Minneapolis
Department of Civil Rights

Contractor Training Materials

July 16, 2015

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City of Lakes

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Instructions for Contractors - Davis-Bacon Projects

Minneapolis
Department of Civil Rights

LCPtracker Information

- LCPtracker is an online database used by the City of Minneapolis to monitor minority and women business inclusion, Section 3, workforce inclusion, and prevailing wage.
- All contractors performing onsite labor are required to pay employees and submit payrolls through LCPtracker **weekly**.

Set up:

- The Contract Compliance Officer will set up the **project**. The General Contractor (GC) will receive a notice from LCPtracker to set up the subcontractors. GC must assign subcontractors immediately to the project in LCPtracker.
- If a subcontractor is already an LCPtracker user, GC should use the subcontractor's LCPtracker User ID to assign the subcontractor and prevent having multiple User ID's.
- If a subcontractor is not already in LCPtracker, GC's can request the "*LCPtracker Contractor Setup Form*" from the Contract Compliance Officer. Subcontractor must fill out this form and return it to the GC. This will assist the GC in getting the needed information to set up new subcontractors in LCPtracker. **Note: If GC is a new user, GC must submit this form to the Contract Compliance Officer.*

Payroll:

- There are 2 ways to submit payrolls in LCPtracker: **(1)** Enter the data manually or **(2)** Create an interface with LCPtracker and your current accounting system.

Questions & Compliance:

- All LCPtracker questions must be directed to GC who will contact the Contract Compliance Officer if necessary.
- For technical assistance, contact LCPtracker support at 714-669-0052 (Option 4); or support@lcptracker.com

Minority and Women Business (MBE/WBE) Inclusion

MBE/WBE Inclusion Goals and Good Faith Efforts:

- MBE/WBE participation goals are set on City contracts/projects based on project scope, subcontracting opportunities, and availability of qualified MBEs/WBEs certified with the Minnesota Unified Certification Program (MNUCP).
- Businesses bidding on City contracts must make a good faith effort to meet the goals.

Counting MBE/WBE Participation:

- The MBE/WBE must be **(1)** certified by the MNUCP **(2)** in the scope of service the contractor is soliciting and **(3)** located within the 11-county metro area to count towards the goals.
- Companies certified as both MBE and WBE count towards the MBE goal.

MBE/WBE Substitutions:

- If a MBE/WBE subcontractor is unable to perform, the GC must make a good faith effort to replace that subcontractor with another MNUCP certified MBE/WBE.
- The GC must notify the subcontractor and the Contract Compliance Officer in advance and obtain written approval from both parties to make a MBE/WBE substitution.

Section 3 Business and Workforce Goals

- The project goal for Section 3 Residents is 30%. To the greatest extent feasible, 30% of all **New Hires** in the year should be Section 3 Residents. For every 3 people hired by a contractor, 1 should be a Section 3 Resident.

A Section 3 Resident is:

- a public housing resident, or
- Participant in a HUD Youthbuild program, or
- Homeless persons residing in the Minneapolis-St. Paul-Bloomington MN-WI metropolitan area where the project is located, or
- a low -or very low- income person residing in Minneapolis-St. Paul-Bloomington MN-WI metropolitan area where the project is located.

New Hire Definition:

A new hire is a full-time employee (including laid-off workers rehired) filling a permanent, temporary, or seasonal position on a Section 3 covered project. All jobs (including management and administrative) can be counted toward the Section 3 goals. If a new hire meets the Section 3 Resident's qualifications but is not certified, they can become certified and count towards the goals.

- The project goal for Section 3 Businesses is 10%. To the greatest extent feasible, contractor shall subcontract 10% of the total construction contract to Section 3 Businesses.

A Section 3 Business is:

- a business that is 51% owned by Section 3 Residents, or
- at least 30% of a business FT employees are Section 3 Residents (or were within 3 years of hire date), or
- a business that makes a commitment to subcontract over 25% of its subcontracting dollars to a Section 3 business

- GC should use the City's Section 3 Business and Resident's List and share it with their subcontractors.

Click here for applications or more information: http://minneapolismn.gov/civilrights/contractcompliance/subp/WCMS1P-125079

Prevailing Wage

Wage Decision:

- Each company must have a copy of the applicable wage decision.
- Prevailing wage rates are the wage rates listed on the wage decision for the project. The wage decision lists a **wage rate + fringe benefits** for each trade classification.
    - The total of the wage rate + fringe benefits makes up the prevailing wage obligation.
    - The prevailing wage obligation can be met by any combination of wage rates + fringe benefits:

Example:

The wage decision lists:	
Wage Rate:	$30.00
Fringe Benefits:	$6.00
Prevailing	$36.00

Employers can comply by paying:
(1) $36.00 in cash wages
(2) $30.00 plus $6.00 in fringe benefits, OR
(3) Any combination of wages and fringe benefits that total $36.00 per hour

Fringe Benefits:

- Fringe benefits can include sick, vacation or holiday pay, contributions to training funds, life insurance, pensions, and other bona fide fringe benefits.
- Fringe benefits **do not include** employer contributions or payments required by other federal, state or local laws, such as FICA, workers' compensation, or unemployment compensation.

Overtime Pay

- Overtime hours are all hours worked on the contract over 40 hours in a work week.
- Overtime is **not** paid at 1.5 times the wage rate that an employee is being paid. Overtime **must** be paid at 1.5 times the wage rate **listed in the wage decision** + the straight-time rate of any fringe benefit.

Additional Work Classifications and Wage Rates

The wage decision may not contain all trades on the project. If a trade is missing, an additional work classification and wage rate must be added. See instructions below.

If a trade is missing:

- Subcontractors must notify the GC. Do not make requests directly to the Contract Compliance Officer. On the "*Contractor Profile Form*" name the missing work classification and recommend a wage and fringe rate for approval. Be sure to (**X**) the column stating an additional work classification is needed.
- GC must gather **all** additional work classification requests and provide to Contract Compliance Officer **simultaneously**. This must be done immediately to avoid delays and restitution.

HUD Review & DOL Decision:

- The Contract Compliance Officer turns in all requests to HUD who sets a preliminary wage rate. The Contract Compliance Officer will also add the preliminary rate to LCPtracker.
- HUD sends the preliminary rate to the U.S. Department of Labor (DOL) who will either approve or change the rate.
- If the DOL changes the rate, the Contract Compliance Officer will update the rate in LCPtracker. If the new rate is higher than the preliminary rate, restitution is immediately due for any underpayments.

Apprentices

Requirements:

- Apprentices can be paid less than the prevailing wage if they are registered in an apprenticeship program approved by the MN DOL.
- The apprentice must be paid the percentage of the wage rate required and fringe benefits specified in the agreement.
- The contractor is limited in the number of apprentices permitted on the job site based on the allowable ratio of apprentices-to-journeyman specified in the program.

GC is required to collect the following documents from subcontractors using apprentices:

Copies of:

- The Apprenticeship Agreement (Contract Compliance Officer will verify enrollment with the MN DOL).
- The wage/benefit scale and individual progress level.
- The ratio language.

GC must upload these documents through e-docs in LCPtracker.

Restitution:

- Unregistered apprentices, or apprentices that were utilized out of ratio, must be paid the full journeyman rate (base wage rate + fringes) listed on the wage decision for the classification of work they perform. Restitution (the difference) between the lower rate and the full journeyman rate must be paid to the worker.

Non-Compliance

All contractors must comply in good faith with all ordinances, rules and regulations enforced by MDCR. Failure to adhere to such obligations may result in withheld payment, the denial of future contracts, liquidated damages, or other remedies as provided by law.

Pre-Construction Book - Davis-Bacon Projects

Minneapolis
Department of Civil Rights

To be completed by the General Contractor (GC) and submitted to the assigned Contract Compliance Officer for review.

General Instructions

1. Please submit this book by Day, XX/XX/XX. To request an extension contact the assigned Contract Compliance Officer.
2. The Pre-Construction Book is made up of 4 tabs:
   - *Information for Contractors* tab. To be read by GC and all subcontractors and suppliers.
   - Tab (1): *Project Overview Form.* To be read and filled out by GC only.
   - Tab (2): *Contractor Profile Form* . GC to provide to and collect from each subcontractor and supplier on project.
   - Tab (3): *List of Subs & Suppliers.* To be filled out by GC once all *Contractor Profile Forms* have been received from subs.

3. Return completed Pre-Construction Book* via one of the following:
   - **E-mail:** FirstName.LastName@minneapolismn.gov
   - **Fax:** (612) 673-2599
   - **Mail:** Minneapolis Department of Civil Rights
     ATTN: [CCO Name]
     350 South 5th Street, Room 239
     Minneapolis, MN 55415

A **completed Pre-Construction Book is the completed: Project Overview Form (Tab 1), Contractor Profile Forms for each sub/supplier (Tab 2), and the List of Subs & Suppliers (Tab 3).*

Project Information

Project Name: _____

Contract Amount: _____

General Contractor: _____

Contact Person: _____

Phone Number: _____

E-mail: _____

Est. Start Date (MM/DD/YYYY): _____

Est. End Date (MM/DD/YYYY): _____

Date Submitted (MM/DD/YYYY): _____

Questions? Contact assigned Contract Compliance Officer via e-mail (above) or phone: 612-673- XXXX

Contractor Profile Form

Minneapolis
Department of Civil Rights

Each subcontractor and supplier on this project must complete this form.
Please return the completed form to the General Contractor as soon as possible.
ALL questions must be directed to the General Contractor.

Company and Project Information

Project Name: _____

Company Name: _____

Company Address: _____

Contact Person, Phone & E-mail: _____

Scope of Work: _____

Contract Amount: _____ **with:** _____ (Company Name) **dated:** _____ MM/DD/YYYY

The date employees will begin work on-site is estimated to be from: _____ MM/DD/YYYY **until** _____ MM/DD/YYYY
If Company is a supplier write "N/A"

Is Company subbing out any work or purchasing supplies from another company? _____ Yes _____ No
If you placed an (X) next to Yes, that Company must also fill out the Contractor Profile Form.

To who? _____ (Company Name #1) **For what?** _____ (Scope of Work) **Subcontract Amount:** _____

To who? _____ (Company Name #2) **For what?** _____ (Scope of Work) **Subcontract Amount:** _____

Inclusion Goals

Small and Underutilized Business Program (SUBP)

Is Company certified through the Minnesota Unified Certification Program (MNUCP) and located in the 11-county metro area?
If yes, (X) the appropriate certification below:

_____ MNUCP Woman-Owned Business (WBE) _____ MNUCP Minority-Owned Business (MBE)

If no, (X) here:

_____ N/A

Section 3 (Goals: 10% Business, 30% Resident New Hire)

Is Company a certified Section 3 Business? _____ Yes _____ No

Does Company intend to have New Hires* on this project? _____ Yes _____ No

If Yes, how many New Hires will be on this project? _____

***New Hire Definition:**

- A new hire is a full-time employee (including laid-off workers rehired) filling a permanent, temporary, or seasonal position on a Section 3 covered project. All jobs (including management and administrative) can be counted toward the Section 3 goals.
- If a new hire meets the Section 3 Resident's qualifications but is not certified, they can become certified and count towards the goals.
- Please see the *Instructions for Contractors* tab for more information.

Workforce Utilization (Goals: 6% female hours, 32% minority hours)

Instructions for completing Workforce Hours table:

- Only on-site trade workers and laborers count towards the workforce utilization goals .
- The hours for office, administrative, managerial, supervisory, and professional employees **do not count** towards meeting these goals.
- In the table below, record the anticipated number of labor hours for each item.

	Hours	Percent
Total Project Hours		
Total Female Hours		
Total Minority Hours		

List first & last names of minority & female workers employed on project:

1) _____ **4)** _____

2) _____ **5)** _____

3) _____ **6)** _____

Payroll and Wage Information

A wage decision was provided to my company for this project: _____ Yes _____ No

General Decision Number *(found on the wage decision)*: MN _____

Instructions for completing Work Classification + Wage table:

- List the work classifications that will be used on this project as listed within the wage decision. Include any apprentices.
- If apprentices will be used, additional documentation is required. Review the *Instructions for Contractors* tab for more information.
- If a trade is missing from the wage decision, make sure to include that trade in the table below and (X) the last column. Review the *Instructions for Contractors* tab for further information.

Work Classification	Base Wage Rate ($)	Fringes ($)	Total Wage Payment (base + fringes)	(X) If Additional Classification is Needed
			$0.00	
			$0.00	
			$0.00	
			$0.00	

The fringe benefit will be paid to employees:

_____ directly (included in the paycheck)

_____ through a funded fringe benefit plan (trustee or third party)

_____ through an unfunded (company-paid) fringe benefit plan

Name of person authorized to certify payroll reports: _____

Title of authorized person: _____ **E-mail:** _____

Name of Owner/Principal Officer	Title	Signature	Date
		Must be signed in ink. E-signatures are not accepted.	

