



OFFICE OF CITY COUNCIL
CITY OF CLEVELAND

KEVIN J. KELLEY
COUNCIL PRESIDENT

PATRICIA J. BRITT
CLERK OF COUNCIL

November 5, 2020

- REQUEST FOR PROPOSALS -

**PROFESSIONAL SERVICES FOR UPDATING
THE CITY COUNCIL WEBSITE**

**PROPOSAL DUE DATE/TIME:
Friday, December 18, 2020 / 4:00 P.M. (EST)**

CLEVELAND CITY COUNCIL (hereinafter referred to as “Council”), through the Clerk of Council (hereinafter referred to as “Clerk”), requests responses from qualified parties to provide professional services necessary to update, customize, maintain and implement the Council Website.

The Council is the legislative branch of the municipal government of the City of Cleveland, Ohio. The Office of City Council is comprised of about 60 employees, including 17 Council Members and their Executive Assistants. The remaining staff is responsible for implementation of the legislative process, policy research, communications, and other administrative and support functions for Council Members.

Cleveland City Council Members are each elected from a ward, or district, with about 23,000 residents. Council Members select the President of Council, who is a Council Member who also functions as Council’s CEO; and the Clerk of Council, who functions as the chief operating and administrative officer of the Council.

More information about Cleveland City Council can be found at www.clevelandcitycouncil.org.

REQUEST FOR PROPOSALS (RFP) SCOPE OF PROFESSIONAL SERVICES

Objectives

Council seeks a website developer/designer and/or vendor-authorized consulting partner (hereinafter referred to as “Consultant”) to refresh, redesign, configure, implement, develop, and train core users of, the Council Website. In addition to providing technical assistance, the selected Consultant must prove their own ability to use and promote use of the web as well as be qualified to consult with the Clerk of Council and her designees on future phases of website evolution in the areas of technology, subject matter and process.

Consultant Requirements and Deliverables

The selected Consultant shall provide planning, program management, and implementation services, including:

- A redesign of the Cleveland City Council’s website to be impressive, modern and efficient and which will demonstrate the professionalism of the Council, as well as fully express the important stories going on in the City’s 17 wards.
- A Content Management System that supports the following items, that makes it easy to update content and images and gives the Council Website Administrator the ability to:
 - Add, edit and delete pages
 - Edit, modify and delete content and photographs within specific pages
 - Utilize the WYSiWYG editing capabilities and/or toggle to HTML editing
 - Be notified by email when a new contact request form is submitted
 - Store and retrieve contact information saves in the website database
 - Export email subscribers
 - Manage images throughout the website
 - Change key messages, images and other items on the homepage
 - Include Google analytics
 - Design a calendar system that combines community events and interacts with Council’s current legislative management system (Granicus)
- A responsive website that can be easily viewed on a smartphone, tablet, laptop or desktop.
- Additional incorporation of social media, including but not limited to Twitter, Facebook, Instagram and YouTube.
- Updated/revamped Calendar and calendar functions to more easily notify residents of meetings, events, etc. This must integrate with our legislative management system calendar.
- Recommend and provide assistance to the Clerk to ensure maximum security for the City Council Website.

- In consultation with Council Website Administrator and Clerk, import current website data, photographs, etc. to the new system.
 - Migrate data from other formats (Word documents, PDFs, etc.)
- Provide training to core users and provide ongoing support, procedures and documentation.
- Submit weekly reports to the Clerk throughout the duration of the project.

- Develop a plan of preventive maintenance and/or a plan of technical assistance to minimize or resolve disruptions to the website, as well as ongoing upgrades to the site.
- Integration into the website of Council’s legislative management system (currently Granicus), *The City Record*, and American Legal Publishing Corporation (City Charter and Codified Ordinances).
- Disaster recovery plan for website.
- Provide a solution that will allow for the searching of Council’s weekly publication, *The City Record*, including opening individual PDF documents that are found in a search and searching within the PDF without requiring a second search process
- The website must be designed in keeping with best industry practices and standards.
- Proposals may suggest alternative solutions and optional approaches to designing a website for enhanced engagement and community interaction.
- While not required, the proposal may suggest multiple options/solutions for the hosting of the Cleveland City Council website, as well as *The City Record*, the content management system, and any databases; and a web migration plan if needed. At least one administrator level account will be needed for Council to have access to hosting.

Basis for Award

The Clerk will evaluate all proposals submitted based on the information provided by each proposal and the information in this RFP. After evaluation of all submitted proposals, the Clerk may request more detailed information and/or a presentation about one or more of the proposals. The Clerk reserves the right to award a professional services contract to the proposal deemed by her to be the best solution, or not to award a contract if no proposal adequately fits the needs of Council. The Clerk will negotiate a professional services contract with the selected Consultant, with a “not to exceed” contract amount for the provision of services as outlined in this RFP and the selected consultant’s proposal.

Any contract awarded is within the meaning of Chapter 187 of the Codified Ordinances of Cleveland, Ohio 1976. During the term of the Agreement, a Consultant shall comply with all terms, conditions, and requirements imposed on a "contractor" in the Equal Opportunity Clause, Section 187.22(b) of the Codified Ordinances [see Appendix A to the RFP].

THE COUNCIL WEBSITE

Current Status of Council Website

Council’s website is in need of a redesign, a user friendly content management system, and needs to include features that align with today’s standard practices. Council’s website is used to post information on members, procedures, legislation, meetings, updates, an interactive ward map of the city, and other details to inform the public on the work of the City of Cleveland’s legislative branch. The website establishes the “brand” of Cleveland City Council, a responsive and transparent branch of local government that is working hard for Cleveland’s stakeholders (residents, workers, businesses, schools and other agencies).

Website Strategy Overview

The website must present information in language that is clear and concise. It is one of the primary sources of information regarding the work of the Council, as well as access to the various services of the City of Cleveland and the Council.

There are four core operating principles for the Council website:

1. The website exists for the public.
2. The website must have ease of use and access to information.
3. The website must provide transparency into the work of Council.
4. The website must have consistency and uniformity throughout.

The citizens of Cleveland are the primary audience for the website. Secondary audiences include the news media, policy makers, City of Cleveland officials and staff, and Cleveland City Council Members and Staff.

Training and Support

The vendor selected will be required to provide hands-on training, including manuals and directions, to the designated Council staff to maintain and post content for the new website. This training will be provided to both technical and non-technical staff so those who are charged with maintaining the website can do so competently and confidently. This support will be provided for a period of six months to a year after launch of the new site.

Technology Requirements

The underlying technology platform must support the various content related information detailed in the following sections. It must provide the ability to easily add functions and services in a modular fashion over time. It is assumed that the website will add functionality as budgets are developed and consensus is reached by the Council regarding needed content. The platform must support a robust content management tool set that can be easily used by existing non-technical Council staff. The platform must support a test site with easy migration of new content and features to the prime public website as well as backup and recovery. The selected technology platform must provide data to track hits (unique, page visits, visitor stats) and/or be integrated with third party traffic analysis tools such as Google Analytics. In addition, procedures are required for the creation of a “dark page” to use in event of emergency. The website should integrate any and all social media platforms including Twitter, Facebook, LinkedIn, YouTube, Instagram, etc. The website needs to link directly to Cleveland’s cable access channel, TV-20.

