

**CITY OF EVANSTON SPECIFICATION FOR
MINORITY, WOMEN & EVANSTON BUSINESS
ENTERPRISE PARTICIPATION**

I. POLICY

- A. It is the policy of the City of Evanston to provide contracting and subcontracting opportunities to Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs) and Evanston Businesses Enterprises (EBEs). In complying with these policies, Bidders are required to take affirmative steps to assure that MBEs, WBEs, and EBEs are used to supply equipment, products, construction related services, and professional services. Please note: the City of Evanston references **49 Code of Federal Regulations Part 26** to evaluate compliance with the provisions of this Specification for M/W/EBE Participation.
- B. It is the policy of the City of Evanston that, in consideration of the award of this contract, the bidder shall utilize Minority, Women and Evanston owned businesses to perform no less than 25% of the awarded Contract. The City of Evanston strongly encourages a minimum 3% utilization of EBEs (**see attached Ordinance 8-O-01 for EBE definition**).
- C. The documentation identified in item IV. A must be submitted for our records.
- D. M/W/EBE Contractor “Self Performance”: In the event an MBE, WBE, and/or EBE is awarded the contract, the firm must perform no less than 25% of the total contract work with their own resources. For example, if the contract value totals \$400,000 the MBE, WBE and/or EBE prime contractor must perform at least \$100,000 of the job with its own labor, materials, etc.

II. MBE, WBE and EBE Participation and Credit

- A. A list of firms located in Evanston is available from the City of Evanston’s, Business Development Coordinator. The City of Evanston, however, makes no representation as to such firms’ capabilities.

Bidders should also consult the directories and lists of certified Minority and/or Women owned firms distributed by the following agencies: the City of Chicago, the Illinois Department of Transportation, the Women’s Business Development Center, the Chicago Minority Business Development Council, Cook County, the Illinois Business Enterprise Program, Black Contractors United, Federation of Women Contractors or the Hispanic American Construction Industry Association.

ALL MBE, WBE and EBE FIRMS MUST COMPLETE THE AFFIDAVIT OF MBE, WBE and EBE STATUS AND SUBMIT APPLICABLE CERTIFICATIONS.

- B. An MBE’s, WBE’s and EBE’s participation will be credited at 100% if used as:
 - 1. A prime contractor

2. A joint venture partner with at least 25% interest
 3. A subcontractor using its own resources
 4. An equipment lessor
- C. Material purchases from an MBE, WBE and/or EBE supplier, fabricator or manufacturer will be credited as follows:
- a. 60% of the subcontract value for materials from an MBE, WBE and EBE supplier that regularly deals the product in the normal course of business.
 - b. 100% from an MBE, WBE and/or EBE manufacturer.
 - c. 100% from an MBE, WBE and/or EBE fabricator; or from an MBE, WBE and/or EBE supplier that substantially alters or changes the material before resale to a contractor.
- D. Services such as surveying, site clean up and security will be credited at 100%.
- E. Other expenditures made to MBEs, WBEs and EBEs are subject to City approval in so far as they are allowable credits for participation in the project.

III. PRE-CONTRACT AWARD OBLIGATIONS

Bidders are required by the City of Evanston to advertise subcontracting opportunities in the Dodge Report or legal notice section of a newspaper of general circulation in the Chicago Metropolitan area such as, the Chicago Tribune or the Chicago Sun Times, for two consecutive days not less than 10 working days prior to the day of bid opening. The notice must include a definitive evaluation method for the proposals or quotations submitted by Minority, Women and Evanston firms. These criteria must not be restrictive or exclusionary (see “**Suggested Advertisement for M/W/EBE Participation**”). Please note: the requirement for advertising for M/W/EBE participation is waived if the bidder complies with the policy statement of Section I.B above without advertising.

IV. PRE-CONTRACT AWARD EVALUATION OF MBE/WBE/EBE UTILIZATION

- A. To demonstrate compliance with the City of Evanston’s MBE/WBE/EBE utilization policy, Bidders shall provide the following items with their bid.

