



Cuyahoga County
Together We Thrive

REQUEST FOR QUALIFICATIONS

for Professional Services

RFQ#: 14034

RFQ Title: Cuyahoga Green Energy – Engineering, Procurement
And Construction Pre-Qualification List

RFQ ISSUE DATE: March 4, 2024

RFQ DUE DATE & TIME: April 17, 2024 at 11:00 AM

ISSUING DEPARTMENT: Department of Purchasing
Cuyahoga County Administrative Headquarters
2079 East 9th Street, 2nd Floor, Room 2-200
Cleveland, Ohio 44115

Proposals MUST be delivered to the ISSUING DEPARTMENT by the date and time listed. Any proposal received after this date and time will be returned and/or unopened.

REQUESTING DEPARTMENT: Department of Public Works
2079 E. 9th Street, Suite 5-100
Cleveland, Ohio 44115

PUBLIC NOTICE

REQUEST FOR QUALIFICATIONS (RFQ # 14034)

Cuyahoga County, on behalf of the Department of Public Works is soliciting proposals from agencies and organizations to provide the following services: Cuyahoga Green Energy – Engineering, Procurement and Construction Pre-Qualification List

Copies of the proposal specifications are available from the Department of Purchasing. Please call (216) 443-7200 to request a copy of the RFQ and to be placed on the official plan holders' list. A "Plan Holder of Record" is one who has received the RFQ directly from the Cuyahoga County Department of Purchasing. Obtaining documents from any other source will not make the vendor a plan holder of record. Vendors are highly encouraged to be on the official plan holder's list to ensure they receive all documents and addenda related to the RFQ. Proposals received from vendors, regardless of whether a plan holder of record, will be deemed non-responsive if all required documents are not included in the submittal.

A pre-qualifications conference is scheduled via telephone conference on March 14, 2024 at 11:00am. The call-in number (440) 462-2064 Access Code: 222 649 317
Qualification specifications will not be distributed at the conference.

Vendors are also encouraged to register in the Infor Supplier Portal the County's Electronic Bid Submissions program and to receive notices of future bid opportunities [Phone: (216) 443-7200]. Go to <https://www.cuyahogacounty.gov/purchasing> and click on the link for INFOR Supplier Portal Registration.

Completed proposals must be submitted as follows:

To the Cuyahoga County Administrative Headquarters Department of Purchasing, 2079 East 9th Street, Second Floor, Room 2-200, Cleveland, Ohio 44115 no later than 11:00am (Local Time) on April 17, 2024. The official closing time shall be determined by the wall clock located in the Cuyahoga County Department of Purchasing (SAME ADDRESS). Late bids will be returned unopened.

OR

In the Cuyahoga County Supplier Portal System no later than 11:00am (Local Time) on April 17, 2024. The official closing time shall be determined by the Supplier Portal clock. Late bids will not be opened.

Duplicate responses will be deemed non-responsive.

Paul J. Porter, Director
Department of Purchasing

Publish on Department of Purchasing website on: March 4, 2024

This notice may be viewed on the Cuyahoga County website at: <https://www.cuyahogacounty.gov/purchasing> by selecting "Notices and Contracts Search." At "Select Item Type," click on "Notices." Next enter the "Notice Bid Close Date" range or "Notice Number" and select "search" to view applicable notices.

Request for Qualifications Sections

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PART ONE: GENERAL INSTRUCTIONS

A. RFQ Contact

If you have any questions during the bid time, all inquiries must be directed to the following individual:

Individual Name: Mike Foley
Department Address: Department of Public Works
2079 E. 9th Street, Suite 5-100
Cleveland, Ohio 44115
Phone: (216) 443-3055
Email Address: mfoley@cuyahogacounty.us

B. RFQ Qualification Guidelines

1. The County reserves the right to issue addenda to the RFQ at any time. If the addendum is issued less than seventy-two (72) hours prior to the approval to the qualification due date, the closing date will be modified accordingly.
2. Multiple qualification submissions from provider for the same service will be considered non-compliant and will be rejected.
3. The County is not liable for any costs incurred by the vendor in the preparation and presentation of qualifications submitted in response to the RFQ.
4. All materials submitted become property of the County. Selection or rejection of a response does not affect this right. Submitted materials will not be returned.
5. The County reserves the right to refrain from contracting with any vendor. The release of this RFQ does not compel the County to purchase.
6. Once the contract is awarded, all documents submitted to the County as part of the qualification become public information. The County does not encourage the submission of confidential/proprietary information in response to the qualification. However, written requests for confidentiality may be submitted to the RFQ contact. A qualification in its entirety, nor qualification price will be considered confidential or proprietary. Under Ohio Revised Code Section 149.43, the County will make a determination of application for disclosure on an ad hoc basis. For confidential financial statements that may be required to be submitted, please place in a separate envelope clearly marked "CONFIDENTIAL FINANCIAL STATEMENTS."

PART TWO: GENERAL QUALIFICATION PROCEDURES

A. **RFQ Inspection**

Vendors should carefully review this RFQ for defects and questionable or objectionable matter. Comments concerning defects and objectionable material shall be made in writing and received by the RFQ contact at least ten (10) days before qualification opening. Protests based on any omission or error, or on the content of the solicitation, will be disallowed if these faults have not been brought to the attention of the RFQ contact at least ten (10) days before the qualification opening.

B. **Proposal Submission**

Proposal submission can be one of two ways. Using both options will result in non-responsiveness of both submissions.

1. **Submission Directly to the Issuing Department**

- a. Proposals must be submitted in a sealed envelope with the RFQ Title, RFQ # and Vendor Name listed on the front of the envelope.
- b. Proposals **MUST** be delivered (includes courier/package delivery services) or delivered by mail to the ISSUING DEPARTMENT by the date and time listed above. Any proposal received after this date and time will be returned unopened.
- c. The official closing time will be determined by the wall clock located in the issuing department as indicated on the cover page of this RFQ.
- d. Vendors assume the risk of the method of dispatch. The County assumes no responsibility for delays caused by any delivery service. Postmarking by the due date is not acceptable.
- e. Proposals may not be delivered by facsimile transmission or other telecommunication or electronic means.
- f. Hand-delivered proposals may be delivered only Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., excluding holidays observed by the County.

2. **Submission to the Cuyahoga County Supplier Portal System**

- a. Proposals submitted to the open Event.
- b. On the line response under unit price enter \$1.00 and attach your proposal. The \$1.00 value entered is not part of the review process. The amount submitted within the proposal response will be the basis for review.
- c. The official closing time is determined by the portal's clock.
- d. Proposals may be not delivered by any other means.

* All submissions received electronically must be submitted by the Prime vendor. Another vendor is not permitted to electronically submit on behalf of a Prime vendor. The Prime vendor is encouraged to register in the Cuyahoga County Supplier Portal to complete their electronic submission. In doing this, the Prime vendor acknowledges and agrees by the signatory on this submission that he/she has the actual authority and is duly authorized and empowered to

execute this submission and bind Prime Vendor in accordance with the terms and conditions herein.

