

MONROE COUNTY, NEW YORK

PROPOSAL PACKAGE

FOR

**Monroe County
MCC Brighton Campus Wayfinding**

LaBella Project No. 2262375

June 15, 2026



Contract No. 1: General Construction

NOTICE TO BIDDERS CHANGE

PROPOSALS WILL BE RECEIVED AND BIDS PUBLICALLY OPENED AND READ AT THE FOLLOWING PLACE AND TIME:

**OFFICE OF BUDGET/PURCHASING
MONROE COUNTY
ROOM 301 COUNTY OFFICE BUILDING
39 WEST MAIN STREET
ROCHESTER, NEW YORK 14614**

Prepared By:
LaBella Associates, DPC
300 State Street, Suite 201
Rochester, New York 14614

Prepared For:
Monroe County Department of Environmental Services
50 West Main Street; City Place, Suite 7100
Rochester, New York 14614

And:
Monroe Community College
1000 East Henrietta Road
Rochester, NY 14623

BID PROJECT NO. 0602-26

Submitted By: _____
(CONTRACTOR)

TO: MONROE COUNTY DES

FOR: MCC BRIGHTON CAMPUS
WAYFINDING

50 WEST MAIN STREET, SUITE 7100
Rochester, New York 14614

Gentlemen:

The undersigned Bidder has carefully examined the form and content of the Contract, has examined the site of the work, and hereby proposes to furnish all necessary plant, labor, materials, equipment, and tools required to perform and complete the work in strict accordance with the Contract.

The undersigned Bidder agrees to submit to all conditions reported, intended, or implied, both particularly and generally by the Contract at the prices herein stated.

The undersigned Bidder also agrees as follows:

FIRST: If this Proposal is accepted, to execute the Contract within ten (10) calendar days of date of "Notice of Award" of Contract, and furnish to the OWNER satisfactory insurance certificates, performance and payment bonds, each in the sum of one-hundred percent (100%) of the amount of the Contract awarded as security for the faithful performance of the work, and for the payment of all persons performing labor and furnishing materials in connection with the work.

SECOND: To begin work within seven (7) calendar days of the date of the "Notice to Proceed". The anticipated "Notice of Award" and "Notice to Proceed" dates are as follows:

Anticipated Date, Notice of Award: August 2026

Anticipated Date, Notice to Proceed: September 2026

Work shall be progressed to meet the following schedule ("No. of Days" represents the number of calendar days from the date of the Notice to Proceed):

Milestone: Project Completion No. of Days: 91

THIRD: To pay the OWNER the following liquidated damages for each calendar day of delay in completing the work beyond the specified times of completion or within the times to which such completion may have been extended in accordance with the Contract Documents:

Milestone: Project Completion Liq. Damages: \$200 per day

FOURTH: To certify as follows: Pursuant to Section 103d. of the General Municipal Law:

- (a) By submission of this bid, each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:
- (1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;
 - (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and
 - (3) No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

FIFTH:

- (a) It is the intent of the OWNER to obtain a proposal for all work to be performed under this Contract.

Unit price(s) or lump-sum bid shall not include any Sales Tax levied by the following governmental agencies:

- (1) New York State
- (2) Monroe County, New York
- (3) Any other town or governing agency

The total unit price shall be the sum of all material and installation cost for each bid item as defined herein.

- (b) The undersigned submits herewith bid guaranty for the specified amount of the deposit required in the Instructions to Bidders. In case this Proposal is accepted by the OWNER, and the undersigned shall refuse or neglect, within ten (10) calendar days after date of receipt of Notice of Award, to execute and deliver an Agreement in the form provided herein, or to execute and deliver a performance bond and a labor and material bond in the amounts required and in the form prescribed, or to provide satisfactory insurance certificate(s), the amount of bid security shall be forfeited and will be retained by the OWNER as liquidated damages. Otherwise the total amount of the bid security will be returned to the depositor in accordance with provisions set forth in the Instructions to

Bidders.

- (b) The undersigned acknowledges the receipt of the following Addenda, but he agrees that he is bound by all Addenda whether or not listed herein:

ADDENDA NUMBERS AND DATES

Number 1 - dated _____

Number 2 – dated _____

Number 3 – dated _____

Number 4 – dated _____

BIDDERS SHOULD CONTACT THE MONROE COUNTY PURCHASING OFFICE, (585) 753-1100, TO VERIFY THEY HAVE ALL ADDENDA.

PROPOSAL SUBMITTED

Dated: _____

(if an Individual, Partnership, or Non-Incorporated Organization)

Name of Bidder _____

By: _____
(Signature) (Title)

Address of Bidder: _____
(Street)

(City, State) (Zip Code)

Names and Addresses of Members of the Firm

(if a Corporation)

Name of Bidder: _____

By: _____

(Signature) (Title)

Address of Bidder: _____

(Street)

(City, State) (Zip Code)

Incorporated Under the Laws of the State of _____

Name of President: _____
(Name) (Address)

Officer (Secretary): _____
(Name) (Address)

(Treasurer): _____
(Name) (Address)

Corporate Seal

Bidder's Office Phone Number: _____

Fax Number: _____

Cell Phone Number: _____

Email Address: _____

CERTIFICATION FOR UTILIZATION OF
MINORITY AND WOMEN'S BUSINESS ENTERPRISES
and
SERVICE-DISABLED VETERAN-OWNED BUSINESSES

The BIDDER hereby assures that he will take affirmative steps as specified by Monroe County policies to use Minority and Women's Business Enterprises, and Service-Disabled Veteran-Owned Businesses on this project. He further assures that he will attempt to utilize not less than twelve percent (12%) of Minority Business Enterprise subcontractor participation, three percent (3%) of Women's Business Enterprise subcontractor participation, and six percent (6%) of Service-Disabled Veteran-Owned Business subcontractor participation.

BIDDER'S NAME: _____

ADDRESS: _____

SIGNATURE AND TITLE

DATE

Performance Bond Information Form

Project Title: MCC Brighton Campus Wayfinding

Construction Contract: G-1 General Construction

Name of Contractor: _____

Address: _____

Bonding Company or Person
Issuing Security Bond _____

Address: _____

Bonding Company Agent: _____ Telephone No. (____)_____

Address: _____

Amount of Bond: \$ _____

Duration of Bond: From Date of Contract To Final Payment

The Bidder shall complete the information above regarding the performance bond proposed to be provided for the contract. This information will be used by the OWNER and/or CONSULTANT to verify the bonding prior to award of the contract.

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND RESPONSIBILITY**

The undersigned certifies, to the best of his/her knowledge and belief, that the Bidder and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any Federal department or agency;
2. Have not within a three (3) year period preceding this transaction/application/proposal/contract/agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 2 of this certification; and
4. Have not within a three (3) year period preceding this transaction/application/proposal/contract/agreement had one or more public transactions (Federal, State or local) terminated for cause or default.

**CERTIFICATION REGARDING MONROE COUNTY PROCUREMENT POLICY
AND CONSEQUENCES FOR VIOLATION**

The undersigned certifies, to the best of his/her knowledge and belief, that the Bidder and its principals:

5. Have read and understand the Monroe County Procurement Policy and agree to abide by its terms (<http://www2.monroecounty.gov/purch-overview.php>);
6. Understand that any violation of the Monroe County Procurement Policy may result in the exclusion of any response to a public bid, Request for Proposals (RFP) or Request for Qualifications (RFQ) submitted on our behalf; and
7. Understand that any contract or agreement entered into subsequent to a violation of this policy during the procurement process is null and void.