FAILURE TO SUBMIT THE DOCUMENTATION OUTLINED IN ITEMS A.1 THROUGH A.6 SHALL CAUSE THE BID TO BE DETERMINED NON-RESPONSIVE AND REJECTED.

1. Bidder must submit a completed, signed and notarized affidavit entitled “*Letter of Intent to Comply with the City of Evanston’s M/W/EBE Policy.*” This form indicates the Bidder’s intention to utilize MBEs, WBEs and EBEs in accordance with the policy

outlined herein. This document also includes a declaration regarding the Prime's lack of controlling interest in the M/W/EBE firm.

2. *"Certificate of Publication"* setting forth the dates of publication and a copy of the Dodge Report Notice or the newspaper notice.
3. A completed, signed and notarized Schedule A entitled *"M/W/EBE Utilization Plan."* The plan includes a description, the percentage and the dollar value of the work to be performed by the scheduled MBE, WBE and/or EBE firms. Note: Schedule A should clearly demonstrate the required 25% MBE/WBE/EBE participation.
4. Completed, signed, and notarized Schedule B entitled *"Letter of Intent to Perform."* This form must be submitted for each firm listed on Schedule A and should be signed by the Bidder and the MBE or WBE or EBE. Additionally it must describe the work to be performed with the corresponding subcontract dollar amount. The information on Schedule B must match the information on Schedule A.
5. Schedule C entitled *"Affidavit of Joint Venture (MBE/WBE/EBE)"* must be submitted for a joint venture between an MBE or WBE or EBE and a non MBE/WBE/EBE. This form need not be submitted if all joint venturers are MBEs, WBEs and/or EBEs. In such a case, a written joint venture agreement between the MBE, WBE and EBE partners must be submitted. In all proposed joint ventures, each MBE, WBE and/or EBE partner must submit a copy of their current Certification Letter.
6. Completed, signed, and notarized *"Affidavit of MBE/WBE/EBE Status"* from the scheduled firms attesting that they are an MBE, WBE or EBE. *Please note that an MBE or WBE cannot receive MBE or WBE participation credit in a specialty area for which the MBE or WBE is not certified.*

COPIES OF MBE AND WBE CERTIFICATIONS FROM OTHER AGENCIES MUST BE ATTACHED TO THE AFFIDAVITS. EBE STATUS WILL BE VERIFIED BY THE CITY OF EVANSTON BUSINESS DEVELOPMENT OFFICE.

OR BIDDERS MAY SUBMIT

7. A completed *"M/W/EBE Participation Waiver Request"* and the *"Certification of Publication"* as described in item 2 above.

V. WAIVER REQUIREMENTS

- A. If the bidder has acted in accordance with the policy outlined herein, but is unable to achieve the required MBE/WBE/EBE participation, the Bidder must seek a waiver or modification of the utilization percentage by submitting *"M/W/EBE Participation Waiver Request."* The City of Evanston's Business Development Coordinator (BDC) will determine if the request shall be granted.

- B. Upon request from the City, the Bidder has 10 calendar days to submit supporting documentation for the waiver request to the BDC. The Bidder's failure to provide sufficient documentation to support the waiver or modification request will cause the bid/proposal to be found non-responsive by the City and the bid will be rejected. The documentation used in the consideration of the waiver request must include but not be limited to a summary of the contact made, copies of correspondence, phone logs and certified mail receipts, etc.
- C. For the MBE/WBE/EBE waiver or modification request to receive consideration, the following information must be submitted within the time frame noted above:
1. A narrative describing the Bidder's efforts to secure Minority, Women and Evanston Business Enterprise Participation prior to bid opening.
 2. In instances where the Bidder has not received inquiries or proposals from qualified Minority, Women and Evanston owned businesses in response to the required advertisement prior to bid opening, the Bidder must provide a notarized affidavit attesting to this circumstance.
 3. Names (of owners), addresses, telephone numbers, date and time of contact and method of contact of qualified Minority, Women and Evanston owned businesses who submitted proposals to the Bidder as a result of the advertisement but were not found acceptable. Detailed reasons and justifications for each non-acceptance must be provided.
 4. Names (of owners), addresses, telephone numbers, date and time of contact of at least 15 qualified Minority, Women and Evanston owned businesses the Bidder solicited for proposals for work directly related to the advertised Bid, prior to the bid opening. (Copies of letters and proof of mailing must be attached).