C. Qualification Opening

The Department of Purchasing will open proposals publicly via webinar at the following, please note due to the current climate and State restriction the openings will not be open to the public, excluding webinar:

Location: Cuyahoga County Administrative Headquarters
2079 East 9th Street, 2nd Floor, Room 2-200
Cleveland, Ohio 44115
Date: **April 17, 2024**
Time: **11:00am**
Teleconference: **(833) 548-0282**
Access Code: **754 404 9514**

Each qualification will be opened, the vendor name read from the cover page, and logged. No other details of the qualification will be disclosed at this time.

Rejection – The County reserves the right and discretion to reject any or all proposals for any reason or all proposals for no reason at all without incurring liability.

Withdrawal – Vendors may withdraw a submitted qualification any time up to the closing date and time, by submitting a written request to the RFQ contact listed above and the Department of Purchasing.

D. Qualification Evaluation

All qualifications will be reviewed to determine if they are responsive. Responsive qualifications will be evaluated. A team will evaluate and numerically score each qualification in accordance with the following, as shown in the Chart in Appendix A:

1. Minimum Qualifications
2. Firm’s Experience
3. Available Staff’s Experience
4. Other Evaluation Categories

E. Qualification Clarifications and Corrections

The County may request clarifications from any vendor during the evaluation process. The County may also provide the vendor an opportunity to correct defects in its qualifications if the County determines it will not result in an unfair advantage for the vendor and it is in the County’s best interest. Any clarification or correction that is broader than the scope of the County’s request may result in the vendor’s qualification being disqualified.

F. Contract Award

Cuyahoga County will send a Notice of Intent Letter to all vendors, notifying vendor of the recommended action. The scores and placement of the vendors will not be part of the Notice. A tabulation sheet of all vendor's names and addresses submitting qualifications will be available upon request from the OPD contact person.

PART THREE: QUALIFICATION SPECIFIC GUIDELINES

A. PRE-QUALIFICATIONS CONFERENCE:

The purpose of the conference is to discuss the RFQ with prospective vendors and allow them the opportunity to ask questions. Please note due to the current climate and State restriction the openings will not be open to the public, excluding webinar. It is strongly recommended that interested vendors attend. The conference is scheduled as follows:

Date: March 14, 2024

Time: 11:00am

Teleconference: (440) 462-2064; Access Code: 222 649 317

Vendors with a disability needing accommodation should contact the Department of Human Resources, Compliance Unit, 2079 E. 9th Street, Cleveland, Ohio 44115; Phone (216) 443-3192 (Voice) or 443-7002 (TDD) prior to the date set for the pre-qualification conference so that reasonable accommodation can be made.

B. DIVERSITY REQUIREMENTS

Cuyahoga County has established a Diversity goal for this project. Please see attached Bidders' Manual.

C. QUALIFICATION FORMAT

The qualification should be submitted in compliance with the following specifications:

1. Responses must be submitted with one (1) original, one (1) hard copy and (1) one digital copy (on a flash drive). There must be an original of every document with signature including the cover letter and attached forms.
2. If submitting directly to the Cuyahoga County Supplier Portal System, responses must be uploaded as one pdf attachment.
3. Proposals cannot be submitted using both of the above options.
4. The Statements of Qualifications are required to be submitted, by the designated date

and time, in a sealed package and labeled as: "Statement of Qualifications for
"CUYAHOGA GREEN ENERGY – ENGINEERING, PROCUREMENT AND
CONSTRUCTION PRE-QUALIFICATION LIST"

5. Qualifications should be organized as set forth in Part 5, Statement of Qualifications Criteria.

PART FOUR: COUNTY SPECIFICATIONS

Project Description

In 2021, Cuyahoga County (County) created a new municipal-like utility with the primary purpose of developing microgrid districts in various parts of our region. The County has branded that utility as Cuyahoga Green Energy and has hired Compass Energy Platform (Compass) to be its operational, strategic and financing partner. As part of Compass's role, they will be leading the development of many of these projects, managing bidding processes and putting together the final contracting terms and parties for County approval. Compass will be guided by the criteria established by a long-term Master Services Agreement with the County.

The County and Compass through this solicitation wish to pre-qualify engineering, procurement, and construction (EPC) and related firms to partner with the Utility on projects. For clarity purposes, engineering only and construction only (including solar installation) firms are invited to respond.

Purpose

The microgrid projects that will be developed for Cuyahoga Green Energy will require external firms with expertise in engineering, construction, and/or procurement. Given the complexity of these projects, the County as stated above has enlisted Compass Energy Platform to manage bidding processes and to make contracting decisions. As individual projects are procured, it is likely that some amount of preliminary, high-level engineering and design work will have been performed, at least for the first initial projects contemplated by the County.

To make certain that Compass' contracting decisions reflect County initiatives and imperatives, the County wishes to pre-qualify firms that might be considered by Compass for microgrid and utility related contracts. This requires the creation of an open County RFQ that will be used to evaluate all potential engineering, procurement, and construction firms according to the following criteria:

- Respect for the County's Diversity, Equity, and Inclusion (DEI) goals, including local S/W/MBE participation.
- Respect for existing Project Labor Agreement provisions, including prevailing wage requirements.
- Qualified staff who have experience with sustainable and resilient microgrid projects.

It is anticipated that prior to each microgrid development project, Compass will send out solicitations to pre-qualified EPC firms for work opportunities necessary for the successful completion of each project.

The list that Compass will use will be established through this RFQ process, which will periodically be updated over the course of CGE's development and evolution.

Qualified companies will be placed in the bidding pool for three years but must update their company details if there are substantive changes in company information. Any subcontractors hired by qualified companies will be required to meet County requirements, but subcontractors do not need to be identified for this RFQ.

Evaluation

Only Statements of Qualifications submitted by consultants that meet the requirements detailed herein will be evaluated and ranked.

PART FIVE: STATEMENT OF QUALIFICATIONS CRITERIA

The Statement of Qualifications ("qualification") should be organized as set forth below and be limited to those items which will be used for the evaluation. Extraneous materials will not serve to enhance the qualification, but will make the rating more difficult.

Section I - Minimum Qualifications (5 page limit)

Provide information of compliance with the qualifications listed below. Valid certifications are required to evidence the minimum qualifications. **Failure to meet these minimum qualifications will cause the statement of qualifications to be considered non-responsive and it will be removed from further consideration.**

MINIMUM QUALIFICATIONS

1. Microgrid experience including transmission grid interconnection work; OR generation and/or battery storage projects of 2MW or larger.
2. Evidence of resilient and sustainable project outcomes.

Section II - Firm's Experience (5 page limit, including reference sheets)

Provide any information regarding the firm's experience, within the past five (5) years, with this type of project/contract.

Using the **enclosed Reference Form in Appendix A**, provide at **least three (3)** references and **no more than five (5)** references detailing the firm's role in the referenced contract/project and detailing how the firm demonstrated proficiency in the following areas:

1. Quality of Design and Cost Estimating
2. Meeting Schedules and Deadlines
3. Controlling Cost and Adhering to the Budget
4. Communication, Cooperation and Follow Through Skills
5. Quality control plans
6. Typical organizational chart utilized for a project
7. Typical mix of internal resources vs. outside resources utilized for a project
8. Experience with work in Cuyahoga County

Section III - Available Staff's Experience (5 page limit)

Provide the name and a current one (1) page resume, including projects within the past five (5) years, for a minimum of two (2) personnel who could be assigned to Cuyahoga Green Energy projects. (Note: we understand that once a project is let, personnel now identified may not be available)

Section IV - Other Evaluation Categories (3 page limit)

The qualification will also be evaluated on the following criteria The consultant should provide information on these categories.