Content Required

Council’s website establishes the brand and message of the Cleveland City Council. It needs to visually interesting and appealing. Changes to content must easily be recognizable to website visitors and users. Below is a list of required content on the site, but additional need for content may arise:

- Council Member profile pages (bios, photos, specific ward map, video, social media and contact information). It would also include ward related items such as newsletters, publications, events and news.
- Find My Ward/Find My Council Member. A link to an interactive feature that allows a constituent to find out what Ward they live in and who their Council Member is by entering their address. The feature must contain an interactive map that ~~first~~ shows the specific ward boundaries. The map should allow the overlay of additional information for the constituent to view. Items possibly to be included in the overlay would include:
 - Ward recreation centers
 - Ward parks
 - Post office locations
 - EMS, fire and police stations
 - Schools
 - Council Member Web Pages

- Current news and press releases uploaded by Council Communications Staff, including Council President's message. All must be clear (date) when information is updated.
- Master calendar of public events, Ward events, Council committee meetings and other public meetings of Council. The selected provider would develop calendar and other pages by extracting information from the Granicus Legistar system through provided Application Programming Interfaces (APIs).
- Access to Legislative Calendar
- Access to City Record
- Access to Legislative Management System
- Access to the Charter and the Codified Ordinances
- Access information - ADA / language translation (as required)
- Legislative Committee Structure and Membership
- Links to Clerk of Council, Archives and Council Staff with contact information
- Newsroom page (releases, fact sheets, bios, ward snapshots, pdfs of key legislation/docs, photos, media list opt in/sign up, news clip section)
- Visitor friendly features (ability to increase font size, foreign language translation)
- Improved "Contact Us" (obtain more visitor information; ability to select ward they are from and/or trying to contact)
- Ability to sign up for Legislative Calendar and updates
- Ability to manage collected email and constituent information
- Ability to take surveys
- Support of click and stream live video from TV20
- Viewable / functional on all current browsers (Chrome, Firefox, Edge, etc.)
- Ability to host/store images and video (or link to YouTube / online photo gallery)
- Quick links (ward sites, CDC sites, key city / county sites, etc.)
- Must include decision tree to develop full information necessary to determine appropriate action

PROPOSAL FORMAT

ALL PROPOSALS MUST CONSIST OF TWO SEPARATE SUBMISSIONS (PROFESSIONAL SERVICES, FEE).

PROPOSAL FORMAT: Professional Services Proposal

Professional Services Proposal must be in a separate document from Fee Proposal.

The Professional Services Proposal must include the following components:

Management Letter

The consultant must include a management letter outlining the contents of the response. Include a summary of consultant's prior experience with website development and implementation as well as with government sector clients. An authorized representative of the firm must sign the cover letter to validate the contents of the response. The letter also must incorporate the following:

- A statement of commitment and an indication of the level of involvement of the consultant.
- A statement that the proposed solution will meet the requirements set forth in the RFP and/or a list of exceptions to the requirements in the RFP. (Note that the Clerk reserves the right to reject any proposal containing such exceptions, or to require modifications before acceptance.)
- A statement indicating whether or not proprietary information has been included in the proposal.
- A statement that the consultant's proposal, including proposed fees, will remain valid for a minimum period of one hundred eighty (180) days after the proposal due date. (Note that the Clerk reserves the right to request that the consultant extend the period during which the proposal will remain valid.)

Executive Summary

The consultant must provide an Executive Summary that condenses and highlights the proposal content (i.e., proposed approach, services to be provided, high-level project management objectives, etc.) and shall include, at minimum, a detailed discussion of the consultant's:

- Understanding of the general requirements of the Council Website;
- Approach to selecting and customizing the software solution;
- Proposed project organization/structure and high-level implementation plan;
- Approaches for user training and technical assistance; and
- Deliverables to be provided.

The Executive Summary should contain enough information to provide any reviewer with a broad understanding of the entire proposal.

Consultant Background

The consultant must provide the following information:

1. Overview
 - a) Consultant name, address, telephone number, e-mail, and contact person
 - b) Name and address of parent company (if applicable)
 - c) Name, address and phone number of each principal
 - d) Year the firm was established and any former consultant names
 - e) Number of years the firm has been in business

- f) Number of years of experience in/with the:
 - Public sector
 - Municipal government sector
 - Website design and implementation
 - Other related services (specify)
 - Type of company (public or private)
 - g) Financial Statements and/or annual report for past two years
 - h) Number of prior similar projects and three references (preferably municipalities)
2. Consultant Personnel
 - a) Total full-time equivalent (FTE) staff
 - b) Full-time personnel the consultant has in each of the following areas:
 - Customer service and support
 - Project management
 - Project implementation and rollout
 - c) Average length of service for project team members
 - d) Estimated number of resources that could be dedicated to the Clerk for the duration of the project
 - e) Number of projects currently being performed or planned for implementation by consultant in 2020-2021
 3. Project Completion History
 - a) Provide past five-year history of target, completion dates and accuracy of cost estimates for this type of project
 4. Pending Litigation and Liquidated Damages
 - a) Any pending litigation within the past five years
 - b) Any liquidated damages within the past five years
 5. Equal Opportunity
 - a) All proposals must include the completed forms in Appendix A to this RFP (City of Cleveland's Office of Equal Opportunity's Schedules 1, 2, 3, and 4).

Subcontractors must also submit the above information in this section (Consultant Background, 1 through 5).

Consultant Client References

Each proposal must include at least three references, which may be contacted concerning the Consultant's performance. Consultant should reference only clients with fully implemented projects. References should have received similar services as those proposed to the Clerk of Council. References should state whether the Consultant's firm was the Primary Contractor, and what specific roles the Consultant had. Original project estimates to execute the project and the corresponding actual final cost to satisfy the project objectives should be included.

Proposed Solution and Professional Services

The Consultant's proposal must provide a comprehensive description of the proposed solution that builds on the high-level overview provided in the Executive Summary of the proposal. The consultant must provide detailed responses to the requirements set forth by the Clerk in this RFP.

Each requirement must be specifically addressed in the proposal or an assumption will be made that the Consultant cannot accomplish the requirement and/or deliverable.

This material must also include a sample of the Consultant's standard Software License and Services agreement(s).

Proposed Project Resources and Staffing

The proposed solution must define the type and level of service and resources the consultant anticipates providing in order to satisfy the Clerk's requirements with respect to implementing the Council website.

At a minimum, the proposed solution must define:

- Expertise required to complete tasks and deliverables
- Resources (consultant and Clerk) that will be responsible for performing tasks
- High Level Task timeline and milestones
- Number of required resources

The proposed project staffing must include all key staff (i.e., those persons dedicated for at least 50% of their time) to be assigned to this project. Exhibits should be included to show all proposed individuals, including their major areas of responsibility during the project, and percent of time to be dedicated to the project.

The resumes of all key personnel proposed for this project must be included. Resumes should highlight each individual's:

- Experience with the consultant
- Experience with projects related to web site design and support
- Experience with projects similar in size and scope to this project
- Experience with public sector projects

Description of experience must include specific responsibilities and number of years.

