

## MBE/WBE Listings via the World-Wide Web

The Department of General Services' Minority/Women Business Enterprises Database is available on-line through the World-Wide Web. The direct address for the Minority/Women Business Enterprise Database is:

<http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx>

Grantees may now conduct their own searches for minority/women business enterprises for use in their projects. The searches can be done by specific commodity code and by county. Grantees conducting their own searches are to insure that their entire market area is searched.

If you experience any problems or have any questions, contact the Department of General Services at (717) 783-3119.

**PROCEDURES – INVITATIONS FOR BIDS (IFB)  
OR  
REQUEST FOR PROPOSALS (RFP)**

A. Advertisement – IFB only

All invitations to bid will include the following information:

“This bidder/offeror must submit documentary evidence of minority and women business enterprises who have been contacted and to whom commitments have been made. Documentation of such solicitations and commitments shall be submitted concurrently with the bid.”

B. Notification of MBE/WBE – IFB or RFP

The procedure for the City of St. Marys to notify the minority/women business community of contract opportunities will be as follows:

1. Notice of Invitation for Bid or Request for Proposals – A listing will be developed utilizing lists from the Department of General Services, Bureau of Contract Administration and Business Development (grantees may use the website at <http://www.dgsweb.state.pa.us/mbewbe/Vendorsearch.aspx> to develop a list) and/or lists from other local agencies that have developed comprehensive lists that they utilize in their programs. Grantees must ensure that searches are for firms within your market area and for the type of firms that may be utilized in the particular contract for which bids are being requested. (See Appendix 8 for a listing showing market areas). Once you have your listing, a copy of the Notice of Invitation for Bids or Request for Proposals will be sent by City of St. Marys to all MBE/WBE firms listed.
2. Other Notices – Notices are to be sent to the following organizations: (as appropriate):
  - Local Minority Churches and Organizations
  - Appropriate Minority/Women Contractor Associations
  - Appropriate Minority/Women Trade Organizations
3. Plans and Specifications – Plans and Specifications or Invitations for Bids on all projects will be made available to minority/women contractor associations and trade organizations.
4. List of Plan Holders – The names of bidders/offerors who have obtained bid documents will be made available to minority/women businesses upon request.
5. List of Minority/Women Businesses – Each bidder/offeror obtaining plans and specifications or requests for proposals for projects will be provided a list of minority/women businesses to be used in soliciting subcontract bids and for materials and services.

## **POLICY STATEMENT**

It is the public policy of the City of St. Marys to promote the opportunity for full participation by minority and women's business enterprises ("MBEs" and WBEs") in all housing and community development programs receiving funds from the Pennsylvania Department of Community and Economic Development.

**PARTICIPATION REQUIREMENTS FOR  
MINORITY/WOMEN BUSINESS ENTERPRISE (MBE/WBE)**

A. Construction Contracts (IFB's)

The City of St Marys has established minimum levels of participation for minority and women business enterprises (MBE/WBE) for each project in each bid category to be used solely as a guide in determining bidder responsibility. The minimum participation level for MBE's is 5% and for WBE's is 3%.

The following items will be placed in all bid documents:

1. Participation Level

- a. The City of St Marys has established Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) minimum participation levels (MPLs) of 5% for MBE and 3% for WBE of the dollar amount of the bid for this contract.
- b. These MPLs serve exclusively as a threshold in determining bidder responsibility. A bidder will not be rejected as "not responsible" solely because it fails to reach the MPLs. To determine the participation level, which has been reached, a bidder may divide the total dollar amount of the commitments by the total dollar amount of the bidder's bid.
- c. A firm which is both an MBE and a WBE will only receive credit toward MPL's as either an MBE or WBE, but not both. Bidders must indicate on form DCED-CCD-286, MBE/WBE Contact/Solicitation and Commitment Statement whether the firm is being listed as either an MBE or a WBE.
- d. An MBE/WBE firm who is the prime bidder on a project will receive no MPL credit for its' own work effort for services provided. MBE/WBE bidding as prime proposer must solicit other certified MBEs/WBEs participation for material and/or supplies.
- e. MBE/WBE subcontractors must perform at least seventy-five percent (75%) of the cost of the subcontract, not including the cost of materials, with its own employees.

