

# UNIFIED GOVERNMENT GOOD FAITH OUTREACH MANUAL



**“Everyone Contributes - Everyone Benefits”**

# UNIFIED GOVERNMENT GOOD FAITH OUTREACH PROGRAM

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## **I. Program Summary**

The Good Faith Outreach Program is a component of the Unified Government Supplier Diversity Program and applies to City-funded construction contracts in excess of \$250,000. When Federal or State funding sources impose additional requirements, those requirements as defined in the contract documents replace the requirements of this program.

The Unified Government is committed to maximizing subcontracting opportunities for certified M/WBE firms. Bidders should be fully informed of Good Faith Outreach Program as set forth in this document.

This program is subject to policies and requirements established by the Unified Government Supplier Diversity Program. Bidders are advised to be fully informed of the requirements set forth in this document. Failure to comply with the City's Supplier Diversity Program may cause a bid to be rejected as non-responsive.

Terms and conditions of the Good Faith Outreach Program apply to City-funded construction projects in excess of \$250,000. At the City's sole discretion, these requirements may be waived in advance on projects deemed inappropriate for subcontracting participation. When State and/or Federal funding sources require affirmative action goals, those goals as defined in the contract documents replace requirements of the Supplier Diversity Program.

## **II. GOOD FAITH OUTREACH OVERVIEW**

This program requires bidders to make subcontracting opportunities available to a broad base of qualified subcontractors and to achieve a minimum level of M/WBE subcontractor participation as identified for eligible projects. To be eligible for award, the apparent low bidder must meet or exceed the M/WBE project goals or submit documentation of their good faith outreach efforts within two (2) working days following the close of business on the day bids are opened. Should it become necessary to evaluate the efforts of bidders beyond the apparent low bidder, each additional firm shall receive five (5) working days for submittal of documentation commencing on the date of notification. Notification can be verbal or in writing. Failure to submit required documentation within this time frame will cause a bid to be rejected as non-responsive.

For assistance or further information about the *Good Faith Outreach Program*, contact the Supplier Diversity Program Manager at 913-573-5439.

## **III. Definitions**

- A. Bidder means a business enterprise that submits a bid on a construction contract that is offered for competitive bidding by the Unified Government.
- B. Good Faith Outreach Efforts: Affirmative steps taken by a bidder prior to bid opening to ensure maximum effort to recruit subcontractors, including Minority Business Enterprises (MBEs) and Woman Owned Enterprises (WBEs), as sources of supplies, construction and other services whenever possible. Required steps for documenting outreach efforts are outlined in Paragraph V of this document.
- C. Minority business enterprise or MBE means a business enterprise that is owned and controlled by one or more minority individuals and that is certified as a minority business enterprise by one of the entities set forth in section 18-158(a)(1) of the Unified Government Code of Ordinances.

- D. Subcontract: Agreement between a prime contractor and an individual, firm or corporation for performance of particular portion(s) of work for which prime contractor has obligated itself.
- E. Subcontractor: An individual, firm or corporation having a direct contract with prime contractor for performance of portion(s) of work to be constructed under the contract, including furnishing of labor, materials or equipment.
- F. Woman business enterprise or WBE means a business enterprise that is owned and controlled by one or more women who are citizens or lawful permanent residents of the United States and that is certified as a woman business enterprise by one of the entities set forth in section 18-158(a)(1) of the Unified Government Code of Ordinances.

#### IV. Good Faith Outreach Indicators

Documentation of a bidder’s outreach efforts will be reviewed by Unified Government according to the indicators listed below to verify that bidder made subcontracting opportunities available to a broad base of qualified subcontractors, negotiated in good faith with interested subcontractors, and did not reject any bid for unlawful discriminatory reasons.

Failure to achieve a minimum of 80 out of 100 points will render a bid non-responsive and will result in its rejection. Indicator points are awarded on a pass/fail basis, i.e., either full or zero points can be achieved for compliance with each item as set forth below:

	<b>Indicator</b>	<b>Points</b>
1.	<b>Attended pre-bid meetings scheduled by the Unified Government</b>	5 Points
2.	<b>Contacted and followed up with eligible M/WBE business in the applicable trades that were known to the contractor, or available on State, County, or other maintained lists, to submit a quote at least 10 days before the bid date and notified them of the nature and scope of the work to be performed</b>	10 Points
3.	<b>Made construction plans, specifications and requirements available for review by prospective M/WBE businesses, or provided these documents to them at least 10 days before the bids are due</b>	10 Points
4.	<b>Initiated and documented correspondences with M/WBE trade, community, or contractor organizations that provide assistance in recruiting M/WBE subcontractors or suppliers</b>	10 Points
5.	<b>Broken down or combined elements of work into economically feasible units to further facilitate M/WBE participation</b>	10 Points
6.	<b>Advised M/WBE subcontractors and suppliers in obtaining bonds, lines of credit or insurance</b>	10 Points
7.	<b>Negotiated in good faith with interested M/WBE subcontractors/suppliers and did not reject them as unqualified without sound reasons based on their capabilities</b>	10 Points
8.	<b>Placed ads soliciting M/WBE subcontractors/suppliers in a publication targeting M/WBE subcontractors/suppliers not less than 10 days prior to bid</b>	15 Points
9.	<b>Directed M/WBE subcontractors or suppliers to resources to help with bonding, insurance, or financing to assist them in responding to the solicitation</b>	20 Points
	<b>POSSIBLE TOTAL</b>	100 Points
	<b>EARNED TOTAL</b>	

## V. Documentation of Good Faith Outreach Efforts

1.	<b>Attended pre-bid meetings scheduled by the Unified Government</b>	5 Points
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Bidder attended pre-bid meeting scheduled by the City to inform all bidders of requirements for subject project. A sign in sheet will be distributed at all pre-bid meetings. It is the bidder's responsibility to sign in on the list.