If project management responsibilities will be assigned to more than one individual during the project, resumes must be provided for each person. Each project referenced in a resume should include the customer name, customer reference (including current telephone number) and dates/duration of the project, as well as a very brief project description.

Subcontracts

If Consultant plans to use Subcontractor(s) for any portion of the project, Subcontractor must submit information included in the Consultant Background section, above.

If Consultant finds, after contract award, the need to use subcontractors, they must receive prior written consent of the Clerk. Subcontracting, if permitted, shall not relieve the Consultant of any of its obligations under the contract.

Consultant shall be and remain solely responsible to the Clerk for the acts or faults of any such Subcontractor and of such Subcontractor's officers, agents and employees, each of whom shall for this purpose, be deemed to be an agent or employee of Consultant to the extent of its subcontract. As a prior condition to approval of a Subcontractor, Consultant shall file a copy of the applicable subcontract with the Clerk. Consultant and any Subcontractor shall jointly and severally agree that the Cleveland City Council is not obligated to pay or to be liable for the payment of any sums due any Subcontractor.

Consultant Local Presence

Please provide information that clearly demonstrates the nature of the Consultant's relationship to Cleveland. Include the following information:

- Is Cleveland the location of the Consultant's principal place of business? Is Cleveland the location of an office or other operations?
- If Consultant has no local office, does the Consultant's firm do business with or partners with or subcontracts with companies located in Cleveland? If so, describe the nature of the Consultant's relationship to those companies, including if Cleveland is the principal location of business of those companies.

PROPOSAL FORMAT: Fee Proposal

Fee proposal must be in a separate document from the professional services proposal.

The fee proposal must include the following information and answers:

The fee proposal must cover all cost components of the Consultant's professional services proposal, and represent the total cost of the software solution and professional services for development of the City Council Web Site meeting the Clerk's stated requirements. The cost of any Subcontractors and/or third party vendors/providers must be included as part of the primary Consultant's fee proposal. Include answers to the following:

- 1) Describe your solutions pricing model.
- 2) How do you price your software in terms of clients?
- 3) Do you offer enterprise pricing?
- 4) In a separate appendix, provide a software cost summary.
- 5) In a separate appendix, provide a cost summary in relation to implementation and other service costs.
- 6) In a separate appendix, provide a training cost summary.
- 7) List any third-party software required; is this software purchased directly from you?
- 8) What types of contracts are required by end users?
- 9) Describe any applicable software maintenance charges.
- 10) What is cost of developing and implementing the search function for *The City Record*?
- 11) If included as part of the proposed services, what is the cost of hosting of the Cleveland City Council website? This includes hosting *The City Record*, the content management system, and any databases; a web migration plan if needed; and at least one administrator level account for Council to have access to hosting.

PROPOSAL SUBMISSION

Proposals must be submitted no later than 4:00 p.m. (Eastern Standard Time) on Friday, December 18, 2020. Proposals must be submitted via:

ELECTRONIC MAIL to Allan Dreyer at adreyer@clevelandcitycouncil.org; email must include attachments in either Word (.doc/.docx), Excel (.xls/.xlsx), or Adobe (.pdf) file formats; professional services proposal must be in a separate document from fee proposal.

or by delivery:

U.S. MAIL or DELIVERY to Allan Dreyer, Cleveland City Council, City Hall, Room 220, 601 Lakeside Avenue, East, Cleveland, OH 44114; must include a CD/DVD with the electronic version of the proposal in either Word (.doc/.docx), Excel (.xls/.xlsx), or Adobe (.pdf) file formats; may also include printed version of proposal; professional services proposal must be in a separate document from fee proposal.

Proposals will not be accepted via fax.

Any proposal submitted is a public document and is subject to Ohio public record laws.

Any costs incurred to develop a proposal in response to this RFP are solely the responsibility of the Consultant. The Clerk assumes no responsibility and will provide no reimbursement for such costs.

The Clerk reserves the right to accept or reject any or all proposals at her sole discretion in the interest of obtaining the best value proposal. The Clerk reserves the right to request necessary amendments, reject all proposals, reject any proposal, or cancel this RFP, according to the Clerk's and Council's best interest. All information contained within the proposal may become part of the final contract.

The Clerk also reserves the right to waive minor irregularities in proposals, providing such action is in the best interest of the Council. Where the Clerk waives minor irregularities, such waiver will in no way modify the RFP requirements or excuse the Consultant from full compliance with the RFP specifications and other contract requirements if the Consultant is awarded the contract.

INQUIRIES

General inquiries regarding this RFP can be submitted to Allan Dreyer by Email only to adreyer@clevelandcitycouncil.org.

APPENDIX A to RFP:

*Professional Services for Updating the City
Council Website [November 5, 2020]*

Ch.187



MAYOR'S OFFICE OF EQUAL OPPORTUNITY

CLEVELAND AREA BUSINESS CODE

NOTICE TO BIDDERS
&
OEO SCHEDULES

City of Cleveland
Frank G. Jackson, Mayor

Melissa K. Burrows, Ph.D., Director
Office of Equal Opportunity

EQUAL OPPORTUNITY CLAUSE

(Section 187.22(b) C.O.)

Each Contract also shall contain the following equal opportunity clause:

“During the performance of this contract, the contractor agrees as follows:

- (1) The contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. The contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group, or Vietnam-era or disabled veteran status. As used in this chapter, "treated" means and includes without limitation the following: recruited, whether by advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship, promoted, upgraded, demoted, downgraded, transferred, laid off and terminated. The contractor agrees to and shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the hiring representatives of the contractor setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that the contractor is an equal opportunity employer.
- (3) The contractor shall send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract, or understanding, a notice advising the labor union or worker's representative of the contractor's commitments under the equal opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) It is the policy of the City that local businesses, minority-owned businesses and female-owned businesses shall have every practicable opportunity to participate in the performance of contracts awarded by the City subject to the applicable provisions of the Cleveland Area Business Code.
- (5) The contractor shall permit access by the Director or his or her designated representative to any relevant and pertinent reports and documents to verify compliance with the Cleveland Area Business Code, and with the Regulations. All such materials provided to the Director or designee by the contractor shall be considered confidential.
- (6) The contractor will not obstruct or hinder the Director or designee in the fulfillment of the duties and responsibilities imposed by the Cleveland Area Business Code.
- (7) The contractor agrees that each subcontract will include this Equal Opportunity Clause, and the contractor will notify each subcontractor, material supplier and supplier that the subcontractor must agree to comply with and be subject to all applicable provisions of the Cleveland Area Business Code. The contractor shall take any appropriate action with respect to any subcontractor as a means of enforcing the provisions of the Code.”

**City of Cleveland
Mayor's Office of Equal Opportunity**

Cleveland Area Business Code

NOTICE TO BIDDERS

1. Introduction:

The Cleveland Area Business Code contained in Chapter 187 of the Codified Ordinances of Cleveland, Ohio 1976 was enacted to increase the participation of minority-owned business enterprises, female-owned business enterprises, and local small business enterprises in City of Cleveland contracting. The Code also works to ensure that Contractors doing business with the City do not use discriminatory employment practices. Failure to comply with the Cleveland Area Business Code or with representations made on the attached Schedules may result in rejection of part or all of the bid, and/or cancellation of the contract.