The direct solicitation to businesses must include specific project information and the type of work sought.

- D. To determine whether or not the Bidder should be granted a waiver request, the City may, in addition to the information provided for in V.C. above, request verification that consideration was given to the following areas while the Bidder attempted to achieve MBE/WBE/EBE participation.
1. That the work slated for MBE/WBE/EBE participation is real in scope and was selected to increase the likelihood of achieving the stated utilization percentage;
 2. That potential MBEs/WBEs/EBEs were negotiated with in good faith.
 3. That conditions were not imposed on MBEs/WBEs/EBEs that were not also imposed on all other subcontractors; and

4. That benefits ordinarily conferred on subcontractors for the type of work were not denied to the MBEs/WBEs/EBEs.
- E. If the Bidder has been unable to meet the 3% EBE goal, a detailed written explanation about the Bidder's efforts must be provided.

VI. POST-CONTRACT AWARD COMPLIANCE

- A. Within 15 calendar days after the Notice to Proceed has been issued to the Contractor, copies of subcontracts between the MBE, WBE EBE and the prime contractor must be submitted to the BDC.
- B. The Contractor shall utilize the MBEs, WBEs, and EBEs listed on Schedule A and submitted with the bid to provide the work, materials and/or services indicated, unless said firm(s) cannot provide the work, materials and/or services:
 1. In a timely manner for completion of the work in accordance with the project schedule;
 2. To the standards of quality set forth in the Contract documents; and/or;
 3. For the price originally quoted to the Contractor in preparing the Bid.

OR

4. Because of substantial changes (approved by the City of Evanston) in the scope of work that will materially reduce or eliminate the scheduled work for the firms listed on the Schedule A, M/W/EBE Utilization Plan.
5. A monthly M/W/EBE Participation Summary is required for projects that will exceed three months duration. The summary shall state in the upper right corner, the report number, the name of the general contractor, the project name and total cost. The report format, by columniation, should define prime contractors, their trades and the dollar amount of each executed contract. Further, M/W/EBE subcontractors shall be listed in conjunction with their primes, the dollar amount awarded for each executed contract and the M/W/EBE percentage. The dollar amount awarded to each classification, i.e., MBE/WBE/EBE should be itemized at the bottom of the Summary then aggregated to reflect the total dollar amount and percentage of MWEBE participation (**see M/W/EBE Participation Summary**).

Any and all proposed changes to the Schedule A, M/W/EBE Utilization Plan must be promptly reported to the BDC. Appropriate corresponding documentation must clearly explain the reasons for the change in accordance with the circumstances outlined in items VI. B1 to VI. B4 noted above. The explanation must set forth with particularity the Contractor's efforts to prevent any project-related delays or problems.

The documentation shall also include information on any proposed substitutions and a plan demonstrating how the Contractor intends to meet the City of Evanston's M/W/EBE policy.

The documentation will be reviewed for its acceptability and the Business Development Coordinator will outline any necessary corrective actions to be taken. If the contractor fails to initiate and complete such actions in a timely manner, the appropriate sanctions will be taken. The City of Evanston's decision regarding the Contractor's request for a change, acceptability of and corrective action to be and as taken shall be final.

If there is inappropriate non-utilization or reduced utilization, the City of Evanston will advise the Contractor, in writing, of corrective actions to be taken. Again, if the Contractor fails to initiate and promptly complete such actions, the City of Evanston will institute appropriate sanctions.

