



# Leon County

## Board of County Commissioners

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May 28, 2009

RE: Request for Proposals for Design-Build of Leon County Courts Annex  
Bid No: BC-06-10-09-38  
Opening Date: Wednesday, June 10, 2009 at 2:00 PM

### ADDENDUM #4

Dear Vendor:

This letter serves as Addendum #4 for the above referenced project. Please note the following additions/deletions.

1. Section VII. (beginning on page 10) is replaced in its entirety with the following attachment.
2. The Minority and Women Business Enterprise (MWBE) Participation Plan Form (page 18 and following) is replaced by the attached revised form.

Acknowledgment of this addendum is required as part of your bid submittal. Failure to acknowledge this addendum may result in rejection of your bid.

Should you have any questions, feel free to call me at (850) 606-1600.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith M. Roberts".

Keith M. Roberts  
Purchasing Director

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**VII. MINORITY/WOMEN BUSINESS ENTERPRISE AND EQUAL OPPORTUNITY POLICIES**

**A. Minority Business Enterprise (MBE) and Women (MBE) Business Enterprise Requirements**

**1. Policy Statement**

The purpose of the Minority and Women-Owned Business Enterprise (MWBE) Program is to effectively communicate Leon County procurement and contracting opportunities, through enhanced business relationships, to end disparity and to increase participation opportunities for certified minority and women-owned business enterprises in a competitive environment. This program shall:

- a. Eliminate any policies and/or procedural barriers that inhibit MBE and WBE participation in our procurement process.
- b. Established targets designed to increase MBE and WBE utilization proportionate to documented under utilization.
- c. Provide increased levels of information and assistance available to MBE's and WBEs.
- d. Implement mechanisms and procedures for monitoring MBE and WBE compliance by prime contractors.

**2. Definitions:**

- a. The terms "Certified Minority Business Enterprise" (MBE) and "Certified Women Business Enterprise" (WBE) are defined as those Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) that meet all the qualifications for, have applied for, and have been certified by either (or both of) the Leon County or the City of Tallahassee MWBE Programs.
- b. Minority/Women Business Enterprise (MWBE) - a business that is owned and controlled by at least 51% by one or more minority persons or by at least 51% by one or more women, and whose management and daily operations are controlled by one or more such persons shall constitute a Minority/Women business Enterprise. No business owned or controlled by a white female shall be considered a minority business for the purpose of this program if the ownership was brought about by transfer of ownership interest to the woman or women, other than by descent, within two (2) years following the sale or transfer of ownership. For the purpose of this program, all applicants for certification as a bona fide MWBE shall be an independent business entity which provides a commercially useful function. No business owned and controlled by a white male and transferred or sold to a minority or woman/women, for the purpose of participation in the County's MWBE Program, shall be considered eligible for MWBE Certification.
- c. Minority Person - an individual who is a citizen of the United States or a lawfully admitted permanent resident and who is a(n):
  - 1) African/Black Americans - All persons having origins in any of the Black African racial groups not of Hispanic origins and having community identification as such.

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- 2) Hispanic Americans - All persons (Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race) reared in a Hispanic environment and whose surname is Hispanic and having community identification as such.
- 3) Asian American - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands and having community identification as such.
- 4) American Indians, Alaskan Natives and American Aleuts - All persons having origins in any of the original people of North America, maintaining identifiable tribal affiliations through membership and participation and having community identification as such.

d. Women - American Woman

3. Aspirational Targets

Due to the unique nature of a design-build project, this project contains opportunities for minority/women business sub-contracting in the Professional Services and Construction Services categories. Each respondent is being asked to designate their level of commitment for MWBE participation for each category as a percentage of the total costs for the goods and services in each, respectively. As a part of the selection process for this project, the ranking procedure will provide a maximum of ten (10) points of the total score. The final score will be the sum of the weighted separate scores for Professional and Construction Services. The scores for Professional Services will be weighted at 10% of the total and Construction Services will be 90% of the total scoring.

**Professional Services Sub-Consultants Targets :**

**Minority Business Enterprise - 18%**

**Women Business Enterprise - 9%**

<b>MBE and WBE Participation Level for Professional Services Sub-consultants</b>	<b>Points</b>
The Respondent certifies that they will meet or exceed both targets through subcontracting to certified MBE and WBE firm(s) aspirational targets and has identified in the MWBE participation plan the certified MBE and WBE firm(s) that it intends to use.	10
The Respondent certifies that they will meet at least 50% of both aspirational targets through subcontracting to certified MBE and WBE firm(s) and has identified in the MWBE participation plan the MBE and WBE firm(s) that it intends to use and has submitted a Good Faith Statement..	8
The Respondent certifies that they will meet at least 20%, but less than 50%, of both aspirational targets through subcontracting to certified MBE and WBE firms and a Good Faith Effort Statement is submitted.	6

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The Respondent will not meet the aspirational targets in any form and has submitted a Good Faith Effort Statement based on the guidelines referenced in Section 5 of this Participation Plan to be considered a responsive bidder, but shall receive zero points.	0
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**Construction Services Target : Minority Business Enterprise - 3%**

**PLEASE NOTE** that the following is a contractual commitment to the level of MWBE participation for the construction services on this project and at this point does not require a listing of the MWBEs to be used. The short-listed firms will be required to submit as a part of their cost proposal a separate Minority, Women Business Enterprise Participation Plan Form showing the firms to be utilized for the Construction Services portion of the work. The Plan Form will be provided upon notification of short-listing.