2. Definitions:

As used in this Notice to Bidders and the attached OEO Schedules, the following words, phrases, and terms shall be defined as set forth below:

- (a) "Bidder" means a Person offering to contract with the City in response to an invitation to bid.
- (b) "Bid Discount" means the application of a percentage discount to the total amount of a bid submitted by a Bidder for a Contract solely for the purpose of bid comparisons when evaluating the lowest and best bid, or lowest responsible bid. The use of a Bid Discount for bid comparison does not alter the total amount of the bid submitted by a Bidder or the Contract executed based on a bid.
- (c) "Business Enterprise" means a firm, sole proprietorship, partnership, association, corporation, company, or other business entity of any kind including, but not limited to, a limited liability corporation, incorporated professional association, joint venture, estate, or trust.
- (d) "City" means the City of Cleveland, Ohio.
- (e) "City of Cleveland Small Business" or "CCSB" means a CSB that has its principal office located physically within the municipal boundaries of the City.
- (f) "Cleveland Area Small Business" or "CSB" means a Business Enterprise certified under division (a) of Section 187.03.
- (g) "Cleveland Contracting Market" or "Contracting Market" means the geographic market area consisting of Cuyahoga County, Geauga County, Lake County, Lorain County, Medina County, Portage County, and Summit County, Ohio, or the geographic market area identified in a disparity study or otherwise as provided in Section 187.28.
- (h) "Contract" means a binding agreement executed on or after the effective date of this Cleveland Area Business Code by which the City either grants a privilege or is committed to expend or does expend its funds or other resources, or confers a benefit having monetary value including, but not limited to, a grant, loan, interest in real or personal property, or tax incentive in any form for or in connection with any work, project, or public purpose.
- (i) "Contracting Department" includes any administrative department under charge of the Mayor or any office, board, or commission treated or construed as a department of City government for any purpose under the Charter or ordinances of the City for the benefit or program of which the City

enters into a particular Contract.

- (j) "Contractor" means a separate or distinguishable Business Enterprise employing one or more persons and participating in the performance of a Contract, including but not limited to CSBs, MBEs and FBEs where applicable, and shall include a party in privity with a Contractor for implementation of a Contract.
- (k) "Director" means the Director of the Office of Equal Opportunity.
- (l) "Evaluation Credit" means a predetermined number of points in the evaluation of proposals submitted by a Bidder for a Contract to be added solely for the purpose of proposal comparison when evaluating competing proposals. The use of Evaluation Credits does not alter the amount of the proposal submitted by a Bidder or the Contract executed based on the proposal.
- (m) "Female" includes only a United States citizen or lawful, permanent resident who is a member of the female gender.
- (n) "Female Business Enterprise" or "FBE" means a Business Enterprise owned, operated, and controlled by one or more Females who have 51% ownership. The one or more Females must have operational and managerial Control, interest in capital, and earnings commensurate with the percentage of Female ownership. To qualify as a Female Business Enterprise, the Business Enterprise shall be located and doing business in the Cleveland Contracting Market.
- (o) "Local Contracting Market" or "Contracting Market" means the geographic market area consisting of Cuyahoga County, Geauga County, Lake County, Lorain County, and Medina County, Ohio; provided, however, that with respect to growers or producers of food only, the geographic market area also shall include: Erie County, Huron County, Richland County, Ashland County, Wayne County, Holmes County, Stark County, Summit County, Portage County, and Tuscarawas County.
- (p) "Local Producer" means a Person that:
 - (1) has its principal office (headquarters) located physically in the Local Contracting Market and whose highest executive officers and highest level managers maintain their offices and perform their respective executive and managerial functions and duties in the Local Contracting Market; and
 - (2)
 - A. grows food or fabricates goods, whether or not finished, from organic or raw materials;
 - B. processes goods, materials, food or other products so as to increase their commercial value by not less than 50%;
 - C. supplies goods by performing a Commercially Useful Function; or
 - D. provides, by its qualified full-time employees, maintenance, repair, personal, or professional services.
- (q) "Local-Food Purchaser" means a Business Enterprise that, in implementation of its City contract, purchases Local Food in an amount comprising not less than twenty percent (20%) of the Business Enterprise's City Contract amount.
- (r) "Local Sustainable Business" means a Business Enterprise that:
 - (1) has its principal office (headquarters) located physically in the Local Contracting Market and whose highest executive officers and highest level managers maintain their offices and perform their respective executive and managerial functions and duties in the Local Contracting Market; and

(2) has established sustainability goals for itself and is a member of or signatory to a nationally-recognized sustainability program, which goals and program have been determined acceptable by the City Chief of Sustainability or other officer designated by the Mayor.

- (s) "Minority Business Enterprise" or "MBE" means a Business Enterprise owned, operated and controlled by one or more Minority Persons who have at least 51% ownership. The Minority Person(s) must have operational and managerial Control, interest in capital, and earnings commensurate with the percentage of ownership. To qualify as a Minority Business Enterprise, the enterprise shall be located and doing business in the Cleveland Contracting Market.
- (t) "OEO" means the Office of Equal Opportunity of the City of Cleveland.
- (u) "Proposer" means any Person proposing to contract with the City in response to a request for proposals or other similar solicitation.
- (v) "Regional Cleveland Area Small Business" or "RCSB" means a CSB that has its principal office located physically within the territorial boundaries of Cuyahoga County but outside the municipal boundaries of the City.
- (w) "Regulation" or "Regulations" means and includes the regulations implementing this Code and promulgated by the Director of Equal Opportunity under division (b)(6) of Section 123.08 of these Codified Ordinances.
- (x) "Small Business Enterprise" or "SBE" means a Business Enterprise that meets the established economic criteria for a SBE and is owned, operated and controlled by one or more persons who meet the economic criteria for SBE ownership established by the Director in the Regulations.

3. Required OEO Schedules:

The following documents must be completed, signed and submitted as part of the Contractor's bid or proposal for any City of Cleveland contract over \$50,000.00. Failure to submit all OEO Schedules may result in the rejection of a bid.

Schedule 1: PROJECT CONTACT INFORMATION FORM

Schedule 1, the PROJECT CONTACT INFORMATION FORM, provides the Office of Equal Opportunity with the necessary contact information to conduct its monitoring responsibilities. Each Bidder or Proposer shall complete, sign and submit Schedule 1 and include it with its bid or proposal.

Schedule 2: SCHEDULE OF SUBCONTRACTOR PARTICIPATION

Schedule 2, the SCHEDULE OF SUBCONTRACTOR PARTICIPATION, identifies all of the subcontractors the Bidder or Proposer intends to use on the project. Each Bidder or Proposer must complete, sign and submit Schedule 2 and include it with its bid or proposal. Bidders or Proposers shall list all prospective subcontractors, including all CSB, MBE, and/or FBE subcontractors, that will participate on the contract, and all requested contact information. Bidders or Proposers shall include the contract specification item number(s) on which the subcontractor will participate in Part 1, the scope, or supplies/materials that the subcontractor will be responsible for will be documented on Part 2, with the corresponding dollar amount for the subcontract on Part 3. The total dollar amount in Part 3 must be an actual dollar amount, and should not be a range of values or a percentage of the contract.

