



**MBE/WBE Pre-Proposal Presentation**

Project Number: 201846033

Date of Pre-Proposal: 6/5/19

Project Name: On-Call MEP Design Services

- My name is [Jilliane Saiya](mailto:Jilliane.saiya@flydenver.com), I am the Analyst assigned to this project and can be reached at 303-342-2464 or [Jilliane.saiya@flydenver.com](mailto:Jilliane.saiya@flydenver.com)
- The MBE and/or WBE goal on this project is **30%**. Only firms currently MBE or WBE certified with the City and County of Denver will count towards meeting the goal. The website to find MBE and WBE certified companies is listed in the M/WBE section of the RFP.
- Good Faith Effort requirements and other information are listed in the M/WBE section of the RFP. Please read the M/WBE information carefully, because each bidder must comply with Ordinance #85 requirements and accompanying rules and regulations during the bidding process and during the performance of work on the contract.

**Please be aware of the following:**

- The M/WBE Prime Contractor can count the level of work that they themselves perform on the project, towards meeting the M/WBE goal.
- M/WBE participation at any tier-level should be indicated with a Letter of Intent.
- Only those M/WBE's listed on the list of proposed form will count in determining if the M/WBE goal has been met.
- M/WBE Letters of Intent must be submitted for each firm listed, including a M/WBE member of a JV.
- The M/WBE Prime Contractor needs to submit a Letter of Intent and must list themselves and their level of participation on the designated M/WBE participation page in the proposal document.
- M/WBE members of a Joint Venture can only count the dollar value of the distinct elements of work they perform on the project. If you are considering a joint venture, please call me for information.
- When completing the LOI, do not list percent ranges or TBD in the percentage of work field.
- Make sure subconsultants are certified in the areas you intend to utilize them for.
- Failure to meet the M/WBE goal requires that the proposer submit a Good Faith Effort.
- If a good faith effort is performed, be aware that proposers must solicit all areas of work or supply that are not self-performed. The solicitation percentage for all areas of work in the performance of a Good Faith Effort is 100%.
- **Letters of Intent and/or Good Faith Effort must be submitted with the proposal.**
- Are there any questions? If you have questions, please contact me at [Jilliane.saiya@flydenver.com](mailto:Jilliane.saiya@flydenver.com)

## **DSBO Compliance – Frequently Asked Questions (FAQ)**

### **What is the DSBO compliance program about?**

The City and County of Denver, Division of Small Business Opportunity (DSBO) compliance program was formed to provide ongoing compliance monitoring for contractors/consultants who are working on Denver construction, professional service, or DIA concession projects. The main priority for compliance is to ensure that the established project goals for the project are met. There are five different certification categories which are monitored for payments and utilization: Disadvantaged Business Enterprise (DBE – Federally funded projects), Minority Women Business Enterprise (MWBE), Small Business Enterprise (SBE) and Small Business Enterprise Concessions (SBEC). For Airport Concessions Disadvantaged Business Enterprise (ACDBE), see ACDBE FAQ.

In an effort to promote the economic growth of business enterprises, the program was created to enable the City to undertake specific activities to encourage utilization of minority, women, disadvantage and small business enterprises in the areas of construction, reconstruction, remodeling, design, professional construction management and concessions.

The program is guided and enforced through the Denver Revised Municipal Code, Section 28, Article 7.

#### **1. I am a prime contractor/consultant who is preparing a bid for a project which contains goals, what do I need to do regarding goals participation?**

When preparing your bid, solicit ALL certified firms in the scopes of work for which you will be subcontracting (project goal type & percentage should be listed in your bid documents). This will help you achieve the project goals. Make sure you review the goal requirements section in your bid documents so that you are aware what is required as a prime contractor/consultant on the project. Your solicited firms should be listed on your List of Proposed Subcontractors/Subconsultants form located in your bid documents which you submit back to the City.

**\*\*\*Note** – it is very important that the certification type required on a project matches the certification type of the bidders which you solicit for participation. For example, if a project has an M/WBE goal, only subcontractors/subconsultants with an M/WBE certification will count towards meeting the goal on

a project. Certified firms can be found on either the DSBO Directory (M/W/SBE) or the UCP Directory (DBE). See question 13. \*\*\*

## **2. Where may I search for DBE / MWBE / SBE firms?**

You may search for eligible firms at: [www.denvergov.org/dsbo](http://www.denvergov.org/dsbo). Once there, click “Find a Certified Firm”, then enter the criteria you are searching for. You may also search for DBE firms at [www.coloradodbe.org](http://www.coloradodbe.org).

