

COUNTY OF ALLEGHENY
DEPARTMENT OF HUMAN SERVICES



MINORITY/WOMEN/DISADVANTAGED
BUSINESS ENTERPRISE
CONTRACT SPECIFICATIONS MANUAL

FOR ALL CONTRACTED PROVIDERS/VENDORS/INDIVIDUALS

Per the AGREEMENT by and between the COUNTY OF ALLEGHENY (hereinafter COUNTY) through its Department of Human Services and SERVICE PROVIDER, the following terms and conditions with regard to Minority/Women/Disadvantaged Business Enterprises (hereinafter MWDBE) shall be incorporated as part of said AGREEMENT.

1. It is the policy of the COUNTY that MWDBEs as defined in this document shall have the maximum opportunity to participate in the performance of subcontracts financed in whole or in part with COUNTY funds under this AGREEMENT.
2. SERVICE PROVIDER shall take reasonable steps to ensure that MWDBEs have the maximum opportunity to compete for and perform subcontracted services.
3. SERVICE PROVIDER shall not discriminate on the basis of race; color; religion; national origin or ancestry; sex; gender identity or expression; sexual orientation; disability; marital status; familial status; age (40 or over); or use of a guide or support animal because of blindness, deafness or physical disability of any individual or independent contractor or because of the disability of an individual with whom the person is known to have an association; or on any other basis in the award and performance of subcontracts.
4. Throughout the life of this AGREEMENT, SERVICE PROVIDER shall continue good faith efforts to increase MWDBE participation in subcontracts to this AGREEMENT.
5. In all subcontracts to this AGREEMENT, SERVICE PROVIDER shall include the provisions of this manual so that these provisions will be binding upon each subcontractor, regular dealer, manufacturer, and consultant and/or service agency.
6. Definitions
 - a. Minority Business Enterprise (MBE) means a small business concern as defined in the Small Business Act, 15 USC, as amended:
 - * Which is at least 51 percent owned by the one or more minority individuals, or, in the case of any corporation at least 51 percent of the stock of which is owned by one or more minority individuals and
 - * Whose management and daily business operations are controlled by one or more of the minority individuals who own it.

- b. Women Business Enterprise (WBE) means a small business concern as defined in the Small Business Act, 15 USC, as amended
- * Which is at least 51 percent owned by the one or more female individuals, or in the case of any corporation at least 51 percent of the stock of which is owned by one or more female individuals; and
 - * Whose management and daily business operations are controlled by one or more of the female individuals who own it.
- c. Minority means those individuals who are citizens of the United States or lawfully admitted permanent residents and who are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, or Subcontinent Asian Americans and any other disadvantaged or individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act as amended. For convenience, these individuals and groups are referred to as “disadvantaged”.
- d. The COUNTY may make a rebuttable presumption that individuals in the following groups are minorities and socially and economically disadvantaged:
- * Black Americans includes persons having origins in any of the Black racial groups of Africa.
 - * Hispanic Americans includes person of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race.
 - * Native Americans includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians.
 - * Asian Pacific Americans includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the US Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong.

* Subcontinent Asian Americans includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka.

e. Owned and Controlled means a business

* Which is at least 51 percent owned by one or more minority or female persons, or in the case of a corporation, at least 51 percent of the stock of which is owned by one or more such persons, and

* Whose management and daily business operation are controlled by one or more such individuals.

7. The utilization of MWDBEs is in addition to other equal opportunity requirements of the AGREEMENT.

8. SERVICE PROVIDER is required to

a. Submit with their contract a completed MWDBE Participation Statement and/or MWDBE Waiver Request for all planned subcontracts/purchases for the contract period.

b. Submit a revised MWDBE Participation Statement and/or MWDBE Waiver Request for any unforeseen subcontracts/purchases that arise during the contract period.

c. Maintain in their files and give the COUNTY access to their Supplier/Subcontractor Diversity Policy and Procedures

9. SERVICE PROVIDER is expected to demonstrate good faith efforts by actively and aggressively seeking out MWDBE participation to the maximum extent possible given all relevant circumstances.

10. The following represents documentation of the kinds of efforts that may be taken but is not deemed to be exclusive or exhaustive and the COUNTY will consider other related factors and types of efforts that may be relevant:

a. Documentation of efforts made to select portions or break down work/service into economically feasible units to facilitate participation of MWDBEs.

b. Written notification dated at least fifteen (15) calendar days prior to the opening of bids to individual MWDBEs soliciting their participation in the

contract as a subcontractor, regular dealer, manufacturer, and consultant or service agency. Indicate in the notification the specific items or type of work involved.

