steps necessary to move through the MWDBE documents are as follows and must be completed in the following order to the satisfaction of the Department of Equity and Inclusion:

*Step 1

The bidder/proposer must make a "good faith effort" to identify MWDBE firms to participate on work if they are the apparent low bidder or successful proposer. Please refer to **Section 1.2 Good Faith Effort Guidance**.

*Step 2

Your next step is to complete the **MWDBE Participation Statement.** This is the form you will use to list the results of the "good faith efforts" you have made to identify MWDBE firms to participate on this project and to list everyone you have contacted in relation to making a "good faith effort" on this proposal.

There are four (4) pages in this section. The pages are titled as follows:

1. Step-By-Step Instructions for Completing the Allegheny County MWDBE Participation Statement
2. Allegheny County MWDBE Participation Statement – Example
3. Allegheny County MWDBE Participation Statement ***(This is the document you use to record your "good faith efforts" list – please make additional copies of this page if necessary to record all of your efforts.)***
    - Please attach the MWDBE certification of any firms you intend to utilize with the corresponding Allegheny County MWDBE Participation Statement.
    - These forms should be signed and dated.
4. MWDBE Contact Information
    - Please fill out this form in its entirety with direct dial and email information provided. The person who is identified should be fully prepared to explain and discuss the MWDBE information submitted with your bid or proposal.



If you have not completed Steps 1 and 2 you cannot move on to Step 3.

* These are mandatory steps.

Step 3

If you are not successful in securing MWDBE participation or securing enough MWDBE participation to meet the Allegheny County goals of 13% MBE and 2% WBE on all contracting opportunities after a "good faith effort" is made, you may apply for a waiver. A waiver will excuse the bidder's/proposer's obligation, at the time of award, to meet the MWDBE goals based on the documented unavailability of certified firms who are ready, willing and able to perform on this project. However, we expect all prime vendors to make a "good faith effort" throughout the life of the contract to utilize minority, women and disadvantaged business enterprises to the greatest extent possible.

There is one (1) page in this section along with one sample document. This page is titled "Allegheny County MWDBE Participation Waiver Request." The following details should be provided on or with this form:

1. Detailed proof of your good faith effort.
2. A brief description of what your business does.
3. Are there any inventory or supplies necessary for the completion of this project? Please answer yes or no. If yes, please supply a list of those items.
4. A copy of your company's business diversity policy. This is not an EEO policy. *(See Sample Attached)*
5. A brief explanation as to why an MWDBE participation waiver is being requested.

This should be signed and dated.

For contracting that contains special circumstances, such as revenue generating and very specialized financial transactions performed on behalf of Allegheny County:

The Department of Equity and Inclusion will act, based on the type of activity, by issuing a conditional approval and/or waiver until such time as the full scope of work is identified, or certain activities have taken place. At that time we will perform a final evaluation to ensure that the MWDBE goals of Allegheny County have been met to the greatest extent possible.

Please leave no blanks or questions unanswered.

Section 2 – Required Documents

2.1 Step-By-Step Instructions for Completing the Allegheny County MWDBE Participation Statement

1. **IFB or RFP Number:** list the IFB or RFP number
2. **Name of Prime Bidder or Proposer:** list your company's name
3. **Contact Person:** list the name of a contact person for your company
4. **Address:** list the mailing address for your company
5. **Phone Number:** list the phone number for the contact person for your company
6. **Email:** list the email address for the contact person for your company
7. **Tax ID #:** list the tax ID number of your company
8. I**s Your Firm MWDBE Certified?:** indicate whether your company is MWDBE certified
   Certification Type: indicate whether your company is certified as an MBE, WBE or DBE
   Certifying Entity: list the entity with which your company is MWDBE certified
9. **MWDBE Sub Vendor Firm Name:** list the name of the MWDBE
10. **Tax ID #:** list the tax ID number of the MWDBE
11. **Contact Person:** list the name of the contact person for the MWDBE
12. **Address:** list the mailing address of the MWDBE
13. **Phone Number:** list the phone number of the MWDBE
14. **Email:** list the email address of the contact person for the MWDBE
15. **Certification Type:** indicate whether the MWDBE is certified as an MBE, WBE or DBE
    Certifying Entity: list the entity with which the MWDBE is certified
16. **Types Of Subcontract Work Or Materials:** list the scope of work for which the MWDBE was solicited and/or will provide
17. **Date Solicited:** list the date you solicited the MWDBE
18. **Solicitation Method:** indicate whether you contacted the MWDBE by phone or email
19. **Quote Received:** if yes, check **Yes** and list the date you received the quote
    if no, check **No**
20. **Commitment Made** – if Yes, check **Yes** and fill in the date
    if no, check **No**
21. **Amount Committed** – list the estimated dollar amount and percentage of the total bid committed to the MWDBE
22. **Give Reason(s) If No Commitment Made:** explain why a commitment was not made with this MWDBE