2. Responsiveness

- a. Bidders must complete and submit Form DCED-CCD-286 with the bid. Failure to submit this form with the bid will result in the bid being rejected as nonresponsive.
- b. A bidder should only solicit MBE/WBE subcontractors, vendors, manufacturers or suppliers whose services, material or supplies are within the scope of work and which the bidder reasonably believes it will choose to subcontract with or purchase from.
- c. Bidders failing to meet the minimum levels of participation must submit concurrently with the bid, an explanation of why the MPLs have not been met. This explanation must demonstrate that the bidder has not engaged in discriminatory practices in solicitation and utilization of MBEs/WBEs contained on the solicitation list provided by the grantee to perform as subcontractors or suppliers of goods and services related to the performance of the contract. The evidence submitted by the bidder must demonstrate the following:
  - i. Indicate whether MBEs/WBEs were solicited for each type of work the bidder expects to subcontract for and for all materials which the bidder expects to procure and if not, the reason(s) why no such solicitation was made;

- ii. Indicate the reason why a MBE/WBE has not been committed to for a type of subcontract work or materials in any area where a quote was received from a MBE/WBE, and;
    - iii. In any case where no quotations are received nor commitments made to MBE or WBE firms, indicate on Form DCED-CCD-286 that no quotes were received and if there is another reason for no commitments being made, the reason for the lack of commitments.
  - d. If the bidder fails to submit such evidence, the bid submission shall be considered non-responsive and the bid rejected.
  - e. Information related to the above may be submitted on form DCED-CCD-286 or on additional paper.
- 3. Responsibility
  - a. The submittals of each bidder are subject to review to determine whether the bidder has discriminated in the selection of manufacturers, subcontractors and suppliers. If a bidder has met the MPLs for MBE/WBE participation, the bidder will be presumed not to have discriminated in their selections. Where the MPLs are not met, the City of St Marys will determine whether discrimination has occurred. If after investigation including a review of Form DCED-CCD-286, it is found that discrimination has occurred, the reviewed bidder shall there-by be deemed to be not responsible and the bid will be rejected.
  - b. Documentation submitted by the bidder should meet the following standards for review:
    - i. The bidder whose actions resulted in a limited or no commitment to MBEs/WBEs as not motivated by consideration of race or gender;
    - ii. MBEs/WBEs were not treated less favorably than other businesses in the contract solicitation and commitment process.
    - iii. Solicitation and commitment decisions were not based upon policies which disparately affect MBEs/WBEs.
  - c. Commitments to MBE and WBE firms made at the time of bidding must be maintained throughout the term of the contract, unless a change in commitment to these firms is preapproved by the City of St Marys or the administering agency performing the evaluation of Invitation for Bid submitted by the bidder should meet the following standards for review:
- 4. Access to Information

The City of St Marys may obtain documents and information from any bidder, contractor, subcontractor, supplier or manufacturer that may be required in order to ascertain bidder or contractor responsibility. Failure to provide requested information may result in the contractor being declared not responsible.

**PROCEDURES – CONTRACTOR COMPLIANCE PROCESS**

- A. Contract Provisions
  - 1. The following provisions will be included in construction contracts and/or in professional service contracts:
  - 2. Construction Contracts
    - a. The prime contractor must provide the City of St. Marys with a report of MBE/WBE subcontracting activity on a quarterly or per project basis, whichever is sooner. The report shall reflect the names of and the total dollar amount paid to all MBE/WBE subcontractors (including suppliers) utilized under this contract.
    - b. MBE/WBE Subcontractors must provide the City of St. Marys with a report reflecting the prime contractors who have purchased their services and/or supplies on a quarterly basis. The report shall reflect the name of the prime contractor and the total dollar amount invoiced and total dollar amount received for payment.
- B. Grantee Compliance Procedures
  - 1. A letter will be forwarded to the prime contractor by the City of St. Marys informing them of their quarterly or per project reporting requirements. In addition, a letter will be forwarded to all MBE/WBE subcontractors (copy to the prime contractor) informing them of their reporting requirements.
  - 2. The City of St. Marys will review all reports received from the prime contractor and all subcontractors to determine if the commitments made by the prime contractor in his/her bid are being met. If reports are submitted on a per project basis, this review is to be done prior to final payment being made to the contractor and/or subcontractor.
- C. Records and Reports

The contractor will keep such records as are necessary to determine compliance with its minority and women business enterprise commitments. These records must be in sufficient detail to indicate the number of minority and women businesses, the contract work performed, and the percentage of minority and women businesses performing work. Additionally, the contractor is required to maintain an open file for a specified period, during which time the contract compliance person may make periodic reviews of records pertaining to relevant contracts.

BE IT FURTHER RESOLVED, the Secretary of the City of St Marys, Elk County, Pennsylvania, is hereby directed to certify that the foregoing is a true and correct copy of the Revised MBE/WBE Policy duly adopted by a majority vote of the St. Marys City Council at a regular meeting held **July 21, 2014** and said Policy has been recorded in the Minutes of the City of St. Marys and remains in effect as of this date.

By:   
ROBERT HOWARD, Mayor

IN WITNESS THEREOF, I affix my hand and attach the seal of the City of St. Marys, this 21<sup>ST</sup> day of July, 2014.

Attest:

  
Secretary

(SEAL)