- Diversity, Equity, and Inclusion (DEI) goals, including local S/W/MBE participation.
- Project Labor Agreement provisions, including prevailing wage requirements.
- General sustainability practices.

PLEASE NOTE: As stated previously, Compass will hire EPC's and related contractors based on existing County bidding standards and practices for the initial individual projects. Appendix A includes the County's Bidding Manuel for its Small Business Enterprise (SBE), Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) program. When replying to Section IV, please take these goals and requirements into consideration when developing your responses.

PART SIX: CONTRACT TERMS AND CONDITIONS

In the event a contract is awarded from this RFQ, the successful Provider must agree to the terms and conditions defined herein that will be included in the Contract. The County reserves the right to include additional terms and conditions in the Contract as applicable.

Legal Form. The contract shall be subject to the review of the County Department of Law as to legal form and correctness.

Compliance. Vendor shall comply with all Federal, State, County and municipal laws, ordinances, resolutions, and policies applicable to providing Services under this contract.

Warranty. Provider hereby warrants that the services will not infringe, misappropriate or violate any intellectual property or other right of any person or entity; the services will be performed in a professional and workmanlike manner, consistent with industry standards; the services will be performed in strict accordance with the highest standards of care, skill, diligence and professional competence applicable to suppliers engaged in providing similar services; provider has the requisite skill and staff to perform the services required hereunder fully, in a timely and efficient manner; and provider will perform the services in accordance with all applicable laws.

Indemnification. Provider hereby indemnifies, defends and holds harmless the County and its respective officers, officials, directors, board members, employees, and agents, from and against all claims, damages, losses, liens, causes of action, suits, judgments and expenses (including attorney's fees and other costs of defense), of any nature, kind or description, that result from (a) the negligent acts or omissions of Provider, including all of its officers, owners, principals, subcontractors, employees, and agents, or (b) breach or default by Provider under any terms or provisions of this Contract.

Termination. The County may terminate this Contract or any order under this Contract for its convenience and without cause. Any notice of termination will be effective thirty (30) days after the receives it. If the termination is for the convenience of the County, Vendor will be entitled to compensation for any Services that have been delivered before termination. Any fees paid in advance shall be returned to the County at a prorated amount. No early termination fees shall apply to the County.

Governing Law and Jurisdiction. This Contract shall be governed by, and shall be construed and enforced in accordance with, the laws of the State of Ohio. The parties agree that the state and federal courts sitting in Ohio will have exclusive jurisdiction over any claim arising out of this Contract, and each party consents to the exclusive jurisdiction of such courts. Provider hereby agrees not to challenge this Governing Law and Jurisdiction provision, and further agrees not to attempt to remove any legal action outside of Cuyahoga County for any reason. All contracts in which the County is a party, including this Contract, are subject to the Cuyahoga County Code including, but not limited to, chapters pertaining to the Cuyahoga County Ethics, Cuyahoga County Inspector General and Cuyahoga County Board of Control, Contracting and Purchasing, and the parties agree to comply with the County Code as an integral part of this Contract. The County Code is available on the County Council's web site at council.cuyahogacounty.us/.

Social Security Act. Provider shall be and remain an independent contractor with respect to all Services performed hereunder and agrees to and does hereby accept full and exclusive liability for payment of any and all contributions or taxes for social security, unemployment insurance, or old age retirement benefits, pensions, or annuities now or hereafter imposed under any local, state or federal law which are measured by the wages, salaries, or other remuneration paid to persons employed by Provider for work performed under the terms of this contract and further agrees to obey all lawful rules and regulations and to meet all lawful requirements which are now or hereafter may be issued or promulgated under said respective laws by and duly authorized state or federal officials;

and said Provider also agrees to indemnify and save harmless Cuyahoga County from such contributions or taxes or liability.

Commencement of Contract Performance. In order to protect the interest of Cuyahoga County this Contract must be executed by the County before compensation for the Services set forth in this Contract can be provided. In the event that Services are provided by Provider prior to the execution of this Contract by the County, the same will be provided at Provider's risk, and payment therefore cannot, and will not, be made unless and until this Contract is approved by the County. Upon approval by the County of this Contract, however, any and all prior performance under this Contract shall be deemed ratified and said performance shall be deemed to be included in this Contract. Payment(s) for said prior performance shall not increase the amount of the Contract limit.

Ethics Requirements. Provider agrees to remain in compliance with all County Ethics requirements including, as applicable, Vendor Ethics Registration, Vendor Ethics Training, and Registration of all Lobbyists retained by Provider. Provider shall consult the Cuyahoga County Office of Inspector General to ensure it is in full compliance with all County Ethics requirements. The Inspector General's website may be found at: <https://cuyahogacounty.gov/inspector-general>

Findings and Recovery. Provider represents and warrants that it is not subject to an "unresolved" finding for recovery under Ohio Revised Code Section 9.24. If this representation and warranty is deemed to be false, this Contract is void ab initio, and Provider must immediately repay to County any funds paid under this Contract and must make the County whole for any damages sustained by the County.

Conflicts of Interest. Provider personnel may not acquire any personal interest that conflicts with Provider's responsibilities under this Contract. Additionally, Provider will not knowingly permit any public official or public employee who has any responsibilities related to this Contract to acquire an interest in anything or any entity under Provider's control, if such an interest would conflict with that official's or employee's duties. Provider will disclose to County knowledge of any such person who acquires an incompatible or conflicting personal interest related to this Contract. Provider will take all legal steps to ensure that such a person does not participate in any action affecting the work under this Contract, unless County has determined that, in the light of the personal interest disclosed, that person's participation in any such action would not be contrary to the public interest.

Equal Employment Opportunity. Provider shall comply with all state and federal laws regarding equal employment opportunity and fair labor and employment practices, including ORC Section 125.111 and all related Executive Orders.

Drug-Free Workplace. Provider shall comply with all applicable state and federal laws regarding keeping a drug-free workplace. Provider must make a good faith effort to ensure that all its employees, while working on County property, will not have or be under the influence of illegal drugs or alcohol or abuse prescription drugs in any way.

Anti-Discrimination. Provider agrees that in its employment of labor, skilled or unskilled, there shall be no discrimination exercised against any person because of race, color, religion, national origin, sex, gender, ancestry, age, disability, sexual orientation, sexual identity, genetic information, military status, or veteran status, and a violation of this term shall be deemed a material breach of this Contract. It shall be the policy of Provider to provide equal opportunity to all business persons seeking to contact, or otherwise interested in contracting with, Provider, including various eligible Small Business Enterprises (SBE), Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Cuyahoga County Based Business (CCBB) and Cuyahoga County Business Economic Inclusion Program (CCBEIP) but that such a policy does not create an obligation on the part of Provider to enter into any particular agreements.

Americans with Disability Act (ADA). The Provider shall certify that they are in accordance with the Americans with Disabilities Act of 1990. The Provider assures that their facilities and services provide reasonable access to all persons

with a disability or that reasonable accommodations can be made to provide access. The Provider agrees to make any and all modifications (that do not impose an undue hardship) to assure access.

Assignment. Provider shall not assign, transfer, convey or otherwise dispose of this Contract, or its right to execute it, or its right, title or interest in or to it or any part thereof, or assign, by power of attorney or otherwise, any of the monies due or to become due under this Contract without approval of the County.