NOTE: Fill out fields 9 through 22 for each MWDBE solicited, copying this form as necessary.

23. **Prepared By:** list the name of the individual who filled out the Participation Statement
24. **Title:** the job title of the individual who filled out the Participation Statement
25. **Signature:** signature of the individual who filled out the Participation Statement
26. **Date:** the date the Participation Statement was filled out

NOTE: Copy the form to list all MWDBEs solicited as necessary.

2.2 EXAMPLE OF ALLEGHENY COUNTY MWDBE PARTICIPATION STATEMENT

This form must be completed and submitted with your bid or proposal.

IFB or RFP Number: 1	Name of Prime Bidder or Proposer: 2		Contact Person: 3
Address: 4		Phone Number: 5	Email: 6
Tax ID #: 7	Is Your Firm MWDBE Certified? ☐ Yes ☐ No Certification Type: ☐ MBE ☐ WBE ☐ DBE Certifying Entity:		8

Attach a copy of your certification if you are counting your company's participation towards the MWDBE goals for this contract.

List below all MWDBEs that were solicited whether or not commitment was obtained.

MWDBE Sub Vendor Firm Name: 9		Tax ID #: 10		Contact Person: 11
Address: 12		Phone Number: 13		Email: 14
Certification Type: ☐ MBE ☐ WBE ☐ DBE Certifying Entity: 15		Types of Subcontract Work or Materials: 16		
Date Solicited: 17	Solicitation Method: ☐ Phone 18 ☐ Email	Quote Received: ☐ Yes 19 ☐ No	Commitment Made: ☐ Yes – Date: _____ ☐ No 20	Amount Committed: $ Amount: $_____ 21 % Of Total Bid: _____
Give Reason(s) If No Commitment Made: 22				

MWDBE Sub Vendor Firm Name: 9		Tax ID #: 10		Contact Person: 11
Address: 12		Phone Number: 13		Email: 14
Certification Type: ☐ MBE ☐ WBE ☐ DBE Certifying Entity: 15		Types of Subcontract Work or Materials: 16		
Date Solicited: 17	Solicitation Method: ☐ Phone 18 ☐ Email	Quote Received: ☐ Yes 19 ☐ No	Commitment Made: ☐ Yes – Date: _____ ☐ No 20	Amount Committed: $ Amount: $_____ 21 % Of Total Bid: _____
Give Reason(s) If No Commitment Made: 22				

Attach a copy of the certification of each MWDBE with whom a commitment has been made.

Prepared by: _____ 23 _____ **Title:** _____ 24 _____

Signature: _____ 25 _____ **Date:** _____ 26 _____

Copy this form as necessary.

2.3 ALLEGHENY COUNTY MWDBE PARTICIPATION STATEMENT

This form must be completed and submitted with your bid or proposal.

IFB or RFP Number:	Name of Prime Bidder or Proposer:		Contact Person:
Address:		Phone Number:	Email:
Tax ID #:	Is Your Firm MWDBE Certified? ☐ Yes ☐ No Certification Type: ☐ MBE ☐ WBE ☐ DBE Certifying Entity:		

Attach a copy of your certification if you are counting your company's participation towards the MWDBE goals for this contract.

List below all MWDBEs that were solicited whether or not commitment was obtained.

