

MINORITY & WOMEN BUSINESS ENTERPRISE REQUIREMENTS FOR DESIGNERS CHAPTER 193 ACTS OF 2004

GENERAL

To comply with the City of Cambridge Minority Business Enterprise requirements (MBE) and the Commonwealth of Massachusetts Construction Reform laws, Architects must submit Minority Business Enterprise (MBE) Forms and Womens Business Enterprise, (WBE) forms with its bid. The process is explained below. Failure to meet the requirements may result in automatic disqualification of the bidder. Upon request or upon its own initiative, the City may grant an extension of time for submission of the appropriate MBE/WBE Forms. Extensions shall be granted only upon a finding by the City that the bidder's failure to submit the appropriate MBE/WBE forms was excusable.

PROCEDURE

Steps you should take to comply with the City's MBE & Chapter 193 Acts of 2004 requirements are as follows:

- Consult the State Office of Minority and Women Business Assistance (SOMWBA) Certified Minority/Women Business Directory Only MBE & WBE firms approved by SOMWBA will be accepted by the City of Cambridge.
- Attempt to develop a bid that includes at least ten percent (8%) of your total bid price in the form of work sub-contracted to (or materials purchased from) one or more Minority Businesses.
- Attempt to develop a bid that includes at least four percent (4%) of your total bid price in the form of work sub-contracted to (or Materials purchased from) one or more Women Business Enterprises.

To reach the MBE & WBE goals, you (the Architect) must contact as many of the sub-contractors or suppliers in the SOMWBA directory as necessary. Please note that MBE/WBE FORM #3 - CONTRACT REQUEST-FOR-EXTENSION and MBE/WBE FORM #4 - INFORMATION ON UNSUCCESSFUL CONTACT require you to provide a list of each firm contacted and other related information.

If you are successful in achieving or exceeding the 8% MBE & 4% WBE goals you must:

- A. Complete and submit MBE/WBE FORM #1 – ARCHITECT'S CERTIFICATION OF COMPLIANCE.
- B. Have your participating SOMWBA sub-contractor complete MBE/WBE FORM #2 - LETTER OF INTENT TO PARTICIPATE, to be submitted with your bid.

If you are unsuccessful securing SOMWBA certified businesses to fulfill the MBE & WBE goals then complete and submit with your bid MBE/WBE FORM#3 – ARCHITECT'S REQUEST FOR EXTENSION and MBE/WBE FORM #4 - INFORMATION ON UNSUCCESSFUL MBE CONTACT.

SOMWBA (617) 973-8692

www.somwba.state.ma.us/

Cynthia H. Griffin, Purchasing Agent - 617 349-4310

Nancy Mcleod, Construction Procurement Manager – 617-349-4316

Duane Brown, Affirmative Action Director - 617 349-4331 or email

www.dbrown@cambridgema.gov

MINORITY/WOMEN BUSINESS ENTERPRISE PROGRAM

COMPLIANCE DETAILS

PERCENTAGE OF MBE PARTICIPATION - percentage of MBE participation shall be that percentage of the total bid price represented by the amount to be paid to MBE(s). The Architect's compliance with the percentage requirement shall continue to be determined by reference to the above-described method throughout the term of the contract, even though the actual may be greater or less than the bid price. The Architect shall submit to the Minority Business Compliance Officer signed copies of its subcontracts with all MBE's involved in meeting the percentage of Minority Business Enterprise Requirement.

PERCENTAGE OF WBE PARTICIPATION - percentage of WBE participation shall be that percentage of the total bid price represented by the amount to be paid to WBE(s). The Architect's compliance with the percentage requirement shall continue to be determined by reference to the above-described method throughout the term of the contract, even though the actual may be greater or less than the bid price. The Architect shall submit to the Minority Business Compliance Officer signed copies of its subcontracts with all WBE's involved in meeting the percentage of Women Business Enterprise Requirement.

