

APPENDIX L

Contracting with Small and Minority Firms and Women's Business Enterprises

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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.

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) with their bids or otherwise, within three (3)* calendar 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 three **(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 2 complete sets to the District with the bid or otherwise, within THREE (3) calendar days following the bid opening. Failure to do so may deem bid non-responsive.

*** If day falls on a weekend, next business day.**

The District shall review the successful bidder's records to be sure that, prior to bid opening, all the necessary affirmative steps were made. Failure of the low bidder to follow the process and provide the necessary information to the District could jeopardize the bidding process.

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