- C. All payment requests made to the City of Evanston must include a cumulative M/W/EBE *Utilization Report* on a monthly basis that will be forwarded to the M/W/EBE Business Development Coordinator. The reports must demonstrate compliance with the commitments or include an explanation as to when and how compliance will be achieved. The City may request additional information that demonstrates compliance including, but not limited to waivers of lien, invoices and delivery tickets. Failure to submit the requested information will result in the appropriate sanctions.

VII. NON-COMPLIANCE

Compliance with the MBE, WBE and EBE policy is considered at three stages: initial, interim, and final. Initial compliance includes the commitment to utilize the scheduled firms by including the required documentation at the time of bid submission. Interim compliance includes the utilization of these firms during the course of the project as verified with on site visits, monthly utilization reports, partial waivers of lien, etc. Final compliance is based upon the final amounts paid to the scheduled MBE, WBE and/or EBE as determined by all partial and/or final waivers of lien and/or cancelled checks, or other documentation as requested by the City and provided by the Contractor to indicate the scheduled firm(s) were utilized and compensated accordingly.

Repeated failure to comply with commitments to achieve MBE, WBE and EBE utilization may result in a suspension of bidding privileges with the City of Evanston. Additionally, any matters that appear to be fraudulent will be referred to the Illinois Attorney General or other appropriate law enforcement agency or agencies.

The City of Evanston maintains the right to review the books, records and files relative to MBE, WBE and EBE utilization on this contract and the Contractor agrees to promptly and fully comply with any and all such requests.

Any questions regarding MBE, WBE and EBE compliance are to be directed to Lloyd W. Shepard, Business Development Coordinator, at 847/448-8078. Assistance with identifying M/W/EBE capabilities for construction trades, architects, engineers, landscaping, etc., can be directed but not limited to M/W/EBE Construction Contractor Assistance Organizations in the attached outline.

CITY OF EVANSTON

EMPLOYMENT PROGRAM

POLICY

In an effort to achieve the City's goals for minority, female and Evanston resident participation on City contracts, the Contractor should do their best to undertake the Employment Program as outlined herein.

The program has been designed to encourage employment of minority and/or female residents of Evanston who are economically disadvantaged and/or meet the definition of unemployed or underemployed.

These individuals should be employed primarily in the construction trades, such as laborers, heavy equipment operators, carpenters, concrete finishers, truck drivers and other construction occupations necessary for the project.

PROGRAM DESCRIPTION

Employment Program

1. The contractor should endeavor to utilize minority and/or female residents of Evanston at a rate of 15 percent of the Project's total hours as regular employees and/or as new hires.
2. While employment of minority and/or female Evanston residents in non-construction occupations is encouraged, such employment hours shall not exceed two percent (2%) of the fifteen percent (15%) goal.
3. The participants in the Employment Program shall be minority and/or female residents of Evanston who are currently economically disadvantaged and/or meet the definition of unemployed or underemployed and are able to perform work tasks relative to the project. Individuals who have successfully completed a Job Training Program (including but not limited to a Job Training program on an Evanston project) should also be considered for the Employment Program. Additionally, the Contractor should solicit local social agencies such as CEDA Neighbors at Work, the Youth Job Center of Evanston and/or the Illinois Department of Employment Security (IDES) for referrals. (Please note IDES has a Job Matching System and the Contractor should contact them directly to register any job openings).
4. At the time of award, prior to the start of the contract, the Contractor must submit an estimate of the total number of hours per trade, an estimate of any new hires and a list of the planned workforce. The list should include employee name, address (if an Evanston resident), date hired, gender and ethnicity.

5. During the project, the Contractor shall submit a monthly report that summarizes employee work hours, gender and ethnicity. A sample report format has been attached. A final report should be submitted once the job is completed. Unannounced site visits by City staff will be conducted to verify the reported information.
6. The labor hours of employment shall be considered to be a normal part of the Contractor's work operations and, therefore, are considered to be included in the various unit and lump sum prices included in the Contractor's bid. As such, the costs associated with the Employment Program shall be incidental to overall project costs.
7. Wages paid to Employment Program participants shall be one hundred percent (100%) of the applicable union wage rates for journeymen or equivalent to trade employment classifications.