Labor and Material. The Contractor shall well, truly and promptly pay or satisfy the just and equitable claims of all persons who have performed labor or furnished materials or equipment for said Contractor in the execution of this Contract, and all bills, costs or claims of whatever kind which might in law or equity become a lien upon said work.

Subcontractors. Per Executive Order EO2016-0002, the County shall endeavor to require prime contractors to pay its subcontractors in a speed and swift fashion and language shall be placed in the relevant contracts between the prime contractor and the County.

Ownership. All documents and products created pursuant to this agreement shall be the sole property of the County.

No Apparent Authority/Proper Approvals. Provider recognizes and agrees that no public official or employee of the County may be deemed to have apparent authority to bind the County to any contractual obligations not properly authorized pursuant to the County Code.

Annual Appropriations. All of the County's obligations under the Contract are contingent upon the County Council's appropriating the funds on an annual basis necessary for the continuation of this Contract in any contract year.

Electronic Signature. Provider agrees on behalf of the submitting business entity, its officers, employees, subcontractors, subgrantees, agents or assigns, that all contract documents requiring county signatures may be executed by electronic means, and that the electronic signatures affixed by the county to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. Provider also agrees on behalf of the aforementioned entity and persons, to be bound by the provisions of chapters 304 and 1306 of the Ohio revised code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

PART SEVEN: CONTRACTING DOCUMENTATION

DOCUMENTS

The successful vendor must furnish a signed contract along with the following documents within fourteen (14) calendar days of receiving the RFQ Intent to Award Letter.

1. W9 Tax Form
2. Completed Independent Contractor Form
3. Certificate of Insurance (if applicable)
4. Workers' Compensation Certificate (if applicable)

INSURANCE

Each Microgrid projects will have individual insurance requirements and will be established and finalized at the time the subject agreements are presented to County Council for approval. The outline of those requirements is set forth in the contract within the Energy Consulting and Management Agreement ("Compass Agreement"). Individual EPC Insurance requirements will depend upon project specifics and will be detailed in subsequent bidding processes.

Mandatory requirements include:

- (a) Worker's Compensation and Employer's Liability Insurance as statutorily required by the State of Ohio.
- (b) Commercial General Liability (Primary and Umbrella) Insurance
- (c) Business Automobile Liability (Primary and Umbrella) Insurance

Additional Insurance Coverage

Each of the following items may be required "in addition to" the mandatory County insurance requirements set forth above:

- a) Professional Liability
- b) Network Security and Privacy (Cyber) Insurance
- c) Builder's Risk
- d) Railroad Protective Liability
- e) Pollution Legal Liability
- f) Utility Servicer Interruption Coverage/Off-Premises Power Coverage
- g) Property

The Insurance Coverage Terms and Conditions for all Insurance Requirements set forth in the Compass Agreement are Incorporated by reference as restated herein.

PART EIGHT: APPENDIX A

- **Statement of Qualifications Evaluation Form**
- **Bidders' Manual – For purposes of understanding the County's SBE/MBE/WBE goals and requirements, in order to assist in answering Section IV.**

Statement of Qualifications Evaluation Form

(Example evaluation sheet to be included with RFQ)

Project Name	Committee Members:
Project Type	
Submission Date	
Selection Meeting Date	
Facilitator	

EVALUATION CRITERIA	Max Points	Firm A	Firm B	Firm C	Firm D	Firm E	Firm F	Firm G	Firm H	Firm I	Firm J	Firm K	Firm L	Firm M	Firm N
Section 1 - Minimum Qualifications															
Microgrid experience including transmission grid interconnection work; OR generation and/or battery storage projects of 2MW or larger.	Yes/No														
Evidence of resilient and sustainable project outcomes	Yes/No														
Section 2 – Firm’s Experience	15														
Section 3 - Available Staff's Experience	10														
Section 4 – Other Evaluation Categories	15														
TOTAL	40	X	X	X	X	X	X	X	X	X	X	X	X	X	X



RQ14034

BIDDERS’ MANUAL

Small Business Enterprise (SBE), Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Program

The goal of the SBE/MBE/WBE Program is to support and encourage inclusion by creating positive partnerships in County contracting and other procurement opportunities. The SBE/MBE/WBE Program will achieve this goal by providing and supporting opportunities for SBEs/MBEs/WBEs to grow and thereby compete effectively in the general environment for contracting opportunities.

**THE DIVERSITY PARTICIPATION GOALS
FOR THIS BID/PROPOSAL:**

MARK “X” for applicable category	CATEGORY	GOALS
X	Professional Services	Energy Management Architectural: 7% SBE / 13% MBE / 0% WBE
X	Goods and Other Services	Transformers, Power Distribution: 7% SBE / 8% MBE / 0% WBE Energy Conservation Services: 9% SBE / 6% MBE / 0% WBE

Cuyahoga County
Is an Equal Opportunity Employer

SBE/MBE/WBE BIDDERS' MANUAL

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REQUIRED FORMS:

- Covenant of Non-Discrimination (DIV-1)
- SBE/MBE/WBE Subcontractor Participation Plan (DIV-2)
- Good Faith Effort Certification (DIV-3, 2 pages)
- Sample of Completed SBE/MBE/WBE forms (4 pages)

INSTRUCTIONS TO BIDDERS

I. SBE/MBE/WBE Certifications

Only those certified by the Cuyahoga County's Department of Equity and Inclusion (DEI) shall be eligible for the fulfillment of the SBEMBE/WBE participation goal. SBE and/or MBE and/or WBE listings may be obtained from the Department of Equity and Inclusion (DEI). If a SBE and/or MBE and/or WBE elects to compete for County business without being certified by Cuyahoga County as such, they may do so, but any bid/proposal submitted will not be counted towards fulfillment of the SBE/MBE/WBE participation goals.

A SBE/MBE/WBE desiring certification with Cuyahoga County must complete the certification application. SBE/MBE/WBE applications may be obtained from the:

Department of Equity and Inclusion
2079 East Ninth St., 2nd Floor
Cleveland, Ohio 44115

(216) 443-7230

II. SBE Set Aside Program

The goal of the Small Business Enterprise Set Aside Program is to support small businesses by creating contracts and other procurement opportunities exclusively for participation by Cuyahoga County Certified small business enterprise. The Small Business Enterprise Set Aside Program will achieve and support opportunities for small firms to grow and thereby compete effectively in the general environment for contracting opportunities. This program may also include MBE/WBE goals for which the county certified SBE prime vendor's participation will not count towards the achievement of the MBE/WBE goals.

III. SBE/MBE/WBE Participation Goal

The SBE/MBE/WBE Participation goals can be achieved in the following manner(s):

1. A prime vendor subcontracts with one or more certified SBE/MBE/WBEs to meet or exceed the goal;
2. A prime vendor subcontracts with one or more certified companies in an amount short of the goal, but submits a complete Good Faith Effort (further described below);
3. A certified SBE/MBE/WBE company who bids as a prime contractor subcontracts a portion of the work to another certified SBE/MBE/WBE. Certified SBE/MBE/WBEs who are bidding as prime contractors will receive for **one (1) category only in which it is county certified** a credit for up to 20% of the SBE participation goal or up to 20% of the MBE participation goal or for up to 20% of the WBE participation goal. However, the certified SBE/MBE/WBE must secure additional certified SBE/MBE/WBE subcontractor participation and/or seek a waiver based on Good Faith Effort (further described below) for any remaining balance of the SBE/MBE/WBE goals.