ROLE of the MBE/WBE REVIEW COMMITTEE - The MBE Review Committee shall have referred to it by the Purchasing Agent and the Minority Business Compliance Officer all questions of interpretation of the MBE/WBE Program that arise during the Program's operation. The MBE Review Committee shall have the responsibility and authority to respond with binding answers to these questions. It also has the responsibility and authority to recommend to the City Manager whatever improvements it believes can be made in the program, based on operating experience.

CHANGES OF MBE/WBE STATUS - Any change or substitution of the officers or stockholders in a participating MBE/WBE company that reduces the minority ownership or control to less than the requisite percentage will immediately rescind the MBE/WBE designation previously given by SOMBWA. The Architect shall immediately notify the Minority Business Compliance Officer upon learning of such a change in status. In this event, the Architect shall submit to the Minority Business Compliance Officer a revised Architect Certification of Compliance with MBE/WBE Requirements, showing how the lost participation will be replaced.

SANCTIONS

- A. If the Architect does not comply with the terms of the Minority Business Enterprise requirements of the contract, the City may (1) suspend any payment for the activity that should have been performed by the MBE/WBE pursuant to the contract, or (2) require specific performance of the Architect's obligation by requiring the Architect to sub contract with any MBE/WBE for any contract or specialty item at the contract price established for that item in the proposal submitted by the Architect.
- B. To the extent that the Architect has not Complied with the MBE/WBE requirements of the contract, the City may retain an amount determined by multiplying the bid price of this contract by the required percentage of MBE/WBE participation, less the amount paid to the MBE/WBE for work performed under the contract and any payments already suspended under "A" above.
- C. In addition, or as an alternative, to the remedies under "A" and "B" above, the City may suspend, terminate, or cancel this contract, in whole or in part, or may call upon the Architect's surety to perform all terms and conditions in the contract, unless the Architect is able to demonstrate its compliance with the MBE/WBE requirements, and may further deny to the Architect the right to participate in any future contracts awarded by the City for a period of up to three years.
- D. In any proceeding involving the imposition of sanctions by the City, no sanctions shall be imposed if the City finds that the Architect has taken every possible measure to comply with

MBE/WBE requirements, or that some other justifiable reason exists for waiving the MBE requirements in whole or part.

- E. Any Architect shall provide such information as is necessary in the judgment of the City to ascertain its compliance with the MBE/WBE Requirements.
- F. No sanctions shall be imposed by the City except in an adjudicatory proceeding under Chapter 30A of the General Laws.
- G. Any Architect shall have the right to request suspension of any sanctions imposed by the City upon showing that it is once again in compliance with the MBE/WBE Requirements.

**ARCHITECT'S CERTIFICATION OF COMPLIANCE
Minority Business Enterprise Requirements**

**FORM
1
M.B.E.**

Name & Address of Participating Minority Bus. Enterprises	Name of Participant	Dollar Value of Participation
1.		
2.		
3.		
4.		
5.		
6.		
7.	GRAND TOTAL FOR MINORITY BUSINESS COMMITMENT	\$
8.	PERCENTAGE MBE PARTICIPATION (Line 7 Divided by tot. bid price)	%

The below-signed Architect certifies that it will honor the above Minority Business Enterprise Commitment and that it understands that a breach of this commitment constitutes a breach of the contract.

Date

Architect

Authorized Signature

Business Address

**LETTER OF INTENT TO PARTICIPATE
Minority Business Enterprise Requirements**

**FORM
2
M.B.E.**

TO: _____
(Name of MBE)

1. My company intends to perform work under the above-identified contract as:
 _____ an individual
 _____ a partnership
 _____ a corporation
 _____ a joint venture with _____
 _____ other (explain) _____

2. My company has been certified by the State Office of Minority and Woman Owned Business Assistance (SOMBWA) as a Minority Business Enterprise and is listed as such in the most recently issued SOMBWA Minority Business Directory. I hereby certify that my company's qualification as a Minority Business Enterprise have not changed since its application was submitted to SOMBWA. I further certify that my company will give immediate notification in writing to both SOMBWA and your Company in the event that its minority ownership, control, or management should change.

