

APPENDIX A - CONSULTANT CONTRACT

MINORITY and WOMEN OWNED BUSINESS ENTERPRISE POLICY REQUIREMENTS

Section 1. Purpose

The purpose of this Minority and Women-Owned Business Enterprise Policy (“Policy”) is to achieve equitable utilization of minority and women-owned business enterprises on Metropolitan Water Reclamation District of Greater Chicago (“District”) consulting services contracts.

Section 2. Definitions

- (a) “Consultant” means a contractor that is awarded a District professional services contract and is responsible for the completion of the entire professional services contract, including hiring and paying subconsultants and coordinating all work.
- (b) “Contract Goals” means the numerical percentage goals for MBE or WBE participation to be applied to an eligible District contract subject to the Affirmative Action Ordinance Revised Appendix D of the Metropolitan Water Reclamation District of Greater Chicago and this Appendix A for the participation of MBEs and WBEs based upon the scope of work of the contract, the availability of MBEs and WBEs to meet the goals, and the District’s progress towards meeting its annual MBE and WBE goals.
- (c) “Economically Disadvantaged” means an individual with a personal net worth of less than \$2,000,000.00, indexed annually for the Chicago Metro Consumer Price Index, published by the United States Department of Labor, Bureau of Labor Standards, beginning January 2008.
- (d) “Good Faith Efforts” means honest, fair, and commercially reasonable actions undertaken by a Consultant to meet the MBE or WBE Contract Goal, which by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Contract Goals.
- (e) “Local Business” means a business located within the District’s geographic market area as established by the 2021 Disparity Study, namely the counties of Cook, DuPage, Kane, Lake, McHenry, or Will, in the State of Illinois.
- (f) “Minority-owned Business Enterprise” or “MBE” means a local small business entity, including a sole proprietorship, partnership, corporation, limited liability company, joint venture, or any other business or professional entity, which is at least fifty-one (51) percent owned by one or more socially and economically disadvantaged individuals who are members of one or more minority groups, or in the case of a publicly held corporation, at least fifty-one (51) percent of the stock of which is owned by one or more members of one or more minority groups, and whose management, policies, major decisions, and daily business operations are controlled by one or more minority individuals.
- (g) “Small Business Enterprise” or “SBE” means a small business as defined by the United States Small Business Administration (SBA), pursuant to the business size standard found in 13 CFR Part 121, that is relevant to the scope of work the business seeks to perform on District contracts. A business is not an eligible SBE in any calendar fiscal year in which its gross receipts, averaged over the business’ previous five (5) fiscal years, exceed the size standards of 13 CFR Part 121.

- (h) “Socially Disadvantaged” means a minority individual or woman who has been subjected to racial, ethnic, or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social Disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.
- (i) “Women-owned Business Enterprise” or “WBE” means a local small business entity which is at least fifty-one (51) percent owned by one or more socially and economically disadvantaged individuals who are women, or in the case of a publicly held corporation, fifty-one (51) percent of the stock of which is owned by one or more women, and whose management and daily business operations are controlled by one or more women. Determination of whether a business is at least fifty-one (51) percent owned by a woman or women will be made without regard to community property laws.

Section 3. Certification Eligibility

The Consultant will make positive efforts to satisfy the MBE and WBE requirements set forth in the Affirmative Action Ordinance Revised Appendix D of the Metropolitan Water Reclamation District of Greater Chicago. Only businesses that meet the criteria for certification as a MBE or WBE may be eligible for credit towards meeting Contract Goals.

- (a) Only a business owned by a Socially and Economically Disadvantaged individual is eligible to participate in the program.
- (b) Only a business that is managed and controlled by a Socially and Economically Disadvantaged individual may be certified as a MBE or WBE.
- (c) Only an independent business may be certified as a MBE or WBE.

Section 4. Contract Goals

- (a) The standard Contract Goals for consulting services are twenty (20) percent MBE and ten (10) percent WBE, unless otherwise specified in the language of the contract, specifically the Invitation to Bid. These goals are applicable to contracts awarded by the District where the total approved expenditure is in excess of one hundred thousand dollars (\$100,000.00).
- (b) MBE and WBE Contract Goals for consulting services contracts will be based upon the availability of at least three (3) MBEs and three (3) WBEs registered on the District's vendor list that are capable of performing the anticipated scope of work on the entire contract.

Section 5. Good Faith Efforts

A Consultant must undertake Good Faith Efforts to ensure that qualified MBE and WBE businesses are utilized in the performance of the contract and provide maximum opportunities for MBE and WBE participation, notwithstanding the fact that the Consultant may have the capability to complete the project without the use of sub-consultants.

Section 6. MBE/WBE Commitment Form Submission

A Consultant must complete the MBE/WBE Commitment Form by doing the following:

- (a) Provide the name, contact information, and qualifications for prospective MBE and WBE businesses. Delineate the various anticipated categories and disciplines of services to be provided by MBE and WBE businesses and provide the dollar amount to be allocated to each business; and
- (b) Summarize commitment to comply with the MBE and WBE Contract Goals for the project. Compliance documents must be submitted as detailed in the bid solicitation. The Administrator will review compliance documents for each bid submission to determine whether it meets the requirements herein; and
- (c) Each Consultant's MBE/WBE Commitment Form must commit to MBE or WBE participation equal to or greater than each of the Contract Goals set forth in the solicitation; and
- (d) Where a Consultant is a business owned and controlled by a MBE or WBE or where the Consultant utilizes a MBE or WBE in a joint venture or as a sub-consultant, the Consultant may count the MBE or WBE participation either towards achievement of the MBE or WBE Contract Goals, but not both; and
- (e) All MBEs and WBEs must conform to the definition of a SBE and a Local Business.

Section 7. Effective Date

This Policy is effective as of December 31, 2022 and applies only to qualifying contracts advertised after the effective date.

Revised April 28, 2023

MBE/WBE COMMITMENT FORM

1. Name of MBE/WBE: _____
Identify MBE, WBE Status: _____ Address: _____
City, State, Zip Code: _____
Contact Person: _____ Telephone Number: _____
eMail Address: _____
Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
Scope of Consulting Contract: _____

2. Name of MBE/WBE: _____
Identify MBE, WBE Status: _____ Address: _____
City, State Zip Code: _____
Contact Person: _____ Telephone Number: _____
eMail Address: _____
Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
Scope of Consulting Contract: _____

3. Name of MBE/WBE: _____
Identify MBE, WBE Status: _____ Address: _____
City, State Zip Code: _____
Contact Person: _____ Telephone Number: _____
eMail Address: _____
Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
Scope of Consulting Contract: _____

4. Name of MBE/WBE: _____
Identify MBE, WBE Status: _____ Address: _____
City, State, Zip Code: _____
Contact Person: _____ Telephone Number: _____
eMail Address: _____
Dollar Amount of Participation: \$ _____ Percent of Participation: _____ %
Scope of Consulting Contract: _____

Attach a copy of qualifications for each MBE and WBE business.
Please duplicate this blank page when additional certified MBE and WBE subcontractors are being used on this contract.