List of Subcontractors & Suppliers

Required for labor compliance, workforce goals, the Small and Underutilized Business Program, and HUD Section 3.

Minneapolis
Department of Civil Rights

Instructions:

- To be filled out by **General Contractor** (GC). List ALL subcontractors/suppliers that will be used on the project.
- Use the *Contractor Profile Forms* received from subcontractors/suppliers to help complete this form.

Project: _____ Contract Amount: _____

		Company Name	Address (City, State)	Contact Person, Phone & Email	Scope of Work	Contract Amount	Supplier Only (X)	MBE or WBE? (if no, leave blank)	Sec 3? (Y/N)	Total Project Hours	Total Female Hours	Total Minority Hours	Est. Start Date (Month, Year)	Est. End Date
Sample:		*Jane Doe Painting and Siding Company*	*Minneapolis, MN*	*Jane Doe, 612-123-4567, jane.doe@jdps.com*	*Interior and exterior residential painting*	$5,000		*WBE*	*N*	*150.00*	*12.00*	*50.00*	Aug-15	Nov-15
GC														
Subs	1													
	2													
	3													
	4													
	5													
	6													
	7													

	Company Name	Address (City, State)	Contact Person, Phone & Email	Scope of Work	Contract Amount	Supplier Only (X)	MBE or WBE? (if no, leave blank)	Sec 3? (Y/N)	Total Project Hours	Total Female Hours	Total Minority Hours	Est. Start Date	Est. End Date
8													
9													
10													
11													
12													
13													
14													

If additional fields are needed, please request a new sheet from the assigned Contract Compliance Officer.

Instructions for completing tables: GC to plug in SUBP, Section 3, and Workforce numbers in the appropriate areas below. Begin by filling in *Total Contract Amount.* Percentages & hours will automatically calculate.

Total Contract Amount:	

SUBP:	
MBE $	
MBE %	
WBE $	
WBE %	

Section 3 Business Inclusion:	
Sec 3 $	
Sec 3 %	

Workforce Inclusion:	
Total Project Hours	
Total Female Hours	
Female %	
Total Minority Hours	
Minority %	

Notes:

Instructions for Contractors - City Projects

Minneapolis
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- LCPtracker is an online database used by the City of Minneapolis to monitor minority and women business inclusion, Section 3, workforce inclusion, and prevailing wage.
- All contractors performing onsite labor are required to pay employees and submit payrolls through LCPtracker **monthly**.

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- The Contract Compliance Officer will set up the **project**. The General Contractor (GC) will receive a notice from LCPtracker to set up the **subcontractors**. GC must assign subcontractors immediately to the project in LCPtracker.
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Minority and Women Business (MBE/WBE) Inclusion

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- Businesses bidding on City contracts must make a good faith effort to meet the goals.

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- The MBE/WBE must be **(1)** certified by the MNUCP **(2)** in the scope of service the contractor is soliciting and **(3)** located within the 11-county metro area to count towards the goals.
- Companies certified as both MBE and WBE count towards the MBE goal.

MBE/WBE Substitutions:

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Prevailing Wage

Wage Decision:

- Each company must have a copy of the applicable wage decision.
- Prevailing wage rates are the wage rates listed on the wage decision for the project. The wage decision lists a **wage rate + fringe benefits** for each trade classification.
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Example:

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Employers can comply by paying:
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Fringe Benefits:

- Fringe benefits can include sick, vacation or holiday pay, contributions to training funds, life insurance, pensions, and other bona fide fringe benefits.
- Fringe benefits **do not include** employer contributions or payments required by other federal, state or local laws, such as FICA, workers' compensation, or unemployment compensation.

Overtime Pay

- Overtime hours are all hours worked on the contract over 40 hours in a work week.
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If a trade is missing:

- Subcontractors must notify the GC. Do not make requests directly to the Contract Compliance Officer. On the "*Contractor Profile Form*" name the missing work classification and recommend a wage and fringe rate for approval. Be sure to (**X**) the column stating an additional work classification is needed.
- Submit a copy of the union wage rates for the missing work classification.
- GC must gather **all** additional work classification requests and provide to Contract Compliance Officer **simultaneously**. This must be done immediately to avoid delays and restitution.

Apprentices

Requirements:

- Apprentices can be paid less than the prevailing wage if they are registered in an apprenticeship program approved by the MN DOL.
- The apprentice must be paid the percentage of the wage rate required and fringe benefits specified in the agreement.
- The contractor is limited in the number of apprentices permitted on the job site based on the allowable ratio of apprentices-to-journeyman specified in the program.
- Verifications of the above requirements are subject to audit.

Restitution:

- Unregistered apprentices, or apprentices that were utilized out of ratio, must be paid the full journeyman rate (base wage rate + fringes) listed on the wage decision for the classification of work they perform. Restitution (the difference) between the lower rate and the full journeyman rate must be paid to the worker.

Non-Compliance

All contractors must comply in good faith with all ordinances, rules and regulations enforced by MDCR. Failure to adhere to such obligations may result in withheld payment, the denial of future contracts, liquidated damages, or other remedies as provided by law.

Pre-Construction Book - City Projects

Minneapolis
Department of Civil Rights

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3. Return completed Pre-Construction Book* via one of the following:
   - **E-mail:** FirstName.LastName@minneapolismn.gov
   - **Fax:** (612) 673-2599
   - **Mail:** Minneapolis Department of Civil Rights
     ATTN: [CCO Name]
     350 South 5th Street, Room 239
     Minneapolis, MN 55415

A **completed Pre-Construction Book is the completed: Project Overview Form (Tab 1), Contractor Profile Forms for each sub/supplier (Tab 2), and the List of Subs & Suppliers (Tab 3).*

Project Information

Project Name: _____

Contract Amount: _____

General Contractor: _____

Contact Person: _____

Phone Number: _____

E-mail: _____

Est. Start Date (MM/DD/YYYY): _____

Est. End Date (MM/DD/YYYY): _____

Date Submitted (MM/DD/YYYY): _____

Questions? Contact assigned Contract Compliance Officer via e-mail (above) or phone: 612-673-XXXX

Contractor Profile Form

Minneapolis
Department of Civil Rights

Each subcontractor and supplier on this project must complete this form.
Please return the completed form to the General Contractor as soon as possible.
ALL questions must be directed to the General Contractor.

Company and Project Information

Project Name: _____

Company Name: _____

Company Address: _____

Contact Person, Phone & E-mail: _____

Scope of Work: _____

Contract Amount: _____ **with:** _____ (Company Name) **dated:** _____ MM/DD/YYYY

The date employees will begin work on-site is estimated to be from: _____ MM/DD/YYYY **until** _____ MM/DD/YYYY

If Company is a supplier write "N/A"

Is Company subbing out any work or purchasing supplies from another company? _____ Yes _____ No

If you placed an (X) next to Yes, that Company must also fill out the Contractor Profile Form.

To who? _____ (Company Name #1) **For what?** _____ (Scope of Work) **Subcontract Amount:** _____

To who? _____ (Company Name #2) **For what?** _____ (Scope of Work) **Subcontract Amount:** _____

Inclusion Goals

Small and Underutilized Business Program (SUBP)

Is Company certified through the Minnesota Unified Certification Program (MNUCP) and located in the 11-county metro area?

If yes, (X) the appropriate certification below:

_____ MNUCP Woman-Owned Business (WBE) _____ MNUCP Minority-Owned Business (MBE)

If no, (X) here:

_____ N/A

Workforce Utilization (Goals: 6% female hours, 32% minority hours)

Instructions for completing Workforce Hours table:

- Only on-site trade workers and laborers count towards the workforce utilization goals .
- The hours for office, administrative, managerial, supervisory, and professional employees **do not count** towards meeting these goals.
- In the table below, record the anticipated number of labor hours for each item.

	Hours	Percent
Total Project Hours		
Total Female Hours		
Total Minority Hours		

List first & last names of minority & female workers employed on project:

1) _____ 4) _____

2) _____ 5) _____

3) _____ 6) _____

Payroll and Wage Information

A wage decision was provided to my company for this project: _____ Yes _____ No

General Decision Number *(found on the wage decision)*: MN _____

Instructions for completing Work Classification + Wage table:

- List the work classifications that will be used on this project as listed within the wage decision. Include any apprentices.
- If apprentices will be used, additional documentation is required. Review the *Instructions for Contractors* tab for more information.
- If a trade is missing from the wage decision, make sure to include that trade in the table below and (**X**) the last column. Review the *Instructions for Contractors* tab for further information.

Work Classification	Base Wage Rate ($)	Fringes ($)	Total Wage Payment (base + fringes)	(X) If Additional Classification is Needed
			$0.00	
			$0.00	
			$0.00	
			$0.00	

The fringe benefit will be paid to employees:

_____ directly (included in the paycheck)

_____ through a funded fringe benefit plan (trustee or third party)

_____ through an unfunded (company-paid) fringe benefit plan

Name of person authorized to certify payroll reports: _____

Title of authorized person: _____ **E-mail:** _____

Name of Owner/Principal Officer	Title	Signature	Date
		Must be signed in ink. E-signatures are not accepted.	

List of Subcontractors & Suppliers

Required for labor compliance, workforce goals, the Small and Underutilized Business Program, and HUD Section 3.

Minneapolis
Department of Civil Rights

Instructions:

- To be filled out by **General Contractor** (GC). List ALL subcontractors/suppliers that will be used on the project.
- Use the *Contractor Profile Forms* received from subcontractors/suppliers to help complete this form.

Project: _____ Contract Amount: _____

		Company Name	Address (City, State)	Contact Person, Phone & Email	Scope of Work	Contract Amount	Supplier Only (X)	MBE or WBE? (if no, leave blank)	Total Project Hours	Total Female Hours	Total Minority Hours	Est. Start Date (Month, Year)	Est. End Date (Month, Year)
Sample:		*Jane Doe Painting and Siding Company*	*Minneapolis, MN*	*Jane Doe, 612-123-4567, jane.doe@jdps.com*	*Interior and exterior residential painting*	$5,000		*WBE*	*150.00*	*12.00*	*50.00*	Aug-15	Nov-15
GC													
Subs	1												
	2												
	3												
	4												
	5												
	6												
	7												

	Company Name	Address (City, State)	Contact Person, Phone & Email	Scope of Work	Contract Amount	Supplier Only (X)	MBE or WBE? (if no, leave blank)	Total Project Hours	Total Female Hours	Total Minority Hours	Est. Start Date	Est. End Date
8												
9												
10												

**If additional fields are needed, please request a new sheet from the assigned Contract Compliance Officer.*

Instructions for completing tables: GC to plug in SUBP & Workforce numbers in the appropriate areas below. Begin by filling in *Total Contract Amount.* Percentages & hours will automatically calculate.

Total Contract Amount:	

SUBP:	
MBE $	
MBE %	
WBE $	
WBE %	

Workforce Inclusion:	
Total Project Hours	
Total Female Hours	0.00
Female %	
Total Minority Hours	0.00
Minority %	

Notes:

Tab 2

Minneapolis
City of Lakes

Department of Civil Rights
350 S. Fifth St. - Room 239
Minneapolis, MN 55415
TEL 612.673.3000
www.minneapolismn.gov

Monthly Compliance Checklist

Reporting Period: Through [Month and Year]

Project:
Contractor:
Contract Amount: $
CCO:
Date:

First Steps

- ☐ Draft/review monthly report (from previous month)
- ☐ Discuss with GC: 1) any outstanding issues, 2) obtain list of which contractors worked onsite during the previous month (or provided supplies), and 3) obtain project status (i.e. closing, on hold, etc.)
- ☐ Compare payrolls to Contractor Assignment Report & pre-con book (quarterly); investigate and note discrepancies
- ☐ Confirm all payrolls are submitted in LCPtracker (by the 10th of the month); inform GC of missing payrolls

Business Inclusion

SUBP

- ☐ Review goals – identify areas for improvement
- ☐ In pre-con/GFE Report (or sworn construction statement), identify MBE/WBE contractors
- ☐ Review Project Labor Summary Report and confirm MBEs/WBEs have submitted hours
- ☐ Note MBE/WBE contractors who have yet to perform and confirm when they will perform (ask GC/see pre-con)
- ☐ Confirm if or when MBE/WBE suppliers will perform
- ☐ Obtain lien waivers/pay invoices for MBEs/WBEs contractors
- ☐ Complete SUBP section in monthly report

Section 3 Business

- ☐ Review goals – identify areas for improvement and send Section 3 List
- ☐ In pre-con (or sworn construction statement), identify Section 3 contractors
- ☐ Review Project Labor Summary Report and confirm Section 3 contractors have submitted hours
- ☐ Note Section 3 contractors who have yet to perform and confirm when they will perform (ask GC/see pre-con)
- ☐ Confirm Section 3 suppliers supply & install the product(s)
- ☐ Obtain lien waivers/pay invoices for Section 3 contractors
- ☐ Complete Section 3 section in monthly report