Schedule 3: STATEMENT OF INTENT TO PERFORM AS A SUBCONTRACTOR

Schedule 3, the STATEMENT OF INTENT TO PERFORM AS A SUBCONTRACTOR, verifies that the

certified CSB, MBE and/or FBE subcontractors listed on Schedule 2 have agreed to work with the Bidder or Proposer on the project, and that the two parties have agreed on general contract terms. Each certified CSB, MBE, and/or FBE listed as a prospective subcontractor on Schedule 2 shall complete, sign and return Schedule 3 to the Bidder or Proposer, and the Bidder or Proposer shall include the completed Schedule 3 with the bid or proposal. Part 1, Part 2 and Part 3 on each Schedule 3 must correspond with Part 1, Part 2 and Part 3, respectively, on Schedule 2 for the appropriate subcontractor.

No CSB, MBE, or FBE participation credit will be considered for a certified CSB, MBE and/or FBE subcontractor listed on Schedule 2 that does not have a corresponding, accurate Schedule 3 included in the bid or proposal.

If an MBE or FBE plans to re-subcontract any of its work, it must indicate that on Schedule 3. Any work re-subcontracted to a non-certified subcontractor will reduce the Bidder or Proposer's participation credit to the extent of the re-subcontracting.

Schedule 4: CSB/MBE/FBE UNAVAILABILITY/IMPRACTICALITY CERTIFICATION

Schedule 4, CSB/MBE/FBE UNAVAILABILITY/IMPRACTICALITY CERTIFICATION, allows the Bidder or Proposer to document its good faith effort to achieve the CSB, MBE, and/or FBE subcontracting goals identified for the project in the bid documents. If a Bidder or Proposer has met or exceeded the subcontracting goals for the project, the Bidder or Proposer shall indicate this in Section A of Schedule 4. If the Bidder or Proposer has not met the subcontracting goals for the project, the Bidder or Proposer will indicate this in Section A of Schedule 4, and complete Section B.

Section B of Schedule 4 allows the Bidder or Proposer to document its efforts to solicit certified subcontractor participation for the project, thereby meeting the good faith effort requirement of the bid. Section B also allows the Bidder or Proposer to attach a written document explaining why subcontracting to the goals included in the bid or proposal documents is impossible or impractical due to the nature of the work, service or product being contracted by the bid or proposal. Contractors are obligated to demonstrate their good faith effort to meet the subcontracting goals for the contract, and failure to do so will result in the rejection of the bid or proposal.

Failure to submit and accurately complete OEO Schedules 1, 2, 3, and 4 may result in the rejection of all or part of the bid or proposal. Submission of incomplete, inaccurate, or inconsistent data in the Schedules may lead to a formal investigation, decertification of the Bidder or Proposer, decertification of the subcontractor, and/or a rejection of all or part of the bid. The City of Cleveland reserves the right to waive any informality or immaterial irregularity, and reserves the right to reject any or all bids.

4. Equal Employment Certification:

No Contractor shall discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. Contractors shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. As used in this chapter, "treated" means and includes without limitation the following: recruited whether by advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship, promoted, upgraded, demoted, transferred, laid off and terminated. Contractors shall post in conspicuous places available to employees and applicants for employment, notices to be provided by the hiring representative of contractors setting forth the provisions of this nondiscrimination clause.

Within 60 days after entering into a Contract, each Contractor shall file a written affirmative action program containing standards and procedures ensuring that the contractor affords all qualified employees and applicants for employment equal opportunities in the contractor's recruitment, selection, and advancement processes.

Each contractor's affirmative action program shall contain the following components:

- (1) A diagnostic component that includes quantitative analyses comparing the composition of the Contractor's workforce to the composition of the Cleveland Contracting Market employment pool according to the most current census data available, grouped by EEO occupations.
- (2) Each affirmative action program shall contain placement goals as follows:
 - (i) For each non-construction contract, placement goals equal to the availability percentage for women or minorities where the percentage of women or minorities employed by the contractor in a particular job group is less than would reasonably be expected given their percentage availabilities in the corresponding Cleveland Contracting Market employment pool. Placement goals are objective targets reasonably attainable by applying a good-faith effort to implement all aspects of the affirmative action program; they are not inflexible quotas. Placement goals do not authorize or require a Contractor to grant a preference to any individual or adversely affect an individual's employment status for an unlawful discriminatory reason.
 - (ii) For each construction contract, establish placement goals for minorities and women for each trade involved in the performance of the contract equal to the goals established by the Director. Placement goals are objective targets reasonably attainable by applying a good-faith effort to implement all aspects of the affirmative action program; they are not inflexible quotas. Placement goals do not authorize or require a contractor to grant a preference to any individual or adversely affect an individual's employment status for an unlawful discriminatory reason.
- (3) Identification of problem areas through analysis of the contractor's employment process to determine if it affords or incorporates, or contains impediments to, equal employment opportunities.
- (4) Action-oriented programs consisting of practical steps the contractor will implement to address any identified problem areas or the underutilization of women or minorities in relation to their availability in the relevant labor pool.
- (5) Internal auditing and reporting systems that monitor and examine the impact the contractor's employment decisions and compensation systems have on women and minorities and their progress toward achieving a workforce that would be expected in the absence of discrimination.
- (6) Policies, practices, and procedures that the contractor will implement to ensure that all qualified applicants and employees enjoy equal opportunity in recruitment, selection, advancement, and every other term and privilege associated with employment.
- (7) Any additional requirements the Administrator may require through the Regulations or on a case-by-case review of a contractor's proposed affirmative action program.

If, 60 days after entering into a Contract, a contractor has not filed an affirmative action program, has deviated substantially from an approved affirmative action program, or has discriminated against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, the Office of Equal Opportunity may take immediate enforcement action.

5. **CSB Certification:**

Each Bidder, Proposer or subcontractor representing itself as a Cleveland Area Small Business (CSB) in the OEO Schedules shall be certified with the Office of Equal Opportunity as a CSB prior to the bid opening. Certification applications must be completed online through the City's Certification and Compliance Monitoring System at <https://cleveland.diversitycompliance.com/>.

There are two classifications of CSBs:

A **City of Cleveland Small Business (CCSB)** is a CSB headquartered within the City of Cleveland.

A **Regional Cleveland Small Business (RCSB)** is a CSB headquartered within Cuyahoga County, but not within the City itself.

A business is eligible for certification as a Cleveland Area Small Business (CSB) if it meets the following criteria:

- (1) It is a Small Business Enterprise;
- (2) It has its principal office located physically in Cuyahoga County; and
- (3) Its chief executive officer and highest level managers maintain their offices and perform their managerial functions in the Cleveland Contracting Market.