IV. Mandatory Bidding Requirements for Prime Contractors

In consideration of the right and privilege to submit a bid or proposal on construction projects and other contracts with Cuyahoga County, at the time of submitting a proposal or bid, each participant shall be required to present appropriate documentation. The documents described below must be completed and signed by each Participant before a proposal or bid can be considered responsive:

- 1) Covenant of Non-Discrimination: Each Participant must submit a duly executed and attested Covenant of Non-Discrimination (DIV-1, found in the attached Bidder's Manual). This written instrument shall contain promises, declarations and/or affirmations made by the Participant. The completed document must contain an original signature and date of signature.
- 2) MBE/WBE Subcontractor Participation Plan: Each Participant must submit a duly executed Subcontractor Participation Plan (DIV-2, found in the attached Bidder's Manual) for each SBE/MBE/WBE subcontractor proposed. Copies and/or facsimiles of DIV-2 submitted with bids/proposals are acceptable BUT all required signatures must be dated as indicated. Also, please note the following:
 - a) Certified SBE/MBE/WBEs who are bidding as prime contractors MUST complete and submit the top portion of Form DIV-2 to guarantee their portion of SBE credit or MBE credit or WBE credit and this can be for **one (1) category only in which it is county certified** a credit of up to 20% of the SBE participation goal or up to 20% of the MBE participation goal or up to 20% of the WBE participation goal.
 - b) SBE/MBE/WBEs with multiple geographical locations shall enter the Cuyahoga County address and contact information on Form DIV-2.
 - c) Prime vendors are **PROHIBITED** from using SBE/MBE/WBE(s) with whom the prime vendor has a familial relationship, joint or co-ownership, common partners, officers, or a shareholder relationship to meet the SBE/MBE/WBE Participation Goals. Hence, on Cuyahoga County projects/contracts, any portion of work subcontracted to a SBE/MBE/WBE vendor by a prime vendor that meets the above-mentioned criteria will **NOT** count towards the achievement of the established SBE/MBE/WBE Participation Goals.

Use of 2nd Tier Subcontractors: In the event that a subcontractor portions out work and utilizes the services of a sub-subcontractor or vendor, **the prime contractor** shall be required to report this use to DEI. For reporting purposes, the prime contractor shall report statistical data for the sub-subcontractor or sub-vendor, including race, gender, business size, area of specialization, dollar value, description of services or products purchased, and contact information. No SBE/MBE/WBE subcontractor will be permitted to subcontract more than 25% of their subcontract work (based on dollar value) without prior approval by DEI.

Other Information and Data: DEI may request additional information and data prior to a contract award. This information may include, but is not limited to, information regarding business ownership of all subcontractors to be utilized on the project, all of which shall reflect the race, gender, location, size, and area of specialization and structure of the identified businesses.

A PARTICIPANT'S FAILURE OR REFUSAL TO PROVIDE INFORMATION AND DATA REQUIRED BY THIS PROGRAM AND REQUESTED BY DEI SHALL SUBJECT THE PARTICIPANT TO HAVING A PROPOSAL OR BID DEEMED NON-RESPONSIVE.

V. Good Faith Efforts

Aggressive “Good Faith Efforts” to include SBE/MBE/WBEs in the procurement process are required of all Participants. These Good Faith Efforts should be in addition to the Participant’s regular and customary solicitation process of contact with potential subcontractors and/or vendors.

Written Notice to SBE/MBE/WBEs: To demonstrate good faith efforts, a Participant shall deliver written or electronic notice to potential, SBE/MBE/WBEs. SBE/MBE/WBEs should be contacted not less than one (1) week before the bid or proposal due date. Names, addresses, and telephone numbers for available SBE/MBE/WBEs may be obtained by contacting DEI or reviewing the database on the website at <https://opd.cuyahogacounty.us/en-US/listing.aspx> .

The written or electronic notice sent to potential subcontractors or vendors shall contain the following:

- (1) Sufficient information about the plans, specifications, and relevant terms and conditions of the solicitation. This should include information about the work which will be subcontracted or the goods which will be obtained from subcontractors and suppliers;
- (2) A contact person knowledgeable of the project scope documents, within the Participant’s office, to answer questions about the conditions of the contract;
- (3) Information as to the Participant’s bonding requirements; and
- (4) The deadline for price quotations.

Evaluation of Good Faith Efforts: In evaluating good faith efforts, DEI will determine whether the Participant has made reasonable good faith efforts to obtain SBE/MBE/WBE participation as part of its bid or proposal. DEI may evaluate not only the different kinds of efforts made by a Participant, but also the quantity and intensity of those efforts.

DEI will consider a completed Good Faith Effort Certification (DIV-3, 2 pages, found in the attached Bidder’s Manual), as evidence of a Participant’s good faith in trying to obtain SBE/MBE/WBE participation in a bid or proposal.

Required Documentation: To demonstrate good faith efforts, Participants shall keep detailed records of all correspondences and responses thereto, emails, logs of all telephone calls made and received regarding the project or contract, confirmation receipts for fax transmissions, receipts from registered or certified mail, copies of advertisements in publications and other media, and other relevant papers required by this Program.

Good Faith Effort Certification: Participant must submit a completed Good Faith Certification (DIV-3, found in the Bidder’s Manual) **ONLY if the SBE Participation Goal and/or MBE Participation Goal and/or the WBE Participation Goal is not met**. Additional documentation demonstrating a good faith effort must accompany the checklist (as detailed above in *Required Documentation*). The completed document must contain an original signature, notarizations, and date of signature.

Administrative Reconsideration: If DEI determines that the apparent successful vendor is non-compliant on meeting the SBE/MBE/WBE participation goals and has not demonstrated good faith efforts to obtain SBE/MBE/WBE participation, prior to awarding the contract/purchase, the user department shall notify the apparent successful vendor of the determination of non-compliance by emailing the primary contact detailed in the vendor's bid/proposal. The apparent successful vendor shall have the right to request an administrative reconsideration of the non-compliance determination. The administrative reconsideration can be a "no meeting" reconsideration or "meeting" reconsideration (virtual or in-person). The request for an administrative reconsideration must be submitted within three (3) business days of the notification of non-compliance and in the format of an email to DEI at dei@cuyahogacounty.us. Upon receipt of the request for the administrative reconsideration by the apparent successful vendor, DEI shall forward the request to the Administrative Reconsideration Panel. The panel shall consist of at least three (3) but not more than five (5) County employees appointed by the Cuyahoga County Executive. The request for administrative reconsideration shall detail the pertinent RFB/RFP/RFQ (i.e., title, description...), type of administrative reconsideration requested (i.e., no meeting or meeting), and any written documentation or arguments concerning the issue of non-compliance. DEI shall provide a summary of its Good Faith Effort evaluation and supporting documentation. The Administrative Reconsideration Panel shall publish a schedule that includes deadlines and provides for a frequency of no less than twice per calendar month. The Administrative Reconsideration Panel will evaluate the information provided by the apparent successful vendor and DEI and issue a written decision approving or disapproving of DEI's determination on non-compliance for the matter. A quorum for "no meeting" or "meeting" administrative reconsideration shall be the majority (i.e., greater than 50%) of the appointed panel and an affirmative vote by the majority (i.e., greater than 50%) of the panel present for the administrative reconsideration is required for action. The Administrative Reconsideration Panel shall adopt its own rules of procedure consistent with SBE/MBE/WBE Policies and Procedures.