Workforce Inclusion

Employment

- ☐ In pre-con, identify contractors utilizing female/minority workers
- ☐ Run Project Labor Summary Report and confirm hours are reported and reflect the hours submitted in pre-con.
- ☐ Note contractors who have yet to perform and confirm when they will perform (ask GC/see pre-con)
- ☐ Conduct workforce projection analysis to determine if contractor is on track to meet the overall goal
- ☐ Utilization and projection in monthly report to GC

Section 3 Residents

- ☐ Review goals – identify areas for improvement and send Section 3 List
- ☐ Review Section 3 New Hire Report in LCPtracker
- ☐ Determine number of new hires on the project and number of Section 3 Residents that need to be hired

☐ Spot check Section 3 Residents on payrolls (compare to list)
☐ Complete Section 3 section in monthly report

Labor Compliance

Prevailing Wage

☐ Confirm violations from previous months are remedied
☐ Spot check payrolls for high risk contractors
☐ Resolve wage restitutions (overtime, misclassifications, apprenticeship issues)
☐ List any unresolved issues on monthly report with the status update

Apprentices

☐ Review Apprentice/Training List report for a list of apprentices
☐ Obtain and review apprenticeship agreement (stapled to first payroll), MN DOL email confirmation, benefit pay scale, and ratio language are all included in the file.
☐ Repeat above step for every apprentice (if document is not in the file)
☐ Email GC for missing documents
☐ Review payrolls for apprenticeship ratios; address out of ratio issues
☐ In monthly report – list the apprentices and contractor under unresolved issues

Additional Wage Classifications

☐ Process any additional wage classifications
☐ Confirm wages added do not result in restitutions (i.e. approve rate is higher than rate originally paid)
☐ Confirm contractor has posted new wage(s) onsite
☐ In monthly report - remind GC that subs must request additional wage classifications through the GC by DATE

Non-Compliance Issues

☐ Review Non-Compliance Policy

Formal

☐ Inform CCOII; obtain approval(s) from Director
☐ CC Developer and Project Coordinator
☐ Withhold Payment (amount in dispute only)
☐ Seek other remedy/List:
☐ Include copies/document in file
☐ Update monthly report

Informal

☐ Discuss with GC; Set deadlines for remedy
☐ Update monthly report
☐ Update monthly report as needed

Other

☐ Onsite Reviews – conduct onsite for problematic projects, high risk contractors, at the onset of non-compliance, or monthly on large projects.
☐ Update spreadsheet with monthly compliance status and any non-compliance issues

Minneapolis
City of Lakes

Department of Civil Rights
350 S. Fifth St. - Room 239
Minneapolis, MN 55415
TEL 612.673.3000
www.minneapolismn.gov

Monthly Compliance Report – [Project Name]

Reporting Period: Through [Month and Year]

To: **GC Contact, Company**
cc: *Project Coordinator Name, CPED*
Developer Contact, Company
From: Name, Contract Compliance Officer

Contract Amount: $
Start Date – End Date:

Business Inclusion

SUBP and Section 3 Business

- SUBP Goals: ___% MBE ___% WBE
  - Committed SUBP Goals: **MBE $____ (%) and WBE $____ (%)**
- Section 3 Contracting Goals: 10%
  - Committed Section 3 Contracting Goals: **$____ (%)**

Business Name	MBE, WBE or Section 3	Performed	Subcontract Amount	Verified[1]
			$	
			$	
		Total:	$	

Follow-up

- *Here*

Workforce Inclusion

Employment Goals

- 6% Female, 32% Minority
  - Committed: **__% Female __ % Minority**
- Firms contributing to goals: **1. list here, 2. ...**

Total Project Hours:				
	Female	**%**	**Minority**	**%**
Hours (to date)				
Utilization (to date)				
Remaining Hours (to meet goals)				

Follow-up

- *Here*

[1] Through collection of lien waivers or other verification (i.e. pay invoices, price list, etc.)

Section 3 Resident (New Hires)

- Resident New Hire Goal: 30%

# of New Hires	# of Sec 3 New Hires	Percent Achieved
		%

Follow-up

- *Here*

Labor Compliance

Prevailing Wage

- Contractors with missing payroll: **1. list or N/A**

Underpayments:

Contractor	Type	Restitution Amount	Resolved
		$	

Apprentices

- Unregistered apprentices or apprentices utilized out of ratio[2] are misclassified workers and must be paid at the journeyman rate.
- All apprentice documentation should be uploaded into LCPtracker.

Contractor - Apprentice Name	Apprenticeship Agreement	Wage/ Benefit Scale	Ratio Language	Verified enrollment with DOL[3]	Paid in accordance with scale	Utilized within approved ratio

Additional Wage Classifications

- Must be requested prior to construction otherwise they must be requested immediately (through the GC).

Work Classification	Submitted to HUD	Approved	Restitution Required	Contractor posted new wage onsite
			Amount or N/A	

Follow-up

- *Here*

Non-Compliance Issues

Formal

-

Informal

-

Other

Follow-up

- Summary of issues from above (to recap).
- Outstanding Issues from previous reports:

[2] http://www.dol.gov/

[3] Done by Contract Compliance Officer (CCO).

- Onsite Reviews.

GC to confirm accuracy of *Monthly Compliance Report* and remedy any outstanding issues listed within the report by **DATE**. Please send confirmation of accuracy to first.last@minneapolismn.gov. Non-response to the accuracy of the report it will be deemed as acceptance.

Tab 3

Twin Cities Regional Section 3 Collaborative

Mission

The Twin Cities Regional Section 3 Collaborative ("Collaborative") engages local agencies and community development organizations to empower Section 3 residents and businesses to access jobs and economic opportunities on public projects.

Vision

The Collaborative envisions a region where Section 3 residents and businesses across municipalities are fully engaged on HUD projects, increasing self-sufficiency and spurring economic development in the Section 3 community.

Current Goals

The Collaborative is currently pursuing the following goals:

1) Reducing the burden on Section 3 residents and businesses of certifying with multiple agencies and municipalities by developing a regional Section 3 certification;
2) Creating and maintaining a single web-based portal for Section 3 residents to certify their eligibility and status as a Section 3 resident in the Twin Cities metropolitan region;
3) Utilizing a web-based portal to help contractors on HUD-funded projects quickly locate qualified Section 3 residents for employment opportunities;
4) Standardizing compliance and reporting practices across the Twin Cities metropolitan region;
5) Collaborating on outreach efforts to increase the visibility of the Section 3 community;
6) Reducing stigmas associated with Section 3 by educating the public about program goals and outcomes;
7) Sharing and maintaining a consolidated list of opportunities for outreach to communities where Section 3 residents reside and seek to enhance their economic quality of life.

Current Collaborative Members

1) City of Minneapolis
2) City of Saint Paul
3) Anoka County
4) Hennepin County
5) Ramsey County
6) Washington County

The Collaborative welcomes participation by any interested municipality or agency receiving HUD financial assistance.

City of Minneapolis
Section 3 Program

Summary

HUD Section 3 ensures that jobs, training and contracting opportunities created by Section 3 covered projects shall be afforded to **Section 3 Residents** and **Section 3 Businesses**. Contractors and subcontractors on Section 3 covered projects[1] with contracts[2] over $100,000 must comply with Section 3 requirements described below. Section 3 does not supersede competitive bidding requirements, instead expressly encourages -***to the greatest extent feasible*** - a Section 3 preference in the evaluation of bids.

Section 3 Residents

The project goal for Section 3 Residents is 30%. To the greatest extent feasible, 30% of all **New Hires** in the year should be Section 3 Residents. So for every 3 people hired by a contractor, 1 should be a Section 3 Resident.

A Section 3 Resident is:
- a public housing resident, or
- a low -or very low- income person residing in Minneapolis-St. Paul-Bloomington MN-WI metropolitan area [3]

Family Size	1	2	3	4	5	6	7	8
Income	$46,100	$52,650	$59,250	$65,800	$71,100	$76,350	$81,600	$86,900

New Hire Definition:

A new hire is a full-time employee (including laid-off workers rehired) filling a permanent, temporary, or seasonal position on a Section 3 covered project. All jobs (including management and administrative) can be counted toward the Section 3 goals. If a new hire meets the Section 3 Resident's qualifications but is not certified, they can become certified[4] and count towards the goals.

A copy of the City's Section 3 Residents List is attached. Please use this list to recruit Section 3 Residents to work on Section 3 covered projects. When feasible, contractors' hiring priority shall be in this order:

1. Section 3 Residents residing in Minneapolis or any public housing resident
2. HUD YouthBuild participants
3. Other Section 3 Residents

Section 3 Businesses

The project goal for Section 3 Businesses is 10%. To the greatest extent feasible, contractor shall subcontract 10% of the total construction contract to Section 3 Businesses.

A Section 3 Business is:
- a business that is 51% owned by Section 3 Residents, or
- at least 30% of a business FT employees are Section 3 Residents (or were within 3 years of hire date), or
- a business that makes a commitment to subcontract over 25% of its subcontracting dollars to a Section 3 business

A copy of the City's Section 3 Business List is attached. Please use this list to recruit Section 3 Residents to work on Section 3 covered projects. When feasible, contractor shall subcontract to Section 3 business in this order:

1. Section 3 Businesses located in Minneapolis
2. HUD YouthBuild Programs
3. Other Section 3 businesses

Local HUD YouthBuild Participants:

Tree Trust YouthBuild - St. Louis Park
(952) 767-3880/
http://www.treetrust.org/

Saint Paul YouthBuild
(651) 774-6995/
http://www.dbnhs.org/

Carver-Scott Educational Cooperative -Chaska
(952) 368-8800/
http://www.cseced.org/Youth_Build.html

City Academy – St. Paul
(612) 298-4624/
http://cityacademy.org/

Guadalupe Alternative Programs - St. Paul
(651) 222-0757/
http://www.gapschool.org/

[1] Section 3 covered projects are housing rehab, housing construction, or other public construction project
[2] The Section 3 Clause (§135.38) shall be incorporated into said contracts
[3] This includes the following 16 Counties: Hennepin, Ramsey, Dakota, Anoka, Washington, Scott, Wright, Carver, Sherburne, St. Croix (WI), Chisago, Pierce (WI), Isanti, Le Sueur, Mille Lacs, and Sibley
[4] HUD Section 3 Resident Certification Application