- c. To obtain a list of certified M/W/DBEs for notification of potential subcontracts, please visit www.paucp.com. If you have any questions with regard to minority, women and disadvantaged business enterprises, please contact:

Allegheny County Department of Minority, Women and
Disadvantaged Business Enterprise
204 County Office Building
542 Forbes Avenue
Pittsburgh PA 15219
Phone: 412-350-4309
Fax: 412-350-4915

- d. Written notification to minority, women, and disadvantaged economic development assistance agencies and organizations that provide assistance in recruitment and placement of MWDBEs of the type of work being considered by MWDBEs on this contract. See the Related Links portion of Allegheny County's M/W/DBE Department website at www.alleghenycounty.us/mwdb.
- e. Documentation of efforts made to negotiate with MWDBEs for specific items of work which should include the following:
- * The names, addresses, telephone numbers and e-mails of MWDBEs who were contacted, along with the dates of initial contact and whether initial solicitations of interest were followed up by contacting the MWDBEs to determine with certainty whether the MWDBEs were interested.
 - * A description of the scope of work provided to MWDBEs.
 - * Documentation of contact with each MWDBE contacted but rejected and the reasons for the rejection.
- f. Documentation to certify that no exclusivity agreement exists between the SERVICE PROVIDER and an MWDBE firm in relation to this AGREEMENT.

- g. Documentation of efforts made to aid any MWDBEs that need assistance in obtaining required bonding, insurance, or lines of credit required by SERVICE PROVIDER.
 - h. Documentation to certify that qualified MWDBEs are not available or are not interested.
 - i. Documentation to certify attendance at any meetings to encourage better utilization of MWDBE firms and encourage utilization opportunities, etc.
 - j. Documentation to certify advertisement in general circulation media, trade association publications, disadvantaged-focused media of interest for MWDBEs in area of interest.
 - k. Documentation of efforts to effectively use the services of available MWDBE community organizations; contractors' groups; local, state and federal business assistance offices; and other organizations that provide assistance in the recruitment and placement of MWDBEs.
11. The following are NOT considered valid justification for failure to make efforts to solicit MWDBE participation in subcontracts:
- a. Failure to contract with an MWDBE solely because the MWDBE was unable to provide performance and/or payment bonds.
 - b. Rejection of a reasonable MWDBE bid based on price alone.
 - c. Failure to contract with an MWDBE because SERVICE PROVIDER normally would perform all or most of the work in the contract.
 - d. Restricting efforts to mailing of letters or sending of e-mails.
12. If for any reason during the life of the AGREEMENT, it is necessary for SERVICE PROVIDER to replace an MWDBE that fails to perform successfully, SERVICE PROVIDER should document a diligent effort to re-contract that work with another MWDBE or subcontract other work items to an MWDBE entity.
13. SERVICE PROVIDER shall keep such records as are necessary to determine compliance with the MWDBE conditions set forth herein. These records should indicate:
- a. The number of MWDBEs, non-MWDBEs and the type or service or supplies each has provided for this AGREEMENT.

- b. The progress and efforts made in seeking out MWDBE organizations and MWDBEs for work for this AGREEMENT to increase the MWDBE participation and/or to maintain MWDBE participation levels during the life of this AGREEMENT.
 - c. Documentation of correspondence, contacts, telephone calls, etc., to obtain services of MWDBEs for this AGREEMENT.
14. Allegheny County uses an internet-based program that allows you to report payments to your subcontractors/subvendors on contracts you have with the County. If you are an MWDBE prime vendor, you must also report what the County pays you. A link to the payment website will be sent to you via e-mail along with your Prime Vendor ID Number. Simply update the County's information regarding the payments you have made.
- a. **Prime vendors will be required to report on the 10th of each month the MWDBE participation paid in the previous month.**
 - b. In addition to monthly reporting, submit paid invoices, cancelled checks, electronic check images and certification attesting to actual amount paid to each MWDBE.
 - c. An explanation of the difference between actual amount paid and award amount, if any, must be provided.
15. Maintain records for a period of 4 (four) years following acceptance of final payment.
16. Make records available for inspection by the COUNTY.