<b>MBE Participation Level for Construction Services</b>	<b>Points</b>
The Respondent certifies that they will meet or exceed both targets through subcontracting to certified MBE firm(s) aspirational targets and has identified in the MWBE participation plan the certified MBE firm(s) that it intends to use.	10
The Respondent certifies that they will meet at least 50% of the aspirational target through subcontracting to certified MBE firm(s) and has identified in the MWBE participation plan the MBE firm(s) that it intends to use and has submitted a Good Faith Statement..	8
The Respondent certifies that they will meet at least 20%, but less than 50%, of the aspirational target through subcontracting to certified MBE firms and a Good Faith Effort Statement is submitted.	6
The Respondent will not meet the aspirational targets in any form and has submitted a Good Faith Effort Statement based on the guidelines referenced in Section 5 of this Participation Plan to be considered a responsive bidder, but shall receive zero points.	0

**B. Equal Opportunity/Affirmative Action Requirements**

The contractors and all subcontractors shall agree to a commitment to the principles and practices of equal opportunity in employment and to comply with the letter and spirit of federal, state, and local laws and regulations prohibiting discrimination based on race, color, religion, national region, sex, age, handicap, marital status, and political affiliation or belief.

For federally funded projects, in addition to the above, the contractor shall agree to comply with Executive Order 11246, as amended, and to comply with specific affirmative action obligations contained therein.

In addition to completing the Equal Opportunity Statement, the Respondent shall include a copy of any affirmative action or equal opportunity policies in effect at the time of submission.

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**REVISED MINORITY AND WOMEN BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN FORM  
 REQUESTS FOR PROPOSALS (RFP)**

**Respondent:** \_\_\_\_\_

All respondents, including Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs), shall complete and submit this M/WBE Participation Plan with their proposal. **This submitted MWBE Participation Plan shall include completion of Tables 2A, 2B, 3, 4, certification signature (Section 4) and submittal of a Good Faith Effort Statement if necessary (See Section 5).**

“Certified Minority Business Enterprise (MBE) and Women Business Enterprise (WBE)” are firms certified by Leon County or the City of Tallahassee. State of Florida certification of MBE’s and WBE’s are not accepted by Leon County.

**Section 1:**

a) Aspirational Targets for M/WBE Participation. Due to the combined nature of services in this project, there are separate targets for Professional Services and Construction. These aspirational targets for this project are identified in Tables 1A and 1B.

**Table 1A  
 Aspirational Targets for Professional Services**

<b>M/WBE Classification</b>	<b>Aspirational Targets</b>
1. Certified Minority Business Enterprises (MBE)	18% of the total anticipated value for professional services
2. Certified Women Business Enterprises (WBE)	9% of the total anticipated value for professional services

**Table 1B  
 Aspirational Target for Construction**

<b>M/WBE Classification</b>	<b>Aspirational Targets</b>
1. Certified Minority Business Enterprises (MBE)	3% of the total anticipated contract value

b) MWBE Points. As a part of the selection process for this project, the ranking procedure will provide a maximum of ten (10) points of the total score. The final score will be the sum of the weighted separate scores for Professional and Construction Services. The scores for Professional Services will be weighted at 10% of the total and Construction Services will be 90% of the total scoring.

**Table 2A  
 PROFESSIONAL SERVICES SUB-CONSULTANT**

<b>Please check the appropriate box to designate the level of participation that will be a contractual commitment.</b>	<b>Points</b>
<input type="checkbox"/> The Respondent certifies that they will meet or exceed both aspirational targets through subcontracting to certified MBE and WBE firms.	10
<input type="checkbox"/> The Respondent certifies that they will meet at least 50% of both aspirational targets through subcontracting to certified MBE and WBE firms and a Good Faith Effort Statement is submitted <b>based on the guidelines referenced in Section 5 of this Participation Plan.</b>	8
<input type="checkbox"/> The Respondent certifies that they will meet at least 20%, but less than 50%, of both aspirational targets through subcontracting to certified MBE and WBE firms and a Good Faith Effort Statement is submitted <b>based on the guidelines referenced in Section 5 of this Participation Plan.</b>	6

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<input type="checkbox"/> The Respondent will not meet the aspirational targets in any form and has submitted a Good Faith Effort Statement based on the guidelines referenced in Section 5 of this Participation Plan to be considered a responsive bidder, but shall receive zero points.	0
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**Table 2B  
CONSTRUCTION**