City of Minneapolis
Section 3 Residents List

#	Last Name	First Name	Address	City	Zip	Phone #	Email	Trade/Union/Affiliation	Expiration Date
35	Falkner	Jason	3347 James Av. N.	Minneapolis	55412	612-588-9654 or 612-735-8771 (cell)	jasonfalkner25@gmail.com	Summit Academy OIC - Carpentry	1/29/2016
36	Fleming	Thomas	2500 Harriet Av. S. #3	Minneapolis	55405	612-871-9055	t.fleming@summitoic.edu	Summit Academy OIC - Carpentry	1/29/2016
37	Gaines	Lutrina	2710 Newton Av. N.	Minneapolis	55411	612-719-3922	lutrina.gaines@gmail.com	Summit Academy OIC	7/27/2015
38	Geagan	Kathleen	4601 33rd Avenue South	Minneapolis	55406	612-501-2446	Hurrle-Geagan@msn.com	Summit Academy OIC - Heavy Equipment	5/13/2018
39	Gembremicael	Joseph	1615 S. 4th Street #2902	Minneapolis	55454	612-644-6987	gjoseph09@msn.com	Summit Academy OIC	7/1/2016
40	Gray	Pamela	5737 33rd Av. N. #2	Minneapolis	55417	612-964-2246	pgray@summitoic.edu	Summit Academy OIC - Carpentry	1/29/2016
41	Harper	Alton	2021 Glenwood Av. N. - #2	Minneapolis	55405	612-221-5445	altonharper4.@gmail.com	Summit Academy OIC - Carpentry	1/29/2016
42	Harper	Michael	5604 33rd Av. S.	Minneapolis	55417	612-227-8556	michaelawndreyharper@gmail.com	Summit Academy OIC - Carpentry	7/30/2015
43	Her	Meng	3120 Humboldt Avenue North	Minneapolis	55411	612-723-7352	zeusroyalpriyah@gmail.com	Summit Academy OIC - Carpentry	5/13/2018
44	Hines	Carlos	7610 Penn Av. S. #244	Richfield	55423	612-986-0606	carloshines612@gmail.com	Goodwill Easter Construction Training	1/16/2017
45	Hinton	Christopher	2602 East 24th Street	Minneapolis	55406	612-807-4148	cjay_hinton@yahoo.com	Summit Academy OIC - Laborer - 563 (Apprentice)	6/3/2018
46	Howard	Bernard	3409 E. Medicine Lake Road	Plymouth	55441	612-607-9127		Pipefitter	3/28/2016
47	Hudson	Henry	3722 Sheridan Av. N.	Minneapolis	55412	612-718-3753	hhudson@summitoic.edu	Summit Academy OIC	10/25/2016
48	Hutchins	Shamela	1547 Hillside Avenue North #2	Minneapolis	55411	612-644-9663	shamelahutchins@gmail.com	Summit Academy OIC - Carpentry	5/13/2018
49	Kaneakua	Samantha	3912 Minnehaha Av. S. #19	Minneapolis	55406	612-207-6100	spkaneakua@gmail.com	Carpenter (Apprentice)	12/19/2016
50	Kinsey	Wayne	4604 Bloomington Av. S. #2	Minneapolis	55407	612-259-7736 or 612-356-1481	workout12@comcast.com	Laborers - 563	12/31/2015
51	Kiphuth-Nelson	Robin	4425 Aldrich Av. N. #8	Minneapolis	55412	612-919-6992	kiphuthrobin@yahoo.com	Summit Academy OIC	1/29/2016
52	Klawonn	Kristopher	2747 Stevens Avenue South #213	Minneapolis	55408	937-241-1010	krisKlawonn@gmail.com	None	4/16/2018
53	Laroque	Rolanda	2747 Sheridan Av. N.	Minneapolis	55411	651-592-7139	rolandalaroque@hotmail.com	Summit Academy OIC - Carpentry	7/27/2015
54	Lasley	Erick Ryan	2226 Glenwood Av. N.	Minneapolis	55405	612-695-8913	ericolasley@gmail.com	Goodwill Easter Construction Training	10/24/2016
55	Lee	Bridget	2200 Harriet Av. S.	Minneapolis	55405	763-221-8095	leex2532@gmail.com	Summit Academy OIC - Carpentry	9/14/2015
56	Leggett	Jarrell	2303 Thomas Av. N.	Minneapolis	55411	612-236-6231	leggettjarrell@yahoo.com	Summit Academy OIC	7/1/2016
57	Leggett	Jarrell	2303 Thomas Av. N.	Minneapolis	55411	612-236-6231	leggettjarrell@yahoo.com	Summit Academy OIC	7/1/2016
58	Lindsey	Diallo	1211 Oliver Av. N. #1	Minneapolis	55411	612-388-2470	diallolindsey@yahoo.com	Summit Academy OIC - Electrician	1/29/2016
59	Locke	Cordney	2020 Elliot Avenue South #303	Minneapolis	55404	612-227-3714	Courdneylocke@yahoo.com	Roofing	6/3/2015
60	Mack	Jennifer	1302 Linden Av. S. #114	Minneapolis	55403	612-715-3770	jenniferp.mack@yahoo.com	Summit Academy OIC - Carpentry	10/28/2016
61	Marlett	David	719 E. 16th Street #355	Minneapolis	55403	612-998-5375	davidmallett989@yahoo.com	Iron Worker (Apprentice)	1/17/2016
62	Marshall	Lisa	4115 James Av. N.	Minneapolis	55412	952-807-7083		Carpenter (Apprentice)	1/30/2016

City of Minneapolis
Section 3 Residents List

#	Last Name	First Name	Address	City	Zip	Phone #	Email	Trade/Union/Affiliation	Expiration Date
63	Martin	DeAngelo	1510 Upton Av. N.	Minneapolis	55411	612-545-7984	mrmartin10711@gmail.com	Summit Academy OIC - Carpentry	1/29/2016
64	Mccloud	Kiswana	315 Ontario St. S.E.	Minneapolis	55414	612-423-4371	mcclo043@gmail.com	Summit Academy OIC - Carpentry	9/14/2015
65	Mcdowell	Lebert	1105 16th Avenue North	Minneapolis	55411	651-637-1059	lmcdowell@summitoic.edu	Summit Academy OIC - Carpentry	7/1/2016
66	Mcgary	Diana	4000 Fremont Av. N. #2	Minneapolis	55411	612-223-2090	dianamcgary@gmail.com	Summit Academy OIC	7/1/2016
67	Mcgowan	Tyrus	818 Morgan Av. N.	Minneapolis	55411	612-978-7632	2tyrusmcgowan@gmail.com	Summit Academy OIC	7/1/2016
68	Mcmillian	Mike	4411 Snelling Av. S.	Minneapolis	55407	763-516-8502		Carpenter	6/1/2015
69	Megersa	Wakgari	7965 Sierra Parkway	Booklyn Park	55444	763-445-0620	wakletta@yahoo.com	Summit Academy OIC	7/7/2018
70	Melina	Aaron	2208 Oakland Av. S.	Minneapolis	55404	612-978-2218	amelina612@gmail.com	Summit Academy OIC - Carpentry	4/3/2016
71	Michael, Jr.	Sullivan	917 27th Av. N.E.	Minneapolis		225-360-0903		Carpenter (Apprentice)	10/12/2015
72	Mohamed	Asad	347 East 35th Street	Minneapolis	55408	612-275-8935	harqaanle@yahoo.com	Laborer - 563	6/3/2018
73	Mora	Romulo	1407 E. 28th Street	Minneapolis	55407	612-559-3505	romulonietom@gmail.com	Summit Academy OIC	1/29/2016
74	Nelson	Derrek	1205 Hawthrone Ave. S. #320	Minneapolis	55403	651-245-4411	derrek.nelson@yahoo.com	Carpenter	1/13/2017
75	Nita	Cezar	314 Hennepin Av. S. #807	Minneapolis	55401	612-7155-6031	roeurocezar@gmail.com	Carpenter	4/3/2017
76	Nygren	Theodore	3908 24th Av. S.	Minneapolis	55406	612-735-5383	theodore.nygren@yahoo.com	Carpenter	7/9/2016
77	Onyando	Peter	3351 Dupont Av. N.	Minneapolis	55412	763-447-5359	onyandopeter@yahoo.com	Summit Academy OIC	10/28/2016
78	Parker	Curtis	2462 Ogema Place	Minneapolis	55404	612-600-4001		Carpenter	6/1/2015
79	Parks	Leslie	3613 Portland Av. S.	Minneapolis	55407	952-454-7551	leslie79parks@gmail.com	Summit Academy OIC	10/28/2016
80	Powell	Phil	512 Morgan Av. N.	Minneapolis	55405	651-256-4694	brooksidebarbers2@yahoo.com	Summit Academy OIC - Carpentry	1/29/2016
81	Powell Iii	Joel	1530 Newton Av. N.	Minneapolis	55411	612-588-3961	joelpowell33@yahoo.com	Summit Academy OIC	1/29/2016
82	Prowell	Ashaunti	2825 E. Lake St.	Minneapolis	55406	612-721-6327	ashaunti3402@yahoo.com	Carpenter	11/9/2015
83	Quintana	Thomas	3415 Morgan Av. N.	Minneapolis	55412	612-244-4112	tqbeezy84@gmail.com	Summit Academy OIC	1/29/2016
84	Riley	Basil	1333 Logan Av. N.	Minneapolis	55411	813-458-5473	basilriley@yahoo.com	Carpenter	8/7/2015
85	Royster	Antonio	3638 15th Avenue South	Minneapolis	55407	612-229-7687	anroys1278@gmail.com	Laborers - 563	4/13/2018
86	Rulford	Cortez	3739 Morgan Av. N.	Minneapolis	55412	612-998-0672		None	4/10/2016
87	Rush	Bernard	828 Spring St. N.E. #709	Minneapolis	55413	612-323-6002	bernardrsh2it@yahoo.com	Summit Academy OIC	1/29/2016
88	Sanchez	Ivan	3133 45th Av. S.	Minneapolis	55406	612-388-4323	silvestrehuerta01@hotmail.com	Carpenter	7/18/2016
89	Sanders	Johnny	4540 35th Avenue South	Minneapolis	55406	612-724-6216		Carpenter (Apprentice)	2/25/2016
90	Scaife	Donald	3804 18th Avenue South	Minneapolis	55407	612-481-7608	Wayvie_0_7@live.com	Summit Academy OIC	4/15/2018
91	Scott	Cornell	3535 Oliver Av. N.	Minneapolis	55412	612-212-6339	cornellscott99@yahoo.com	Summit Academy OIC	9/14/2015
92	Selim	Mustafa	8189 University Avenue N.E.	Spring Lake Park	55432	763-568-6264	selimselim@msn.com	Carpenter 322	10/2/2015
93	Sims	Roosevelt	2206 Upton Av. N.	Minneapolis	55411	612-321-1802	greyretteman@yahoo.com	Summit Academy OIC	3/18/2016
94	Stevens	Seth	1920 Stevens Av. S. #8	Minneapolis	55403	763-291-6713		Summit Academy OIC	9/14/2015
95	Summers	Jared	214 8th Street S.E.	Minneapolis	55414	612-607-3219	jared.michael.summers@gmail.com	Summit Academy OIC - Carpentry	4/3/2016
96	Taylor	Robert	3335 Lyndale Avenue North	Minneapolis	55411	651-373-0209	Taylorr772@gmail.com	None	4/15/2018
97	Togbah	Cyrus	7500 11th Avenue South	Minneapolis	55423	952-374-9671	Cyrustogbah@yahoo.com	Plumber - 15	6/3/2015
98	Walker	Cornelius	3700 Colfax Av. N.	Minneapolis	55412	612-529-2217	cwal.walker@gmail.com	Summit Academy OIC	4/23/2016
99	Wallace	Jason	2825 E. Lake St.	Minneapolis	55406	612-721-6327	j_wallace2435@yahoo.com	Summit Academy OIC - Carpentry	10/28/2016
100	Washington	Charles	3626 Newton Av. N.	Minneapolis	55412	651-236-7597	ceedubb2@yahoo.com	Summit Academy OIC - Carpentry	7/27/2015
101	Wesseh	Bill	2825 E. Lake St.	Minneapolis	55406	763-614-4684	wessehwill@yahoo.com	None	3/23/2016

City of Minneapolis
Section 3 Residents List

#	Last Name	First Name	Address	City	Zip	Phone #	Email	Trade/Union/Affiliation	Expiration Date
102	Wheeler	Keion	3208 23rd Av. S.	Minneapolis	55408	612-607-9057	keioncortezwheeler@yahoo.com	Summit Academy OIC - Carpentry	1/29/2016
103	White	Wallace	1901 Willow Av. N.	Minneapolis	55411	612-990-3939	wallacewhite@rocketmail.com	Laborer - 563	8/2/2015
104	Whitmore	Corey A.	1236 Queen Av. N.	Minneapolis	55411	612-224-9991	whitemorec32@gmail.com	Laborer	11/6/2015
105	Williams	Antonio	2017 Emerson Av. N. #2	Minneapolis	55411	612-244-9988	antonios.williams@yahoo.com	Summit Academy OIC	9/14/2015
106	Willie	Jacqueline	3417 Columbus Av. S.	Minneapolis	55407	612-532-5693	jmwillie2003@yahoo.com	Summit Academy OIC - Carpentry	1/29/2016
107	Winston	Lawrence	3630 Russell Av. N.	Minneapolis	55412	612-323-0572	winstonlawrencej@gmail.com	Summit Academy OIC - Carpentry	3/8/2016
108	Zimmer	Luke	5712 Nicollet Av. S.	Minneapolis	55419	612-562-1369	l.zman2@hotmail.com	Simmit Academy OIC Carpenter (Pre-Apprentice)	11/14/2016

Contact the following agencies for their Section 3 Residents Lists:
Minneapolis Public Housing - Ben Jackson bjackson@mplspha.org
City of St. Paul - Dave Gorski - dave.gorski@ci.stpaul.mn.us
St. Paul Public Housing - Merhawit Kubron - Merhawit.Kubrom@stpha.org

