

CITY OF MINNEAPOLIS SMALL AND UNDERUTILIZED BUSINESS PROGRAM (SUBP) GOOD FAITH EFFORTS CHECKLIST

If the SUBP goals for the project have not been met, then a Good Faith Efforts Review will be conducted by the Department of Civil Rights Contract Compliance Division (CCD). The following checklist should be used during bid solicitation to demonstrate the efforts that were made to meet the SUBP goals. This checklist will need to be submitted to CCD if a Good Faith Effort Review is warranted. Per City ordinance (Chapter 423), there are seven factors that may be considered to determine whether or not MBE/WBE participation was solicited in good faith.

Date:	
Company Name:	
Completed By:	
Title:	
Signature:	

Checklist Instructions:

- All factors listed below **may** be considered. Some factors may not be applicable to all projects or situations.
- Check all actions that were taken and enter comments for each factor explaining the actions taken.
- Documentation of all attempts to solicit MBE/WBE participation should be kept.
- Use additional sheets if necessary to supplement the responses and attach them to this form.

1. Solicited through all Reasonable and Available Means: As stated in 423.90(g)(1), the department may consider whether the bidder or proposer *solicited through all reasonable and available means (attendance at pre-bid meetings, advertising and/or written notices) the interest of all MBEs/WBEs certified in the scopes of work of the contract. The bidder or proposer must solicit MBEs/WBEs in sufficient time prior to bid opening or the proposal deadline to allow MBEs/WBEs to respond to solicitations. The bidder or proposer must determine with reasonable certainty if the MBEs/WBEs are interested by taking appropriate steps to follow up on initial solicitations.*

Solicited to all firms listed on the MnUCP report provided by CCD that listed MBEs/WBEs certified in scopes of work related to the project (Keep copies of phone logs, emails, fax sheets, etc.) **If no, please explain here:**

- Utilized the [Online MnUCP Directory](#)¹ to identify additional MBEs/WBEs
- Attended Pre-Bid Meeting to learn about the project and SUBP goals. **Date attended:** _____
- Reviewed bid documents or RFP for SUBP goals and policies regarding solicitation and utilization of MBEs/WBEs
- Solicited MBEs/WBEs in sufficient time prior to bid opening or proposal due date to allow MBEs/WBEs to respond to the bid solicitation (CCD recommends 2 weeks prior to bid opening). **Date solicited:** _____
- Followed up with the MnUCP certified MBEs/WBEs to confirm interest in participation (Keep log of follow-up activities and provide the log to CCD)
- Other _____

Comments: _____

2. Broke the Contract Work into Smaller Units: As stated in 423.90(g)(2), the department may consider whether the bidder or proposer *selected portions of the work to be performed by MBEs/WBEs in order to increase the likelihood that the project goals will be achieved. This includes, where appropriate, breaking out contract work into smaller*

¹ Link to Online MnUCP Directory <http://mnucp.metc.state.mn.us/>

units to facilitate MBE/WBE participation, even when a contractor might otherwise prefer to perform these work items with its own forces.

- Broke the contract into smaller scopes of work in order to facilitate MBE/WBE participation. Please list the scopes that were broken into smaller units:

- Subcontracted/solicited scopes of work that could have been self-performed. Please list these scopes:

- Other _____

Comments: _____

3. Provided MBEs/WBEs with Adequate Information: As stated in 423.90(g)(3), the department may consider whether the bidder or proposer *provided MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.*

- Bid invitations/advertisement included adequate information about the scope of work, contract requirements, deadline to submit a bid, etc. (Keep copy of invite/advertisement)
- Provided MBEs/WBEs adequate project information and access to the plans and specifications
- Other _____

Comments: _____

4. Negotiated in Good Faith: As stated in 423.90(g)(4), the department may consider whether the bidder or proposer *negotiated in good faith with interested MBEs/WBEs and provide written documentation of such negotiation with each such business. In determining whether the bidder or proposer negotiated in good faith, the department may consider a number of factors including price, scheduling and capabilities as well as the contract goal.*

- Negotiations with MBEs/WBEs are conducted fairly
- Communication to MBEs/WBEs regarding pricing, scheduling and capability requirements are consistent with project plans and requirements. Communications and project information provided is the same to all potential bidders.
- Were there any MBE/WBE firms that bid to you that you did not consider qualified to perform the work? If yes, explain here:

- MBE/WBE bids were rejected. Please explain the reasons why here:

- Other _____

Comments: _____

5. **Used Reasonable Resources to Comply with SUBP:** As stated in 423.90(g)(5), *The fact that there may be some additional costs involved in finding and using MBEs/WBEs is not itself sufficient reason for a bidder's or proposer's failure to meet the project goals as long as such costs are reasonable.*

- Please list the resources your company used to comply with SUBP (examples include: bid advertisements, list serves, time spent soliciting, time spent documenting efforts, and other administrative resources spent to perform good faith efforts)

6. **Provided MBEs/WBEs with Assistance in Meeting City Contracting Requirements:** As stated in 423.90(g)(6), *if requested by a solicited MBE/WBE, the bidder or proposer must make reasonable efforts to assist such MBEs/WBEs in obtaining bonding, lines of credit or insurance as required by the city or by the bidder or proposer, provided that the bidder or proposer need not provide financial assistance toward this effort.*

- Provided reasonable assistance to help MBEs/WBEs obtain bonds, lines of credit, or insurance that is required by the City.
- Referred MBEs/WBEs in need of financial or technical assistance to City's **Business and Technical Assistance Program (B-TAP)**. For more information on B-TAP please visit: <http://www.minneapolismn.gov/business/B-TAP>
- Other _____

Comments: _____

7. **Effectively Used Community Organizations:** As stated in 423.90(g)(6), *effectively using the services of minority/woman community organizations; minority/woman contractors' groups; local, state and federal business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the solicitation and placement of MBEs/WBEs.*

- Used services of minority/women community organizations
- Used services of minority/women professional organizations
- Other _____

Please list the organizations that were used:

8. Other Good Faith Efforts

Please explain any other good faith efforts made by your company not included above. Examples may include: identifying firms eligible to become MnUCP certified MBEs/WBEs, hosting open houses or networking events, and participation in trainings related to equity and inclusion.