VI. Award of Contracts

Award of Contract: Proposals/bids may be rejected and projects re-submitted for the sole purpose of attaining goals where no "good faith effort" has been demonstrated. Cuyahoga County reserves the right to determine the action to be taken on the contract if a goal is not met, including rejecting any or all bids or proposals. For RFPs and RFQs, once the scope of work and/or price, terms, and conditions have been finalized but in advance of submission for approval by the pertinent contracting authority, the department shall confirm with DEI that the proposed contract/purchase is compliant with the SBE/MBE/WBE participation goals and/or Good Faith Efforts requirements. If an awarded contract is later amended for additional dollars, SBE/MBE/WBE subcontractor participation should still reflect the percentage of dollars originally contracted for.

When evaluating a bid to determine the lowest and best bid, the County may consider, in addition to all of the other factors set forth in the instructions to bidders, whether a bid is compliant with the applicable SBE/MBE/WBE goals, provided, however, that such compliance shall not be considered if the difference between the SBE/MBE/WBE-compliant bid and the lowest responsive bid is more than the price preference specified below.

Lowest Bid Received Range (\$)	Price Preference (%) & Limit	Price Preference (\$)
0 – 500,000	10%	0 – 50,000
500,000.01 – 1,000,000	10% up to max \$80,000 (10-8)	50,000.01 – 80,000
1,000,000.01 – 3,000,000	8% up to max \$210,000 (8-7)	80,000.01 – 210,000
3,000,000.01 – 5,000,000	7% up to max \$250,000 (7-5)	210,000.01 – 250,000
>5,000,000	\$250,000 maximum (≤ 5)	250,000 maximum

VII. Monitoring and Post-Award Reporting

Department of Equity and Inclusion Authorization to Monitor: DEI shall be authorized to collect from all Participants such data and information as is necessary to monitor this Program. This information may include information as to business ownership, supplier information, subcontractor information, all of which shall reflect the contract information, race, gender, business location, and size of the identified businesses.

DEI shall monitor the participation of SBE/MBE/WBEs in the procurement of goods and services for Cuyahoga County. Such monitoring shall include, but is not necessarily limited to, a statistical analysis of each construction trade, business service, professional service, and commodity to determine whether there is utilization of SBE/MBE/WBEs in a manner that is proportionate to the established goal.

DEI will provide written reports on an annual basis. DEI’s report shall contain a summary of the purchases and contracts placed with SBE/MBE/WBEs for the period and the relative percentage to the total of purchases and contracts for that period.

Participant’s Post-Award Reporting: Participants who are awarded contracts must submit reports on a monthly basis during the course of, at the end of the contract, and as requested by DEI. Participants shall comply with all reporting requirements related to SBE/MBE/WBE utilization including, but not limited to, completing on-line reporting of payments made to SBE/MBE/WBE subcontractors and other subcontractors. These reports shall summarize the number and dollar amounts of payments made during the term of the contract to subcontractors. At the end of the contract, the final report shall summarize the number and dollar amounts of payments made during the term of the contract to all subcontractors and shall reflect the SBE/MBE/WBEs designation of the subcontractor if any. DEI reserves the right to audit a contract for SBE/MBE/WBE participation at its discretion during any phase of the project. An audit would include but not be limited to: on site reviews, desk reviews, requests for cancelled checks, requests for invoices, certified payroll reports, etc. Participants shall contact DEI if concerns arise related to its ability to meet the SBE/MBE/WBE goals and to seek guidance on available options to meet the goals.

MBE/WBE Subcontractor Substitutions or Replacements: The prime contractor shall report any replacements or substitutions of the use of SBE/MBE/WBE subcontractors to DEI immediately. Prior approval by the Director of DEI is required for SBE/MBE/WBE substitutions/replacements. For reporting purposes, the prime contractor shall report to DEI statistical data pertaining to the new subcontractor, including race, gender, business size, area of specialization, and contact information on the SBE/MBE/WBE Subcontractor Participation Plan form (DIV-2).

DEI will require a Participant to make good faith efforts to replace a SBE/MBE/WBE that is terminated or has otherwise failed to complete its work on a contract with another SBE/MBE/WBE to the extent needed to meet

the contract SBE/MBE/WBE Participation Goal. The Participant must notify DEI immediately, and in writing, of the SBE/MBE/WBE's inability or unwillingness to perform and provide reasonable documentation. The request should include at a minimum: the name of the SBE/MBE/WBE firm, the contact, the phone number, the scope of work initially assigned to the SBE/MBE/WBE firm, dollars paid to date, percent of scope completed, and the reason for the substitution request including documentation of the SBE/MBE/WBE's withdrawal.

The Participant will be given five (5) business days to find a SBE/MBE/WBE substitution if the request is granted. In this situation, the Participant will be required to obtain prior approval of the substitute SBE/MBE/WBE and to provide copies of SBE/MBE/WBE Subcontractor Participation Plan (DIV-2) or documentation of good faith efforts.

If the Participant fails or refuses to comply in the time specified, DEI may issue a recommendation to stop all or part of payment and/or work until satisfactory action has been taken. If the Participant still fails to comply, DEI may issue a recommendation of termination of the contract.

Contractors' Closeout Activity Reports: To further monitor SBE/MBE/WBE participation, closeout activity reports will be required from project prime contractors and prime consultants identifying activities of **all** subcontractors and sub-consultants (i.e., non-SBE/MBE/WBEs and SBE/MBE/WBEs). For all subcontractors and sub-consultants used, the prime contractor shall provide the following information: contact information, ethnicity/race/gender of ownership, summary of scope of work provided, and total payments for said scope of work. This report shall include all modifications/amendments/change orders. The prime contractors/consultants shall provide justification and documentation for SBE/MBE/WBE participation shortfalls.

REQUIRED DOCUMENTS

The following forms regarding the SBE/MBE/WBE Program must be completed and submitted with bids/proposals:

- COVENANT OF NON-DISCRIMINATION (DIV-1)
- SBE/MBE/WBE SUBCONTRACTOR PARTICIPATION PLAN (DIV-2)
- GOOD FAITH EFFORT CERTIFICATION (DIV-3, 2 PAGES)

COVENANT OF NON-DISCRIMINATION

(MUST be completed and submitted with ALL bids or proposals)

Know All Men By These Presents, that I/we, (_____),
Name(s)
(_____), (_____),
Title(s) Name of Company

(hereinafter "Company"), in consideration of the privilege to submit Bids/Proposals on contracts funded, in whole or in part, by Cuyahoga County, hereby consents, covenants, and agrees as follows:

(1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, creed, color, national origin, handicap, sex, age, marital status, or sexual orientation in connection with any Bid/Proposal submitted to Cuyahoga County or the performance of any contract resulting from;

(2) That it is and shall be the policy of this Company to provide equal opportunity to all business persons seeking to contact or otherwise interested in contracting with this Company, including various eligible Small Business Enterprises, Minority Business Enterprises and Women Business Enterprises (hereinafter "SBE/MBE/WBEs");

