

# Minority/Women and Disadvantaged Business Enterprise Response – Checklist

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**MANDATORY: You must perform a good faith effort prior to requesting an M/W/DBE participation waiver.**

## Section 1 – M/W/DBE Response Instructions for Proposers

### 1.1 Overview

The Minority, Women and Disadvantaged Business Enterprise Department (M/W/DBE) 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 M/W/DBE 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 M/W/DBEs can be found through the website ([www.paucp.com](http://www.paucp.com)). Please note that other M/W/DBE 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 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 M/W/DBEs who have the capability to perform the work of the contract. The proposer must solicit this interest within sufficient time to allow the M/W/DBEs to respond to the solicitation. The proposer must determine with certainty if the M/W/DBEs are interested by taking appropriate steps to follow up initial solicitations.

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

C. Providing interested M/W/DBEs 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 M/W/DBEs. It is the proposer's responsibility to make a portion of the work available to M/W/DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available M/W/DBE subcontractors and suppliers, so as to facilitate M/W/DBE participation. Evidence of such negotiation includes the names, addresses, email and telephone numbers of M/W/DBEs 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 M/W/DBEs to perform the work.

(2) A proposer using good business judgment would consider a number of factors in negotiating with subcontractors, including M/W/DBE 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 M/W/DBEs is not in itself sufficient reason for a proposer's failure to meet the contract M/W/DBE goal, as long as such costs are reasonable. Also, the ability or desire of a proposer to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Proposers are not, however, required to accept higher quotes from M/W/DBEs if the price difference is excessive or unreasonable.

E. Not rejecting M/W/DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The 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 contractor's efforts to meet the project goal.

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

G. Making efforts to assist interested M/W/DBEs 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 M/W/DBEs.

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

### 1.3 Completing Attached Documents:

The steps necessary to move through the M/W/DBE documents are as follows and must be completed in the following order to the satisfaction of the M/W/DBE Department:

#### \*Step 1

The proposer must make a “good faith effort” to identify M/W/DBE firms to participate on work if they are the successful proposer. Please refer to **Section 1.2 Good Faith Effort Guidance**.

#### \*Step 2

Your next step is to complete the “**M/W/DBE Participation Statement.**” This is the form you will use to list the results of the “good faith efforts” you have made to identify M/W/DBE 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 M/W/DBE Participation Statement
2. Allegheny County M/W/DBE Participation Statement – Highlighted Example
3. Allegheny County M/W/DBE 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 M/W/DBE certification of any firms you intend to utilize with the corresponding Allegheny County M/W/DBE Participation Statement.
  - These forms should be signed and dated.
4. M/W/DBE 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 M/W/DBE 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 M/W/DBE participation or securing enough M/W/DBE 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 proposer’s obligation, at the time of award, to meet the M/W/DBE 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 M/W/DBE 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 M/W/DBE 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 M/W/DBE Department 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 M/W/DBE goals of Allegheny County have been met to the greatest extent possible.

**Please leave no blanks or questions unanswered.**