A business qualifies as a Small Business Enterprise if it meets size requirements of the US Small Business Administration, or separate economic criteria as established by the Director of the Office of Equal Opportunity in the Regulations. You can find the current SBA size standards here: <http://www.sba.gov/content/small-business-size-standards>

6. **CSB Contract Participation**

In an effort to promote the participation of Cleveland-area Small Businesses (CSBs) in City contracts, each Contracting Department of the City will use its best efforts to contract with CSB Bidders and Proposers, and Bidders and Proposers that have committed to subcontracting with certified CSBs.

Where other, project-specific goals have not been set in the bid or proposal documents, the standard CSB subcontractor participation goals are:

Construction Contracts:	30% CSB Subcontractor Participation
Professional Services Contracts:	10% CSB Subcontractor Participation
All Other Contracts:	20% CSB Subcontractor Participation

The Contracting Departments may, in consultation with the Director, increase or decrease these participation goals for a particular contract. When the goals are changed, the change will be noted in the bid or proposal documents.

Each Bidder or Proposer shall make a good faith effort to subcontract with certified CSBs in consistent with the goals prescribed in the bid or proposal documents.

7. **MBE/FBE Certification:**

Each Bidder, Proposer or subcontractor representing itself as a Minority Business Enterprise (MBE) or Female Business Enterprise (FBE) in the OEO Schedules shall be certified with the Office of Equal Opportunity as an MBE and/or FBE prior to the bid opening. Certification applications must be completed online through the City's Certification and Compliance Monitoring System at <https://cleveland.diversitycompliance.com/>.

A business is eligible for certification as a Minority Business Enterprise (MBE) if:

- (1) The Business Enterprise is owned, operated and controlled by one or more Minority Persons who have at least 51% ownership;
- (2) The Minority Persons who own the Business Enterprise have operational and managerial control, interest in capital, and earnings commensurate with the percentage of ownership; and
- (3) The Business Enterprise is located and doing business in the Cleveland Contracting Market.

A business is eligible for certification as a Female Business Enterprise (FBE) if:

- (1) The Business Enterprise is owned, operated and controlled by one or more Females who have at least 51% ownership;
- (2) The Female owners have operational and managerial control, interest in capital, and earnings commensurate with the percentage of ownership; and
- (3) The Business Enterprise is located and doing business in the Cleveland Contracting Market.

8. MBE and FBE Contract Participation

The City of Cleveland is firmly committed to assisting Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs) through its contracting activities, and the City intends to Contract with firms that shares that commitment. Under this policy, each Contracting Department will use its best efforts to promote the participation of MBEs and FBEs as both prime contractors and subcontractors in all City Contracts. In turn, Bidders and Proposers shall make every effort to use MBEs and FBEs as subcontractors where available and practical.

Some City contracts will have specific MBE and/or FBE subcontractor participation goals. **These goals will be expressly stated in the Invitation to Bid (ITB) or Request for Proposal (RFP) in each contract where the goals are applicable.** When specific MBE and/or FBE goals are set forth in the ITB or RFP, the Bidder or Proposer shall make a good faith effort to meet them.

When there are specific MBE and/or FBE goals on a City contract, those goals will be considered in lieu of an equivalent portion of the CSB goals for the contract. Please review the bid or proposal documents for the final MBE, FBE and/or CSB subcontracting goals for the project.

9. MBE/FBE Bid Discounts:

Contracting Departments may apply a Bid Discount of five percent (5%) for bids received from certified MBE and FBE Bidders to remediate past or present discrimination, where the City has developed or obtained a legally sufficient basis in evidence to demonstrate past or present discrimination. The CSB/MBE/FBE Registry denotes which MBEs and FBEs are eligible for Bid Discounts.

10. MBE/FBE Evaluation Credits:

Contracting Departments may apply an Evaluation Credit of five percent (5%) of the total points awarded for proposals received from MBE and FBE Proposers to remediate past or present discrimination, where evidence of contracting disparity has been adequately demonstrated.

11. MBE/FBE Subcontracting Bid Discounts and Additional Retainage:

Contracting departments may apply a bid discount for bids received for public improvement contracts in the amount of five percent (5%) of the portion of the total amount of the goods, labor, and materials that the bidder represents it will subcontract to one or more MBEs and FBEs, where the City has developed or obtained a legally sufficient basis in evidence to demonstrate past or present discrimination.

If a Contracting Department applies the MBE/FBE subcontracting Bid Discount to the bid of a Bidder that would not have otherwise been the lowest and the Bidder is awarded the Public Improvement Contract, the City shall retain as Additional Retainage an amount equal to the total dollar amount by which the bid was adjusted for bid comparison in addition to the contract retainage required under Section 185.41 of the Codified Ordinances of the City of Cleveland. Release of this retainage shall be managed under the provisions established in Section 187.05(e) of the Codified Ordinances.

12. CSB Bid Discounts:

If a Contracting Department does not apply an MBE or FBE Bid Discount to one or more bids for the award of a Contract, the Contracting Department may apply a Bid Discount in the following amounts for bids received from CSB prime contractors:

A Bid Discount of five percent (5%) for bids received from CCSBs.

A Bid Discount of five percent (5%) for bids received from RCSBs, provided no bids are received from CCSBs.

13. CSB Evaluation Credits:

If a Contracting Department *does not apply an MBE or FBE Evaluation Credit* to one or more proposals for the award of a Contract, the Contracting Department may apply Evaluation Credits as follows for proposals received from CSB prime contractors:

(1) An Evaluation Credit of five percent (5%) of the total points awarded for proposals received from CCSBs.

(2) An Evaluation Credit of five percent (5%) of the total points awarded for proposals received from RCSBs, provided no proposals are received from CCSBs.

14. CSB Subcontracting Bid Discounts and Additional Retainage:

Contracting Departments may apply a Bid Discount to bids received for a Public Improvement Contract in the amount of five percent (5%) of the portion of the total amount of labor and materials that the Bidder represents it will subcontract to one or more CSBs. This provision does not apply, however, if a Bid Discount has been applied for MBE or FBE subcontractor participation,

If a Contracting Department applies the CSB subcontracting Bid Discount to the bid of a Bidder that would not have otherwise been the lowest and the Bidder is awarded the Public Improvement Contract, the City shall retain as Additional Retainage an amount equal to the total dollar amount by which the bid was adjusted for bid comparison in addition to the retainage required under Section 185.41 of the Codified Ordinances. Release of this retainage shall be managed under the provisions established in Section 187.03(d) of the Codified Ordinances.

15. LPE and SUBE Certification:

A Bidder or Proposer may qualify as a Local Producer, a Local-Food Purchaser or a Local Sustainable Business under the Local Producer, Local-Food Purchaser, and Sustainable Business Preference Code, Chapter 187A of the Codified Ordinances of the City of Cleveland. Each Bidder or Proposer representing itself as a Local Producer (LPE), or a Local Sustainable Business (SUBE) shall be certified with the Office

of Equal Opportunity prior to the bid opening. Certification applications must be completed online through the City's Certification and Compliance Monitoring System at <https://cleveland.diversitycompliance.com/>.

16. LPE and SUBE Bid Discounts:

The Contracting Department shall apply a Bid Discount in the following amounts for bids received from LPE and/or SUBE prime contractors:

A Bid Discount of two percent (2%) for bids received from LPEs.

