

City of Newark
Department of Development
Minority Business Enterprise (MBE) and Women Business Enterprise (WBE)
Participation Plan

OBJECTIVE

In an effort to encourage minority business participation in the City of Newark's HUD-assisted programs, the Newark Department of Economic and Community Development Department has developed an Affirmative Marketing and Outreach Plan. The Plan is consistent with Departmental policy as set forth at 24 CFR 85.36(e) .

The City of Newark is strongly committed to the ideals of equal opportunity. Our plan establishes a program for the achievement of certain contracting and subcontracting goals to ensure equal opportunity access to and fair treatment in contracting, and striving to maximize contracting opportunities for minority-owned and women-owned businesses.

City bids are openly advertised to all, submitted to plans rooms that in turn send the info out to their subscribers. We advertise in The Advocate, and generally post the advertisement on the City website.

Plans Rooms:

Construction Market Data
30 Technology Parkway South, Suite 100
Norcross, GA 30092
1-323-602-5079, ext. 77723
Angel.lazaga@cmdgroup.com

Builders Exchange Inc.
Attn: Laurel Screptock
9555 Rockside Road, Suite 300
Valley View, OH 44125
1-866-907-6300
CThorton@bxohio.com
HVuletic@bxohio.com
ckhalid@bxohio.com

Dodge Data & Analytics
3315 Central Avenue
Hot Springs, AR 71913
1-888-376-4319
Davina.jacobs@construction.com
Dodge.bidding@construction.com

Construction Journal
400 SW 7th Street
Stuart, FL 34994
1-800-969-4700
L.Demko@constructionjournal.com

iSq. Ft. Plan Room
%Phipps Reprographics
6920 Plainfield Road
Cincinnati, OH 45236
1-800-364-2059, ext. 8362
content@constructconnect.com

COORDINATION AND REPORTING TO HUD

The Newark Development Director will coordinate the implementation and reporting of the MBE-WBE program and be responsible for dissemination of the program information intended to provide MBE-WBE firms an equitable opportunity to participate in the City's federally-funded contracted opportunities.

Reporting obligations include the HUD-2516 Contract and Subcontract Activity Report for all CDBG and HOME funded projects during the program year. Data is supplied by contractors and is made part of each project file. All contracts and subcontracts of \$10,000 or more must be reported. Contracts or subcontracts less than \$10,000 may be reported to more fully reflect the City's actual contract activity. All reports must be retained for five year as required by 24 CFR 570.502.

QUARTERLY SCHEDULE TO MONITOR PROGRESS

A review of progress will be conducted on the following dates for each Program Year:

March 31st (Quarter 1 Review)
June 30th (Quarter 2 Review)
September 30th (Quarter 3 Review)
December 31st (Quarter 4 Review)

Reviews will be conducted by the Newark Development Department. A review form will be completed and submitted the HUD Columbus Field Representative via email in order to report progress being made.

POLICY AND TERMS

- A. Minority, and Women Business Enterprises (MBE/WBE shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds and that bidders, proposers or contractors and their subcontractors or suppliers shall take all necessary and reasonable steps to ensure that MBE/WBEs shall

have the maximum opportunity to compete for and perform contracts financed in whole or in part by federal funds.

This policy shall be implemented through the City of Newark and called the Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Participation Plan

- B. As required by Executive Order 11625 by the U.S. Department of Commerce, on an annual basis, the City of Newark will compile department-wide data on Minority Business Enterprises (MBE) and Women's Business Enterprise (WBE) activity for HUD to submit to the Minority Business Development Agency of the Department of Commerce.
- C. The City of Newark will encourage MBE's and WBE's to participate in the participating jurisdiction's HOME and CDBG Programs. The City Department of Development webpage contains with links to databases of certified MBE/WBE's to inform subrecipients and contractors of the obligation to undertake outreach to MBE/WBE's as well as links to databases of certified MBE/WBE's. The City will also reach out to local community organizations about upcoming projects and the opportunity for contracting with MBE/WBE's.
- D. The City of Newark will require HOME and CDBG Program subrecipients, contractors and subcontractors to take affirmative steps to use MBE's and/or WBE's in HOME and CDBG funded projects. The City will provide guidance and information to assist contractor in complying with MBE and WBE recordkeeping and reporting requirements.
- E. The City of Newark will require HOME and CDBG Program subrecipients, contractors and subcontractors to maintain appropriate records to document the number and types of contracts and subcontracts it awards, the dollar value of each award, and the gender and ethnic/racial status of the management/ownership of the business.
- F. The City of Newark will compile an annual record of MBE's and WBE's participating in the HOME and CDBG Programs and conduct an annual review to assess the effectiveness of efforts to encourage participation by minority and women owned businesses.

Six Affirmative Steps

The Code of Federal Regulations Title 40 Part 31.36(e), "Procurement," requires the Recipient and Prime Contractor to take all necessary affirmative steps to assure that minority-owned and women-owned businesses are afforded contracting opportunities. This policy applies to all contracts, subcontracts and procurements for services (including engineering and legal), supplies,

equipment, and construction. The goal of this policy is to make MBE/WBE firms aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities.

24 CFR 85.36(e)

(e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.

(1) The grantee and sub grantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business and women's business enterprises;
5. Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Administration; and
6. Requiring the prime contractor, if subcontractors are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section

AFFIRMATIVE EFFORTS

The City will conduct its affirmative marketing and outreach to Minority Business Enterprise (MBE) and Woman Business Enterprise (WBE) in conformance with 85.36(e)

Subrecipients of CDBD and HOME funds, contractors, and subcontractors, will be required to take affirmative steps to use MBE-WBE firms. The City will continue to provide training, guidance, and information to Subrecipients about complying with MBE-WBE marketing,

recordkeeping, and reporting requirements through the annual mandatory meeting and through regular correspondence that occurs throughout the program year.