City of Minneapolis
Section 3 Business List

#	Priority	Business Name	Expiration Date	Address	City	Contact	Telephone	Fax	E-mail	Specialties	MNUCP MBE/WBE
1	Priority 1	Adobe DeSign LLC	12/17/2015	1516 West Lake Street - Suite #106	Minneapolis	Vivian Guerra	612-822-2385	509-357-2474	vguerra@adobedesignsllc.com	Interior signage, painting/wallcoverings, and interior consultant services.	MBE, WBE
2	Priority 1	5 Way Contractors Incorporated	7/7/2018	1566 Germain Landings	St. Paul	Francis Onu	612-363-8981	612-437-4781	services@5waycontractors.com	Painting, floor coatings, wall coverings	
3	Priority 3	Advance Plumbing, Inc.	6/3/2018	7500 11th Avenue South	Minneapolis	Cyrus Togbah	952-374-9671	612-861-8828	Cyrus@advanceplumbingmn.com	Plumbing Services	MBE
4	Priority 1	Advanced Design Contracting, LLC	4/9/2018	2306 Bear Court	White Bear Lake	Foster Hackett	651-340-1164	651-770-0097	foster@adcmn.net	Residential Building Contractor. Roofing, siding, sheet metal roofing.	MBE
5	Priority 1	Asbestos Abatement Associates	8/29/2015	3125 Logan Avenue North	Minneapolis	Richard Pruitt	612-588-7755		abatenow@popp.net	Abatement (asbestos, lead paint, hazardous materials	MBE
6	Priority 1	Assured Quality Painting LLC	4/9/2018	942 19th Avenue NE	Minneapolis	Jane Yuen-Lin Mahowald	612-270-6889	800-644-7216	jane@aqpainting.com	Residential and Commercial Interior/Exterior Painting, Caulking and Epoxy.	MBE
7	Priority 1	Atlas Abatement & Contracting, LLC dba Atlas Construction & Environmental	1/29/2016	1345 Sheridan Avenue North	Minneapolis	Norman Jarrett	651-983-7550	612-342-7999	nj@atlasabatement.com	Abatement (asbestos, lead paint, hazardous materials), Insulation, roofing, interior work, carpentry, lawn care, trash hauling, janitorial, fencing	MBE
8	Priority 1	Boone's Global Cleaning Services, LLC	5/13/2016	1619 Portland Avenue South	Minneapolis	Eddie Boone	651-637-1783	none	boonesglobalcleaning@yahoo.com	Final Cleaning, Green cleaning (commercial) - all products used in these services have been deemed GREEN per contractor	MBE
9	Priority 1	C & C Contractors, LLC	2/3/2017	1115 30th Avenue North	Minneapolis	Cornell Dillard	612-483-5159	none	cccontractors@live.com	Electrical, painting, drywall,	
10	Priority 1	Chael Remodeling, LLC	5/14/2016	2523 Upton Avenue North	Minneapolis	Eisael De Gracia Peralta	763-221-9914	none	chael27@gmail.com	Interior/Exterior Carpentry, Site Work, Roofing, Painting, cabinetry,	MBE
11	Priority 2	Core Construction LLC	4/9/2018	2912 3rd Avenue South - Suite #1	Minneapolis	Jessie Ramirez	612-701-9569	612-886-2184	Jescramirez@gmail.com	Residential Building contractor. Roofing, siding, sheet metal,	MBE
12	Priority 3	Dennis Environmental Operations	6/6/2017	551 Topping Street	St. Paul	Denise Zaske	651-488-4835	651-488-4624	dennisenvironmental.com	Environmental contractor specializing in asbestos abatement, lead abatement, mold and bird excrement remediation.	WBE
13	Priority 1	DJD Construction	4/10/2017	3170 Ranchview Lane	Plymouth	Bill Edgeworth	763-383-9746	763-559-2853	bedgeworth@djdconstruction.com	Roofing, Siding, Soffit/Fascia, Gutters, Windows, Carpentry	
14	Priority 1	Geneva Services Company	1/29/2016	6000 Bass Lake Road, Suite 213		Vernon Burks	612-743-1525		genevacompany@aol.com	General Contractor	
15	Priority 1	Hallson Construction, LLC	2/6/2016	1514 Girard Av. N.	Minneapolis	Gary Kittelson	612-961-6462	none	gkittelson@comcast.net	General Contractor - whole house rehab	
16	Priority 3	Holliday Construction, Inc.	1/31/2016	3708 26th Avenue South	Minneapolis	Troy Holliday	612-889-0674	612-724-7310	tjholliday@myexcel.com	General Contractor - concrete, painting (commercial & residential)	
17	Priority 1	Integrated Painting Solutions	3/3/2018	15050 Cedar Avenue South	Apple Valley	Fred Newell	651-276-6783		fnintegratedptg@yahoo.com	Interior painting	WBE
18	Priority 2	Iyawe and Associates Builders	1/29/2016	81 Lowry Av. N., Suite 116	Minneapolis	Simon Iyawe	612-454-6450		siyawe@iaabuilders.com	General Contracting (interior/exterior, carpentry, site work)	
19	Priority 1	Jamek Engineering Services, Inc.	4/14/2018	8525 Edinbrook Crossing	Brooklyn Park	James Ekhator	763-232-4409	763-420-7200	james@jamekengineering.com.	General Contractor, Exterior Roofing - Shingles, Siding and Trim, Painting and Wall Coverings.	MBE
20	Priority 1	L. Newell & Company	2/1/2015	2631 Humboldt Av. N.	Minneapolis	Lawrence Newell	651-231-7986	651-489-8781	lnewellcompany@yahoo.com	Drywall, texturing, painting, carpentry, lead abatement	
21	Priority 3	Larkins Construction, Inc.	1/29/2016	165 James Avenue North	Minneapolis	Demetrius Larkins	612-703-0156	612-521-1791	demetrius.larkins@yahoo.com	Building, remodelors, pavers and retaining walls	
22	Priority 3	Lead Investigative Services	6/8/2015	501 North Dale Street	St. Paul	Fredrick Newell	651-403-2266	651-298-1915	nasi@qwest.net	Lead abatement, lead risk assessment, lead clearance testing	
23	Priority 3	Lead Investigative Services	7/7/2018	501 North Dale Street	St. Paul	Fredrick Newell	651-403-2266	651-298-1915	fmrrsbs@msn.com	Lead abatement, lead risk assessment, lead clearance testing	MBE
24	Priority 1	Lico's Drywall, Inc.	7/26/2016	1048 Aston Circle	Burnsville	Federico Flores	612-483-7646		licos.ff@gmail.com	Drywall Contractor	MBE
25	Priority 1	Lutz Construction	3/12/2016	4909 Kama Lane N.E.	Albertville	Linda Litzau	763-497-8395	763-497-5850	lindalitzau@msn.com	General Construction	
26	Priority 1	McGlory Group LLC	8/8/2015	2529 Upton Avenue North	Minneapolis	Matthew McGlory	612-281-5939	none	matthew.mcglory@gmail.com	General Contractor, Lawn Care/Maintenance, Trash Hauling, Tree Removal/Trimming, Fencing, Landscape Construction	
27	Priority 1	Midwest Select Contracting, LLC	7/7/2018	2112 93rd Trail	Brooklyn Park	Edna McKenzie	612-207-4986	None	edna@midwestselectcontracting.c	Roofing, flooring, carpentry, painting, lead abatement, plumbing	MBE
28	Priority 1	Minne-Mex Construction, LLC	11/20/2015	1714 Irving Avenue North	Minneapolis	Ivan Betancourtz	612-990-5435	none	mmjmpls@gmail.com or ibcocho@gmail.com	General Contractor - Exterior work (caulking, insulation, masonry, siding/trim), interior painting/wallcovering, Carpentry, lawn care	MBE
29	Priority 1	Mitchell Construction	2/12/2016	125 W. Broadway Av. N.	Minneapolis	Anderson Mitchell	612-203-0777	612-588-3134	am@mitchellconstructionmn.com	General Construction, Construction Management, carpentry, demolition, drywall, painting	MBE
30	Priority 1	Sharp Heating and Air Conditioning, Inc.	1/8/2016	7221 University Avenue NE	Fridley	Debra Morgan	763-572-0459	763-572-0164	contact@sharpheating.com	Residential and Commercial HVAC Services.	WBE
31	Priority 1	The Network for Better Futures	2/25/2016	1017 Olson Highway	Minneapolis	Deb Kierstead	612-455-6133		deb@betterfutures.net		
32	Priority 2	Unique Painting & Remodeling, LLC	7/9/2016	1119 Logan Avenue North	Minneapolis	Dameon Jones	612-236-7141	none	senojson@yahoo.com	Painting, framing, siding, install windows/doors, caulking, insulation, roofing	
33	Priority 1	Vincent Brown Trucking and Construction, LLC	5/13/2016	4940 Queen Avenue North	Minneapolis	Vincent Brown	612-250-1239	612-588-1699	veeannvince1@comcast.net	Building demo, Interior demo, clean-up (final, sheetrock, painting, roofing, siding, asphalt/driveway, concrete foundations, stoops, demo exterior, sidewalks, driveways, snow plow, 20 YD Roll-off dumpsters. Lead certified	MBE

Contact the following agencies for their Section 3 Business Lists:

City of St. Paul	http://www.stpaul.gov/DocumentCenter/View/71368
HUD Business Regsitry	www.hud.gov/sec3biz
Minneapolis Public Housing	Minneapolis Public Housing - Ben Jackson bjackson@mplspha.org
St. Paul Public Housing	http://www.stpaulpha.org/forms/section3-contractorlist.pdf

Tab 4

City of Minneapolis
Small and Underutilized Business Enterprise Program
Special Provisions - City Construction Projects

I. Overview

The City of Minneapolis policy is to provide equal opportunities to all businesses, with an effort to redress discrimination in the City's marketplace and in public contracting against minority-owned business enterprises ("MBEs") and women-owned business enterprises ("WBEs"). This is accomplished through the Small and Underutilized Business Program ("SUBP") as detailed in the Minneapolis Code of Ordinances Chapter 423. SUBP applies to any construction project over $100,000. SUBP goals are set on projects based on the project scope, subcontracting opportunities and availability of eligible MBEs/WBEs.

The City has set the following SUBP goals to facilitate participation of MBEs/WBEs on this project: ___% MBE and ___% WBE.

Only eligible MBEs/WBEs count towards the SUBP goals. A MBE/WBE is eligible if they are:

1. Certified with the Minnesota Unified Certification Program ("MNUCP").
2. Located within the City's marketplace.[1]
3. Certified within the scope of work that they will perform.
4. Performing a commercially useful function on the contract.

II. Good Faith Efforts Evaluation

The bidder must either meet the goals listed above or demonstrate a Good Faith Effort to do so. A Good Faith Effort means that the bidder made *every necessary and reasonable effort* to subcontract with MBEs/WBEs prior to bid opening.

To determine if the bidder solicited MBEs/WBEs in good faith, the following list of *seven factors* may be considered:

1. Soliciting through all reasonable and available means (attendance at pre-bid meetings, advertising and/or written notices) the interest of all MBEs/WBEs certified in the scopes of work of the contract. The bidder must solicit MBEs/WBEs in sufficient time prior to bid opening or the proposal deadline to allow MBEs/WBEs to respond to solicitations. The bidder must determine with reasonable certainty if the MBEs/WBEs are interested by taking appropriate steps to follow up on initial solicitations.
2. Selecting portions of the work to be performed by MBEs/WBEs in order to increase the likelihood that the project goals will be achieved. This includes, where appropriate, breaking out contract work into smaller units to facilitate MBE/WBE participation, even when a bidder might otherwise prefer to perform these work items with its own forces.
3. Providing interested MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. The bidder must negotiate in good faith with interested MBEs/WBEs and provide written documentation of such negotiation with each such business. In determining whether the bidder negotiated in good faith, the City of Minneapolis Department of Civil Rights ("MDCR") may consider a number of factors including price, scheduling and capabilities as well as the contract goal.
5. The fact that there may be some additional costs involved in finding and using MBEs/WBEs is not itself sufficient reason for the bidder's failure to meet the project goals as long as such costs are reasonable.

[1] Minnesota counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

6. If requested by a solicited MBE/WBE, the bidder must make reasonable efforts to assist such MBEs/WBEs in obtaining bonding, lines of credit or insurance as required by the city or by the bidder, provided that the bidder need not provide financial assistance toward this effort.
7. Effectively using the services of minority/woman community organizations; minority/woman contractors' groups; local, state and federal business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the solicitation and placement of MBEs/WBEs.

III. Required Documentation

1. The bidder must thoroughly document its efforts to solicit and incorporate MBE/WBE participation to meet the SUBP goals. The following must be submitted with the bid:
    a. *Small and Underutilized Business Program (SUBP) Participation Form:* Must include all contractors, sub-consultants, suppliers, and service providers that submitted a bid/quote for the project and were selected.
2. If the *SUBP Participation Form* does not demonstrate, or the City could not verify, sufficient MBE/WBE participation to meet the SUBP goals, the bidder must submit documentation demonstrating that the bidder made sufficient good faith efforts to meet the goals. This includes:
    a. *Good Faith Efforts Checklist:* A checklist based on the *seven factors* that may be considered in determining whether MBE/WBE participation was solicited in good faith. The bidder must use the checklist during subcontractor bid solicitation to demonstrate the efforts that were made.
    b. *Bidders and Solicitation List:* Must include all MBE/WBE and non-MBE/WBE subcontractors, sub-consultants, service providers or suppliers that were solicited to submit a bid or quote for the project. It also indicates which MBE/WBE firms the bidder proposes to use.
    c. *Supporting Documentation to Demonstrate Good Faith Efforts:* The bidder must submit documentation evidencing the efforts taken to achieve the SUBP goals. The information may include, but is not limited to, copies of solicitation emails, bids received, faxes, and phone call logs.
3. If determined that bidder made a good faith effort to meet the goals, a *Pre-Construction Book* must be submitted prior to approval by MDCR.
    a. *Pre-Construction Book:* Collects information related to subcontracts, employment participation, construction schedules, and required wages.

