



PRE-BID CONFERENCE INSTRUCTIONS

(MBE/WBE/VBE/DOBE = XBE)

Goals & Purpose

The subcontractor/supplier goals on all projects and contracts are 15% for Minority Business Enterprise (MBE), 8% for Women Business Enterprise (WBE), 3% for Veteran Business Enterprise (VBE) and 1% for Disability-Owned Business Enterprises (DOBE) participation. **The City counts all direct or indirect participation towards XBE utilization goals.**

If the Prime bidder is a City certified XBE, they may not count their company toward achievement of the subcontractor/supplier goals.

To share upcoming pre-bid meeting information with OMWBD, complete the [2022 Pre-Bid Meeting Information Submission form](#).

Bid Documents

- I. BID-6 or MBE/WBE/VBE/DOBE PARTICIPATION GOALS PLAN FOR CONSTRUCTION, GOODS/SUPPLIES, AND SERVICES(Plan).

Failure to complete the Bid 6 or Plan Document will result in your bid being non- responsive; It will not be considered as a valid bid.

Bidder must submit at the time of bid failure to do so results in non-responsive bid. If the standard XBE goals are not met using OMWBD certified firms on this plan the bidder will be required to make good faith efforts and seek a waiver from OMWBD.

- II. ***All XBE firms used on City projects must be certified by the City of Indianapolis OMWBD.***

The City XBE directory can be found on the OMWBD website. You may also contact OMWBD for the current list via email at OMWBD@Indy.gov.

- III. ***It is your responsibility, when using any of the various construction websites (iSift, ePlanroom, etc.) to find City of Indianapolis, Certified XBE's; it's your responsibility to verify that the firms you're using, are Certified with the City of Indianapolis, Office of Minority & Women Business Development.***

- IV. Purchases from an XBE (Suppliers/Regular Dealer) is allowed the maximum credit of sixty percent (60%), and (Brokers/Manufacture Rep/Leasing agent) are counted at est. five-percent (5%), or their commission fee-only (per 49 CFR §26.55 regulations & City of Indianapolis Utilization Plan). If you are using a firm that has multiple certifications (Minority/ Women), you can only count them once. That is at your own discretion, which one you choose.

Post-bid Submissions for OMWBD

Subcontractor/Supplier Participation Form:

Bidder must enter the full legal names of all subcontractors and suppliers not just the DBA that will be used on the project. All Subcontractors/Suppliers along with all city of Indianapolis certified XBE firms must be submitted in the post- bid documents. The type of work to be performed must be included, along with the total subcontract dollar amount, and whether the subcontractor is an XBE.



Application for MBE/WBE/VBE/DOBE Program Waiver:

*(if goals are not met) *CITY-COUNTY GENERAL ORDINANCE NO. 37, 2020)*

Demonstrate good faith effort by scoring at least **minimum of 70 points**. This form is available in the contract documents and OMWBD website. On this form Bidder must demonstrate the following in detail along with all supporting documents:

- 1) Bidder's attendance at pre-bid conference;
- 2) Advertisement in general circulation media, trade publications, and minority focused media for at **least ten (10) working days** before bids or proposals are due;
- 3) Mailings to MBE/WBE/VBE/DOBE firms notifying them of contracting opportunities;
- 4) Efforts made to select portions of the work proposed to be performed by MBE/WBE/VBE/DOBE firms in order to increase the likelihood of achieving the stated goal(s);
- 5) Efforts to negotiate with MBE/WBE/VBE/DOBE firms for specific sub-bids, including at a minimum: the names, addresses and telephone numbers of MBE/WBE/VBE/DOBE firms that were contacted; a description of the information provided to MBE/WBE/VBE/DOBE firms regarding the plans and specifications for portions of the work to be performed; and/or a statement of why additional agreements with MBE/WBE/VBE/DOBE firms were not reached;
- 6) Documented reasons for rejecting any MBE/WBE/VBE/DOBE firm(s) as unqualified;
- 7) Documented efforts to provide technical assistance to any MBE/WBE/VBE/DOBE firms in obtaining bonding or insurance required by the City of Indianapolis;
- 8) Documentation that interested MBE/WBE/VBE/DOBE firms were provided with prompt access to the plans, specifications, scope of work, and requirements of the contract;
- 9) Documented follow-up to initial solicitations, including a copy of any call logs;
- 10) Any joint venture agreements with an MBE/WBE/VBE/DOBE firm relating to the contract;
- 11) Any mentor-protégé agreements with an MBE/WBE/VBE/DOBE firm relating to the contract.

Bidder will need to provide evidence that they utilized the City of Indianapolis XBE directory to seek good faith effort. If an outside software is used to contact potential bidders / sub-contractors, you will need to provide evidence, that the company you're using is currently certified with the City of Indianapolis as an XBE firm as well as proof of delivery of the opportunity to each firm. Exclusive teaming arrangements are prohibited on all projects or contracts unless you have prior authorization from Purchasing and/or OMWBD.

