

APPENDIX G

MBE_WBE General Contractor's Requirements

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GENERAL CONTRACTOR'S RESPONSIBILITIES

PARTICIPATION RESPONSIBILITIES FOR GENERAL CONTRACTOR AND THEIR SUBCONTRACTORS

All recipients of federal funds, including general contractors and subcontractors, must make every effort to solicit bids from eligible MBE/WBEs. This information must be documented as described herein and as governed by all applicable federal requirements and laws pertaining to contracting with minority firms, women's business enterprises, and labor surplus area firms.

Bidders will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include the following:

- 1) Place qualified small and minority businesses and women's business enterprises on solicitation lists;
- 2) Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- 3) Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- 4) Establish delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- 5) Use the services and assistance of the Small Business Administration (www.sba.gov), and the Minority Business Development Agency of the Department of Commerce (www.mbda.gov).
- 6) Requiring the prime contractor, if subcontractors to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

To ensure and document that the affirmative steps outlined above were satisfied, all bidders shall submit to the EMWD **Forms A & B, with their bid to be considered a responsive bidder.**

Failure to take the necessary affirmative steps listed above, prior to bid opening, and to submit District forms A & B with the bid shall cause the bid to be rejected and deemed as a non-responsive bid.

Bidders shall take the steps listed below to assure that MBE/WBEs are used whenever possible as sources of construction, supplies, equipment or services. Failure to take the steps outlined below **prior to the bid opening**, and to submit EMWD Forms A & B at the time of bid, shall cause your bid to be rejected.

STEP 1

Include qualified MBE/WBEs on solicitation list (**Form A**) and record the information. If MBE/WBE sources **are not** located, explain why and describe the efforts made.

Bidders must send invitations to at least three (or all, if less than three) MBE/WBE firms for each item of work referred by sources contacted. The invitations must adequately specify the items for which bids are requested. The invitation must indicate a real desire for a positive response, such as a certified mail receipt or a documented telephone conversation. **An unanswered telephone call is not an adequate affirmative step).**

Record bids received from MBE/WBE subcontractors on the Bids Received List (**Form B**). If the bids received were not selected, explain why.

STEPS 2 & 5

To satisfy steps 2 & 5:

Bidders must use the services and assistance of the Small Business Administration (www.sba.gov), and the Minority Business Development Agency of the Department of Commerce (www.mbda.gov) and provide documentation that the local SBA and MBDA offices or web sites were notified of the bid opportunity at least **TEN (10) calendar days prior to bid opening** and solicitation to MBE/WBE subcontractors at least **FIVE (5) calendar days prior to the bid opening**. Documentation must not only include the efforts to contact the information sources and list the contract opportunity, but also the solicitation and response to the bid request.

STEP 3

Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises

STEP 4

Establish delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.

Submittal Requirements

Bidders shall compile information/documentation supporting the necessary affirmative efforts taken and submit to Eastern Municipal Water District (District) within THREE (3) business days following the bid opening date. The documentation submitted must include Forms A & B depicting all necessary documentation that SBA and MBDA offices or web sites were notified of the bid opportunity at least **TEN (10) CALENDAR days** prior to the bid opening and solicitation to MBE/WBE subcontractors at least **FIVE (5) CALENDAR days** prior to the bid opening. Documentation must not only include the efforts to contact the information sources and list the contract opportunity, but also the solicitation and response to the bid request.

All bidders shall submit 1 Flash Drive in searchable PDF format of the Good Faith Effort documentation no later than THREE (3) business days following the bid opening showing that prior to bid opening all necessary good faith efforts were made. Failure to provide documentation showing evidence of good faith efforts taken prior to bid opening will deem your bid package to be incomplete and cause your bid to be rejected.

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