Any questions regarding the Employment Program should be addressed to the Business Development Coordinator at (847) 448-8078.



Employment Program, Revised 02/2005

SCHEDULE C: Affidavit of Joint Venture (MBE/WBE/EBE)

This form need not be submitted if all joint venturers are MBEs, WBEs and/or EBEs. In such a case, a written joint venture agreement between the MBE, WBE and EBE partners must be submitted. In all proposed joint ventures, each MBE, WBE and/or EBE partner must submit a copy of their current Certification Letter.

All information requested by this Schedule must be answered in the spaces provided. Do not refer to your joint venture agreement except to expand on answers provided on this form. If additional space is required additional sheets may be attached. Please note: the City of Evanston references 49 CFR Part 26 to evaluate compliance with the provisions of Schedule C: Affidavit of Joint Venture (MBE/WBE/EBE).

I. Name of joint venture: _____
Address of joint venture: _____

Phone number of joint venture: _____

II. **Identify each MBE/WBE/EBE joint venture partner(s)**
Name of Firm: _____
Address: _____
Phone: _____
Contact person for matters concerning MBE/WBE compliance: _____

III. **Identify each non-MBE/WBE/EBE joint venture partner(s)**
Name of Firm: _____
Address: _____
Phone: _____

Contact person for matters concerning MBE/WBE compliance:

Describe the role(s) of the MBE, WBE and/or EBE partner(s) in the joint venture

IV. **Attach a copy of the joint venture agreement.**

In order to demonstrate the MBE, WBE and/or EBE joint venture partner's share in the ownership, control, and management responsibilities, and the partner's risks and profits of the joint venture, the proposed joint venture agreement must include specific details related to: (1) the contributions of capital and equipment; (2) work items to be performed by the MBE/WBE/EBE's own forces; (3) work items to be performed under the supervision of the MBE/WBE/EBE joint venture partner; and (4) the commitment of management, supervisory and operative personnel employed by the MBE/WBE/EBE to be dedicated to the performance of the project.

V. **Ownership of the Joint Venture**

What are the percentage(s) of MBE/WBE/EBE ownership of the joint venture?

MBE/WBE/EBE ownership percentage(s) _____

Non-MBE/WBE/EBE ownership percentage(s) _____

A. Specify MBE/WBE/EBE percentages for each of the following (provide narrative descriptions and other detail as applicable):

1. Profit and loss sharing: _____

2. Capital contributions:

a. Dollar amounts of initial contribution:

b. Dollar amounts of anticipated on-going contributions:

3. Contributions of equipment (Specify types, quality and quantities of equipment to be provided by each joint venture partner:

4. Other applicable ownership interests, including ownership options or other agreements which restrict or limit ownership and/or control:

5. Provide copies of all written agreements between joint venture partners concerning this project.

6. Identify each current City of Evanston contract, and each contract completed during the past two years by a joint venture of two or more firms participating in this joint venture:

VI. Control of and Participation in the Joint Venture

Identify by name and firm those individuals who are, or will be responsible for, and have the authority to engage in the following management functions and policy decisions. Indicate any limitations to their authority such as dollar limits and co-signatory requirements:

A. Joint venture check signing:

B. Authority to enter contracts on behalf of the joint venture:

C. Signing, co-signing and/or collateralizing loans:

Acquisition of lines of credit:

D. Acquisition and indemnification of payment and performance bonds:

E. Negotiating and signing labor agreements:

F. Management of contract performance. (Identify by name and firm only):

1. Supervision of field operations:

2. Major purchases:

3. Estimating:

4. Engineering:

C. Which partner will be responsible for the preparation of joint venture payrolls:

IX. **Please state any material facts or additional information pertinent to the control and structure of this joint venture**

The undersigned affirm that the foregoing statements are true and correct and include all material information necessary to identify and explain the terms and operations of named joint venture and the intended participation of each partner in the undertaking. Further, the undersigned covenants and agrees to provide to the City of Evanston current, complete and accurate information regarding actual joint venture work and the payment therefor, and any proposed changes in any provision of the joint venture agreement, and to permit the audit and examination of the books, records and files of the joint venture, or those of each partner pertaining to the joint venture by authorized representatives of the City of Evanston.