Date: _____

[Print Name of Bidder]

By: _____

[Signature]

[Print Name]

[Print Title/Office]

BIDDER MUST COMPLETE THIS FORM AND SUBMIT WITH BID.

MONROE COUNTY
MCC BRIGHTON CAMPUS WAYFINDING
BID PROJECT NO. 0602-26

FORM OF PROPOSAL

CONTRACT G-1: GENERAL CONSTRUCTION

Proposals may be considered informal and may be returned to the Bidder if all blank spaces in the Form of Proposal are not filled in.

Pursuant to and in compliance with the "Notice to the Bidders", the "Instructions to Bidders" and "Proposal" relating thereto, the Bidder hereby agrees to furnish all plant, labor, materials, supplies, equipment and other facilities and things necessary or proper for or incidental to work required by and in strict accordance with the Contract Documents and any Addenda subsequently issued, for the sum of:

Contract G-1: General Construction

Specified work \$ _____

Allowance No. 1 – Contingency Allowance (per Section 012100) \$ 10,000.00 _____

Total Base Bid \$ _____
(Numbers)

_____ Dollars
(Price in Words)

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, _____
_____ as Principal, and _____
_____ as Surety, are hereby held and firmly bound unto _____

_____ as OWNER in the penal sum of
_____ for the payment of which, well and truly to be made, we hereby jointly and
severally bind ourselves, our heirs, executors, administrators, successors and assigns. Signed this ____ day of
_____, ____.

The condition of the above obligation is such that whereas the Principal has submitted \$____
(amount of bid) a certain proposal, attached hereto and hereby made a part hereof to enter into a Contract in writing,
for:

NOW THEREFORE,

- (a) If said bid shall be rejected, or in the alternate,
- (b) If said bid shall be accepted, and the Principal shall execute and deliver a Contract in the form of
Form of Agreement attached to the Contract Specifications and shall furnish a bond for this faithful
performance of said Contract, and for the payment of all persons performing labor or furnishing
materials in connection therewith, and submit the required insurance certificates, and shall in all
other respects perform the agreement created by the acceptance of said bid, then this obligation shall
be void, otherwise the same shall remain in force and effect; it being expressly understood and
agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the
penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond
shall be in no way impaired or affected by any extension of the time within which the OWNER may accept such bid;
and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of
them as are corporations have caused their Corporate Seals to be hereto affixed and these presents to be signed by their
proper officers, the day and year first set forth above.

Principal L.S

SEAL

Surety

By _____

Fed. ID No. _____

MONROE COUNTY, NEW YORK

STANDARD CONTRACTOR'S QUESTIONNAIRE

The information requested in this questionnaire is to assist the CONSULTANT and/or County Project Manager in evaluating the qualifications of contractors, and shall be submitted within 48 hours of the bid opening by the apparent two (2) lowest bidders. An Affidavit of No Change to a previously submitted Questionnaire will not be accepted.

Please indicate whether you believe that any of the information supplied herein is confidential and should be exempt from disclosure under the Freedom of Information Law ____ Yes ____ No.

If you checked "yes" you must identify the information you feel is confidential by placing an asterisk in front of the appropriate question number(s) and you are requested to attach an additional sheet(s) upon which the basis for such claim(s) is explained.

Project: _____

1. Contract: _____

2. Contractor: _____

DBA Name, if any: _____

NYS DOL (§ 220-i) Certificate? ____ Yes ____ No; Certificate Number: _____

Address: _____

Telephone: (____) _____

Fax: (____) _____

Email: _____

3. Type of company: _____ corporation incorporated in:

____ partnership

____ individual proprietor

____ joint venture consisting of _____

4. List names and titles of officers, partners or proprietors.

5. How long has the company been in business? _____

List any former names of the company.

Identify any affiliates of your company. For purposes by this question, your company and another are affiliates when, either directly or indirectly, one controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Federal ID No.

Company Name

Address

6. Has the company, any affiliate, or any predecessor or any member of the company ever been included on any Federal, state or municipal ineligible or debarred list? _____ Yes
_____ No?

If yes, please explain the circumstances and the present status on a separate page and attach it.

7. Has the company, any affiliate or any predecessor, been defaulted, or failed to complete a contract in the last five years? _____ Yes _____ No?

If yes, please explain the circumstances on a separate page and attach it.

8. What type(s) of construction does the company normally perform? _____

9. Please attach a list of significant projects completed in the last five years. Provide project name, owner, consultant, contract amount and completion date.

10. What is the total value of work presently under contract? \$_____.

Please attach a list of current contracts including project name, contract amount, owner, consultant, owner/consultant contact person and phone number.

11. What work on this project will you perform with your own forces? (excavation, grading, paving, concrete, masonry, structural steel, plumbing, HVAC, electrical, etc.)

-
12. What percentage of the contract does this represent? _____%
13. Please attach a list of key people you expect to assign to this contract, including their positions and experience.
14. a. What work on this project do you plan to subcontract? _____

- b. What percentage of the contract does this represent? _____%
- c. Do subcontractors have a valid NYS DOL (§ 220-i) Certificate? _____Yes _____ No
- d. If the project includes glazing and the project meets the criteria in Special Conditions, does the glazing subcontractor have NACC certification? _____Yes _____ No
15. If a certified financial statement is requested by the County, it shall include an income statement, cash flow statement and balance sheet for the last fiscal year, and any other evidence of financial capability. The certified financial statement shall have been audited by, and signed off by, an accountant. The certified financial statement and any other documents submitted as evidence of financial capability will be reviewed by Monroe County only, and will otherwise be treated as confidential documents.
16. Is any officer or owner of the company an elected or appointed official of Monroe County?
_____Yes _____ No If Yes, please indicate _____

17. Within the past five (5) years has the company, any affiliate, any predecessor company or entity, or any person identified in question number 4 above been the subject of any of the following: (respond to each question and describe in detail the circumstances of each company's "Yes" answer; attach additional pages if necessary).
- a. A judgment of conviction for any business-related conduct constituting a crime under state or federal law? _____ No _____ Yes
- b. A criminal and/or civil investigation or indictment for any business-related conduct constituting a crime under state or federal law? _____ No _____ Yes
- c. A grant of immunity for any business-related conduct constituting a crime under state or federal law? _____ No _____ Yes
- d. A rejection of any bid for lack of qualifications or responsibility or because of the submission of an informal, non-responsive or incomplete bid? _____ No _____ Yes
- e. A rejection of any proposed subcontract for lack of qualifications or responsibility or because of the submission of an informal, non-responsive or incomplete bid?
_____ No _____ Yes
- f. A voluntary exclusion from a bidding/contracting agreement? _____ No _____ Yes