3. My company understands that if your company is awarded the contract, your company intends to enter into an agreement with my company to perform the activity described below for the prices indicated. My firm also understands that your firm, as the Architect, will make substitutions and quantity changes only as allowed or required by the provisions of the contract with the City of Cambridge.

ITEM NO	DESCRIPTION OF MY COMPANY'S ACTIVITY*	QUANTITY	UNIT PRICE	AMOUNT

TOTAL AMOUNT\$

* Description of Activity should include notations such as "Labor Only", "Material Only", etc.

Date

MBE

Authorized Signature

Business Address

**ARCHITECT'S REQUEST FOR EXTENSION
Minority Business Enterprise Requirements**

**FORM
3
M.B.E**

**ARCHITECT'S REQUEST-FOR-EXTENSION OF MINORITY BUSINESS ENTERPRISE
REQUIREMENTS**

The below-signed Architect certifies that it made a good faith effort to develop the required **8% (M.B.E.)** Minority Business Enterprise participation in this contract, but was able to develop only **MBE _____ %**.

The below-signed Architect further certifies that it contacted the below-listed firms from the SOMBWA MINORITY BUSINESS DIRECTORY supplied by the City of Cambridge Purchasing Department with the Bidding Documents; that said contracts were bona fide efforts to develop the required Minority Business Enterprise participation in the above-identified contract but were unsuccessful due to circumstances beyond the control of the Architect; and that the information given on the following pages about each contract has made is accurate and complete.

MBE Companies Contacted

- | | |
|-----------|-----------|
| 1. _____ | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | 19. _____ |
| 10. _____ | 20. _____ |

The below-signed Architect therefore requests that the City of Cambridge grant an extension of ten working days in order to provide the Architect an opportunity to secure the required percentage of Minority Business participation.

Date

Architect

Authorized Signature

Business Address

INFORMATION ON UNSUCCESSFUL MBE CONTACT
Minority Business Enterprise Requirements

FORM
4
M.B.E.

Additional copies of this information form shall be prepared by the Architect in the quantity necessary to comply with bidding requirements.

ITEM NO. ON REQUEST-FOR-EXTENSION _____

NAME OF MBE COMPANY CONTACTED _____

ADDRESS _____

TELEPHONE NO. _____

DATE OF INITIAL CONTACT _____

HOW WAS CONTACT MADE? (Check appropriate answer) ___Telephone ___ in person___internet

SUB-CONTRACT WORK OFFERED TO THIS MBE COMPANY _____

RESULT OF CONTACT (Check appropriate answer) MBE FIRM DECLINED JOB _____;

MBE FIRM OFFERED TO DO JOB AT PRICE OF \$ _____, WHICH WAS DETERMINED BY

OUR COMPANY TO BE TOO HIGH _____; MBE COMPANY OFFERED TO DO THE JOB AT A PRICE

OF \$ _____, WHICH WAS SATISFACTORY, BUT THE MBE COMPANY WAS JUDGED BY OUR

COMPANY TO BE UNQUALIFIED FOR THE JOB _____.

OTHER _____

NAME AND TITLE OF THE MBE COMPANY OFFICER WHO CAN VERIFY ABOVE INFORMATION AS
TO MBE COMPANY'S RESPONSE _____

It is certified herewith by the below-signed officer of the Architect that the above information is accurate and complete.

Date

Architect

Authorized Signature

Business Address

**ARCHITECT'S CERTIFICATION OF COMPLIANCE
Women Business Enterprise Requirements**

**FORM
1
W.B.E.**

Name & Address of Participating Women Bus. Enterprises	Name of Participant	Dollar Value of Participation
1.		
2.		
3.		
4.		
5.		
6.		
7.	GRAND TOTAL FOR WOMEN BUSINESS COMMITMENT	\$
8.	PERCENTAGE WBE PARTICIPATION (Line 7 Divided by tot. bid price)	%

The below-signed bidder certifies that it will honor the above Women Business Enterprise Commitment and that it understands that a breach of this commitment constitutes a breach of the contract.

