

ATTACHMENT B

PROCEDURES FOR PRE-BID REDUCTION/WAIVER OF MBE/WBE PARTICIPATION GOALS

A. Affirmative Marketing Participation Goals:

The combined goals below were established by the Division of Capital Asset Management and Maintenance (DCAMM) and the Supplier Diversity Office (SDO) and require a reasonable representation of both MBE and WBE firms.

Design Participation: Combined MBE/WBE goal of (17.9%)
Construction Participation: Combined MBE/WBE goal of (10.4%)

All documentation submitted in connection with MBE/WBE credit must be true, accurate and correct to the best of your knowledge. Your signature on any MBE/WBE goal-related document means that you have read and understand it. Any false claims for MBE/WBE credit are subject to the Massachusetts False Claims Act and any applicable civil or criminal penalties as determined by the Massachusetts Attorney General's office.¹

B. Criteria for Adjustment of Goals:²

Potential Bidders may request a written adjustment before bids are submitted. An awarding authority cannot grant an adjustment of goals. Only the SDO has the authority to do this. Written requests must demonstrate that there is no feasible way to meet established contract goals and that a **"Diligent Good Faith Effort"** was made to comply. The request for reduction/waiver will ultimately be decided by the SDO. Factors that may be considered include any or all of the following:

- Actual availability of certified Minority- and/or Women-Owned Business Enterprises (MBE/WBEs);
- The geographic location of the project;
- The scope of work of the project including the opportunities for sub-contracting and subdividing the work;
- Documentation that shows the Bidder attempted in a diligent good faith effort to fulfill contract goals and was unable to do so; and
- Other relevant factors;

Although the SDO is not obligated to do so, the SDO may agree to assist either an awarding authority or any potential bidder with its MBE/WBE outreach. **We strongly encourage you to use this service.**

C. Required Supporting Documentation from Potential Construction Bidders:

- Using the SDO Reduction/Waiver Request form, the Bidder must prove that notices were sent to certified firms.
- They must break down larger scopes of work into its smallest component parts so that the widest available pool of ready, willing and able certified MBE/WBE firms may participate;
- In the event that an individual scope of work was not made available to ready, willing and able certified firms in certain trade categories,³ a bidder must explain why in writing. Follow up documentation such as phone logs, or e-mail may be required to determine with certainty whether the firms were interested in performing the work.
- Additional documentation of reasonable efforts on the part of the Bidder to assist a potential MBE/WBE firm may include items such as, but not limited to: (a) bonding, insurance, lines of credit or any other type of assistance; or (b) evidence that the Bidder placed advertisements in appropriate media and trade association publications.
- The Bidder shall also submit any other information reasonably requested by the Awarding Authority.

D. Process for Requesting Waiver/Reduction of Construction Goals:

Requests from prospective general Bidders to reduce or waive the MBE/WBE participation goals must be written. An awarding authority must receive such requests no later than **ten (10) working days** before the general bids are due. Requests submitted beyond this deadline will not be considered.

¹ See generally, M.G.L. c.12, §§5A-5O, inclusive.

² Applies to waivers and reductions.

³ Other than work performed by filed Sub-Bidders.