Any material misrepresentation will be grounds for terminating any contract that may be awarded and for initiating action under federal and state laws regarding false statements.

Note: If after filing this Schedule C and before the completion of the joint venture's work on the project, there is any change in the information submitted, the joint venture must submit a revised version of this document to the City of Evanston either directly, or through the prime contractor if the joint venture is a subcontractor.

_____ Name of MBE/WBE/EBE Partner Firm	_____ Name of non-MBE/WBE/EBE Partner Firm
_____ Signature of Affiant	_____ Signature of Affiant
_____ Name and Title of Affiant	_____ Name and Title of Affiant
_____ Date	_____ Date

On this _____ day of _____, 20____, the above signed officers

_____,
(names of affiants)

personally appeared and known to me, are the persons described in the foregoing Affidavit, who acknowledged that they executed the same in the capacity herein above stated and for the purpose herein above contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

Signature of Notary Public

(SEAL)

Commission Expires: _____

**LETTER OF INTENT TO COMPLY WITH
THE CITY OF EVANSTON'S
M/W/EBE POLICY**

I am _____ of _____, and have
(Title of Affiant) (Name of Firm)

authority to execute this affidavit on behalf of this firm. I _____
(Name of Affiant)

do hereby certify that:

1. This firm will endeavor to award subcontracts having a combined value of at least 25% of the total contract to MBEs, WBEs or EBEs for the procurement of equipment, materials, supplies and/or services required in the performance of this Contract.
2. Neither this firm nor its partners, directors and/or officers has a controlling interest, a conflict of interest, or any other authority to control the activities of the scheduled M/W/EBE firms.

Please note: the City of Evanston references 49 Code of Federal Regulations Part 26 to evaluate compliance with the provisions of this Specification for M/W/EBE Participation.

Signature: _____
(Signature of Affiant)

Date: _____

Corporate Seal (where appropriate)

This instrument was acknowledged before me on this _____ day of _____, by _____ as President (or other authorized officer) of _____.
(Firm Name)

(Notary Public Signature)

Notary Seal

Commission Expires: _____

SCHEDULE A M/W/EBE Utilization Plan

The following firms will be utilized in accordance with the Letter of Intent to Comply:

Name of Firm	% of Participation	MBE, WBE or EBE?	Description of work	Dollar Value	Perform 100%?*
TOTAL					

***If the firm is subcontracting more than 10% of its work, an explanation must be provided.**

If more than five firms are utilized, please duplicate the form and attach the additional information. (Total and notarization can appear on last page of multiple forms.)

Signed: _____

Date: _____

Corporate Seal (where appropriate)

This instrument was acknowledged before me on this _____ day of _____, by _____ as President (or other authorized officer) of _____ (Firm Name).

(Notary Public Signature)

Notary Seal

Commission Expires: _____

SCHEDULE B
Letter of Intent to Perform

I am _____ of _____, and have
(Title of Affiant) (Name of M/W/EBE Firm)

authority to execute this affidavit on behalf of this firm. I _____
(Name of Affiant)

do hereby certify that:

_____ intends to participate as a
(Name of M/W/EBE Firm)

Subcontractor on the project known as _____.
(Project Description)

The Prime Contractor, _____, will award a contract to my
firm in the amount of \$_____ for _____.
(Type of Work)

This notification is pursuant to the Prime Contractor's receipt of an executed agreement
with the City of Evanston.