Please check the appropriate box to designate the level of participation that will be a contractual commitment.	Points
<input type="checkbox"/> The Respondent certifies that they will meet or exceed the aspirational target through subcontracting to certified MBE and WBE firms.	10
<input type="checkbox"/> The Respondent certifies that they will meet at least 50% of the aspirational target through subcontracting to certified MBE and WBE firms and a Good Faith Effort Statement is submitted <b>based on the guidelines referenced in Section 5 of this Participation Plan.</b>	8
<input type="checkbox"/> The Respondent certifies that they will meet at least 20%, but less than 50%, of the aspirational target through subcontracting to certified MBE and WBE firms and a Good Faith Effort Statement is submitted <b>based on the guidelines referenced in Section 5 of this Participation Plan.</b>	6
<input type="checkbox"/> The Respondent will not meet the aspirational targets in any form and has submitted a Good Faith Effort Statement based on the guidelines referenced in Section 5 of this Participation Plan to be considered a responsive bidder, but shall receive zero points.	0

**Section 2 - Respondent's Proposed MBE and WBE Participation.** Respondent shall complete Table 3, identifying each certified MBE and/or WBE firm they intend to use on this project for the professional services. Attach additional sheets as necessary.

**Table 3  
MBE and WBE Intended Utilization for Professional Services ONLY**

Firm's Name (Requires Leon County or City of Tallahassee MWBE certification) <sup>1</sup>	Firm's Location Address (Must be in Leon, Gadsden, Jefferson or Wakulla Counties, FL to be certified)	Firm's Telephone Number	Ethnic Group <sup>2</sup> (B, A, H, N, F)	Type of Service to Provide
<b>Minority Business Enterprise(s)</b>				
a.				
b.				
c.				
d.				

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e.				
<b>Women Business Enterprise(s)</b>				
a.			F	
b.			F	
c.			F	
d.			F	
e.			F	
<p><sup>1</sup><u>Certification</u> – Attach and submit a copy of each MBE and WBE certification with the proposal.  <sup>2</sup><u>Ethnic Group</u> – Use of the following abbreviations: (a) MBE's include: African American (B), Asian American (A), Hispanic American (H) and Native American (N) owned firms; (b) WBEs include Non-Minority Female (F) owned firms.</p>				

If you do not list MBE's and WBE's to meet the listed total aspirational targets, you must complete and submit a **Good Faith Effort** statement. Failure to submit a **Good Faith Effort** statement will result in a non-responsive determination of your submittal, resulting in no consideration of your submittal.

**Section 3 - Non-MWBE Subcontractors.** Respondent shall complete Table 4 to identify non-MBE's or WBE's subcontractors it anticipates utilizing on the project.

**Table 4**

<b>Non-MBE and WBE Intended Utilization</b>			
<b>Firm's Name</b>	<b>Firm's Address</b>	<b>Firm's Phone #</b>	<b>Type of Service to Provide</b>
a.			
b.			
c.			
d.			
e.			

**Section 4 – Certification** - The respondent certifies, acknowledges and agrees that: (1) it has read the M/WBE Participation Plan form; (2) the information the respondent has provided in its submitted Participation Plan and attachments thereto are true and correct; and (3) the undersigned is authorized on behalf of the respondent to make such certification.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

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**Section 5 - General Good Faith Effort Guidelines - A Good Faith Effort statement** is required if the Plan does not meet the aspirational target(s) for M/WBE utilization. All respondents, including MBEs and WBEs, shall either meet the aspirational targets or demonstrate in their bid response that a good faith effort was made to meet the aspirational targets. **Failure to submit such Good Faith Effort statement will result in the RFP being non-responsive.** Policy examples of good faith efforts that respondents can use to demonstrate the good faith efforts they have made follow:

1. Advertising for participation by M/WBEs in non-minority and minority publications within the Market Area, including a copy of the advertisement and proof of the date(s) it appeared – or by sending correspondence, no less than ten (10) days prior to the submission deadline, to all M/WBEs referred to the respondent by the MWSBE Division for the goods and services to be Subcontracted and/or Supplied.
2. Documenting that the bidding Prime Contractor provided ample time for potential MBE and WBE Subcontractors to respond to bid opportunities, including a chart outlining the schedule/time frame used to obtain bids from MBE and WBE Vendors as applicable to the Aspirational Target.
3. Contacting the MWSBE Division for a listing of available M/WBEs who provide the services needed for the bid or proposal.
4. Contacting MBEs and WBEs who provide the services needed for the bid or proposal, including a list of all M/WBEs that were contacted and the method of contact.
5. Documenting follow-up telephone calls with potential M/WBE Subcontractors encouraging their participation.
6. Allowing potential M/WBE Subcontractors to review bid specifications, blueprints and all other Bid/RFP related items at no charge to the M/WBEs.
7. Contacting the MWSBE Division, no less than five (5) business days prior to the Bid/RFP deadline, regarding problems the respondent is having in reaching the Aspirational Targets.
8. Other documentation indicating their Good Faith Efforts to meet the aspirational targets.