- To apply for The City and County of Denver Certification, please submit an online application at: <https://denver.mwdbe.com/vendorstart.asp> (First time users must first create an account).
- For more information regarding Certification and requirements to become a certified firm, please visit the Certification FAQ accessed here (certification FAQ Link).

## **3. I am the low bidder/selected consultant on a project, what comes next?**

Completed Letters of Intent (LOI) are due to the DSBO office within a specific time period (see question #5). An LOI is an agreement between the prime contractor/consultant and the certified subcontractor/subconsultant which states that the prime will utilize the subcontractor/subconsultant for a certain dollar amount or percentage of the scope of work indicated on the LOI. The subcontractor/subconsultant solicited must be certified for the scope of work they are being sub-contracted for. The LOI is a binding document and **must** be signed by both the prime contractor/consultant and the subcontractor/subconsultant. Make sure to utilize the LOI checklist to ensure you don't leave any required spaces blank, thereby rendering your bid or proposal unresponsive. Remember, LOI's should match the subcontractors/subconsultants listed on your List of Proposed bidders/consultants form submitted with your bid documents.

## **4. I am having a difficult time finding certified subcontractors/subconsultants to meet the goal for my bid/proposal, what do I do?**

Per Denver Ordinance 85, Ordinance 86, and/or Federal regulations, in order to be considered, you are required to submit a Good Faith Effort (GFE). A GFE must be approved by DSBO to determine responsiveness. The Denver Revised Municipal Code (D.R.M.C.) Chapter 28, Article III, Division III Section 28-62 / 28-67 and Article V section 28-128 gives you guidance on the requirements to a responsive GFE. You must provide documentation that all 10 steps have been completed in the GFE.

## **5. I have completed my LOI's and they are signed by my company and the certified subcontractor/subconsultant. What now?**

**Professional Service projects:** LOI's must be submitted with your proposals to the City.

**Construction projects:** For M/WBE and SBE projects, LOI's are due within **three (3)** business days after the bid opening date. DBE projects require LOI submittal to the DSBO office within **five (5)** business days after the bid opening.

For DIA projects, you must submit your LOI's to the DIA DSBO one of two ways:

- I. **Scan & Email** to (small.business@flydenver.com)
- II. **Fax** your LOI's to 303/342-2190

For all other projects, you must submit your LOI's to the downtown DSBO one of two ways:

- I. **Scan & Email** to [dsbo@denvergov.org](mailto:dsbo@denvergov.org)
- II. **Fax** your LOI's to 720/913-1803

**6. I have received a Notice to Proceed on a project which my company has been awarded. What do I need to do to ensure I am in compliance throughout the duration of the contract with the City of Denver?**

It is the prime contractor/consultant responsibility to provide the following information to the DSBO office, from the beginning of the project through its completion:

- a. **Prime Background Information form:** All certified and non-certified subcontractors/subconsultants that will be utilized on the project should be listed on this form. This form should be completely filled out as per directions on the form. All fields on this form must be completed (corresponding dollar value, start date, etc.).
- b. **Subcontractor/Subconsultant Background Information form: This form is utilized for 2nd, 3<sup>rd</sup>, 4<sup>th</sup>, (etc.) tier subs and should contain the same information as the Prime Background Information form.**
- c. **Change Orders** (monetary, date changes, and/or scope changes to project). Sub-contractor work allotted per new change order work should be communicated to the DSBO officer. Utilize the DSBO Change Order Form located on our website to communicate changes to DSBO (see website links at the end of this document).
- d. **Contract Amendments or Modifications:** Sub-contractor work allotted or affected per any contract amendment or modification should be communicated to the DSBO officer. You may utilize the DSBO Change Order Form for this information.
- e. **New Work Orders/Task Orders** (for On-Call projects). A Prime Background Information form should be submitted with ALL new work/task orders showing subcontractors/subconsultants utilized and their corresponding dollar amount. Please refer to a. & b. for detailed information.
- f. **Payment information** (amount paid to subcontractors/subconsultants each month). This information will be submitted via online compliance tracking software, B2GNow. See question #6.

**7. How do I provide amounts paid to my subcontractors/subconsultants to the DSBO for compliance monitoring purposes?**

When projects are awarded, the DSBO compliance officer will set up your project and subcontractors/subconsultants in the compliance software system, B2GNow. When a payment application for a project is paid by the City to the prime contractor/consultant, the financial information is transferred from the City's financial system to B2GNow. This is an automatic process which occurs once a month around the second week of each month.