MBE-WBE and small business outreach information, including links to resources available can be found at the Ohio Department of Administrative Services, Equal Opportunity Division (ODAS) at <http://das.ohio.gov/Divisions/EqualOpportunity/MBEEDGECertification.aspx> , the City of Columbus Diversity & Inclusion Supplier Diversity at <https://www.columbus.gov/odi/supplier-diversity/Business-Certifications/> , the Central Ohio Minority Business Association at <http://www.comba.com/index.html> , and the Good Faith Effort Help | Trade & Focus Journal | DBEGoodFaith.com at <https://www.dbegoodfaith.com/>

The Director of Development or designee will be responsible for responding to inquiries about being listed on the City's solicitation lists for bidding opportunities, Requests for Proposals, or when the City may seek quotes for construction type work or professional services. The list will be maintained by the Newark Development Department. Additionally, staff will conduct a periodic search of the State's MBE Certified Service Providers through the ODAS website, and will include the resulting firms on the list.

The City (and non MBE-WBE bidders) will notify minority and women contractors, associations, minority interest groups, etc., of their intention to solicit bids from MBE-WBE firms. For its part, the City program staff will initiate affirmative recruitment efforts.

At the local level, bid solicitations shall indicate that the activity is a federally funded activity where participation by MBE-WBE firms is crucial. The City and its Subrecipients will continue to use their websites and other media to advertise bid opportunities.

At a city-wide level, the same process will be used in terms of marketing the availability of contracts. City-wide programs will place advertisements encouraging MBE-WBE firms to participate in these specific programs.

- Update bidders, MBE-WBE lists periodically and make lists available to bidders, and to all City staff with purchasing authority.
- Provide technical assistance to MBE-WBE relative lead certification, and utilize the local SBDC to assist with bonding, insurance and financing required for performance of City and other contracts.
- Maintain records of all bids and awards where MBE-WBE firms are involved.
- Publish bids, RFPs and construction notices in widely circulated newspaper, minority media, trade associations and other business publications.
- Mail or email recruitment and outreach notices and information for MBE-WBE firms will be sent to the following organizations on an annual basis (organization list may be updated at any time):

Licking County Chamber of Commerce
50 West Locust Street
Newark, OH 43055
www.lickingcountychamber.com

Heath-Newark-Licking Port Authority
851 Irving-Wick Drive W.
Heath, OH 43056
www.hnlcpa.com

Licking County NAACP Ohio
116 N. 39th Street
Newark, OH 43055
PH: 740-344-7696

DEFINITIONS

A. Community Development Block Grant (CDBG) will be defined as: A program established by the U.S Congress through the enactment of the Federal Housing and Community Development Act. The program was created to enhance and maintain viable urban communities. The program gives communities an avenue to address a wide range of issues. Activities undertaken must accomplish at least one of three goals for low-to-moderate income individuals; (1) Provide decent housing, (2) Provide suitable living environments, and/or (3) Expand economic activities.

B. Contractor will be defined as: The individual or business entity selected by the City of Newark to (1) enter into contract negotiations with the City of Newark or (2) to receive an award of contract pursuant to an Invitation for Bid or Request for Proposal. Wherever the term Contractor appears, it shall also be construed to pertain to Architects, Engineers, Consultants or other professional service providers as applicable.

C. HOME Investment Partnerships Program will be defined as: A program established through the Cranston-Gonzalez Affordable Housing Act. The sole purpose of this program is to create affordable housing for low-income individuals. HOME activities undertaken must accomplish at least one of two goals for low-income individuals; (1) Provide decent housing and/or (2) Provide suitable living environments.

D. Minority Business Enterprise (MBE) will be defined as: A business concern which (1) is certified as socially and economically disadvantaged by the Small Business Administration (SBA); or (2) is certified as a minority business enterprise by a state or federal agency; or (3) is independent and at least 51% owned and controlled by minority group member(s)

Minority or Minority Group may include, but is not limited to, the following racial or ethnic groups: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or

other groups whose members have been determined to be disadvantages by the Small Business Act or by the Secretary of Commerce under Executive Order 11625, §5.

E. Subrecipients will be defined as: The legal entity to which a sub-award is made and which is accountable to the recipient for the use of the funds provided.

F. Women Business Enterprise (WBE) will be defined as: A business concern which (1) is certified as economically and socially disadvantaged by the SBA, and (2) (a) is at least 51% owned by one or more women, or in the case of a publicly-owned business, at least 51% of the stock is owned by one or more women, and (b) whose daily business operations are managed and directed by one or more of the women owners.

NON-COMPLIANCE SANCTIONS

The City of Newark shall have the discretion to apply suitable sanctions to the bidder/proposer if the bidder/proposer is found to be in non-compliance with the MBE/WBE requirements. Failure to comply with the MBE/WBE terms of commitment goals as applicable to and in the contract or failure to use MBE/WBEs as stated in the bidder/proposer's submitted schedules, constitutes a material breach of the contract and may lead to the suspension and/or termination of this contract in whole or in part; furthermore, continued eligibility to enter into future contracting arrangements with the City of Newark may be jeopardized as a result of non-compliance. In some cases, payments may be withheld until corrective action is taken.