IV. Post-Award Substitutions

The bidder shall not substitute any MBE/WBE subcontractor listed in the *SUBP Participation Form* without the prior written approval from MDCR. The bidder must make good faith efforts to replace an MBE/WBE subcontractor that is unable to perform with another MBE/WBE to perform the same scope of work.

V. Penalties for Non-Compliance

Compliance with SUBP is a material condition of the contract. The City may take the following actions wholly, partly, or in any combination:

a) Temporarily withhold funds pending correction of the deficiency.
b) Disallow the use of funds for all or part of the cost of the activity or action not in compliance.
c) Suspend or debar the noncompliant contractor, subcontractor, supplier or vendor as ineligible for all current or potential contracts with the City or supported by City funds.
d) Designate the noncompliant contractor, subcontractor, supplier or vendor as high-risk for future contracts and require of the contractor, subcontractor, supplier or vendor increased reporting requirements, mandatory audits and similar measures.

Please review Minneapolis Code of Ordinances Chapter 423 for more information or contact the City of Minneapolis Department of Civil Rights at (612) 673-3012 or contractcompliance@minneapolismn.gov.

City of Minneapolis
Small and Underutilized Business Enterprise Program
Special Provisions for Development Projects

I. Overview

The City of Minneapolis policy is to provide equal opportunities to all businesses, with an effort to redress discrimination in the City's marketplace and in public contracting against minority-owned business enterprises ("MBEs") and women-owned business enterprises ("WBEs"). This is accomplished through the Small and Underutilized Business Program ("SUBP") as detailed in the Minneapolis Code of Ordinances Chapter 423. SUBP applies to any development project receiving a subsidy through the City of over $100,000. SUBP goals are set on projects based on the project scope, subcontracting opportunities and availability of eligible MBEs/WBEs.

The City has set the following SUBP goals to facilitate participation of MBEs/WBEs on this project: ___% MBE and ___% WBE.

Only eligible and available MBEs/WBEs count towards the SUBP goals. An eligible and available MBE/WBE is:

1. Certified under the Minnesota Uniform Certification Program (MNUCP).
2. Located within the City's marketplace.[1]
3. Certified within the scope of work in which they will be performing.
4. Performing a commercially useful function on the contract.

II. Good Faith Efforts Evaluation

The developer's contractor must either meet the goals listed above or demonstrate a Good Faith Effort to do so. A Good Faith Effort means that the developer's contractor made *every necessary and reasonable effort* to subcontract with MBEs/WBEs prior to subcontractor bidletting.

To determine if the developer's contractor solicited MBEs/WBEs in good faith, the following list of *seven factors* may be considered:

1. Soliciting through all reasonable and available means (attendance at pre-bid meetings, advertising and/or written notices) the interest of all MBEs/WBEs certified in the scopes of work of the contract. The developer's contractor must solicit MBEs/WBEs in sufficient time prior to bid opening or the proposal deadline to allow MBEs/WBEs to respond to solicitations. The developer's contractor must determine with reasonable certainty if the MBEs/WBEs are interested by taking appropriate steps to follow up on initial solicitations.
2. Selecting portions of the work to be performed by MBEs/WBEs in order to increase the likelihood that the project goals will be achieved. This includes, where appropriate, breaking out contract work into smaller units to facilitate MBE/WBE participation, even when a developer's contractor might otherwise prefer to perform these work items with its own forces.
3. Providing interested MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. The developer's contractor must negotiate in good faith with interested MBEs/WBEs and provide written documentation of such negotiation with each such business. In determining whether the developer's contractor negotiated in good faith, the City of Minneapolis Department of Civil Rights ("MDCR") may consider a number of factors including price, scheduling and capabilities as well as the contract goal.

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[1] Minnesota counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

5. The fact that there may be some additional costs involved in finding and using MBEs/WBEs is not itself sufficient reason for the developer's contractor's failure to meet the project goals as long as such costs are reasonable.
6. If requested by a solicited MBE/WBE, the developer's contractor must make reasonable efforts to assist such MBEs/WBEs in obtaining bonding, lines of credit or insurance as required by the developer or by the developer's contractor, provided that the developer's contractor need not provide financial assistance toward this effort.
7. Effectively using the services of minority/woman community organizations; minority/woman contractors' groups; local, state and federal business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the solicitation and placement of MBEs/WBEs.

III. Required Documentation

The developer's contractor must thoroughly document its efforts to solicit and incorporate MBE/WBE participation to meet the SUBP goals. The following documents must be submitted after subcontractor bidletting and prior to closing on the City subsidy:

1. *Bidders and Solicitation List:* Must include all subcontractors, sub-consultants, service providers or suppliers that were solicited. It also indicates which MBE/WBE firms the developer's contractor intends to use.
2. *Supporting Documentation to Demonstrate Good Faith Efforts:* The developer's contractor must submit documentation evidencing the efforts taken to achieve the SUBP goals. The information may include, but is not limited to, copies of solicitation emails, bids received, faxes, and phone call logs.
3. *Good Faith Efforts Checklist:* A checklist based on the *seven factors* that may be considered in determining whether MBE and WBE participation was solicited in good faith. The developer's contractor must use the checklist during subcontractor bid solicitation to demonstrate the efforts that were made.
4. *Pre-Construction Book:* Collects information related to subcontracts, employment participation, construction schedules, and required wages. The developer's contractor must ensure that the MBEs and WBEs they intend to contract with and their respective subcontract amounts are within the Pre-Construction Book and are accurate.

IV. Post-Award Substitutions

The developer's contractor shall not substitute any MBE/WBE subcontractor listed in the Pre-Construction Book without the prior written approval of MDCR. The developer's contractor must make good faith efforts to replace an MBE/WBE subcontractor that is unable to perform with another MBE/WBE to perform the same scope of work.

V. Penalties for Non-Compliance

Compliance with SUBP is a material condition of the City's subsidy contract. The City may take the following actions wholly, partly, or in any combination:

a) Temporarily withhold disbursements of City-provided funds pending correction of the deficiency.
b) Disallow the use of funds for all or part of the cost of the activity or action not in compliance.
c) Suspend or debar the noncompliant developer, developer's contractor, subcontractor, supplier or vendor as ineligible for all current or potential contracts with the City or supported by City funds.
d) Designate the noncompliant developer, developer's contractor, subcontractor, supplier or vendor as high-risk for future contracts and require of the developer, developer's contractor, subcontractor, supplier or vendor increased reporting requirements, mandatory audits and similar measures.

Please review Minneapolis Code of Ordinances Chapter 423 for more information or contact the City of Minneapolis Department of Civil Rights at (612) 673-3012 or contractcompliance@minneapolismn.gov

CITY OF MINNEAPOLIS
SMALL AND UNDERUTILIZED BUSINESS PROGRAM (SUBP)
GOOD FAITH EFFORTS CHECKLIST

If the SUBP goals for the project have not been met, then a Good Faith Efforts Review will be conducted by the Department of Civil Rights Contract Compliance Division (CCD). The following checklist should be used during bid solicitation to demonstrate the efforts that were made to meet the SUBP goals. This checklist will need to be submitted to CCD if a Good Faith Effort Review is warranted. Per City ordinance (Chapter 423), there are seven factors that may be considered to determine whether or not MBE/WBE participation was solicited in good faith.

Date:	
Company Name:	
Completed By:	
Title:	
Signature:	

Checklist Instructions:

- All factors listed below ***may*** be considered. Some factors may not be applicable to all projects or situations.
- Check all actions that were taken and enter comments for each factor explaining the actions taken.
- Documentation of all attempts to solicit MBE/WBE participation should be kept.
- Use additional sheets if necessary to supplement the responses and attach them to this form.

1. **Solicited through all Reasonable and Available Means:** As stated in 423.90(g)(1), the department may consider whether the bidder or proposer *solicited through all reasonable and available means (attendance at pre-bid meetings, advertising and/or written notices) the interest of all MBEs/WBEs certified in the scopes of work of the contract. The bidder or proposer must solicit MBEs/WBEs in sufficient time prior to bid opening or the proposal deadline to allow MBEs/WBEs to respond to solicitations. The bidder or proposer must determine with reasonable certainty if the MBEs/WBEs are interested by taking appropriate steps to follow up on initial solicitations.*

   ☐ Solicited to all firms listed on the MnUCP report provided by CCD that listed MBEs/WBEs certified in scopes of work related to the project (Keep copies of phone logs, emails, fax sheets, etc.) **If no, please explain here:**

   _____

   _____

   ☐ Utilized the Online MnUCP Directory to identify additional MBEs/WBEs

   ☐ Attended Pre-Bid Meeting to learn about the project and SUBP goals. **Date attended:** _____

   ☐ Reviewed bid documents or RFP for SUBP goals and policies regarding solicitation and utilization of MBEs/WBEs

   ☐ Solicited MBEs/WBEs in sufficient time prior to bid opening or proposal due date to allow MBEs/WBEs to respond to the bid solicitation (CCD recommends 2 weeks prior to bid opening). **Date solicited:**_____

   ☐ Followed up with the MnUCP certified MBEs/WBEs to confirm interest in participation (Keep log of follow-up activities and provide the log to CCD)

   ☐ Other _____

   Comments:_____

   _____

   _____

   _____

2. **Broke the Contract Work into Smaller Units:** As stated in 423.90(g)(2), the department may consider whether the bidder or proposer *selected portions of the work to be performed by MBEs/WBEs in order to increase the likelihood that the project goals will be achieved. This includes, where appropriate, breaking out contract work into smaller units to facilitate MBE/WBE participation, even when a contractor might otherwise prefer to perform these work items with its own forces.*

☐ Broke the contract into smaller scopes of work in order to facilitate MBE/WBE participation. Please list the scopes that were broken into smaller units:

_____

_____

☐ Subcontracted/solicited scopes of work that could have been self-performed. Please list these scopes:

_____

_____

☐ Other _____

Comments: _____

_____

_____

_____

3. **Provided MBEs/WBEs with Adequate Information:** As stated in 423.90(g)(3), the department may consider whether the bidder or proposer *provided MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.*

☐ Bid invitations/advertisement included adequate information about the scope of work, contract requirements, deadline to submit a bid, etc. (Keep copy of invite/advertisement)
☐ Provided MBEs/WBEs adequate project information and access to the plans and specifications
☐ Other _____

Comments: _____

_____

_____

_____

4. **Negotiated in Good Faith:** As stated in 423.90(g)(4), the department may consider whether the bidder or proposer *negotiated in good faith with interested MBEs/WBEs and provide written documentation of such negotiation with each such business. In determining whether the bidder or proposer negotiated in good faith, the department may consider a number of factors including price, scheduling and capabilities as well as the contract goal.*

☐ Negotiations with MBEs/WBEs are conducted fairly
☐ Communication to MBEs/WBEs regarding pricing, scheduling and capability requirements are consistent with project plans and requirements. Communications and project information provided is the same to all potential bidders.
☐ Were there any MBE/WBE firms that bid to you that you did not consider qualified to perform the work? If yes, explain here:

_____

_____

☐ MBE/WBE bids were rejected. Please explain the reasons why here:

_____

_____

☐ Other _____

Comments: _____

_____

_____

_____

5. **Used Reasonable Resources to Comply with SUBP:** As stated in 423.90(g)(5), *The fact that there may be some additional costs involved in finding and using MBEs/WBEs is not itself sufficient reason for a bidder's or proposer's failure to meet the project goals as long as such costs are reasonable.*

   ☐ Please list the resources your company used to comply with SUBP *(examples include: bid advertisements, list serves, time spent soliciting, time spent documenting efforts, and other administrative resources spent to perform good faith efforts)*

   _____
   _____
   _____

6. **Provided MBEs/WBEs with Assistance in Meeting City Contracting Requirements:** As stated in 423.90(g)(6), *if requested by a solicited MBE/WBE, the bidder or proposer must make reasonable efforts to assist such MBEs/WBEs in obtaining bonding, lines of credit or insurance as required by the city or by the bidder or proposer, provided that the bidder or proposer need not provide financial assistance toward this effort.*

   ☐ Provided reasonable assistance to help MBEs/WBEs obtain bonds, lines of credit, or insurance that is required by the City.
   ☐ Referred MBEs/WBEs in need of financial or technical assistance to City's **Business and Technical Assistance Program (*B-TAP*)**. For more information on B-TAP please visit: http://www.minneapolismn.gov/business/B-TAP or contact Daniel Bonilla, Senior Project Coordinator, at 612-673-5232.
   ☐ Other _____

   Comments:_____
   _____
   _____
   _____

7. **Effectively Used Community Organizations:** As stated in 423.90(g)(6), *effectively using the services of minority/woman community organizations; minority/woman contractors' groups; local, state and federal business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the solicitation and placement of MBEs/WBEs.*

   ☐ Used services of minority/women community organizations
   ☐ Used services of minority/women professional organizations
   ☐ Other _____

   Please list the organizations that were used:

   _____
   _____

8. **Other Good Faith Efforts**

   Please explain any other good faith efforts made by your company not included above. Examples may include: identifying firms eligible to become MnUCP certified MBEs/WBEs, hosting open houses or networking events, and participation in trainings related to equity and inclusion.