Prime contractors/consultants will be notified via email that an audit has been started in B2GNow. This is the prime's trigger to login to B2GNow and allocate any payments made to subs. This compliance reporting is a requirement for prime and subcontractors/subconsultants working on City of Denver projects.

As per DRMC 28-76, 28-77, 28-149, and 28-150, required compliance information not supplied throughout the course of a contract may result in sanctions, suspension or termination of contract, and/or imposition of a monetary penalty. It is extremely important to keep up with your project reporting and to inform your compliance office of any contractual changes (see question #4) throughout the course of the contract.

#### **8. How do I login to B2GNow?**

The login page for B2GNow is: <https://denver.mwdbe.com/> Use your username and password to login. If you don't have a username and password, contact your compliance officer to get set up. If you've forgotten your password, use the customer support link at the bottom of each page to request your username and/or password.

#### **9. Is B2GNow the same as Textura or LCP Tracker?**

No, LCP Tracker is used for Prevailing Wage compliance, and Textura is Denver's new electronic pay application system. They are independent online software systems. B2GNow is for DSBO compliance monitoring only.

#### **10. I've allocated payments to my subcontractors/subconsultants in B2GNow, what's next?**

Your subcontractors/subconsultants will receive an email notifying them that you, the prime contractor, have entered an amount for which they have received payment. They will then login to B2GNow and either confirm that they have received the payment indicated, or they will enter a dispute that they did not receive payment or were paid a different amount than indicated. In the case of a dispute, the issue may be resolved via the prime and sub working together. If resolution has not occurred by the 3<sup>rd</sup> attempt, the compliance officer will be notified and will research the situation.

#### **11. I've allocated payments to my subcontractors/subconsultants, but they haven't confirmed/disputed their payments in B2GNow. What do I do?**



Subcontractors/consultants must confirm payments in B2GNow. As a prime contractor/consultant, you are ultimately responsible for your subcontractors/consultants abiding by this requirement of compliance. If you have exhausted your efforts to get your subcontractors/consultants to comply with these reporting requirements, contact your compliance officer and the situation will be escalated until resolution is reached. The contract will not be closed until all discrepancies are resolved.

**12. Why must I (prime) provide information (including payments) for non-certified subcontractors/consultants for my project?**

Elected officials have asked for accountability and contractor/consultant utilization reports for all City & County of Denver projects. This information is also utilized by the City to determine disparity among contractors performing work for the City.

**13. What do I have to do if I need to replace a certified subcontractor/subconsultant on my project?**

Contact your DSBO compliance officer immediately. DSBO must be notified of any and all issues related to removing/replacing any certified firm on a project. In the event of a certified firm replacement on a project, a Modified Good Faith Effort (MGFE) must be submitted to the DSBO (see question #14).

**14. I'm nearing completion on my project and it looks as though we will not meet our required goals on the project, what do I do?**

Continuously monitor your contract for participation, do not wait until the end of the project! You should communicate with your DSBO compliance officer throughout the course of the project and address any concerns/issues as they arise.

In the event that the project is near final completion and you will not meet the required goal, you must submit a MGFE. In addition to an official statement from your company to the DSBO which describes the reasons the goal was not met on the particular project, you must also show documented proof of your good faith attempts. The DSBO will review your submitted MGFE and take appropriate action based on the reasons the goals were not met.

If you find yourself in this type of situation, contact your compliance officer on what steps should then be taken next.

**15. My project has completed and my intended goals were not met. What happens now?**

The DSBO will review your MGFE on a case-by-case basis. Appropriate action will be based on the reasons the goals were not met on the particular project.

**16. Useful links and contact information for Denver & DSBO.**

- Questions regarding DSBO compliance may be addressed to the following
  - DIA project questions: [small.business@flydenver.com](mailto:small.business@flydenver.com)
  - All other project questions: [dsbo@denvergov.org](mailto:dsbo@denvergov.org).
- Questions regarding certifications may be addressed to:
  - [certificationinfo@denvergov.org](mailto:certificationinfo@denvergov.org).
- DSBO main website: [www.denvergov.org/dsbo](http://www.denvergov.org/dsbo).
- B2GNow Login: <https://denver.mwdbe.com>.
- Public Works – Current bidding opportunities, bid results, contractor resources:
  - [www.work4denver.com](http://www.work4denver.com)
- DIA – Current bidding opportunities, bid results, contractor resources, and future opportunities:
  - <http://business.flydenver.com>
- Public Works future opportunities may be found at:
  - <http://www.denvergov.org/constructioncontracts/Home/UpcomingProjects/tabid/443156/Default.aspx>