- g. Any administrative proceeding, civil action, or claim? _____ No _____ Yes
- h. An OSHA Citation and Notification Penalty containing a violation classified as serious?
_____ No _____ Yes
- i. An OSHA Citation and Notification of Penalty containing a violation classified as willful? _____ No _____ Yes
- j. A prevailing wage or supplement payment violation? _____ No _____ Yes
- k. A State Labor Law violation deemed willful? _____ No _____ Yes
- l. Any other federal or state citations, Notices, violation orders, pending administration hearings or proceedings, or determination of a violation of any labor law or regulation?
_____ No _____ Yes
- m. Any criminal and/or civil investigation, felony indictment or conviction concerning formation of or any business association with, an allegedly false or fraudulent women's, minority or disadvantaged business enterprise? _____ No _____ Yes
- n. Any denial, decertification, revocation or forfeiture of Women's Business Enterprise (WBE), Minority Business Enterprise (MBE) or Disadvantaged Business Enterprise, or Service-Disabled Veteran-Owned Business (SDVOB) status? _____ No _____ Yes
- o. Rejection of a low bid on a State contract for failure to meet statutory affirmative action or MBE/WBE/DBE/SDVOB requirements? _____ No _____ Yes
- p. A consent order with the NYS Department of Environmental Conservation, or a federal, state or local government enforcement determination involving a violation of federal or state environmental laws? _____ No _____ Yes
- q. Any bankruptcy proceeding? _____ No _____ Yes
- r. Any suspension or revocation of any business or professional license? _____ No
_____ Yes
- s. Any citations, Notices, violation orders, pending administrative hearings or proceedings or determination for violation of:
- federal, state or local health laws, rules or regulations
 - unemployment insurance or workers compensation coverage or claim requirements
 - ERISA (Employee Retirement Income Security Act)
 - federal, state or local human rights laws
 - federal or state security laws?
- _____ No _____ Yes

I, an officer of the firm, hereby certify the above and attached information to be true, complete and not misleading. False or misleading statements may result in revocation of the award or contract.

Signature

Name and Title

Date

On this _____ day of _____, 20_____, before me personally came _____, to me known and known to me to be the person described in and who executed the foregoing instrument and duly acknowledged that he/she executed the same.

Notary Public

Submit completed questionnaire to:

Renee Casler, Project Manager
Monroe County Department of Environmental Services
CityPlace, Suite 7100
50 West Main Street
Rochester, New York 14614
Phone: (585) 753-7568
Fax: (585) 324-1693
Email: reneecasler@monroecounty.gov

MINORITY AND WOMEN'S BUSINESS and SERVICE-DISABLED VETERAN-OWNED BUSINESS UTILIZATION REQUIREMENTS

MBE/WBE PROGRAM REQUIREMENTS & PROCEDURES

a. Contract Requirements

CONTRACTOR shall take affirmative steps to afford opportunities for MBE and WBE firms on the project and the CONTRACTOR shall make its best efforts to meet the MBE/WBE participation goals established for this project. The specific affirmative steps to be taken by CONTRACTOR are described in subparagraph c below.

The CONTRACTOR shall designate, in writing, an executive of its company who will have overall responsibility for implementing the CONTRACTOR's MBE/WBE Utilization Plan. CONTRACTOR shall be responsible for maintaining records showing subcontractor awards to MBE and WBE firms and all specific efforts to award subcontracts to such firms even if not successful. A copy of the monthly report form is included in these Specifications. This report form is to be completed by CONTRACTOR and submitted to the OWNER with each monthly progress payment application.

CONTRACTORS that are either an MBE or WBE will be allowed include their own participation towards meeting MBE/WBE participation goals established for this project. In the event a CONTRACTOR is a MBE, such CONTRACTOR shall remain subject to the goal of subcontracting at least three percent (3%) of the total cost of services to a WBE. In the event a CONTRACTOR is a WBE, such Respondent shall remain subject to the goal of subcontracting at least twelve percent (12%) of the total cost of services to a MBE. In the event a CONTRACTOR is both a MBE and WBE, the CONTRACTOR shall choose one of the two designations and shall remain subject to the subcontracting best efforts requirement for the designation not chosen.

M/WBE firms must be certified by the New York State office of Minority and Women's Business Development or the Monroe County M/WBE Certification Program (locally funded contracts only). The OWNER reserves the right to require specific certification program(s) for its projects.

CONTRACTOR shall also be required to submit payment records, which demonstrate payment by the CONTRACTOR to all subcontractors, including the MBE and WBE firms utilized on the project. Such submissions shall include affidavits certifying payments to subcontractors for work previously paid for by the OWNER. A copy of the Affidavit of Payment form to be utilized by the CONTRACTOR is included in these Specifications.

b. Contractor's Detailed M/WBE Utilization Plan

M/WBE utilization plans shall be submitted with the initial bid. The utilization plan must include a detailed MBE/WBE Utilization Plan form and a signed Letter of Intent from each of the MBE/WBE firms identified in the Plan. The Plan must identify the MBE and WBE firms to be utilized by the Contractor. If specific spend information is not available, complete details must be provided on the actual work M/WBEs will complete on the project, together with an explanation as to why spending data is not available shall be provided. If a firm is unable to show attainment of program goals when submitting the utilization plan, CONTRACTOR must submit a Request for M/WBE Utilization Waiver with the initial bid. An approved Utilization Plan or granted utilization waiver will be required prior to contract issuance. If the Utilization Plan is reviewed and determined to be insufficient and/or a utilization waiver is not granted, the bid may be disqualified as non-responsive.

The OWNER'S Director of Diversity, Equity, and Inclusion (DEI) shall be responsible for approving CONTRACTOR's MBE/WBE Utilization Plan; any utilization waiver applications; and/or reviewing each subcontractor's MBE or WBE certifications.

The CONTRACTOR will be obligated, throughout the term of the Contract, to furnish to the OWNER'S M/WBE/SDVOB Program Manager copies of all subcontracts with M/WBE firms for Project work. Failure to provide the OWNER with a copy of such subcontracts prior to commencement of the subcontracted work shall constitute a breach of CONTRACTOR's obligations and the OWNER shall have the right, at its discretion, to order the work suspended until CONTRACTOR has complied with this provision. Any costs associated with or resulting from a suspension of work due to CONTRACTOR's failure to comply with this provision shall be CONTRACTOR's sole responsibility.

Any amendments to the Utilization Plan submitted by CONTRACTOR must be approved by the OWNER'S M/WBE/SDVOB Program Manager, including, without limitation, changes in the work to be subcontracted to MBE/WBE firms; changes in the use of MBE/WBE firms; and/or substitutions of MBE/WBE firms. Updated utilization plans shall be submitted when one of the following conditions exists:

1. For contracts with a total value of less than \$100,000 when an amendment or change order is more than 25% of the total contract value
2. For contracts with a total value of more than \$100,000 when an amendment or change order is more than \$50,000.

c. Disqualification of Proposals

Without limiting other grounds for the disqualification of bids on the basis of non-responsiveness and/or non-responsibility, the OWNER may disqualify a bid as being nonresponsive and/or non-responsible for failure to provide a MBE/WBE Utilization Plan, obtain a waiver, and/or remedy noted deficiencies in the contractor's MBE/WBE Utilization Plan.