Workforce Data, Letter of Intent (LOI), and Subcontracts/Supplier Report:

Bidders shall submit a copy of the City of Indianapolis' CC-09 Form as a post bid document or OMWBD Letter of Compliance, and forms related to the Indiana Plan POST-BID- 3; In addition, Bidders should include letters of intent signed by all XBE firms being used on the project. A sample available in bid documents or OMWBD website. The owner of the project will collect subcontractor's/supplies payment reports for those LOI's with each payout if you are awarded the project.



Substitute or Terminating an XBE

The prime contractor must submit a request to substitute XBE with justification to terminate or replace any XBE vendor. OMWBD has the final decision on approval of the termination or replacement. In addition, the Prime Contractor must use the good faith efforts method to substitute or replace any XBE subcontractor(s).

The City of Indianapolis/Marion County is highly interested in achieving maximum levels of minority-, woman-, veteran-, disability-owned business participation throughout the development and construction of all projects.

Good Faith Efforts (GFE) are Required & will be Verified

The city only counts the Commercial Useful Function (CUF) conducted by the XBE sub- contractors/supplier. Any work the XBE sub-contracts out to the non-XBE firm will not be counted as part of the utilization goals.

City of Indianapolis MBE/WBE/VBE/DOBE certification is not be confused as pre- qualification to perform the commercial useful function (CUF).

XBE Category / Specialty (Trade)	Credit (%)
Construction	100%
Service	100%
Professional Service	100%
Manufacturer	100%
Retailer	100%
Supplier/Distributor and Regular Dealer	60%
Broker <i>(ie. Manufacturer's Representative, Leasing Agent, and Procurement Specialist)</i>	Fees & Commissions Only (5%)

E-Blast Notification(s)

Our office can send your opportunity out via email to our list of Certified XBE's. Those wanting to advertise their company's opportunity for MBE/WBE/VBE/DOBE firms, can fill out the requested information in the [Advertise Bidding Opportunities Submission form](#).

If you would like OMWBD to share information regarding an upcoming pre-bid meeting, please complete the [Pre-Bid Meeting Information Submission form](#).

E-Blast Notifications are sent to the monthly OMWBD XBE directories every Tuesday and Thursday (day of week subject to change). You can view the policy for this process by [clicking here](#).

Bid notices due date needs to be at least ten business days prior to submission to our office. Limit to one slide for each bid. Any PDFs or Bidding Documents that you would like added to the bid opportunity advertisement, please email them to the OMWBD at OMWBD@Indy.gov.



Contact Information

City of Indianapolis - Office of Minority & Women Business Development

200 East Washington Street, Suite 1260

Indianapolis, IN 46204

Phone: (317) 327 – 5262

Email: OMWBD@indy.gov

If you have questions or need assistance in understanding the good faith efforts or related OMWBD forms please contact our office (omwbd@indy.gov), well in advance of the due date for assistance.

- **Joseph Lee**, OMWBD Contract Compliance Officer – Joseph.Lee@indy.gov
- **Fahad Beg**, OMWBD Senior Manager – Fahad.Beg@indy.gov

SAMPLE

**MBE/WBE/VBE/DOBE PARTICIPATION GOALS PLAN FOR
CONSTRUCTION, GOODS/SUPPLIES, AND SERVICES**

Submittal Due Date: _____ Project/Contract Number: _____
Project/Contract Name: _____ Bidder: _____
Contact Name: _____ Bidder Address: _____
Bidder Phone: _____ Bidder E-mail Address: _____

Bidder ☐ is ☐ is not a City-certified MBE/WBE/VBE/DOBE **and will self-perform** _____ % of the total contract amount.

Does an exclusive contract or agreement exist between the bidder and any subcontractor/supplier listed?

☐ Yes ☐ No If yes, please explain): _____

Provide names of MBE/WBE/VBE/DOBE sub-contractors/suppliers with which bidder has not previously worked (if any): _____

If Bidder is awarded this contract, the MBE/WBE/VBE/DOBE City certified firms listed below will be utilized in the performance of the contract as a subcontractor/supplier.

Full Legal Name of Firm	MBE, WBE, VBE, or DOBE	Contact Person	Phone #	Description of Work	\$ Dollar Amount	Or % of Total Contract Amount

Bidder must submit an Application for MBE/WBE/VBE/DOBE Program Waiver if it fails to meet the required utilization goals for the contract. Failure to provide the application for waiver at the time of submission will result in the disqualification and rejection of the bid/proposal.