A Bid Discount of two percent (2%) for bids received from SUBEs.

17. LPE and SUBE Evaluation Credits:

The Contracting Department shall apply an Evaluation Credit in the following amounts for proposals received from LPE and/or SUBE prime contractors:

An Evaluation Credit of two percent (2%) for proposals received from LPEs.

An Evaluation Credit of two percent (2%) for proposals received from SUBEs.

18. Maximum Annual Subcontracting Program Benefit:

In an effort to encourage wide participation in the CSB, MBE and FBE subcontracting programs, the City of Cleveland has a policy which may limit the amount of subcontracting credit that a single CSB, MBE and/or FBE subcontractor can provide in a single year. When the CSB, MBE and/or FBE subcontractor has reached this maximum subcontracting dollar value, its participation in future contracts will not be counted towards a Bidder or Proposer's CSB, MBE and/or FBE participation goals.

The Director may apply credit toward the CSB, MBE and/or FBE subcontractor participation goals upon written request of a Bidder or Proposer attesting that no other certified CSBs, MBEs or FBEs are available to perform the work or supply the materials required for the Contract, or in an emergency, or for such other reasons that the Director determines require use of that CSB, MBE or FBE.

Nothing prohibits a Bidder or Proposer from subcontracting to a CSB, MBE or FBE that has reached the cap, or prohibits the CSB, MBE or FBE from performing work or supplying materials under any contract. But that participation will not count towards the Bidder or Proposer's subcontracting goals.

19. CSB/MBE/FBE Manufacturer and Supplier Participation:

Under the Cleveland Area Business Code, the entire amount of expenditures to certified CSB, MBE, or FBE manufacturers will be counted towards CSB, MBE or FBE participation goals on the contract. A manufacturer is an enterprise that produces goods from raw materials or adds value by substantially altering them before resale.

Sixty percent (60%) of expenditures to certified CSB, MBE or FBE suppliers that are not manufacturers will be counted towards CSB, MBE or FBE participation goals on the contract, provided that the CSB, MBE or FBE supplier performs a commercially useful function in the supply process. A business enterprise is a supplier performing a commercially useful function in the supply process" when it:

- (1) Assumes the actual and contractual responsibility for furnishing the supplies or materials; and
- (2) Is recognized as a supplier, distributor or reseller by the manufacturer or producer of the contracted supplies and materials; and
- (3) Owns or leases a warehouse, yard, building or other facilities or uses such as means as are customary in the industry for the purpose of maintaining an inventory of or supplying such supplies or materials from which it supplies its customers; and
- (4) Distributes, delivers, and/or services products primarily with its own staff and/or equipment.

If a CSB, MBE or FBE supplier is not a manufacturer and is not performing a commercially useful function in the supply process, the supplier's participation will not be counted towards the CSB, MBE or FBE participation on the contract.

20. Joint Ventures:

Participation of CSBs, MBEs and FBEs in joint ventures is encouraged. To receive credit for CSB, MBE and/or FBE participation in a joint venture, the joint venture must be certified by the Office of Equal Opportunity. The CSB/MBE/FBE Joint Venture Certification Application is available from the Office of Equal Opportunity, and applications for joint venture certification must be received by the Office of Equal Opportunity no later than 10 days prior to the bid opening.

21. Use of General Contractors as Subcontractors for CSB/ MBE/FBE Prohibited:

Consistent with the U.S. Bureau of Census Standard Industrial Classifications, the City considers that a "general contractor" assumes responsibility for an entire construction contract, although it may subcontract part or all of the actual work to special trades or other contractors. The City does not consider that certification as a "general contractor" assumes or includes certification for any other trade or work. In order to qualify as a CSB, MBE or FBE Subcontractor, the CSB, MBE or FBE must be certified for the specific type of work indicated on Schedule 1, the Schedule of Subcontractor Participation.

22. Subcontractor Participation Compliance Monitoring

Once a contract is awarded through the bid or proposal process, the winning contractor is obligated to use the certified CSB, MBE or FBE subcontractors listed on the OEO Schedules and in the same participation amount indicated in the OEO Schedules. OEO will monitor this subcontractor participation throughout the course of the contract to ensure that the listed subcontractors are performing work on the project, and that they are being properly compensated for that work.

The City of Cleveland uses a web-based contractor certification and contract compliance monitoring system, colloquially known as B2Gnow, to monitor compliance on City contracts. Contractors can access the system at <http://cleveland.diversitycompliance.com>, or through a link on the Office of Equal Opportunity's website at <http://city.cleveland.oh.us/o eo>.

Each month during the contract, the prime contractor (or direct contract-holder with the City) will report payments to ALL subcontractors through the B2Gnow system. This monthly reporting information includes total payment in dollars made to the subcontractor, record of invoices satisfied, record of checks or other payment methods used to satisfy invoices, payment dates, and any additional information required by OEO to verify payment to subcontractors. The prime contractor will enter this payment information into the B2Gnow system, and the subcontractors will verify this payment information in the system.

OEO offers regular training sessions in the use of the B2Gnow system. Please contact OEO at 216-664-4152 to schedule training. Online training options are also available through the B2Gnow system.

Please note that use of the B2Gnow system requires an email account and access to a personal computer with internet connectivity. This requirement applies to both prime contractors and subcontractors. The City will provide for access to a computer and internet connection at Cleveland City Hall, upon appointment, for those contractors who do not otherwise have access to the required technology.

Community Benefit Policies:

- CODIFIED ORDINANCE 123 PREVAILING WAGE
- CODIFIED ORDINANCE 187 CLEVELAND SMALL BUSINESS
- CODIFIED ORDINANCE 187A LOCAL PRODUCER SUSTAINABLE DEVELOPMENT
- CODIFIED ORDINANCE 188 CLEVELAND RESIDENT EMPLOYMENT LAW

- CODIFIED ORDINANCE 189 LIVING WAGE
- Green Building Standards, Office of Sustainability

Questions about the certification process or the OEO Schedules should be directed to the Office of Equal Opportunity (OEO) at (216) 664-4152.



**City of Cleveland
Office of Equal Opportunity
Schedules Checklist**

This checklist will guide you through the Office of Equal Opportunity Schedules that must be completed and submitted as part of your bid or proposal.

Schedule 1: Project Contact Information Form

- Is all requested contact information included?
- Is the form complete and signed?

Schedule 2: Schedule of Subcontractor Participation

- Did you specify the total dollar amounts for each subcontract?
- Did you verify that each subcontractor is certified for the type of work to be performed?
- Is the form complete and signed?

Schedule 3: Statement of Intent to Perform as a Subcontractor

- Did the subcontractor specify the total dollar amount of the subcontract?
- If applicable, has the re-subcontracting section been completed?
- Is the form complete and signed by the subcontractor?

Schedule 4: CSB/MBE/FBE Subcontractor Unavailability/Impracticality Certification

- Did you list all companies you have contacted? (If additional space is needed, attach a separate sheet)
- If you are claiming that subcontracting is not available or practical on this contract, have you provided an explanation on a separate, attached sheet?
- Is the form complete and signed?