Signed: _____
(M/W/EBE Subcontractor)

Date: _____

Signed: _____
(Bidder/Prime Contractor)

Date: _____

Corporate Seals (where appropriate)

This instrument was acknowledged before me on this _____ day of
_____, by _____ as President
(or other authorized officer) of _____.
(Firm Name)

(Notary Public Signature)

Notary Seal

Commission Expires: _____

AFFIDAVIT OF M/W/EBE STATUS

I am _____ of _____, and have authority to
(Title of Affiant) (Name of Firm)

execute this affidavit on behalf of this firm. I _____ do
(Name of Affiant)

hereby certify that:

1. This firm is a: (Check One Only)

_____ Minority Business Enterprise (MBE) (A firm that is at least 51% owned, managed and controlled by a Minority.)

_____ Women's Business Enterprise (WBE) (A firm that is at least 51% owned, managed and controlled by a Woman.)

_____ Evanston Business Enterprise (EBE) (A firm located in Evanston for a minimum one year and which performs a "commercially useful function".)

2. **COPIES OF ALL MBE OR WBE CERTIFICATIONS HAVE BEEN ATTACHED.**

3. The following information will be provided upon written request, through the prime contractor or, if no prime, directly to the City of Evanston

- a) actual work performed on any project and the payment thereof; and,
- b) any proposed changes, in the status of the firm which would render this affidavit null and void.
- c) further verification of the indicated status

Signature: _____
(Signature of Affiant)

Date: _____

Corporate Seal (where appropriate)

This instrument was acknowledged before me on this _____ day of _____, by _____ as President (or other authorized officer) of _____.
(Firm Name)

Notary Seal

(Notary Public Signature)

Commission Expires: _____

M/W/EBE PARTICIPATION WAIVER REQUEST

I am _____ of _____, and have authority to
(Title of Affiant) (Name of Firm)

execute this certification on behalf of the firm. I _____ do
(Name of Affiant)

hereby certify that this firm seeks to waive all or part of this M/W/EBE participation goal

for the following reason(s): (**CHECK ALL THAT APPLY. SPECIFIC SUPPORTING DOCUMENTATION
MUST BE ATTACHED.**)

1. No M/W/EBEs responded to our invitation to bid. _____
2. An insufficient number of firms responded to our invitation to bid. _____
3. No subcontracting opportunities exist. _____
4. M/W/EBE participation is impracticable. _____

Please provide a written explanation why M/W/EBE participation is impracticable.

Therefore, we request to waive _____ of the 25% utilization goal for a revised goal of _____%.

Signature: _____
(Signature of Affiant)

Date: _____

Corporate Seal (where appropriate)

This instrument was acknowledged before me on this _____ day of _____, by _____ as President (or other authorized officer) of _____.
(Firm Name)

Notary Seal

(Notary Public Signature)

Commission Expires: _____

SUGGESTED ADVERTISEMENT FOR MINORITY, WOMEN & EVANSTON BUSINESS ENTERPRISE PARTICIPATION*

Notice to Minority, Women and Evanston Business Enterprise

_____, _____, _____ is
(Name of Company) (Address of Company) (Telephone)

seeking qualified Minority, Women and Evanston Businesses for the City of Evanston
_____ **Project for**

subcontracting opportunities in the following areas:

All interested and qualified Minority, Women And Evanston Businesses should contact, in writing, (Certified letter, return receipt requested, Company Contact Person) to discuss the

Subcontracting opportunities. All negotiations must be completed prior to the Bid opening date
of _____.

*The advertisement must clearly state the method of evaluating the proposals or quotations, and the relative importance attached to each criterion. Bidders must uniformly and objectively evaluate the proposals submitted by Minority, Women and Evanston business in response to the advertisement based upon the evaluation criteria stated in the advertisement. The evaluation criteria must not be restrictive or exclusionary.