It is the policy of the City that bidder requirements which prevent subcontractors/suppliers from bidding as subcontractors on multiple bids is not permitted. **Violation of this policy will result in the disqualification and rejection of the bid/proposal.**

Bidder's Signature: _____

Bidder's Name: _____

Date: _____

OMWBD 2021

APPLICATION FOR MBE/WBE/VBE/DOBE PROGRAM WAIVER

Pursuant to the Consolidated City of Indianapolis and Marion County Instructions To Bidders, this application for a (check each of the following which apply) ☐ MBE ☐ WBE ☐ VBE ☐ DOBE program waiver is hereby submitted for the Project/Contract listed below by Bidder/Applicant (hereinafter Bidder). (Use additional sheets if necessary.)

Date of Application: _____ Project/Contract Number: _____
 Project/Contract Name: _____ Bidder: _____
 Contact name: _____ Phone: _____
 Address: _____ E-mail: _____

In attempting to meet the project goal Bidder made the following good faith efforts for the purpose of fulfilling that goal **(Check all that apply)**. Minimum score required to establish “good faith” effort is 70 points.

<u>Item:</u>	<u>Weighting</u>	<u>Score</u>
<input type="checkbox"/> 1. Bidder (check one of the following) <input type="checkbox"/> did <input type="checkbox"/> did not attend all pre-bid or pre-solicitation meetings held by the City to inform MBEs, WBEs, VBEs, and DOBEs of contracting opportunities.	10	_____
<input type="checkbox"/> 2. Bidder placed advertisements in search of prospective MBEs/WBEs/VBE and DOBEs for the contract. Provide all such advertisements, including e-mail “send-to” section, if used.	10	_____
<input type="checkbox"/> 3. Bidder provided written notifications to MBEs/WBEs/VBEs/DOBEs notifying them of contracting opportunities in sufficient time to allow them to participate and to minority business assistance agencies for the purpose of locating prospective MBEs, WBEs, VBEs, and DOBEs for the contract. Bidder's written notification to the Office of the Mayor's Business Development Program for assistance in locating MBEs, WBEs, VBEs, and DOBEs must also be documented. Provide all such documents.	20	_____
<input type="checkbox"/> 4. Bidder made the following efforts to select portions of the work to be performed by MBE/WBE/VBEs/DOBEs in order to increase the likelihood of achieving the stated goals, including the division of contracts into economically feasible units/parcels to facilitate participation _____ _____ _____	10	_____
<input type="checkbox"/> 5. Bidder contacted and/or negotiated with MBEs/WBEs/VBEs/DOBEs for specific sub-bids and/or partnerships. Please include a description of the information provided to MBE/WBE/VBEs/DOBEs regarding the plans and specifications for portions of the work to be performed and a statement of why prospective agreements with MBE/WBE/VBEs/DOBEs were not reached. Provide detailed documentation of such contacts/negotiations.	15	_____
<input type="checkbox"/> 6. If the bidder rejected any MBE/WBE/VBE/DOBE firm(s) as unqualified, submit the reason(s) for this conclusion.	10	_____
<input type="checkbox"/> 7. Bidder provided the following technical assistance to MBEs/WBEs/VBEs/DOBEs in an effort to obtain MBE/WBE/VBE/DOBE participation, such as obtaining bonding, insurance, or a needed line of credit for the project, in an effort to obtain MBE/WBE/VBE/DOBE participation. Provide detailed documentation of such assistance.	15	_____
<input type="checkbox"/> 8. Provided interested MBE/WBE/VBE/DOBE certified to perform the solicited work with prompt access to the plans, specifications, scope of work and requirements of the contract	10	_____
<input type="checkbox"/> 9. Follow-up to initial solicitations. Provide copy of all e-mails and call logs.	10	_____

- ☐ 10. Has project joint venture agreement for this contract with a MBE/WBE/VBE/DOBE business or is a joint venture certified with the City as an MBE/WBE/VBE/DOBE business. MBE/WBE/VBE/DOBE minimum participation shall be 30% or greater (or as may be designated by OMWBD for this contract). 15 ____
- ☐ 11. Has a Mentor-Protégé Agreement with a MBE/WBE/VBE/DOBE business for this contract. MBE/WBE/VBE/DOBE minimum participation shall be 30% or greater (or as may be designated by OMWBD for this contract). 10 ____

TOTAL POINTS: ____

YOU MUST SUBMIT YOUR SUPPORTING DOCUMENTATION WITHIN 3 BUSINESS DAYS OF NOTIFICATION OF AWARD.

Bidder certifies that all information contained herein and attached hereto is true and accurate and that all good faith efforts were made by Bidder for the purpose of fulfilling the contract goals. Failure to sign this form will result in the bid being determined non-responsive.

Bidder's Signature: _____

Date: _____

Title: _____

For Office of Minority & Women Business Development use only.

- ☐ Contract offers no opportunity to utilize subcontractors/suppliers.
- ☐ No MBE/WBE/VBE/DOBEs are certified in the category codes for which there are subcontractor/supplier opportunities.

This Application for Program Waiver is:

☐ Not Approved ☐ Approved

☐ Approved subject to the following conditions/restrictions: _____

Director
Office of Minority & Women Business Development