(3) In connection herewith, I/We acknowledge and warrant that this Company has been made aware of, understands, and agrees to make a Good Faith Effort to solicit SBE/MBE/WBEs to do business with this Company;

(4) That the Covenant of Non-Discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption;

(5) That the Covenant of Non-Discrimination as made and set forth herein shall be and are hereby deemed to be made a part of, and incorporated by reference into, any contract or portion thereof which this Company may hereafter obtain; and

(6) That the failure of this Company to satisfactorily discharge any of the Covenant of Non-Discrimination as made and set forth herein shall constitute a material breach of contract entitling Cuyahoga County to declare the contract in default and to exercise any and all applicable rights and remedies, including but not limited to, cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

(Original Signature of Company Representative Identified Above)

(Date)

SBE/MBE/WBE SUBCONTRACTOR PARTICIPATION PLAN
(MUST be submitted for EACH SBE/MBE/WBE Subcontractor Proposed)

(A) TOTAL AMOUNT OF OVERALL CONTRACT BID/PROPOSAL \$ _____

BUSINESS NAME OF PRIME BIDDER _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

TELEPHONE (____) _____ E-MAIL _____

PRIME FIRM OWNED BY: NON-MBE/WBE/SBE SBE SMALL BUSINESS ENTERPRISE
MBE MINORITY BUSINESS ENTERPRISE WBE WOMEN BUSINESS ENTERPRISE

(B) AMOUNT TO BE SUBCONTRACTED TO SBE/MBE/WBE PERCENT OF TOTAL OVERALL CONTRACT
(PLEASE CIRCLE ONE): \$ _____ BID [(B)/(A)]: _____ %

SCOPE OF WORK PROVIDED BY SBE/MBE/WBE: _____

PRIME BIDDER'S NAME _____ TITLE _____
(TYPE OR PRINT)

PRIME BIDDER'S SIGNATURE _____
(DATE OF SIGNATURE)

SBE/MBE/WBE SUBCONTRACTOR TO BE UTILIZED
(MUST BE CERTIFIED BY THE CUYAHOGA COUNTY DEPARTMENT OF EQUITY AND INCLUSION)

NAME OF SUBCONTRACTOR _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____
TELEPHONE AREA _____
CODE () _____ SMALL BUSINESS SBE MINORITY BUSINESS MBE WOMEN BUSINESS WBE

*******NOTE: MUST BE A COUNTY CERTIFIED SBE/MBE/WBE *******

THE UNDERSIGNED HEREWITH AGREES TO SUBCONTRACT WITH THE ABOVE NAMED BIDDER FOR THE ABOVE SAID SERVICE(S) OR SUPPLY(IES) TO BE FURNISHED TO THE COUNTY.

SUBCONTRACTOR'S NAME _____ TITLE _____
(TYPE OR PRINT)

SUBCONTRACTOR'S SIGNATURE _____
(DATE OF SIGNATURE)

GOOD FAITH EFFORT CERTIFICATION

(Must be submitted with bids/proposals NOT meeting the SBE/MBE/WBE goals or requesting full or partial waiver)

Pursuant to the requirements for bidders under the SBE/MBE/WBE Program, and in consideration of the privilege to submit bids/proposals funded, in whole or in part, by Cuyahoga County,

I/We, (_____), (_____) of (_____)
Name(s) of Person(s) Signing Below Title(s) Company Name

attest that I/We have exercised the following good faith efforts in addition to my/our regular and customary solicitation process: (Check ALL that apply and complete as indicated)

- I/We are requesting a FULL/PARTIAL WAIVER of the SBE MBE WBE Participation Goal for the following reason(s): _____

- I/We are a non-profit agency and are requesting a FULL WAIVER of the SBE/MBE/WBE Goal. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have contacted DEI or website to obtain a list of SBE/MBE/WBEs appropriate for the bid/proposal.
- I/We delivered written notice to available certified SBE/MBE/WBEs for each potential subcontracting or supply category in the contract AND all potential subcontractors or vendors which requested information on the contract. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have provided all potential subcontractors or vendors with adequate information as to plans, specifications, relevant terms and conditions of the contract, bonding requirements, and the last date and time for receipt of price quotations. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have attended the pre-bid/proposal conference.
- I/We have **provided a written explanation for rejection of any potential SBE/MBE/WBE subcontractor or vendor to DEI.** When the SBE/MBE/WBE subcontractor rejection is due to unreasonably high pricing, I/We have provided supporting documentation.
- I/We have actively solicited, through sending letters, emails or initiating personal contact, SBE/MBE/WBEs in all feasible and appropriate categories providing subcontracting opportunities for the contract under consideration. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have utilized the services of available community organizations and associations, contractors' groups, and trade associations known to publicize contracting and procurement opportunities, for the purpose of obtaining assistance in the contacting and recruitment of SBE/MBE/WBEs for the Cuyahoga County contract under consideration. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have conducted discussions with interested SBE/MBE/WBEs in good faith and provided the same willingness to assist SBE/MBE/WBEs as has been extended to any other similarly situated subcontractor.
- I/We have taken steps to ensure that all labor supervisors, superintendents, and other on-site supervisory personnel are aware of and carry out the obligation to maintain a non-discriminatory work environment, free of harassment, intimidation and coercion at all construction sites, offices and other facilities to which employees are assigned to work.

**** SAMPLE FORMS ****

COVENANT OF NON-DISCRIMINATION

(MUST be completed and submitted with ALL bids or proposals)

Know All Men By These Presents, that I/we, (John Doe),
Name(s)
(President, Owner), (ABC Company, Inc.),
Title(s) Name of Company

(hereinafter "Company"), in consideration of the privilege to submit Bids/Proposals on contracts funded, in whole or in part, by Cuyahoga County, hereby consents, covenants, and agrees as follows:

(1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, creed, color, national origin, handicap, sex, age, marital status, or sexual orientation in connection with any Bid/Proposal submitted to Cuyahoga County or the performance of any contract resulting from;

(2) That it is and shall be the policy of this Company to provide equal opportunity to all business persons seeking to contact or otherwise interested in contracting with this Company, including various eligible Small Business Enterprise, Minority Business Enterprise & Women Business Enterprise (hereinafter "SBE/MBE/WBEs");

(3) In connection herewith, I/We acknowledge and warrant that this Company has been made aware of, understands, and agrees to make a Good Faith Effort to solicit SBE/MBE/WBEs to do business with this Company;

(4) That the Covenant of Non-Discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption;

(5) That the Covenant of Non-Discrimination as made and set forth herein shall be and are hereby deemed to be made a part of, and incorporated by reference into, any contract or portion thereof which this Company may hereafter obtain; and

(6) That the failure of this Company to satisfactorily discharge any of the Covenant of Non-Discrimination as made and set forth herein shall constitute a material breach of contract entitling Cuyahoga County to declare the contract in default and to exercise any and all applicable rights and remedies, including but not limited to, cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

John Doe
(Original Signature of Company Representative Identified Above)

February 1, 2021
(Date)

