

## Supplier Diversity Contractor Compliance Program Reminders

### Check List for Required Documents Competitive Bid Process

1. Complete the MSD Data Sheet #1 and #1A in their entirety.
  - The MBE Subcontracting goal is 15% of the total cost of the project.
  - The WBE subcontracting goal is 6% of the total cost of the project.
  - Companies classified as both MBE and WBE firms can be used to meet either the minority or the woman business goal, but not both. The intent of the program is to include a minimum of two different M/WBE subcontractors.
2. M/WBE firms bidding as prime contractors are expected to meet the M/WBE subcontracting goals of 15% and 6% also. The goals must be met by utilizing a minimum of two M/WBE firms other than themselves. In other words, the M/WBE firm bidding as prime contractor can not fulfill both the prime and subcontractor roles.
3. Attach a copy of the subcontractor's proposal to your Data Sheets including:
  - The signature of the subcontractor.
  - The scope of work to be performed.
  - The total dollar amount of the proposal.
4. All M/WBE subs are responsible for obtaining quotes for materials, equipment and labor to perform their subagreements. General contractors are not to compute costs for the subs. Should MSD determine that prime contractors are providing the M/WBE quotes, MSD reserves the right to reject the bid based on findings that the bid is not responsible.
  - Return completed Bid Certificates for each M/WBE subcontractor with your bid.
5. M/WBE subcontractors must be certified prior to the bid opening date. Companies may be selected from MSD's website.
  - For the most current M/WBE contractors list, please access our database of certified M/WBEs at <http://www.msdlouky.org/insidemsd/diverse/find.html>, or
  - Call June Embers at 502/540-6350 or [embers@msdlouky.org](mailto:embers@msdlouky.org). If you get voicemail, please leave your name, fax number, email address and your request.
6. Subcontracting plans must make good business sense, and add value to your project team. Select M/WBE subcontractors to perform the type of work they have been certified to do.
  - For example, make materials purchases through material suppliers rather than general contractors unless you plan to use the general contractor to install the material.
7. You may count the following amounts toward meeting the M/WBE subcontracting goals as follows:

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(Capital Projects)*

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- 100% of the cost of labor.
  - 100% of the cost of material and labor to install a finished product.
  - 100% of the cost of materials purchased from a manufacturer
  - 100% of the cost of a material purchase.
  - The % commission or profit margin of material purchases made from brokers or manufacturers' agents.
8. If you are having difficulty meeting the goals, you may request a waiver. Please refer to the section entitled, "Waiver of Goals" of the Contractor Compliance Program for the complete waiver process. Waiver requests must be made in writing to the Diversity Department by 5 p.m. on the waiver request due date published in the Invitation to Bid.
- Assistance in meeting the 15% and 6% M/WBE subcontracting goals may be received by calling Joy L. Walker, Diversity Assistant, at 502/540-6503 or [walker@msdlouky.org](mailto:walker@msdlouky.org) several days in advance of the bid. It is our goal to help you submit a successful bid.
9. Once the bids are opened, MSD will not discuss the bids during the bid evaluation period. This period ends when the MSD Board approves the award of the project.
- At this time, bidders who have been found non-responsive to the M/WBE Procurement Program will be contacted in writing, and requested to meet with the Diversity Analyst to discuss MSD's M/WBE Procurement Program and our bidding and evaluation process.
10. Fifteen (15) days after the award of the contract, the prime contractor must provide a copy of the signed agreements for all work to be performed by certified M/WBEs, unless this requirement has been waived by the Executive Director. The agreements must be with the M/WBE subcontractors identified on the contractor's Bid Form unless "just cause" is shown by the prime contractor. Prime contractors may add certified M/WBE subcontractors to the project after the contract award as long as a copy of the signed agreements are provided to MSD. Deleting an M/WBE subcontractor requires prior approval from MSD in accordance with the section entitled "Other Requirements" of the Contractor Compliance Program.
- Prime and subcontractor signatures
  - Scope of work
  - Total dollar amount

The prime contractor will not be issued a notice to proceed until all M/WBE subagreements are reviewed and approved by the Diversity Analyst.

11. All MSD construction projects are subject to field monitoring to ensure compliance with the Contractor Compliance Program.

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12. Any problems, concerns or changes in the M/WBE subcontracting plan must be presented to the Diversity Analyst for resolution or approval.

The MSD M/WBE Subcontracting Goals are an element of responsiveness to the bid. Failure to meet both goals, without an approved waiver, will be grounds for rejection of the bid as non-responsive.

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