   _____
   _____
   _____
   _____
   _____
   _____
   _____

Minneapolis
Department of Civil Rights

Small and Underutilized Business (SUBP) Participation Form

Please list **all** contractors (including your company), sub-consultants, suppliers, and service providers who submitted a bid/quote and will be selected.

Please Note:

- Only Minnesota Unified Certification Program (MNUCP) certified minority-owned and women-owned business enterprises (MBEs or WBEs) count toward the SUBP goals. Please place a mark "x" in the appropriate column below.[2]
- Companies certified as both MBE and WBE count towards the MBE goal.
- If an MBE/WBE subcontracts work to a non-MBE/WBE, that value of work will not count toward the SUBP goals.
- An MBE/WBE must perform a commercially useful function[3] to count toward the SUBP goals.

Business Name	City, State	Phone & Email	Contact Method (fax, phone, email)	Date of Solicitation	Scope of Work	Bid/Quote Amount	MNUCP MBE	MNUCP WBE

[2] The MBE/WBE must be certified in the scope of work and located in the 11 county metropolitan area (Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright).

[3] Commercially useful function: Business executing a distinct element of work and carries out its responsibilities by actually performing, managing, and supervising the work involved.

Firm Name	City, State	Phone & Email	Contact Method (fax, phone, email)	Date of Solicitation	Scope of Work	Bid/Quote Amount	MNUCP MBE	MNUCP WBE

The bidder certifies that <u>all</u> contractors (including your company), sub-consultants, suppliers, and service providers that submitted a bid/quote and will be selected are listed.

Company Name	Contact Name & Title	Phone & Email	Date	Signature

Failure to sign and submit this form will result in a non-responsive bid.

Minneapolis
Department of Civil Rights

SOLICITATION AND BIDDERS LIST

Project Name: _____ **Prime Contractor:** _____

Instructions:

1. List **ALL** subcontractors, sub-consultants, suppliers, and service providers that were solicited to submit a bid/quote for this project.
2. If a firm is certified as an MBE or WBE by the MnUCP, place a check mark in the appropriate column.
3. Make additional copies of this form as necessary.

Firm Name	**Phone/Email**	**MBE**	**WBE**	**Contact Method** (fax, phone, email)	**Date of Solicitation**	**Scope of Work**	**Bid/Quote Amount** (leave blank if no bid was submitted)	**Check all Firms that will be used**

Firm Name	Phone/Email	MBE	WBE	Date of Solicitation	Contact Method (fax, phone, email)	Description of Work	Bid/Quote Amount (leave blank if no bid was submitted)	Check all Firms that will be used

Good Faith Efforts Evaluation Report - Approval
Women & Minority Goals

Contractor: ABC Construction Company
Project: Construction of Main Street
Bid Total: $8,243,364.39

Monitoring CCO: Aidan Dunne CCO Performing GFE Evaluation: Aidan Dunne

SUBP goals established for this project:	**MBE:**	**8%**	**WBE:**	**11%**
SUBP Participation Form:	MBE:	2.01%	WBE:	11.07%
Committed[1] SUBP participation:	MBE:	2.01%	WBE:	11.04%
Were the SUBP goals met:		**NO**		**YES**

MBE Participation:

Company	Amount listed on SUBP form	%	Committed Amount	%	Verified MnUCP Certified, within 11 county metro, and proper NAICS Code
XYZ Inc	$150,000.00		$150,000.00		YES
ABC Tech Support	$2,414.75		$2,414.75		YES
ABC Utilities	$13,500.00		$13,500.00		YES
Total	**$165,914.75**	**2.01%**	**$165,914.75**	**2.01%**	

WBE Participation → (over)

WBE Participation:

[1] *Committed SUBP participation* is what the Contractor is committing to.

Company	Amount listed on SUBP form	%	Committed Amount	%
123 Construction Supplies	$9,600.00		$16,000.00	
XYZ Construction Supply	$334,761.00		$334,761.00	
ABC Trucking	$12,950.00		$12,950.00	
ABC Engineering	$75,787.00		$75,787.00	
123 Erectors	$269,031.00		$269,031.00	
XYZ Trucking Inc	$50,000.00		$50,000.00	
ABC Sales & Supply	$500.00		$500.00	
123 Cutting & Coring	$5,548.00			
XYZ Contracting	$63,671.00		$63,671.00	
ABC Specialties	$4,000.00		$4,046.00	
123 Electric	$74,000.00		$74,000.00	
XYZ lectrical	$2,300.00		$2,300.00	
?? UNKNOWN SUB ??	$10,000.00		$0.00	
ABC Trucking			$6,670.95	
Total	**$912,148.00**	**11.07%**	**$909,716.95**	**11.04**

Combined MBE/WBE Participation:

$1,075,631.70	**13.05%**

I. Summary

- City's public bid issued: . . . . . March 26, 2015
- ABC first solicited bids from subs: . . . . . April 2, 2015
- Pre-Bid Meeting: . . . . . April 6, 2015
- Bids were opened by City: . . . . . April 16, 2015
- Civil Rights received Request for Review form: . . . . . May 20, 2015
- CCO requested GFE materials from ABC: . . . . . May 22, 2015
- GFE Review Panel met: . . . . . June 4, 2015
  - Attending GFE Review Panel: Aidan Dunne; Kolu Paye; Jonica Carr; Karen Francois

II. Conclusion

Based on the following, ABC *did* make a good faith effort to meet the SUBP goals.

III. Review & Analysis

The participation listed on the SUBP Participation Form was 2.01% MBE, 11.07% WBE.
The MBE goal was therefore not met and a good faith efforts review was conducted.

A) Good Faith Efforts

In accordance with 423.90(g), there are seven factors that may be considered when determining whether a business solicited in good faith. The following is an analysis of the relevant factors that were considered in this instance:

1. **Solicited through all Reasonable and Available Means:** As stated in 423.90(g)(1), the department may consider whether the bidder or proposer *solicited through all reasonable and available means (attendance at pre-bid meetings, advertising and/or written notices) the interest of all MBEs/WBEs certified in the scopes of work of the contract. The bidder or proposer must solicit MBEs/WBEs in sufficient time prior to bid opening or the proposal deadline to allow MBEs/WBEs to respond to solicitations. The bidder or proposer must determine with reasonable certainty if the MBEs/WBEs are interested by taking appropriate steps to follow up on initial solicitations.*

   Contractor:

   ☒ Solicited to all firms listed on the MnUCP report provided by CCD that listed MBEs/WBEs certified in scopes of work related to the project (Keep copies of phone logs, emails, fax sheets, etc.)

   ☒ Utilized the Online MnUCP Directory to identify additional MBEs/WBEs

   Doing its own search, ABC identified 11 additional MBEs/WBEs to solicit.

   ☒ Attended Pre-Bid Meeting to learn about the project and SUBP goals

   ABC DID attend the pre-bid meeting.

   ☒ Reviewed bid documents or RFP for SUBP goals and policies regarding solicitation and utilization of MBEs/WBEs

   ☒ Solicited MBEs/WBEs in sufficient time prior to bid opening or proposal due date to allow MBEs/WBEs to respond to the bid solicitation (CCD recommends 2 weeks prior to bid opening).

   ABC first solicited bids from potential MBE/WBE subcontractors on April 2, 2015. Bids were due to the City on April 16, 2015. This allowed 14 days to respond.

   ☒ Followed up with the MnUCP certified MBEs/WBEs to confirm interest in participation

   Conclusion:
   ABC *did* solicit through all reasonable and available means.

2. **Broke the Contract Work into Smaller Units:** As stated in 423.90(g)(2), the department may consider whether the bidder or proposer *selected portions of the work to be performed by MBEs/WBEs in order to increase the likelihood that the project goals will be achieved. This includes, where appropriate, breaking out*

contract work into smaller units to facilitate MBE/WBE participation, even when a contractor might otherwise prefer to perform these work items with its own forces.

Contractor: (check all that apply)

☒ Broke the contract into smaller scopes of work in order to facilitate MBE/WBE participation.

☒ Subcontracted/solicited scopes of work that could have been self-performed.

ABC reports (and has documented) attempting to subcontract out the following scopes which could have been self-performed: rebar placing, pre-stressed girder erection, bridge bearing placement, field office setup, concrete, forming and placement.

Conclusion:
ABC *did* break the contract work into smaller units in order to facilitate more MBE/WBE participation, because they attempted to subcontract out work that could have been self-performed.

3. **Provided MBEs/WBEs with Adequate Information:** As stated in 423.90(g)(3), the department may consider whether the bidder or proposer *provided MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.*

Contractor: (check all that apply)

☒ Bid invitations/advertisement included adequate information about the scope of work, contract requirements, deadline to submit a bid, etc.

☒ Provided MBEs/WBEs adequate project information and access to the plans and specifications

Conclusion: ABC *did* provide MBEs/WBEs with adequate information.

4. **Negotiated in Good Faith:** As stated in 423.90(g)(4), the department may consider whether the bidder or proposer *negotiated in good faith with interested MBEs/WBEs and provide written documentation of such negotiation with each such business. In determining whether the bidder or proposer negotiated in good faith, the department may consider a number of factors including price, scheduling and capabilities as well as the contract goal.*

☐ Negotiations with MBEs/WBEs are conducted fairly

☒ Communication to MBEs/WBEs regarding pricing, scheduling and capability requirements are consistent with project plans and requirements. Communications and project information provided is the same to all potential bidders.

☐ Were there any MBE/WBE firms that bid and were not considered qualified to perform the work?

☒ MBE/WBE bids were rejected: **Only rejected WBE bids when they were outbid by other WBEs.**

Conclusion: No negotiations – not applicable.

5. **Used Reasonable Resources to Comply with SUBP:** As stated in 423.90(g)(5), *the fact that there may be some additional costs involved in finding and using MBEs/WBEs is not itself sufficient reason for a bidder's or proposer's failure to meet the project goals as long as such costs are reasonable.*

   ABC did not cite any additional costs as reason for not meeting the project goals. Additionally, ABC clearly invested staff time in contacting MBEs/WBEs. ABC notes: "Emailing Invite – ½ hour; Faxing Invite – 1 hour; Phone calls – 3 hours; Logging info – 45 minutes".

   Conclusion: ABC *did* use reasonable resources to comply with the SUBP.

6. **Provided MBEs/WBEs with Assistance in Meeting City Contracting Requirements:** As stated in 423.90(g)(6), *if requested by a solicited MBE/WBE, the bidder or proposer must make reasonable efforts to assist such MBEs/WBEs in obtaining bonding, lines of credit or insurance as required by the city or by the bidder or proposer, provided that the bidder or proposer need not provide financial assistance toward this effort.*

   ☐ Provided reasonable assistance to help MBEs/WBEs obtain bonds, lines of credit, or insurance that is required by the City.

   Conclusion: n/a

7. **Effectively Used Community Organizations:** As stated in 423.90(g)(6), *effectively using the services of minority/woman community organizations; minority/woman contractors' groups; local, state and federal business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the solicitation and placement of MBEs/WBEs.*

   ☒ Used services of minority/women community organizations
   ABC lists:
   ZRB Academy, LLP Urban, Maverick Community Service, Sports Inc.

   ☐ Used services of minority/women professional organizations

   Conclusion: ABC *did* use community organizations.

8. **Other Considerations:**

   In an attempt to meet its MBE goal, ABC accepted all of the MBE bids it (or its subs) received, except for one. That one MBE (NWK, Inc.) was significantly out-bid by a WBE (Stonehenge Engineering). ABC used Stonehenge instead.

Conclusion:
Not applicable. No MBEs were contacted.

4. **Negotiated in Good Faith:** As stated in 423.90(g)(4), the department may consider whether the bidder or proposer *negotiated in good faith with interested MBEs/WBEs and provide written documentation of such negotiation with each such business. In determining whether the bidder or proposer negotiated in good faith, the department may consider a number of factors including price, scheduling and capabilities as well as the contract goal.*

   ☐ Negotiations with MBEs are conducted fairly
   No MBE negotiations – not applicable.

   ☐ Communication to MBEs regarding pricing, scheduling and capability requirements are consistent with project plans and requirements. Communications and project information provided is the same to all potential bidders.
   No MBE solicitations – not applicable.

   ☐ Were there any MBE firms that bid and were not considered qualified to perform the work?
   No MBE solicitations – not applicable.

   ☐ MBE bids were rejected:
   No MBE solicitations – not applicable.

   Conclusion:
   No MBE negotiations – not applicable.

