



## EXHIBIT G

### **REQUIREMENTS FOR SUBCONTRACTING WITH SMALL BUSINESSES AND MINORITY BUSINESSES, WOMEN BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS.**

#### **I. INSTRUCTIONS.**

Any Prime Contractor awarded a contract pursuant to this procurement must agree to comply with the subcontracting requirements set forth below. Please note that the capitalized terms used in this document are defined below in § VII.

**(1) Please read this document carefully; (2) sign the acknowledgement; and (3) complete and sign the attached “Bidder’s Proposed M/WBE Participation Form.”**

#### **II. OVERVIEW.**

Any contract resulting from this procurement must comply with: (1) the requirements in the Jacksonville Housing Authority’s Procurement Policy (the “Policy”) and the Code of Federal Regulations (the “Code”) regarding Subcontracting with small and minority owned businesses, women business enterprises, and labor surplus area firms (the “Policy Requirements”); and (2) the Jacksonville Housing Authority’s goal regarding Subcontracting with minority business enterprises and women business enterprises (the “JHA’s Goal”). Any person or firm that receives an award pursuant to this procurement must take affirmative steps to comply with the Policy Requirements and must use their best efforts to meet the JHA’s Goal. The Policy Requirements and the JHA’s Goal are described in detail below.

#### **III. THE POLICY REQUIREMENTS.**

Pursuant to the Policy, at § 15, and the Code, at 2 CFR § 200.321, if a Prime Contractor awarded a contract pursuant to this procurement lets Subcontracts, then the Prime Contractor must take affirmative steps to assure that, when possible, Subcontracts are let to Small Business Enterprises (“SBEs”), Minority Businesses Enterprises (“MBEs”), Women Business Enterprises (“WBEs”), and Labor Area Surplus Firms (“LASFs”). The affirmative steps a Prime Contractor who lets Subcontracts must take are:

- Placing SBEs, MBEs, and WBEs, on solicitation lists;
- Assuring that SBEs, MBEs, and WBEs, are directly solicited for bids or proposals whenever such entities are potential sources to perform Subcontracts;
- Dividing total job requirements, whenever economically feasible, into smaller tasks or quantifies to permit maximum participation by SBEs, MBEs, and WBEs, in a given project;
- Establishing delivery schedules, when the requirement permits, that encourage participation by SBEs, MBEs, and WBEs;



- Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce; and
- Including in Subcontracts, to the greatest extent feasible, a clause that requires Subcontractors to provide opportunities for training and employment for lower income persons who reside in the project area.

The affirmative steps listed above shall remain in effect for the duration of the Prime Contract awarded pursuant to this procurement. The JHA encourages Prime Contractors to implement these steps when acquiring the materials they need to perform their obligations under the Prime Contract.

#### IV. THE JHA'S GOAL.

##### A. Overview of the JHA's Goal and related requirements.

In addition to taking the affirmative steps outlined above in § III, a Prime Contractor who anticipates using Subcontracts to complete any work associated with this procurement must use its best efforts to satisfy the JHA's Goal regarding the participation of MBEs and WBEs in work under contracts awarded by the JHA. The JHA's Goal, as adopted by its Board of Commissioners, is that when Subcontracts are being let, at least 30% of the Prime Contract's total dollar amount is subcontracted to MBEs or WBEs, with at least 15% of the Prime Contract's total dollar amount being subcontracted to MBEs, and at least 15% being subcontracted to WBEs.

In furtherance of the JHA's Goal, a Prime Contractor awarded a contract under this procurement who intends to let Subcontracts must use its best efforts to Subcontract with MBEs and WBEs. **Specifically, a Prime Contractor letting Subcontracts must use its best efforts (1) to Subcontract at least 15% of the Prime Contract's total dollar amount to MBEs, and (2) to Subcontract at least 15% of the Prime Contract's total dollar amount to WBEs. A Prime Contractor's obligation to use its best efforts to subcontract with MBEs and WBEs in accordance with the JHA's Goal shall remain in effect for the duration of the Prime Contract, shall apply in any instance that the Prime Contractor lets Subcontracts, and shall apply equally to all Prime Contractors letting Subcontracts, regardless of whether the Prime Contractor is itself a MBE or WBE.**

A Prime Contractor must document its use of best efforts to meet the JHA's Goal. Generally, written evidence of a Prime Contractor's attempts to Subcontract with MBEs and WBEs shall suffice to document a Prime Contractor's best efforts. Written evidence may include, but is not necessarily limited to, emails, phone logs, or correspondence showing that a Prime Contractor attempted to Subcontract with MBEs and WBEs by, at a minimum, soliciting bids or quotes. In addition, upon request, the JHA may assist contractors in identifying MBEs and WBEs (but, requesting such assistance, standing alone, is not sufficient to show best efforts).



Documentation of the Prime Contractor's best efforts to meet JHA's Goal for new developments and the acquisition of existing developments may include the following:

- Provision of evidence that the Prime Contractor implemented a community-centric action plan in which the Prime Contractor engages with community in which the development is located and provides the community with information about both the development and the Prime Contractor's commitment to utilizing MBE and WBE subcontractors.
- Establishment and maintenance of a page on the Prime Contractor's website that informs potential bidders for Subcontracts about the development's project schedule and the bidding timeline to ensure MBEs and WBEs are able to satisfy bid requirements.
- Solely for acquisitions, a Prime Contractor may demonstrate its use of best efforts to meet JHA's Goal by providing written evidence that on and after the first anniversary of acquisition closing, or immediately after the expiration or termination of existing contracts for the maintenance and operation of the development, the Prime Contractor made significant community output efforts to reach a goal of providing Subcontracts to MBEs and WBEs that supplied work valued at an amount equal to no less than 30% of the development's total annual operating budget, with at least 15% of the development's total annual operating budget being subcontracted to MBEs, and at least 15% of the development's total annual operating budget being subcontracted to WBEs.