M/W/EBE Participation Summary

**Sample
M/W/EBE
Participation
Summary**

Name of Project: _____				Sample M/W/EBE Participation Summary		
Gen. Contractor: _____						
Total Cost of Project: _____				Monthly Report: _____		
Prime or Subcontractor	Description of Work	Total Subcontract Value (to date)	Total M/W/EBE Commitment (to date)	M/W/EBE Subcontractor	Type	Subcontract Value
	Arch. Precast Conc.		100%		WBE	
	Masonry		100%		MBE	
	Caissons/Sheeting		13%		EBE	
	Concrete		22%		EBE	
	Structural Steel		17%		WBE	
	HM/Doors/Hdwe		100%		WBE	
	Windows/Curtainwall		100%		WBE	
	Plumbing		5%		MBE	
	Plumbing		32%		MBE	
	HVAC/Fire Protection		17%		WBE	
	HVAC/Fire Protection		5%		MBE	
	HVAC/Fire Protection		1%		MBE	
	Electrical		14%		WBE	
	Electrical		2%		WBE	
	Electrical		10%		MBE	
	Painting/VWC				EBE	
	Landscaping				EBE	
Subtotal MBE (Minority-Owned Business Enterprise)						
Subtotal WBE (Woman-Owned Business Enterprise)						
Subtotal EBE (Evanston Business Enterprise)						
Total M/W/EBE Participation						
Total M/W/EBE Participation vs. Subcontracts Awarded						%
Total M/W/EBE Participation vs. Total Contracts Awarded						%

8-0-01

AN ORDINANCE

Amending Section 1-1 7-1 (B) of the "Purchase, Sale And Lease of Real and Personal City Property Ordinance" to Revise The Definition of "Evanston Business Enterprise"

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Section 1-1 7-1 (B) of the Evanston City Code of 1979, as amended, be and it hereby is further amended, by revising the definition of "Evanston Business Enterprises", to read as follows:

Section 1-17-1 (B): All contracts for the purchase of goods or services with entirely City funds shall be awarded to the lowest quote/bid price or lowest evaluated quote/bid price from a responsive and responsible Evanston Business Enterprise ("EBE") provided the EBE's quote/bid price does not surpass the lowest quote/bid price or lowest evaluated quote/bid price from a responsive and responsible nonlocal business by more than five percent (5%).

Section 1-17-1 (B)(1): An EBE shall mean an entity which is located in or has one or more offices located in the City for a minimum of one year and which performs a "commercially useful function".

- (a) An EBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the EBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an EBE is performing a commercial useful function, the City will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the EBE credit claimed for its performance of the work and other relevant factors.

- (b) An EBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of EBE participation. In determining whether an EBE is such an extra participant, the City will examine similar transactions, particularly those in which EBEs do not participate.
- (c) If an EBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force, or the EBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, then it is not performing a commercially useful function.
- (d) When an EBE is presumed not to be performing a commercially useful function as provided in Subparagraph 1-17-1 (B) (1) (C), the EBE may present evidence to rebut this presumption. The City may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

Section 1-17-1 (B)(2): In determining whether a business has been located in Evanston for one year, the MWEBE Committee will consider the following:

- (a) Whether the vendor pays property and/or sales taxes in Evanston; and
- (b) Whether the business entity's address or the address given on the Federal and/or State income tax return is within Evanston.
- (c) The date of issuance of an Evanston Business License.

The City may waive the one-year requirement if the entity provides evidence of a substantial commitment to Evanston.

Section 1-17-1 (B)(3): Businesses that maintain a distribution warehouse or which manufacture in Evanston will receive EBE credit of sixty percent (60%) and one hundred percent (100%), respectively. Those that do not maintain a distribution warehouse or manufacturing operation but have an office in Evanston will be considered a broker and receive a five percent. (5%) credit.

Section 1-17-1 (B)(4): Eligibility as an EBE will be periodically reviewed and may be revoked at any time if the entity no longer meets the above requirements.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its

passage, approval, and publication in the manner provided by law.

Introduced: February 12, 2001

Adopted: February 26, 2001

Ends Definition of EBE

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