5. **Used Reasonable Resources to Comply with SUBP:** As stated in 423.90(g)(5), *the fact that there may be some additional costs involved in finding and using MBEs/WBEs is not itself sufficient reason for a bidder's or proposer's failure to meet the project goals as long as such costs are reasonable.*

   Smash Sisters did not cite any additional costs as reason for not meeting the MBE goal.
   However, Smash Sisters did not devote any resources toward meeting the MBE goal.

6. **Provided MBEs with Assistance in Meeting City Contracting Requirements:** As stated in 423.90(g)(6), *if requested by a solicited MBE/WBE, the bidder or proposer must make reasonable efforts to assist such MBEs/WBEs in obtaining bonding, lines of credit or insurance as required by the city or by the bidder or proposer, provided that the bidder or proposer need not provide financial assistance toward this effort.*

   ☐ Provided reasonable assistance to help MBEs obtain bonds, lines of credit, or insurance that is required by the City.

   Conclusion:
   Not applicable – no MBEs requested assistance.

7. **Effectively Used Community Organizations:** As stated in 423.90(g)(6), *effectively using the services of minority/woman community organizations; minority/woman contractors' groups; local, state and federal business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the solicitation and placement of MBEs/WBEs.*

   ☐ Used services of minority/women community organizations

   ☐ Used services of minority/women professional organizations

Conclusion:
Smash Sisters *did not* use community or professional organizations.

8. **Other Considerations:**

In the submitted Good-faith Efforts Checklist, the Smash Sisters representative (Jolett Smith) wrote, "Reading through Bid, doesn't specifically say we needed WBE AND MBE, unable to locate anywhere in documentation that states both are needed. ... I assumed since we had a WBE on board, that was sufficient. The wording in Bid documents is open to interpretation." They also wrote, "only contacted one WBE that we knew fit the job scope. They agreed & did not contact anyone else."

Jolett Smith of Smash Sisters explained the same via phone – that the bid documents were unclear as to whether or not they were required to make an effort to meet both MBE and WBE goals. Based on the bid documents, Smash Sisters believed that only one of the two goals was required, and believed that they could choose which goal to meet – MBE or WBE. So, they chose to meet the WBE goal only.

However, the project documents included the following language, which makes clear that both an MBE and a WBE goal applied to the project, and that bidders must make "every necessary and reasonable effort" to meet the listed goals:

SUBP GOALS ON THIS PROJECT
Each bidder must either meet the goals listed below or show that it made every necessary and reasonable effort to meet the MBE/WBE goals prior to submitting the bid. MDCR shall determine whether a bidder or proposer has made adequate good faith efforts to meet the SUBP goals. If a bidder or proposer fails to meet the project goals and does not demonstrate good faith efforts, the bid or proposal will be rejected and the bidder or proposer shall not be awarded the contract.

The goals on this project are: ***7% MBE*** ***7% WBE***

Because the SUBP language in the bid documents is clear that both an MBE and a WBE goal applies, Smash Sisters had adequate notice of the SUBP requirements. Additionally, Smash Sisters' explanation that they thought they only had to pick one of the two goals is unsupported by the bid document language. The bid documents contain no language that indicates "pick one," or the equivalent.

Smash Sisters was required to make a good-faith effort to meet both the MBE and WBE goals on this project, and was given adequate notice of these requirements.

The following were submitted by the bidder and reviewed by the CCO:
X Solicitation and Bidder's List
X GFE Affidavit (notarized)
X GFE Checklist
__A list of all subcontracting opportunities
__Supporting documentation evidencing contractor's efforts to solicit to M/WBEs

IV. Determination

Smash Sisters *did not* make a good faith effort to solicit to certified MBEs for the reasons listed herein.

Compliance Officer _____ Date _____
Aidan Dunne

Approved by _____ Date _____

Karen Francois

Tab 5

Bidding Procedures for Projects Funded by the Affordable Housing Trust Fund Program and Housing Revenue Bonds (Effective: May 1, 2013)

THE CITY ENCOURAGES PROCUREMENT TRANSACTIONS TO BE CONDUCTED IN A MANNER THAT DEMONSTRATES REASONABLE DEVELOPMENT COSTS AS WELL AS PROVIDING FULL AND OPEN COMPETITION.

I. GENERAL CONTRACTOR AND SUBCONTRACTOR SELECTION METHODS:

A. Sealed Bids: The preferred method for general contractor selection is to publicly advertise for sealed bids at a pre-determined date and time. The general contractor bid solicitation must be publicized as further described in Section II below and must include clear and complete written specifications, and a standard bid response form. The selection of the successful bidder shall be made principally on the basis of price. A Lump Sum, Fixed Price or Stipulated Sum, contract shall be awarded to the lowest responsive responsible bidder.

B. General Contractor Request for Qualifications (RFQ) with subsequent sealed bids for general contractor selection (previously the "Alternative Method"): This method uses a publicly advertised RFQ to establish a short list of at least three (3) pre-qualified general contractors who will then complete for the general contracting work by submitting a sealed bid on a standard form based upon clear plans and specifications at a pre-determined public bid opening. With this method, the general contractor is not directly involved in creating the development plans or the project specification manual, and the general contractor may or may not have identified all of the subcontractors who may work on that particular project at the time the sealed bids are due.

C. General Contractor Selection with subsequent bidding for subcontractor selection (previously, the "Second Alternative Method"): This method, sometimes referred to as the "team approach," is generally intended for larger projects with a total development cost over $10 million where the general contractor is involved in estimating project pricing, drafting the development plans and project specification manual, and managing the subcontractor bidding process. The selected general contractor issues a public Request for Proposals (RFP) soliciting formal bids from qualified subcontractors based upon written plans and specifications. This subcontractor selection must comply with the bidding procedures described in Section II below.

D. Cost Reasonableness Study: In circumstances where City staff agree that a public selection of a general contractor or subcontractors creates an excessive burden on the project or generates insufficient competitive proposals or bids, the City may elect to complete a cost reasonableness study at its sole discretion and at the cost of the developer in lieu of requiring Method A., B., or C. above. This method includes the following procedures and documentation:

1. Declaratory Letter to CPED: Developer provides CPED with a letter and supporting documentation demonstrating why a public selection of a general contractor or subcontractors created an excessive burden on the project, generated insufficient competitive proposals or bids, or another reasonable explanation describing why none of the Methods A., B., or C. was appropriate for the project.
2. Plans and Specifications Provided to CPED: The developer furnishes CPED with the complete construction plans and written project specifications manual.
3. Consultant Selection: Using authority granted to CPED in the signed Recitals, Acknowledgement, and Consent Form from Attachment 13 of the RFP, CPED selects at

its sole discretion at least one qualified consultant such as one or more architects or general contractors to review the construction plans and project specifications to estimate project costs and compare those costs to at least one other similar project.

II. ADDITIONAL POLICIES AND PROCEDURES

A. Advertisement Publication:

1. At a minimum, all advertisements must be published in Finance and Commerce twice for a minimum of one (1) week each. Direct mail invitations or solicitations are permitted as a supplement to the minimum required public advertisement
2. Bid packages with construction plans and specifications used for general contractor or subcontractor selection must be made available concurrently with the public advertisement to applicable labor union trade organizations or regional council offices.
3. All solicitations must be reviewed by CPED staff prior to commencement of advertising.
4. Affidavits of publication must be provided to CPED which describes the specific advertisement that was published and the dates of publication.

B. Architectural Services: CPED recommends using the Minnesota Housing Finance Agency Architecture Services Guide (the April 2013 version is posted here: http://www.mnhousing.gov/idc/groups/multifamily/documents/webcontent/mhfa_008062.pdf).

C. Competitive Bidding is Preferred: At least three (3) competitive bids, proposals or responses are preferred when a competitive process is used to select either the general contractor or subcontractors.

D. Bid or Proposal Opening Documentation to CPED: Upon the completion of the opening of the bids or advertisement responses, the following must be promptly submitted to CPED staff:

1. Copy of the sign-in sheet of all persons in attendance at the opening;
2. Copies of all bids or responses; and
3. Tally sheet listing all bidders or respondents, proposers, addendums received, responsive or non-responsive bids or responses, reason, and summaries of all of the pertinent financial information in the bids or responses.

E. Change Orders: CPED endeavors to minimize change orders where possible.

F. Contracting Requirements:

1. Please see the AHTF Contracting Standards (Attachment 6) for a summary of the applicable SUBP, affirmative action, Davis Bacon, CPED Apprenticeship, and related rules.
2. The selected general contractor shall provide on CPED's Sworn Construction Statement form and Civil Rights Pre-Construction Booklet the names of all parties having contracts or subcontracts for specific portions of the work on said property and building or material entering into the construction and amounts of each.

G. Design-Build Prohibited: The design-build approach where the design phase of the project overlaps with the construction phase is a prohibited procurement method even when Method D is used.

H. Faxed or E-Mailed Bids Prohibited: Faxed or e-mailed bids or responses are not permitted.

I. **Procurement for Professional Services:** Procurement for professional services including architectural, engineering, and legal: CPED encourages but does not require a competitive process to be used to select professional consultants for projects.

J. **Project Manuals and Specifications Standard Format:** All project manuals or specification books shall be organized into Divisions and Sections using the 16 –division format and Construction Specification Institute (CSI) Master Format numbering system.

K. **Retainage:** Unless otherwise agreed to by the City, the General Contractor must include a retainage clause requiring a 10% holdback of hard construction costs until construction is 50% complete with such holdback released upon completion of construction.

L. **Standard Forms Required**
   1. A standard bid or proposal response form must be provided in the bid package to be completed by the respondents.
   2. Draw Applications: Request for payment shall be submitted on AIA Document G702 Application and Certificate for Payment, and AIA Document G703 Continuation Sheet. All requests for payment applications shall be made directly to the General Contractor listed on the Construction Contract who shall then pay all sub-contractors directly. No checks shall be made out directly to any sub-contractors.

M. **Registered and Independent Professional Consultants:** All professional services shall be performed by professionals registered in Minnesota in their respective fields and independent of Developer and Contractor(s) engaged in the development unless the scope of work is limited to minor rehabilitation and simply replacing worn components/equipment with similar new components/equipment.

N. **General Contractor Self-Performing Construction Work:** The selected general contractor may self-perform work on the project only if the general contractor first announces as a disclosure their intention in its initial proposal that it intends to pursue self-performing some of the construction, and submits a separate sealed bid (or bids) on the subcontract work and if the general contractor and project owner verify in writing to the City prior to the posting of the advertisement for the subcontractor sealed bids that the general contractor has not developed or drafted specifications, requirements, statements of work, invitations for bids and/or requests for proposals.

Community Planning & Economic Development
Crown Roller Mill, 105 Fifth Ave. S.
Suite 200
Minneapolis, MN 55401

Minneapolis
City of Lakes

MEMORANDUM

August 28, 2014

REPORT TO THE CPED DIRECTOR

FROM: Wesley Butler, Manager of Residential Finance (5194)

SUBJECT: CPED Apprenticeship Procedure Clarification

Approved:

Manager

Division Director

Charles T. Lutz, Interim CPED Director

6/20/14
Date

PREVIOUS DIRECTIVES: On September 22, 2008 a CPED Director's Report adopted CPED administrative procedures for the interpretation and enforcement of apprenticeship and prevailing wage policies to be applied to all CPED projects.

On June 8, 2004, the Minneapolis City Council adopted a Registered Apprenticeship Policy for real estate developments assisted by CPED. This policy contemplates CPED adoption of administrative procedures.

IMPACT ON CPED BUDGET: None.

RECOMMENDATION: Adopt a procedural clarification that defines when the use of a certified apprenticeship program is required as it pertains to projects financed with the Affordable Housing Trust Fund and the Emergency Solutions Grant through their bidding requirements. This procedural clarification will be effective for projects awarded funding in 2015.

On September 8, 2004, the Minneapolis City Council approved the Registered Apprenticeship Policy. This policy requires contractors and sub-contractors of the developers receiving financial assistance from the City to hire laborers and mechanics who are trained or are being trained through a registered apprenticeship program certified by the State of Minnesota.

The policy states that a developer and its contractors and sub-contractors shall **use** a state registered apprenticeship program. It has been practice to enforce this policy at the time the obligated developer, contractor or sub-contractor begins the job.

DOCUMENT NO. 2014-44

This report recommends that in order to be eligible to bid on a CPED assisted development project financed through the Affordable Housing Trust Fund or the Emergency Solutions Grant, developers, contractors and sub-contractors must provide evidence of enrollment in an apprenticeship program which is registered by the State of Minnesota as specified in section 2.2 of the CPED Registered Apprenticeship Policy. The evidence will be required to be submitted a part of the bidding materials.

The Apprenticeship Policy applies to other types of City assistance, many of which do not require publicly-overseen bidding processes. Therefore, this approach would not apply in those cases. Staff will evaluate other measures for compliance oversight for these other City financing tools and provide recommendations in a subsequent Director's or Council report.