d. Best Effort

Where it appears that a Bidder, after making its best efforts, cannot comply with M/WBE participation requirements, a Bidder may submit a written application with its bid requesting a partial or total waiver of such requirements, setting forth the reasons for the Bidder's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken by the Bidder to obtain the required participation of certified businesses. The OWNER'S Director of DEI will evaluate utilization waiver applications to determine if the Bidder's efforts are sufficient to grant the waiver. Efforts to obtain M/WBE participation that are merely pro forma are not best efforts, nor are efforts that, even if they are sincerely motivated, given all relevant circumstances, could not reasonably be expected to produce a level of M/WBE participation sufficient to meet the goal. In order to evaluate a Bidder's best efforts, the OWNER'S Director of DEI will consider the quality, quantity, and intensity of the different kinds of efforts that the Bidder has made. Below is a list of the types of actions which the OWNER'S Director of DEI will consider as part of the Bidder's best efforts to obtain M/WBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exhaustive or exclusive. Other factors or types of efforts may be relevant in appropriate cases:

1. The Bidder shall conduct market research to identify small business contractors and suppliers and solicit, through all reasonable and available means, the interest of all certified M/WBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events; advertising and/or written notices; posting of notices of sources sought and/or requests for proposals, written notices or emails to all certified M/WBEs listed in the appropriate directory of certified firms that specialize in the areas of work desired and which are located in the area or surrounding area.
2. The Bidder shall solicit this interest as early in the bidding process as practicable, to allow the M/WBEs to respond to the solicitation and submit a timely offer. The Bidder shall determine with certainty if the M/WBEs are interested by taking appropriate steps, including following up the initial solicitation with at least one additional solicitation via a different media.

The CONTRACTOR shall solicit quotes from qualified firms listed in the NYS M/WBE or Monroe County directory, regardless if they have their own database of M/WBE firms. The Bidder shall keep records of efforts to solicit and negotiate with M/WBEs as evidence of best efforts. These records must include the firms contacted, method of contact, evidence of actions, and contact information of individuals that were sent outreach efforts. M/WBE firms should be given a minimum of 10 business days to submit quotes.

3. Selecting portions of the work to be performed by M/WBEs in order to increase the likelihood that the M/WBE goal will be achieved. This includes, where appropriate, either breaking down operations or combining like or related operations into logistically and economically feasible units to facilitate M/WBE participation, **even when the Bidder might prefer to perform these work items with its own forces.** This may include, where possible, establishing flexible time frames for performance and delivery schedules in a manner that encourages and facilitates M/WBE participation
 4. Providing interested M/WBEs with adequate information on where and how to obtain the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their timely offer.
 5. Negotiating in good faith with interested M/WBEs. It is the Bidder's responsibility to make a portion of the work available to M/WBE subcontractors and material suppliers and to select those portions of the work or material needs consistent with the available M/WBE subcontractors and material suppliers, to facilitate M/WBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of M/WBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for M/WBEs to perform the work.
 6. Additional Costs. The fact that there may be some additional costs involved in finding and using M/WBEs is not in itself sufficient reason for a bidder's failure to meet the contract M/WBE goal, as long as such costs are reasonable. The ability or desire of a Bidder to perform the work of a contract with its own organization does not relieve the Bidder of the responsibility to make best efforts.
 7. Replacement Firms. A prime contractor's inability to find a replacement M/WBE at the original price is not sufficient to support a finding that best efforts have been made to replace the original M/WBE. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make best efforts to find a replacement M/WBE, and it is not a sound basis for rejecting a prospective replacement M/WBE's reasonable quote.
 8. Making efforts to assist interested M/WBEs in obtaining bonding, lines of credit or insurance as required by the Department or the Bidder.
 9. Making efforts to assist interested M/WBEs in obtaining necessary equipment, supplies, materials, or related assistance.
 10. The OWNER'S M/WBE/SDVOB Program Manager will provide assistance to potential bidders in connecting with M/WBEs.
- e. **Payment Deductions**

The CONTRACTOR's failure to perform in accordance with an approved M/WBE Utilization Plan shall constitute a default by the CONTRACTOR of the obligations under the Contract. In the event of such a default by CONTRACTOR, the OWNER shall be entitled to deduct payment to CONTRACTOR in the percentage amount of the Contract which equals CONTRACTOR's shortfall

from the M/WBE participation goals for this project. Such deductions by the OWNER may begin with the CONTRACTOR's initial payment application, and will carry-over to subsequent payment applications until the total amount of the deductions equals the amount of the MBE/WBE participation goal shortfall. In the event the CONTRACTOR thereafter performs in accordance with an approved M/WBE Utilization Plan, the OWNER will reimburse any payment deductions made pursuant to this provision. In the event the CONTRACTOR continues to fail to perform in accordance with an approved M/WBE Utilization Plan, the OWNER will retain any payment deductions made pursuant to this provision and may seek any other rights and remedies available to OWNER under law or in equity.

f. Additional Requirements

1. M/WBE SUPPLIER

M/WBE supplier participation shall be based on 50% of their contract amount. This participation shall be based on 100% of contract amount if said MBE/WBE installs the material they are supplying.

A supplier is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. It is a firm that engages in, as its principal business, and in its own name, the purchase and sale of the products in question. One who deals in bulk items such as steel, cement, gravel, stone and petroleum products need not keep such products in stock, if it owns or operates distribution equipment.

2. M/WBE TRUCKING

- (a) No material costs will be credited towards a project's M/WBE goals
- (b) In the event that the M/WBE Trucking entity intends to subcontract, such subcontracting shall be governed by subsection 4. M/WBE SUBCONTRACT TO NON-M/WBE's.

3. M/WBE LABOR ONLY SUBCONTRACTS

The M/WBE subcontractor shall submit documentation of the relationship between his work force and the prime contractor's work force. The prime contractor and the M/WBE subcontractors shall submit copies of the certified payrolls to the OWNER (or his designee).

4. M/WBE SUBCONTRACT TO NON-M/WBE's

In order to allow management flexibility for M/WBE firms, the M/WBE firms are permitted to subcontract up to 49% of any single M/WBE subcontract to non-M/WBEs and still have the whole M/WBE subcontract count towards fulfillment of the M/WBE utilization requirement. If the M/WBE firm contracts out more than 49% of any single M/WBE subcontract to non-M/WBE firms, the Subcontract between the M/WBE and the prime contractor shall no longer be considered a bona fide M/WBE subcontract.

g. Conditions of Participation

M/WBE participation will be counted toward meeting the M/WBE contract goals, subject to all of the following conditions:

1. Commercially Useful Function

The Prime Contractor is responsible for ensuring that M/WBEs working on the contract perform a commercially useful function. A M/WBE is considered to perform a commercially useful function when it is responsible for the execution of a distinct element of work on a contract and carries out his/her responsibilities by actually performing, managing, and supervising the work involved in accordance with normal industry practice (except where such practices are inconsistent with the

M/WBE regulations). Arrangements that erode the ownership, control, or independence of the M/WBE or in any other way does not meet the commercially useful function requirement, the Contractor shall receive no credit toward the goal.

2. Work Force

The M/WBE firm must employ a work force (including administrative and clerical) separate and apart from that employed by the Prime Contractor, other subcontractors on the project, or their affiliates. This does not preclude the employment by the M/WBE of an individual that has been previously employed by another firm involved in the contract, provided that the individual was independently recruited by the M/WBE in accordance with customary industry practice. The routine transfer of work crews from another employer to the M/WBE shall not be allowed.