DIV-2

RQ# _____

**SBE/MBE/WBE SUBCONTRACTOR PARTICIPATION PLAN
(MUST be submitted for EACH SBE/MBE/WBE Subcontractor Proposed)**

(A) TOTAL AMOUNT OF OVERALL CONTRACT BID/PROPOSAL \$ 500,000.00

BUSINESS NAME OF PRIME BIDDER ABC COMPANY, INC

ADDRESS 111 MAIN STREET

CITY ANYWHERE STATE OHIO ZIP CODE 44000

TELEPHONE (216) 555-5555 E-MAIL ABCCOMPANY@YAHOO.COM

PRIME FIRM OWNED BY: NON-MBE/WBE/SBE SBE SMALL BUSINESS ENTERPRISE
MBE MINORITY BUSINESS ENTERPRISE WBE WOMEN BUSINESS ENTERPRISE

(B) AMOUNT TO BE SUBCONTRACTED TO SBE/MBE/WBE (PLEASE CIRCLE ONE): \$ 50,000.00 PERCENT OF TOTAL OVERALL CONTRACT BID [(B)/(A)]: 10 %

SCOPE OF WORK PROVIDED BY SBE/MBE/WBE: ELECTRICAL CONTRACTING SERVICES

PRIME BIDDER'S NAME JOHN DOE TITLE PRESIDENT/OWNER
(TYPE OR PRINT)

PRIME BIDDER'S SIGNATURE JOHN DOE FEBRUARY 1, 2021
(DATE OF SIGNATURE)

**SBE/MBE/WBE SUBCONTRACTOR TO BE UTILIZED
(MUST BE CERTIFIED BY THE CUYAHOGA COUNTY DEPARTMENT OF EQUITY AND INCLUSION)**

NAME OF SUBCONTRACTOR ELECTRIFYING ELECTRIC COMPANY

ADDRESS 456 MAIN STREET

CITY ANYWHERE STATE OHIO ZIP CODE 44000

TELEPHONE AREA CODE (216) 555-5551 X SMALL BUSINESS SBE MINORITY BUSINESS MBE WOMEN BUSINESS WBE

*******NOTE MUST BE A COUNTY CERTIFIED SBE/MBE/WBE*******

THE UNDERSIGNED HEREWITH AGREES TO SUBCONTRACT WITH THE ABOVE NAMED BIDDER FOR THE ABOVE SAID SERVICE(S) OR SUPPLY(IES) TO BE FURNISHED TO THE COUNTY.

SUBCONTRACTOR'S NAME TOM EDISON TITLE PRESIDENT/OWNER
(TYPE OR PRINT)

SUBCONTRACTOR'S SIGNATURE TOM EDISON FEBRUARY 1, 2021
(DATE OF SIGNATURE)

GOOD FAITH EFFORT CERTIFICATION

(Must be submitted with bids NOT meeting Diversity goal or requesting full or partial waiver)

Pursuant to the requirements for bidders under the SBE/MBE/WBE Program, and in consideration of the privilege to submit bids/proposals funded, in whole or in part, by Cuyahoga County,

I/We, (John Doe), (President, Owner) of (ABC Company, Inc.)
Name(s) of Person(s) Signing Below Title(s) Company Name

attest that I/We have exercised the following good faith efforts in addition to my/our regular and customary solicitation process: (Check ALL that apply and complete as indicated)

- I/We are requesting a FULL/PARTIAL WAIVER of the SBE/MBE/WBE Participation Goal for the following reason(s): We are requesting a partial waiver of the SBE Goal as we were only able to meet 10% of the 15% goal. But we are able to meet the MBE and WBE goal We were unable to find an SBE to meet the additional 5% required.
- I/We are a non-profit agency and are requesting a FULL WAIVER of the SBE/MBE/WBE Participation Goal. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have contacted DEI or website to obtain a list of the Diversity listing appropriate for the bid/proposal.
- I/We delivered written notice to available certified SBE/MBE/WBEs for each potential subcontracting or supply category in the contract AND all potential subcontractors or vendors which requested information on the contract. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have provided all potential subcontractors or vendors with adequate information as to plans, specifications, relevant terms and conditions of the contract, bonding requirements, and the last date and time for receipt of price quotations. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have attended the pre-bid/proposal conference.
- I/We have **provided a written explanation for rejection of any potential** SBE/MBE/WBE subcontractor or vendor to DEI. When the SBE/MBE/WBE subcontractor rejection is due to unreasonably high pricing, I/We have provided supporting documentation.
- I/We have actively solicited, through sending letters, emails or initiating personal contact, SBE/MBE/WBEs in all feasible and appropriate categories providing subcontracting opportunities for the contract under consideration. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have utilized the services of available community organizations and associations, contractors' groups, and trade associations known to publicize contracting and procurement opportunities, for the purpose of obtaining assistance in the contacting and recruitment of SBE/MBE/WBEs for the Cuyahoga County contract under consideration. **(MUST SUBMIT/ATTACH PROOF)**
- I/We have conducted discussions with interested SBE/MBE/WBEs in good faith and provided the same willingness to assist SBE/MBE/WBEs as has been extended to any other similarly situated subcontractor.
- I/We have taken steps to ensure that all labor supervisors, superintendents, and other on-site supervisory personnel are aware of and carry out the obligation to maintain a non-discriminatory work environment, free of harassment, intimidation and coercion at all construction sites, offices and other facilities to which employees are assigned to work.

If applicable, identify all SBE/MBE/WBEs contacted to participate that declined or were not chosen:

1. Perfect Plumbing Company 222 Main Street, Anywhere, OH 44000 216-555-5553
Name of Subcontractor/Vendor Address Phone

Paul Perfect January 15, 2021 \$25,000 (5%) January 18, 2021
Name of Contact Date of Offer to Participate Bid Amount Date Offer Declined

Reasons Given for Declining Has other commitments at this time and is unable to work with us.

2. Dan's DuctWork Company 333 Main Street, Anywhere, OH 44000 216-555-5554
Name of Subcontractor/Vendor Address Phone

Dan Handy January 18, 2021 \$25,000 (5%) January 19, 2021
Name of Contact Date of Offer to Participate Bid Amount Date Offer Declined

Reasons Given for Declining They are no longer providing the required sub-contracting service as part of its business.

3. Dave's Landscapes Inc 444 Main Street, Anywhere, OH 44000 216-555-5556
Name of Subcontractor/Vendor Address Phone

Dave Curbappel January 16, 2021 \$25,000 (5%) January 17, 2021
Name of Contact Date of Offer to Participate Bid Amount Date Offer Declined

Reasons Given for Declining Has other commitments at this time and is unable to work with us.

(Make additional copies to extend list of SBE/MBE/WBE contacts if needed)

I/We affix my/our signature to this document to attest that I/We have exercised the above-indicated Good Faith Efforts to promote Diversity participation on the Bid/Proposal and Contract under consideration and to comply fully with the provisions of the Cuyahoga County SBE/MBE/WBE Program.

John Doe
Printed/Typed Name of Company Official

February 1, 2021
Date

John Doe
Signature (Must be Original)

President, Owner
Title of Company Official

ABC Company, Inc.
Full Company Name

111 Main Street
Mailing Address

216-555-5555
Area Code/ Phone Number

Anywhere, OH 44000
City, State, Zip

Nancy Notarious
Notary Public

December 31, 2023
My Commission Expires

PLEASE NOTE: Failure to properly complete and submit **DIV-1, DIV-2, and DIV-3** (if applicable) will result in bids/proposals being ruled non-responsive.