City of Cleveland - Office of Equal Opportunity
SCHEDULE 2: SCHEDULE OF SUBCONTRACTOR PARTICIPATION

Project Name:	
Bidder/Proposer Name:	

List ALL PROSPECTIVE SUBCONTRACTORS (Certified and non-certified) that will be participating on this contract. The Bidder or Proposer is responsible for verifying that each CSB, MBE and FBE Subcontractor listed is certified to perform the particular type of work they are expected to perform for the contract.

Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$

Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$

The prime contractor **may not substitute subcontractors** between the submission of bids and award of the contract. After the contract is awarded, the prime contractor may not substitute or shift subcontractors without written approval of the Director of OEO. When there are CSB, MBE and/or FBE goals established in the bid specifications, subcontractor substitutions must preserve the original bid participation percentage, unless the Director waives the requirement. The undersigned agrees that if awarded a contract, it will enter into a written agreement with each subcontractor listed above. If the total contract amount increases, the contractor shall use its best efforts to preserve the original CSB, MBE and/or FBE participation percentages for that increased amount.

Authorized Representative:			
Signature:		Date:	



City of Cleveland - Office of Equal Opportunity
SCHEDULE 2: SCHEDULE OF SUBCONTRACTOR PARTICIPATION
ADDITIONAL SUBCONTRACTOR FORM

Project Name:	
Bidder/Proposer Name:	

Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$
Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$
Subcontractor:	Part 1: SPEC ITEM #	Part 2: TYPE OF WORK OR MATERIALS/SUPPLIES	Part 3: SUBCONTRACT AMOUNT
Address:			\$
City, State, Zip:			\$
OEO Compliance Contact:			\$
Contact Email Address:			\$
Contact Phone:			\$
Company Type: CSB <input type="checkbox"/> MBE <input type="checkbox"/> FBE <input type="checkbox"/> Other <input type="checkbox"/> Non-Certified <input type="checkbox"/>			\$
Federal Tax ID#/EIN:	TOTAL		\$



City of Cleveland - Office of Equal Opportunity
SCHEDULE 3: STATEMENT OF INTENT TO PERFORM AS A SUBCONTRACTOR

Subcontractor Name:	
Bidder/Proposer Name:	
Project Name:	

Subcontractor is a: CSB
 MBE
 FBE

Have you (subcontractor) been notified by the Office of Equal Opportunity that you have met the annual subcontracting participation maximum for this calendar year? Yes No

The undersigned prospective subcontractor intends to perform work or furnish supplies/materials in connection with the contract as a (check all that apply):

- Individual
- Corporation organized and existing under the laws of the State of _____.
- Proprietorship,
- Partnership, or
- Joint Venture consisting of _____.

The CSB, MBE or FBE status of the undersigned contractor is confirmed in the Office of Equal Opportunity's registry of certified CSBs, MBEs and FBEs. The contractor is prepared to perform the following work items or parts thereof for the above contract.

Part 1: SPEC ITEM #s	Part 2: TYPE OF WORK OR SUPPLIES/MATERIALS	Part 3: TOTAL SUBCONTRACT AMOUNT IN DOLLARS
		\$

RE-SUBCONTRACTING

The undersigned prospective subcontractor will re-subcontract work on this contract:

- Yes (If Yes, fill out a "Blank" Schedule 2 and indicate the subcontractors being used as 2nd Tier subcontractors.)
- No

The undersigned prospective subcontractor will enter into a written agreement with the Bidder or Proposer for the above work items after the award, but prior to the execution of the contract with the City of Cleveland.

Authorized Subcontractor Representative:			
Signature:		Date:	



**City of Cleveland - Office of Equal Opportunity
 SCHEDULE 4: CSB/MBE/FBE SUBCONTRACTOR
 UNAVAILABILITY/IMPRACTICALITY CERTIFICATION**

Project Name:	
Bidder/Proposer Name:	

Note: Prime contractors are expected to use good faith efforts in utilizing CSBs, MBEs and FBEs as subcontractors whenever there are CSB, MBE and/or FBE participation goals established in the bid specifications. There may be instances, however, where Prime Contractors will not be able to achieve the prescribed CSB, MBE and/or FBE participation goals for a particular contract. This Schedule 4 allows Prime Contractors to demonstrate their good faith efforts in finding and soliciting CSBs, MBEs and FBEs to work on the contract. If the subcontracting goals for this contract are not met, failure to complete this schedule fully and completely may impact the evaluation of this bid or proposal.

Section A:

Please check one of the following:

- 1. Prime Contractor has submitted Schedules 1 and 2 indicating CSB/MBE/FBE Subcontractor participation **MEETING OR EXCEEDING** the goals set forth in the bid documents.
- 2. Prime contractor has submitted Schedules 1 and 2 indicating CSB/MBE/FBE Subcontractor participation that **DOES NOT MEET** the goals set forth in the bid documents.

If Box 1 is checked, no further documentation is necessary. Where Box 2 is checked, the Prime Contractor must provide a detailed explanation in Section B.

Section B:

If you checked Box 2 on Section A, you must check one of the following:

The Prime Contractor **did not meet** the CSB, MBE and/or FBE subcontractor participation goals for this contract because:

- 1. The Prime Contractor has made an honest, purposeful attempt to solicit CSB, MBE and/or FBE subcontractor participation, but was unable to find subcontractors to perform the work for the reasons noted below. **Please use the unavailability letter codes found on the following page.**

CONTACTED CONTRACTOR	PROPOSED WORK/SUPPLIES	REASON FOR UNAVAILABILITY	DATE OF CONTACT	DATE RESPONSE RECEIVED
1.				
2.				
3.				
4.				

- 2. The Prime Contractor made an honest, purposeful attempt to solicit CSB, MBE and/or FBE subcontractor participation, but due to the nature of the work, service, or product contracted, additional subcontracting with CSBs, MBEs or FBEs is either impossible or impractical. The Prime Contractor has provided a **detailed explanation** of the nature of the work and the reasons that additional subcontracting is not possible **on a separate attached page.**

Authorized Representative:			
Signature:		Date:	

SCHEDULE 4
CSB/MBE/FBE SUBCONTRACTOR UNAVAILABILITY/IMPRACTICALITY
CERTIFICATION

REASONS FOR **CSB/MBE/FBE** SUBCONTRACTOR UNAVAILABILITY

Instructions:

You may insert in Schedule 4, under the column Reasons for Unavailability, all letters identifying the reason why each prospective subcontractor listed on Schedule 4 was unable to prepare a bid or unavailable to participate on the City contract for which you are bidding.

Example Reasons for Unavailability

- A. Subcontractor did not respond to the Bidder's request for a quotation.
- B. Subcontractor responded to the Bidder's request but not as to the type of work or supplies for which requested.
- C. Subcontractor does not perform the specific work or furnish the specific supplies the Bidder requested, as part of the type(s) of work or supplies for which OEO has certified it as a CSB/MBE/FBE.
- D. Subcontractor is unavailable because its workforce is or will be fully employed on other work during time of contract performance.
- E. Subcontractor stated it had insufficient time or information on which to prepare a bid. F. Subcontractor's bid price(s) were too high to be competitive (Explain in detail).
- G. Other. (Explain in detail)