3. Supervision

All work performed by the M/WBE must be controlled and supervised by the M/WBE without duplication of supervisory personnel from the Consultant/Prime Contractor or other subcontractors. This does not preclude routine communication between the supervisory personnel of the M/WBE and other supervisors necessary to coordinate the work of the contract.

4. Equipment

M/WBE subcontractors may supplement their equipment by renting or leasing additional equipment in accordance with customary industry practice. However, no more than 50% of the equipment required to perform the work of the subcontractor may be obtained from the Prime Contractor, other subcontractors on the project, or their affiliates. If the M/WBE obtains equipment from any of those sources, the County of Monroe shall receive from the M/WBE documentation demonstrating that similar equipment and terms could not be obtained at a lower cost from other customary sources of equipment. The required documentation shall include, but not be limited to, copies of the rental or leasing agreements, and the names, addresses, and terms quoted by other sources of equipment.

h. Certification Process

The State of New York and Monroe County maintain a list of firms which have previously been certified as MBE's or WBE's as those terms are defined below.

1. Definitions

The following terms are defined as follows:

- (a) Minority Business Enterprise (MBE) - an independent business completely or substantially owned, controlled and operated by one or more members of specified minority groups or socially and economically disadvantaged individuals.
- (b) Women's Business Enterprise (WBE) - an independent business completely or substantially owned, controlled and operated by one or more women.
- (c) Independent - demonstrably free from any control, domination or undue influence by individuals or businesses who are not intended to be primary beneficiaries of the MBE/WBE program.
- (d) Business - an entity capable of performing a commercially useful function, including management and supervision of the work.

- (e) Owned, controlled and operated - minority or women owners must: (a) have at least 51% of the beneficial ownership interest of the business; (b) share in the risks and profits commensurate with their percentage of ownership; (c) possess the power to direct or cause the direction of the management and policies of the business; (d) be actively involved in the day-to-day management and operation of the firm.
- (f) Specified minority groups - Black Americans, Hispanic Americans, Native Americans and Asian Pacific Americans.
- (g) Socially and economically disadvantaged - member of a group or an individual found to be socially and economically disadvantaged by the U.S. Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 USC Section 637 (a)).

CERTIFIED SDVOB FIRMS PROGRAM REQUIREMENTS & PROCEDURES

a. Contract Requirements

CONTRACTOR shall take affirmative steps to afford opportunities for Certified Service-Disabled Veteran-Owned Business (SDVOB) Firms on the project and shall make its best efforts to meet the participation goals established for this project. The specific affirmative steps to be taken by CONTRACTOR are described in subparagraph d below.

The CONTRACTOR shall designate, in writing, an executive of its company who will have overall responsibility for implementing the CONTRACTOR's SDVOB Utilization Plan. CONTRACTOR shall be responsible for maintaining records showing subcontractor awards and all specific efforts to award subcontracts to such firms even if not successful. A copy of the monthly report form is included in these Specifications. This report form is to be completed by CONTRACTOR and submitted to the OWNER with each monthly progress payment application.

CONTRACTORS that are a Certified SDVOB Firm will be allowed include their own participation towards meeting SDVOB participation goals established for this project.

CONTRACTOR shall be required to submit payment records, which demonstrate payment by the CONTRACTOR to all subcontractors, including Certified SDVOB Firms utilized on the project. Such submissions shall include affidavits certifying payments to subcontractors for work previously paid for by the OWNER. A copy of the Affidavit of Payment form to be utilized by the CONTRACTOR is included in these Specifications.

b. Contractor's Detailed SDVOB Utilization Plan

SDVOB utilization plans shall be submitted with the initial bid. The utilization plan must include a detailed SDVOB Utilization Plan form and a signed Letter of Intent from each of the Certified SDVOB Firms identified in the Plan. The Plan must identify the Certified SDVOB Firms to be utilized by the Contractor. If specific spend information is not available, complete details must be provided on the actual work Certified SDVOB Firms will complete on the project, together with an explanation as to why spending data is not available shall be provided. If a firm is unable to show obtainment of program goals when submitting the utilization plan, CONTRACTOR must submit a Request for SDVOB Utilization Waiver with the initial bid. An approved Utilization Plan or granted utilization waiver will be required prior to contract issuance. If the Utilization Plan is reviewed and determined to be insufficient and/or a utilization waiver is not granted, the bid may be disqualified as non-responsive.

The OWNER'S Director of Diversity, Equity, and Inclusion (DEI) shall be responsible for approving CONTRACTOR's SDVOB Utilization Plan; any utilization waiver applications; and/or reviewing each subcontractor's Certified SDVOB Firms certifications.

The CONTRACTOR will be obligated, throughout the term of the Contract, to furnish to the OWNER'S M/WBE/SDVOB Program Manager copies of all subcontracts with Certified SDVOB Firms for Project work. Failure to provide the OWNER with a copy of such subcontracts prior to commencement of the subcontracted work shall constitute a breach of CONTRACTOR's obligations and the OWNER shall have the right, at its discretion, to order the work suspended until CONTRACTOR has complied with this provision. Any costs associated with or resulting from a suspension of work due to CONTRACTOR's failure to comply with this provision shall be CONTRACTOR's sole responsibility.

Any amendments to the SDVOB Utilization Plan submitted by CONTRACTOR must be approved by the OWNER'S M/WBE/SDVOB Program Manager, including, without limitation, changes in the work to be subcontracted to Certified SDVOB Firms; changes in the use of Certified SDVOB Firms; and/or substitutions of Certified SDVOB Firms. Updated utilization plans shall be submitted when one of the following conditions exists:

1. For contracts with a total value of less than \$100,000 when an amendment or change order is more than 25% of the total contract value
2. For contracts with a total value of more than \$100,000 when an amendment or change order is more than \$50,000.

c. Disqualification of Proposals

Without limiting other grounds for the disqualification of bids on the basis of non-responsiveness and/or non-responsibility, the OWNER may disqualify a bid as being nonresponsive and/or non-responsible for failure to provide a SDVOB Utilization Plan, obtain a waiver, and/or remedy noted deficiencies in the contractor's SDVOB Utilization Plan.

d. Best Effort

Where it appears that a Bidder, after making its best efforts, cannot comply with SDVOB participation requirements, a Bidder may submit a written application with its bid requesting a partial or total waiver of such requirements, setting forth the reasons for the Bidder's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken by the Bidder to obtain the required participation of certified businesses. The OWNER'S Director of DEI will evaluate utilization waiver applications to determine if the Bidder's efforts are sufficient to grant the waiver. Efforts to obtain SDVOB participation that are merely pro forma are not best efforts, nor are efforts that, even if they are sincerely motivated, given all relevant circumstances, could not reasonably be expected to produce a level of SDVOB participation sufficient to meet the goal. In order to evaluate a Bidder's best efforts, the OWNER'S Director of DEI will consider the quality, quantity, and intensity of the different kinds of efforts that the Bidder has made. Below is a list of the types of actions which the OWNER'S Director of DEI will consider as part of the Bidder's best efforts to obtain SDVOB participation. It is not intended to be a mandatory checklist, nor is it intended to be exhaustive or exclusive. Other factors or types of efforts may be relevant in appropriate cases:

1. The Bidder shall conduct market research to identify small business contractors and suppliers and solicit, through all reasonable and available means, the interest of all Certified SDVOB Firms that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events; advertising and/or written notices; posting of notices of sources sought and/or requests for proposals, written notices or emails to all Certified SDVOB Firms listed in the appropriate directory of certified firms that specialize in the areas of work desired and which are located in the area or surrounding area.
2. The Bidder shall solicit this interest as early in the bidding process as practicable, to allow the Certified SDVOB Firms to respond to the solicitation and submit a timely offer. The Bidder shall determine with certainty if the Certified SDVOB Firms are interested by taking appropriate steps, including following up the initial solicitation with at least one additional solicitation via a different

media. **The CONTRACTOR shall solicit quotes from Certified SDVOB Firms listed in the NYS or US SBA SDVOB Directories regardless if they have their own database of SDVOB firms.**

The Bidder shall keep records of efforts to solicit and negotiate with Certified SDVOB Firms as evidence of best efforts. These records must include the firms contacted, method of contact, evidence of actions, and contact information of individuals that were sent outreach efforts. Certified SDVOB Firms shall be given a minimum of 10 business days to submit quotes.

3. Selecting portions of the work to be performed by Certified SDVOB Firms in order to increase the likelihood that the SDVOB goal will be achieved. This includes, where appropriate, either breaking down operations or combining like or related operations into logistically and economically feasible units to facilitate SDVOB participation, **even when the Bidder might prefer to perform these work items with its own forces.** This may include, where possible, establishing flexible time frames for performance and delivery schedules in a manner that encourages and facilitates SDVOB participation.
4. Providing interested Certified SDVOB Firms with adequate information on where and how to obtain the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their timely offer.
5. Negotiating in good faith with interested Certified SDVOB Firms. It is the Bidder's responsibility to make a portion of the work available to Certified SDVOB Firms subcontractors and material suppliers and to select those portions of the work or material needs consistent with the available SDVOB subcontractors and material suppliers, to facilitate SDVOB participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of Certified SDVOB Firms that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for Certified SDVOB Firms to perform the work.
6. Additional Costs. The fact that there may be some additional costs involved in finding and using Certified SDVOB Firms is not in itself sufficient reason for a bidder's failure to meet the contract SDVOB goal, as long as such costs are reasonable. The ability or desire of a Bidder to perform the work of a contract with its own organization does not relieve the Bidder of the responsibility to make best efforts.
7. Replacement Firms. A prime contractor's inability to find a replacement Certified SDVOB Firms at the original price is not sufficient to support a finding that best efforts have been made to replace the original Certified SDVOB Firm. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make best efforts to find a replacement Certified SDVOB Firms, and it is not a sound basis for rejecting a prospective replacement Certified SDVOB Firms reasonable quote.
8. Making efforts to assist interested Certified SDVOB Firms in obtaining bonding, lines of credit or insurance as required by the Department or the Bidder.
9. Making efforts to assist interested Certified SDVOB Firms in obtaining necessary equipment, supplies, materials, or related assistance.
10. The OWNER'S M/WBE/SDVOB Program Manager will provide assistance to potential bidders in connecting with Certified SDVOB Firms.

f. **Payment Deductions**

The CONTRACTOR's failure to perform in accordance with an approved SDVOB Utilization Plan shall constitute a default by the CONTRACTOR of the obligations under the Contract. In the event of such a default by CONTRACTOR, the OWNER shall be entitled to deduct payment to CONTRACTOR in the percentage amount of the Contract which equals CONTRACTOR's shortfall

from the SDVOB participation goals for this project. Such deductions by the OWNER may begin with the CONTRACTOR's initial payment application, and will carry-over to subsequent payment applications until the total amount of the deductions equals the amount of the SDVOB participation goal shortfall. In the event the CONTRACTOR thereafter performs in accordance with an approved SDVOB Utilization Plan, the OWNER will reimburse any payment deductions made pursuant to this provision. In the event the CONTRACTOR continues to fail to perform in accordance with an approved SDVOB Utilization Plan, the OWNER will retain any payment deductions made pursuant to this provision and may seek any other rights and remedies available to OWNER under law or in equity.

g. Definitions. The following terms are defined as follows:

1. Certified SDVOB Firms—Federal SDVOSB Certified Contractors and/or State SDVOB Certified Contractors.
2. Federal SDVOSB Certified Firms—Service-Disabled Veteran-Owned Small Business Concerns that have been certified by the U.S. Small Business Administration in accordance with 13 C.F.R. Part 128.
3. SDVOB Utilization Plan—A plan prepared by a contractor and submitted in connection with a proposed county contract. The utilization plan shall identify Certified SDVOB Firms, if known, that have committed to perform work in connection with the proposed county contract as well as any such Certified SDVOB Firms, if known, which the contractor intends to use in connection with the contractor's performance of the proposed county contract. The plan shall specifically contain a list, including the name, address and telephone number, of each Certified SDVOB Firms with which the contractor intends to subcontract.
4. State SDVOB Certified Firms—Service-Disabled Veteran-Owned Business Enterprises that have been certified by the New York State Division of Service-Disabled Veterans' Business Development in accordance with Veterans' Services Law § 41.

MINORITY AND WOMEN BUSINESS ENTERPRISES CONTRACTORS **MONROE COUNTY AND NYS DIRECTORIES**

A directory of New York State certified Minority and Women Business Enterprises (MWBE's) can be searched on the NYS web site at <https://ny.newnycontracts.com>. Select MWBE DIRECTORY from the side menu. Search the NYS M/WBE Directory of Certified Firms by entering search terms and clicking **Search**. You must select at least one certification type.

A directory of Monroe County certified M/WBE's for use on locally funded contracts can be found at: <https://www.monroecounty.gov/dei-mwbe>.

SERVICE-DISABLED VETERAN-OWNED BUSINESS CONTRACTORS **NYS AND FEDERAL DIRECTORIES**

A directory of New York State certified Service-Disabled Veteran-Owned Businesses (SDVOB's) can be searched on the NYS web site at <https://sdves.ogs.ny.gov/business-search>

A directory of Federal certified Service-Disabled Veteran-Owned Businesses (SDVOB's) can be searched on the U.S. Department of Veterans Affairs' web site at <https://vetbiz.va.gov/advancedsearch/>

MONROE COUNTY MBE/WBE/SDVOB MONTHLY REPORT

PROJECT: _____ **Your Firm Name:** _____
CONTRACT: _____ **Contact Person:** _____
CURRENT MONTH: _____ **Phone Number:** _____

FIRM NAME	MBE/WBE/ SDVOB	ESTIMATED CONTRACT CURRENT AMOUNT	PAYMENTS PRIOR TO CURRENT MONTH	PAYMENTS CURRENT MONTH	ESTIMATED DOLLAR VALUE OF REMAINING WORK	CONTRACT STATUS C - Date Completed E - Est. Comp. Date	DESCRIPTION OF WORK DONE AND SUB- CONTRACTOR'S PERFORMANCE: INDICATE D-M-Y (SEE NOTE #1)

- NOTES:**
1. If no comments are provided, it is assumed performance is acceptable.
 2. Attach to this the monthly copies of canceled checks or other proof of payment to the MBE/WBE/SDVOB.