*Required documentation:* The project manager will have record of the pre-bid sign in sheet..

2.	<b>Contacted and followed up with eligible M/WBE subcontractors and suppliers certified in the applicable trades</b>	10 Points
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Bidder contacted certified M/WBE business in the trades present on the project. The M/WBE businesses must be certified in the trade for which they are being asked to submit quotes on..

*Required documentation:* A completed call log, copies of emails/faxes, certified mail receipts or any other documents illustrating communications to M/WBE businesses. These documents must show evidence of receipt by the M/WBE subcontractor/supplier.

3.	<b>Made the construction plans, specifications, and requirements available for review by prospective M/WBE subcontractors and suppliers</b>	10 Points
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Bidder provided interested M/WBE subcontractors and suppliers with access to plans, specifications and requirements for subject project.

*Required documentation:* Contents of advertisements or written notices to subcontractors should demonstrate compliance with this indicator.

4.	<b>Initiated and documented correspondences with M/WBE trade, community or business organizations</b>	10 Points
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Not less than ten (10) calendar days prior to bid submittal, bidder requested assistance from agencies which recruit and place M/WBE subcontractors or suppliers. A list of such agencies is available from the Unified Government. Other organizations which promote M/WBE subcontractor or supplier activities may also be contacted.

*Required documentation:* Submit copy of each fax, letter, or email sent to outreach agencies requesting assistance in recruiting subcontractors. Faxed copies must include fax transmittal confirmation slip showing date and time of transmission. Mailed letters must include copies of metered envelopes or certified mail receipts. All communications must include the Unified Government project name, name of bidder, and contact person's name and phone number.

5.	<b>Broken down or combined elements of work to further facilitate M/WBE participation</b>	10 Points
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Bidder must demonstrate that reasonable efforts were taken to subdivide portions of work to increase opportunities for M/WBE participation.

*Required documentation:* Documented communications between prime and subcontractors or suppliers demonstrating that individual scopes of work were modified to facilitate M/WBE participation

6.	<b>Advised M/WBE subcontractors and suppliers in obtaining bonds, lines of credit or insurance</b>	10 Points
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Bidder made efforts to advise and assist interested subcontractors in obtaining bonds, credit lines and insurance required for subject project.

*Required documentation:* Contents of advertisements (Indicator 8) or written notices to subcontractors (Indicator 2) will determine compliance with this objective.

7.	<b>Negotiated in good faith with interested M/WBE subcontractors and suppliers.</b>	10 Points
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Bidder acted in good faith with interested subcontractors and has rejected no bid other than for legitimate business reasons.

*Required documentation:* Submit: a) Copies of all subcontractor bids or quotes received; and b) Summary sheet organized by work type listing subcontractor company names with bid amounts for each work type. Identify selected subcontractor for each work type. If bidder elects to use own forces to perform a work type, include bid to show own costs for the work. Copies of bids or quotes from subcontractors and suppliers must also be included if those bids are used toward achievement of the M/WBE utilization goal and the business must also be listed on the Contractor Utilization Plan.

8.	<b>Placed ads soliciting subcontractors/suppliers in a publication targeting M/WBE subcontractors/suppliers not less than 10 days prior to bid</b>	15 Points
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Not less than ten (10) calendar days prior to bid submittal, bidder conducted an advertising campaign designed to reach all segments of the Kansas City metropolitan business community by advertising in either newspapers, trade association publications, special interest publications, trade journals, community papers or other media. Advertisement must be specific to the project, not generic, and may not be a plan holder advertisement provided by the publication. Advertisement must be worded to ensure it does not exclude or limit number of potential respondents and must include:

- Unified Government project name and number;
- Name of bidder;
- Areas of work available for subcontracting;
- Contact person's name and phone number;
- Information on availability of plans and specifications;
- Bidder's policy concerning assistance to subcontractors in obtaining bonds and credit lines and/or insurance

*Required documentation:* Submit copies of advertisements and proof of publication dates.

9.	<b>Directed M/WBE subcontractors or suppliers to resources to help with bonding, insurance, or financing to assist them in responding to the solicitation</b>	20 Points
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Bidder made efforts to advise and assist interested subcontractors in obtaining bonds, credit lines and insurance required for subject project.

*Required documentation:* Content of advertisements (Indicator 8) and/or documented communications with subcontractors/suppliers (Indicator 2) will determine compliance with this objective.

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