MWDBE Sub Vendor Firm Name:			Tax ID #:	Contact Person:
Address:		Phone Number:	Email:	
Certification Type: ☐ MBE ☐ WBE ☐ DBE Certifying Entity:			Types of Subcontract Work or Materials:	
Date Solicited:	Solicitation Method: ☐ Phone ☐ Email	Quote Received: ☐ Yes ☐ No	Commitment Made: ☐ Yes – Date: _____ ☐ No	Amount Committed: $ Amount: $_____ % Of Total Bid: _____
Give Reason(s) If No Commitment Made:				

MWDBE Sub Vendor Firm Name:			Tax ID #:	Contact Person:
Address:		Phone Number:	Email:	
Certification Type: ☐ MBE ☐ WBE ☐ DBE Certifying Entity:			Types of Subcontract Work or Materials:	
Date Solicited:	Solicitation Method: ☐ Phone ☐ Email	Quote Received: ☐ Yes ☐ No	Commitment Made: ☐ Yes – Date: _____ ☐ No	Amount Committed: $ Amount: $_____ % Of Total Bid: _____
Give Reason(s) If No Commitment Made:				

Attach a copy of the certification of each MWDBE with whom a commitment has been made.

Prepared by: _____ Title: _____

Signature: _____ Date: _____

Copy this form as necessary.

2.4 BIDDER/PROPOSER CONTACT INFORMATION

This form must be completed and submitted with your bid or proposal.

SPEC NUMBER: _____

SPEC TITLE: _____

_____

NAME OF BIDDER

OR PROPOSER: _____

MAILING ADDRESS: _____

_____

_____

WEBSITE: _____

***CONTACT PERSON:** _____

CONTACT PHONE: _____

CONTACT FAX: _____

CONTACT EMAIL: _____

*** Please list the individual at your company who deals with MWDBE concerns.**

3.1 ALLEGHENY COUNTY MWDBE PARTICIPATION WAIVER REQUEST FORM



If you have not made a good faith effort you cannot request a waiver.

If a good faith effort to utilize MWDBE contractors and/or suppliers has been performed and you have not completely met the MWDBE goals of 13% MBE and 2% WBE, the following is required in order to request an MWDBE participation waiver:

1. **Detailed proof of your good faith effort:**
   Please attach copies of your database search results and any other documentation illustrating that you have made a good faith effort to fulfill the County's goals.

2. **A brief description of what your business does:**

3. **Is there any inventory or supplies necessary for the completion of this project? Please answer yes or no. If yes, please provide a list of those items:**

4. **An active company supplier/subcontractor diversity policy:**
   Please attach a copy of your company's diversity policy that addresses good faith efforts to include MWDBEs on company letterhead. This request is for business diversity and not an Equal Employment Opportunity (EEO) policy that addresses workforce or employment (attached is a sample policy that may be used as a guide). If an active diversity policy does not exist, your company must be willing to develop and submit one within 45 days. If you need to request this 45-day extension, please do so below:

5. **A brief explanation as to why an MWDBE participation waiver is being requested:**

Prepared by: _____ **Signature:** _____ **Title:** _____

Company Name: _____ **Date:** _____

Sample Diversity Policy

It is the policy of XYZ Company to support the maximum practical utilization of certified MWDBEs by promoting diversity throughout our business practice. One way XYZ Company accomplishes this is by making a good faith effort to solicit the services of certified MWDBEs throughout our normal business practice, allowing maximum opportunity for MWDBEs to participate as subcontractors and/or suppliers.

Good faith efforts are made by searching MWDBE databases, contacting MWDBEs for relevant scopes of work and requesting quotes for services and/or supplies. Databases regularly searched are PA UCP: https://paucp.dbesystem.com/and PA DGS: http://www.dgs.internet.state.pa.us/suppliersearch. XYZ Company also partners with the following M/W/DBE organizations for assistance in locating MWDBEs: Agency 1, Agency 2, Agency 3.

To demonstrate XYZ Company's commitment to include certified MWDBEs in its business process, MWDBEs we have worked with or are currently working with include:

MWDBE 1:	Scope of Work
MWDBE 2:	Scope of Work
MWDBE 3:	Scope of Work