A community-centric action plan or significant community output efforts to meet JHA's Goal should include best efforts to achieve participation from MBEs and WBEs in all of the following areas: (i) predevelopment services such as banking, inspections and design services; (ii) construction services with general contractors and subcontractors; and (iii) operational services such as maintenance and property management for the development along with the provision of goods associated with such services. A Prime Contractor's duty to document its best efforts to meet the JHA's Goal shall remain in effect for the duration of the Prime Contract and shall apply to all Prime Contractors awarded a contract pursuant to this procurement. The JHA encourages Prime Contractors to use their best efforts to procure from MBEs and WBEs the materials necessary for the Prime Contractor to perform its obligations under the Prime Contract.

A Prime Contractor's duty to document its best efforts to meet the JHA's Goal shall remain in effect for the duration of the Prime Contract and shall apply to all Prime Contractors awarded a contract pursuant to this procurement. The JHA encourages Prime Contractors to use their best efforts to procure from MBEs and WBEs the materials necessary for the Prime Contractor to perform its obligations under the Prime Contract.



**V. CONTRACTOR’S AGREEMENT TO COMPLETE REQUIRED FORMS AND TO COOPERATE WITH THE JHA REGARDING THE POLICY REQUIREMENTS AND THE JHA GOAL.**

**All respondents to this procurement who anticipate letting subcontracts must complete and return the attached “Bidders Proposed M/WBE Participation Form” (the “Form”).**

Respondents should include the Form in their response to this procurement; in addition, information documenting the respondent’s use of best efforts to subcontract with MBEs and WBEs should accompany the Form. If it does not anticipate letting subcontracts, a respondent must, along with its response, inform the JHA of same, and provide a brief explanation of why no subcontracts will be let. The JHA will consider as non-responsive any response that fails to include a completed Form; the JHA will, however, allow respondents an opportunity to cure a failure to include the Form with a response.

In addition to completing and submitting the Form to the JHA, any entity awarded a contract by the JHA pursuant to this procurement must provide “M/WBE Confirmation of Payment Form(s),” as necessary or as requested by the JHA. Prime Contractor must also submit proof of payments to SBEs, MBEs, WBEs, and LASFs, as requested by the JHA, or as otherwise is required by law.

**VI. CONSEQUENCES FOR FAILING TO TAKE THE AFFIRMATIVE STEPS MANDATED BY THE POLICY REQUIREMENTS OR USING BEST EFFORTS TO MEET THE JHA’S GOALS.**

If a Prime Contractor letting subcontracts does not take the affirmative steps mandated by the Policy Requirements, use its best efforts to meet the JHA’s Goal, or cooperate with the JHA with respect to the requirements set forth herein, the JHA reserves the right to refuse to award a contract to the Prime Contractor, to deem the Prime Contractor’s response to a solicitation non-responsive, to terminate an existing contract with the Prime Contractor, and to bar the Prime Contractor from being awarded any future contracts by the JHA.

**VII. DEFINITIONS.**

- “Code” means the Code of Federal Regulations.
- “Form” means the “Bidders Proposed M/WBE Participation Form” included with this procurement.
- “JHA” means the Jacksonville Housing Authority, and, for the purposes of the requirements set forth herein, the JHA’s affiliates and any property management company procuring work or services for the benefit of a property owned by the JHA or its affiliates.
- “JHA’s Goal” shall have the meaning set forth above in § 3.



- “LASFs” refers to labor area surplus firms. Labor area surplus firms are businesses that will expend more than fifty percent of the cost of performing a contract in areas of concentrated unemployment or underemployment, as defined by the Department of Labor and promulgated at 20 CFR Part 654.
- “MBE(s)” refers to minority business enterprises. Minority business enterprises are businesses that are at least fifty-one percent owned by one or more minority group members, or, in the case of a publicly owned business, a business where at least fifty-one percent of the business’s voting stock is owned by one or more minority group members and whose management and daily operations are controlled by one or more such individuals. Minority group members include but are not necessarily limited to: (a) Black Americans; (b) Hispanic Americans; (c) Native Americans; (d) Asian-Pacific Americans; (e) Asian-Indian Americans; and (f) Hasidic Jewish Americans.
- “Policy” means the Jacksonville Housing Authority’s Procurement Policy.
- “Policy Requirements” shall have the meaning set forth in § II above.
- “Prime Contract(s)” means the contract awarded pursuant to this procurement that is between a respondent to the solicitation and the JHA. For all purposes herein, the term is inclusive of all change orders or amendments to the initial contractor entered between the Prime Contractor and the JHA.
- “Prime Contractor(s)” means the person or entity who responds to this procurement and is awarded a contract by the JHA.
- “SBEs” refers to small business enterprises. Small business enterprises are businesses that are independently owned, not dominant in their field of operation, and not an affiliate or subsidiary of a business that is dominant in its field of operation.
- “Subcontract(s)” means the contract between the Prime Contractor and a Subcontractor entered to accomplish all or a part of the Prime Contractor’s obligations under its contract with the JHA that results from this procurement.
- “Subcontractor(s)” means a person or entity who the Prime Contractor contracts with to perform a part or all of the Prime Contractor’s obligations under the Prime Contractor’s contract with the JHA that results from this procurement.
- “WBEs” refers to women business enterprises. Women business enterprises are businesses that are at least fifty-one percent owned by a woman who is a United States citizen, or by women who are United States citizens and who control and operate the business.