Date

Architect

Authorized Signature

Business Address

**LETTER OF INTENT TO PARTICIPATE
Women Business Enterprise Requirements**

**FORM
2
W.B.E.**

TO: _____
(Name of WBE)

1. My company intends to perform work under the above-identified contract as:
 _____ an individual
 _____ a partnership
 _____ a corporation
 _____ a joint venture with _____
 _____ other (explain) _____

2. My company has been certified by the State Office of Minority and Woman Owned Business Assistance (SOMBWA) as a Women Business Enterprise and is listed as such in the most recently issued SOMBWA Women Business Directory. I hereby certify that my company's qualification as a Women Business Enterprise have not changed since its application was submitted to SOMBWA. I further certify that my company will give immediate notification in writing to both SOMBWA and your Company in the event that its minority ownership, control, or management should change.

3. My company understands that if your company is awarded the contract, your company intends to enter into an agreement with my company to perform the activity described below for the prices indicated. My firm also understands that your firm, as Architect, will make substitutions and quantity changes only as allowed or required by the provisions of the contract with the City of Cambridge.

ITEM NO	DESCRIPTION OF MY COMPANY'S ACTIVITY*	QUANTITY	UNIT PRICE	AMOUNT

TOTAL AMOUNT\$

* Description of Activity should include notations such as "Labor Only", "Material Only", etc.

Date

Architect

Authorized Signature

Business Address

**ARCHITECT'S REQUEST FOR EXTENSION
Women Business Enterprise Requirements**

**FORM
3
W.B.E.**

ARCHITECT'S REQUEST-FOR-EXTENSION OF WOMEN BUSINESS ENTERPRISE REQUIREMENTS

The below-signed Architect certifies that it made a good faith effort to develop the required **4% (W.B.E.)** Women Business Enterprise participation in this contract, but was able to develop only **WBE_____%**

The below-signed Architect further certifies that it contacted the below-listed firms from the SOMBWA WOMEN BUSINESS DIRECTORY supplied by the City of Cambridge Purchasing Department with the Bidding Documents; that said contracts were bona fide efforts to develop the required Women Business Enterprise participation in the above-identified contract but were unsuccessful due to circumstances beyond the control of the Architect; and that the information given on the following pages about each contract has made is accurate and complete.

WBE Companies Contacted

- | | |
|-----------|-----------|
| 1. _____ | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | 19. _____ |
| 10. _____ | 20. _____ |

The below-signed Architect therefore requests that the City of Cambridge grant an extension of ten working days in order to provide the Architect and opportunity to secure the required percentage of Minority Business participation.

Date

Architect

Authorized Signature

Business Address

INFORMATION ON UNSUCCESSFUL WBE CONTACT
Women Business Enterprise Requirements

FORM
4
W.B.E.

Additional copies of this information form shall be prepared by the Architect in the quantity necessary to comply with bidding requirements.

ITEM NO. ON REQUEST-FOR-EXTENSION _____

NAME OF WBE COMPANY CONTACTED _____

ADDRESS _____

TELEPHONE NO. _____

DATE OF INITIAL CONTACT _____

HOW WAS CONTACT MADE? (Check appropriate answer) ___Telephone ___ in person___internet

SUB-CONTRACT WORK OFFERED TO THIS WBE COMPANY _____

RESULT OF CONTACT (Check appropriate answer) WBE FIRM DECLINED JOB ____; WBE FIRM OFFERED TO DO JOB AT PRICE OF \$ _____, WHICH WAS DETERMINED BY OUR COMPANY TO BE TO HIGH ____; WBE COMPANY OFFERED TO DO THE JOB AT A PRICE OF \$ _____, WHICH WAS SATISFACTORY, BUT THE WBE COMPANY WAS JUDGED BY OUR COMPANY TO BE UNQUALIFIED FOR THE JOB _____.

OTHER _____

NAME AND TITLE OF THE MBE COMPANY OFFICER WHO CAN VERIFY ABOVE INFORMATION AS TO MBE COMPANY'S RESPONSE _____

It is certified herewith by the below-signed officer of the Architect that the above information is accurate and complete.

Date

Architect

Authorized Signature

Business Address