MBE/WBE/SDVOB AFFIDAVIT OF PAYMENT

STATE OF NEW YORK:

SS:

COUNTY OF MONROE:

_____, BEING DULY SWORN, deposes and says:

1. I am the _____ of _____
(CONTRACTOR), a company duly authorized to conduct business in the State of New York and that I have full authority to execute this document on behalf of said CONTRACTOR.
2. That CONTRACTOR entered into a contract dated _____ with _____
(Subcontractor) for the performance of the following scope of services:

3. That Subcontractor is believed by CONTRACTOR to be a bona fide minority or women's business enterprise (MBE or WBE respectively) as defined by the Agreement between the CONTRACTOR and the OWNER for

(Contract Name or Title)
4. That the Subcontractor did actually perform the services described above.
5. That as compensation for work previously performed and vouchered for, the CONTRACTOR has paid to the Subcontractor _____ (\$ _____) and that said sum represents all sums due and owing to date for the Subcontractor's performance except _____ (\$ _____) which remains unpaid because

6. That I make the foregoing statements with full knowledge that the information contained herein will be used and relied upon by one (1) or more public servants in the performance of official duties.
7. I am aware that Section 210 of the New York State Penal Law provides that deliberately making a sworn false statement with intent to mislead a public servant in the performance of his official duties is a crime and that my making a false statement in this document constitutes a violation of that section and subjects me to possible criminal prosecution.

IN WITNESS WHEREOF, the CONTRACTOR has caused this certificate to be duly executed by the undersigned officer who is duly authorized to do so.

CONTRACTOR: _____

By: _____
(Title)

(ACKNOWLEDGEMENT BY CONTRACTOR, IF A CORPORATION)

STATE OF NEW YORK:

SS:

COUNTY OF MONROE:

On this ____ day of _____, 20____, before me personally came _____ to me known, who being duly sworn, did depose and say that he resides in _____; that he/she is the _____ of the _____, Corporation described herein and which executed the foregoing instrument; and that he/she knows the Seal of said Corporation; that the seal affixed to the instrument is such Corporate Seal; that it was so affixed by order of the Board of Directors of said Corporation and that he/she signed his/her name thereto by like order.

Notary Public

(ACKNOWLEDGEMENT BY CONTRACTOR, IF A PARTNERSHIP)

STATE OF NEW YORK:

SS:

COUNTY OF MONROE:

On this ____ day of _____, 20____, before me personally came _____ to me known and known to me to be a member of the firm of _____, and known to me to be an individual described in, and who executed the foregoing instrument in the firm name of _____ and he/she duly acknowledged to me that he executed the same for and in the behalf of said firm for the uses and purposes mentioned therein.

Notary Public

(ACKNOWLEDGEMENT BY INDIVIDUAL CONTRACTOR)

STATE OF NEW YORK:

SS:

COUNTY OF MONROE:

On this ____ day of _____, 20____, before me personally came _____ to me known and known to me to be the person described in and who executed the foregoing instrument and duly acknowledged that he/she executed the same.

Notary Public

<u>Bidder/Contractor's Detailed MBE/WBE/SDVOB Utilization Plan</u>					
Bidder/Contractor Information				BID/RFP/RFQ Title	
Company Name					
POC Name					
Phone					
E-Mail					
<u>Projected MBE/WBE/SDVOB Spending Summary</u>					
Total Bid/Contract Value					
Minority Business Enterprise (MBE)		Women Business Enterprise (WBE)		Service Disabled Veteran Owned Business (SDVOB)	
MBE Goal Percentage	12%	WBE Goal Percentage	3%	SDVOB Goal Percentage	6%
MBE Goal Amount	\$	WBE Goal Amount	\$	SDVOB Goal Amount	\$
MBE Utilization Amount	\$	WBE Utilization Amount	\$	SDVOB Utilization Amount	\$
MBE Utilization Percentage	%	WBE Utilization Percentage	%	SDVOB Utilization Percentage	%
MBE Utilization Shortfall	\$	WBE Utilization Shortfall	\$	SDVOB Utilization Shortfall	\$
<u>Contractor Utilization Plan Checklist</u>					
Utilization Plan:	Please be specific and provide detail of work being performed by MBE/WBE/SDVOB				
Letters of Intent:	Signed form must be submitted for each MBE/WBE/SDVOB listed on the plan.				
Waiver Request:	Must be submitted if there are any dollar amounts listed under "Utilization Shortfall"				
DEI Use Only					
Plan Approved		Plan Disapproved		Waiver Granted	Waiver Denied
By:			Date:		

CONTRACTOR'S DETAILED MBE/WBE/SDVOB UTILIZATION

PLAN SECTION I-MBE PARTICIPATION

MBE FIRM		DESCRIPTION OF WORK	CONTRACT INFORMATION	
NAME			CONTRACT AMOUNT	
ADDRESS			DATE OF CONTRACT	
			SCHEDULE START DATE	
CERTIFICATION			PAYMENT SCHEDULE	
CONTACT PERSON			COMPLETION DATE	
PHONE				
EMAIL				
NAME			CONTRACT AMOUNT	
ADDRESS			DATE OF CONTRACT	
			SCHEDULE START DATE	
CERTIFICATION			PAYMENT SCHEDULE	
CONTACT PERSON			COMPLETION DATE	
PHONE				
EMAIL				
NAME			CONTRACT AMOUNT	
ADDRESS			DATE OF CONTRACT	
			SCHEDULE START DATE	
CERTIFICATION			PAYMENT SCHEDULE	
CONTACT PERSON			COMPLETION DATE	
PHONE				
EMAIL				

CONTRACTOR'S DETAILED MBE/WBE/SDVOB UTILIZATION PLAN

SECTION II-WBE PARTICIPATION

WBE FIRM		DESCRIPTION OF WORK	CONTRACT INFORMATION	
NAME			CONTRACT AMOUNT	
ADDRESS			DATE OF CONTRACT	
			SCHEDULE START DATE	
CERTIFICATION			PAYMENT SCHEDULE	
CONTACT PERSON			COMPLETION DATE	
PHONE				
EMAIL				
NAME			CONTRACT AMOUNT	
ADDRESS			DATE OF CONTRACT	
			SCHEDULE START DATE	
CERTIFICATION			PAYMENT SCHEDULE	
CONTACT PERSON			COMPLETION DATE	
PHONE				
EMAIL				
NAME			CONTRACT AMOUNT	
ADDRESS			DATE OF CONTRACT	
			SCHEDULE START DATE	
CERTIFICATION			PAYMENT SCHEDULE	
CONTACT PERSON			COMPLETION DATE	
PHONE				
EMAIL				

CONTRACTOR'S DETAILED MBE/WBE/SDVOB UTILIZATION PLAN

SECTION III - SDVOB PARTICIPATION

SDVOB FIRM		DESCRIPTION OF WORK	CONTRACT INFORMATION	
NAME			CONTRACT AMOUNT	
ADDRESS			DATE OF CONTRACT	
			SCHEDULE START DATE	
CERTIFICATION			PAYMENT SCHEDULE	
CONTACT PERSON			COMPLETION DATE	
PHONE				
EMAIL				
NAME			CONTRACT AMOUNT	
ADDRESS			DATE OF CONTRACT	
			SCHEDULE START DATE	
CERTIFICATION			PAYMENT SCHEDULE	
CONTACT PERSON			COMPLETION DATE	
PHONE				
EMAIL				
NAME			CONTRACT AMOUNT	
ADDRESS			DATE OF CONTRACT	
			SCHEDULE START DATE	
CERTIFICATION			PAYMENT SCHEDULE	
CONTACT PERSON			COMPLETION DATE	
PHONE				
EMAIL				

MBE/WBE/SDVOB LETTER OF INTENT

PROJECT: _____

TO: _____
(Name of Bidder)

_____ intends to perform work on the above project as a: (Check one):
(MBE/WBE/SDVOB Subcontractor)

MBE

WBE

SDVOB

The above-identified (MBE/WBE/SDVOB) is prepared to perform the following described work in connection with the above project:

at the following price: _____.

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

Projected Start Date: _____

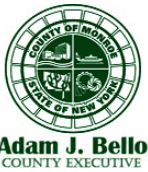
Completion Date: _____

With respect to the proposed subcontract described above, _____% of the dollar value of such subcontract will be sublet and/or awarded to non-M/WBE/SDVOB contractors or non-M/WBE/SDVOB suppliers. The undersigned will enter into a formal agreement for the above work with you conditioned upon your execution of a contract with the County of Monroe.

Date

Name of M/WBE-SDVOB Contractor

Authorized Signature



APPLICATION FOR WAIVER OF MBE/WBE/SDVOB PARTICIPATION GOAL

Section 1: Basic Information			
Contractor's Name:		E-Mail Address:	
Street Address:		Telephone:	
City, State, Zip Code		Bid/RFQ/RFP Title:	
MBE Goal %12		WBE Goal 3%	
		SDVOB Goal 3%	
Section 2: Type of MBE/WBE/SDVOB Waiver Requested (Check Appropriate Boxes)			
MBE Waiver	<input type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised MBE percentage:
WBE Waiver	<input type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised WBE percentage:
SDVOB Waiver	<input type="checkbox"/> Total	<input type="checkbox"/> Partial	If partial waiver, please enter the revised SDVOB percentage:
Please explain the reason for the waiver request (additional pages may be attached):			
Section 3: Supporting Documentation			
Provide the following documentation as evidence of your best efforts to meet the MBE/WBE/SDVOB goals set forth in the contract and in support of your waiver application. If Attachment F is applicable, you must include the date on the space provided and copies of the notice of application receipt.			
<ul style="list-style-type: none"><input type="checkbox"/> Attachment A. List of the general circulation, trade and MBE/WBE/SDVOB-oriented publications and dates of publications soliciting for certified MBE/WBE/SDVOB participation as a subcontractor/supplier and copies of such solicitation.<input type="checkbox"/> Attachment B. List of the certified MBE/WBE/SDVOB appearing in the NY State M/WBE and SDVOB directories, the Federal SDVOSB Directory and the Monroe County M/WBE Directory that were solicited for this contract. Provide proof of dates or copies of the solicitations and copies of the responses made by the certified MBE/WBE/SDVOB s. Describe specific reasons that responding certified MBE/WBE/SDVOBs were not selected for subcontracting.<input type="checkbox"/> Attachment C. Descriptions of the contract documents/plans/specifications made available to certified M/WBEs by the contractor when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with or obtaining supplies from certified MBE/WBE/SDVOBs.<input type="checkbox"/> Attachment D. Description of the negotiations between the contractor and certified MBE/WBE/SDVOB s for the purposes of complying with the MBE/WBE/SDVOB goals of this contract.<input type="checkbox"/> Attachment E. Identify dates of any pre-bid, pre-award, or other meetings attended by contractor, if any, scheduled by Monroe County with certified MBE/WBE/SDVOB.<input type="checkbox"/> Attachment F. Waiver Pending ESD, OGS, or Monroe County Certification (Check here if subcontractors or suppliers of Contractor are not certified MBE/WBE/SDVOB, but an application for certification has been filed with New York State or Monroe County). Date of such filing with New York State: Must provide a copy of notice of application receipt issued by Empire State Development (ESD), Office of General Services (OGS) or an application statement form DEI/M/WBE-SDVOB: _____<input type="checkbox"/> Attachment G: List of all proposed subcontractors and the scope of work they will perform, regardless of certification status.<input type="checkbox"/> Attachment H. Other information deemed relevant to the request.			
Section 4: Signature and Contact Information			
By signing and submitting this form, the contractor certifies that best efforts were made to promote MBE/WBE/SDVOB participation pursuant to the MBE/WBE/SDVOB requirements set forth under the contract. Failure to submit complete and accurate information may result in a finding of noncompliance, non-responsibility, and a suspension or termination of the contract.			
Prepared By: (Signature)			Date:

FOR DEI USE ONLY

Reviewed By:

Date:

Decision

- ☐ Full MBE waiver granted
☐ Partial MBE waiver granted: revised MBE goal ____%
☐ MBE waiver denied
☐ Full WBE waiver Granted
☐ Partial WBE waiver granted: revised WBE goal ____%
☐ WBE waiver denied
☐ Full SDVOB waiver granted
☐ Partial SDVOB waiver granted: revised MBE goal ____%
☐ SDVOB waiver denied

Approved By:

Date:

Date Notice of Determination Sent:

Comments:

FOR Monroe County DEI ONLY

Reviewed By:

Date:

Waiver Granted:

- ☐ Yes ☐ No
☐ MBE ☐ WBE ☐ SDVOB
☐ Total Waiver
☐ Partial Waiver
☐ ESD/OGS/Monroe County Certification Waiver
☐ *Conditional
☐ *Notice of Deficiency Issued

Comments

MONROE COUNTY EQUAL PAY CERTIFICATION
(To be Submitted with Proposal)

The undersigned certifies, to the best of his/her knowledge, that the Contractor:

1. Compensates its employees in compliance with the Federal Equal Pay Act, 29 USC § 206, and the New York State Labor Law § 194, as amended from time to time ("Equal Pay Laws").
2. Has not been subject to an adverse finding by the United States Department of Labor, New York State Department of Labor or a court of law with regard to the Equal Pay Laws within the previous five years ("Adverse Finding"). If the Contractor has been subject to an Adverse Finding, the Contractor shall immediately disclose in writing the outcome and circumstances of such Adverse Finding to the County Purchasing Manager at the following address: Room 200, County Office Building, 39 West Main Street, Rochester, New York 14614.
3. Is not the subject of any currently pending claims involving the Equal Pay Laws. If the Contractor is the subject of any currently pending claims involving the Equal Pay Laws, the Contractor shall immediately disclose in writing to the County's Purchasing Manager the nature and status of such claims.
4. Acknowledges that the violation of one or more of the Equal Pay Laws or its filing of a false or misleading Monroe County Equal Pay Certification during the term of the Contractor's agreement with Monroe County may constitute grounds for the County in its sole discretion to immediately terminate such agreement with the Contractor and for determining the Contractor to be not qualified to participate in future Monroe County contracts.
5. Acknowledges that the Contractor will cooperate with the County's compliance monitoring and periodic auditing of Certifications provided by the Contractor to the County.

Date: _____

[Print Name of Contractor]

By: _____
[Signature]

[Print Name]

[Print Title/Office]