

MWBE POLICY

Approved By Executive Director 9/14/07

PURPOSE

The purpose of this MWBE Utilization Policy is to establish guidelines for the participation of minority and women business enterprises (MWBE) as bidders, vendors, contractors or service providers, or as sub-contractors to any person, corporation, business or other entity entering or seeking to do business with the Metropolitan St. Louis Sewer District (MSD, the District).

POLICY STATEMENT

It is the policy of the District to provide opportunities for the meaningful participation of minority and women business enterprises (MWBE) in the procurement of services and products in the following five categories:

- Purchase of Goods and Services
- Professional Services Projects
- Non-Building Construction Projects
- Federally Funded Development Projects
- Building Construction Projects

The District is committed, through this policy, to establishing meaningful contractual partnerships with MWBEs in the local community. The District's policy requires that all employees having purchasing or contracting responsibilities shall adhere to the practices and shall enforce the procedures set forth for the five categories of procurement. These procedures have been designed to ensure business participation, and to contribute to the development and economic growth of minority and women businesses, a vital part of our customer base and regional community. The contents of this policy and the related procedures also apply to the utilization of Disadvantaged Business Enterprises (DBE), as appropriate.

The term Minority and Women Business Enterprises (MWBE) refers to:

1. A Minority Business Enterprise (MBE), defined as a business that is at least 51% owned, operated and controlled by minority group members, who are citizens of the United States. "Controlled" means that the minority owner(s) must exercise actual day-to-day management of the business. Minority groups covered by this procedure include African-Americans, Hispanic-Americans, Asian-Americans and Native American Indians.
2. Women Business Enterprise (WBE), defined as a business that is at least 51% owned, operated and controlled by a non-minority woman or women, who are citizens of the United States. "Controlled" means that the woman owner(s) must exercise actual day-to-day management of the business.

The District will accept, as prospective MWBE participants for these projects, only those MWBE firms which have been certified by one or more of the following agencies on or before the date of the bid opening:

- Missouri Department of Transportation (MoDOT);
- Missouri State Office of Administration;
- Illinois Department of Transportation (IDOT);
- City of St. Louis (St. Louis Development Corp.; Airport Authority);
- Metro (formerly Bi-State Development Agency);
- St. Louis Minority Business Council (SLMBC);
- Women's Business Enterprise National Council (WBENC) and its affiliates.

NOTE: In the case of a manufacturer, the District will also accept MWBE Certification by any state division of purchasing or the National Minority Supplier Development Council and its affiliates.

District management is accountable for ensuring adherence to these procedures, and verifying that goals are met based upon the guidelines set for the applicable type of procurement, and/or that good faith efforts are made to obtain such goals. Additionally, management has responsibility for clearly communicating stated MWBE participation goals and the importance of compliance to MSD associates and contracting business associates.

A copy of this policy statement and the corresponding contracting procedures will be included in each procurement solicitation, as applicable.

PROCEDURES

The following common procedures shall apply to all contracts for projects or services described herein:

A. MWBE Requirements for Each Project:

1. The Metropolitan St. Louis Sewer District (District) has established a Minority and Women Business Enterprise (MWBE) total combined goal of **10%** utilization for **all contracts for the purchase of goods and services** in the amount of **\$25,000** or more. This procedure excludes construction projects solicited through the Purchasing Division. Exceptions to this utilization goal will be noted in the contract documents, and approved by the District's Manager of Diversity Programs.
2. The Metropolitan St. Louis Sewer District (District) has established an MWBE total combined goal of **20%** utilization for all **professional services contracts** in the amount of **\$50,000** or more. Exceptions will be noted in the contract documents when required.
3. The Metropolitan St. Louis Sewer District (District) has established an MWBE total combined goal of **10%** utilization for all **non-building construction contracts** in the amount of **\$50,000** or more. Exceptions will be noted in the contract documents, when required.

4. The Metropolitan St. Louis Sewer District (District) has established an MWBE total combined goal of **15%** utilization for **Federally-funded development projects**, or the goal established by the presiding governmental agency (whichever is greater) for contracts in the amount of **\$50,000** or more. Exceptions will be noted in the contract documents when required.

5. The Metropolitan St. Louis Sewer District (District) has established an MWBE total combined goal of **25%** utilization for all **building construction contracts** in the amount of **\$50,000** or more. Exceptions will be noted in the contract documents when required.

B. Goals:

The District's MWBE Utilization Procedure Statements establish a total, combined MWBE goal, as defined in the Procedure Statement document for each type of project, consistent with the percentages listed above. If a contractor/vendor meets the total, combined participation for MWBEs, as defined in the applicable Procedure Statement document, such vendor will be in compliance with the requirements of this specification. A contractor/vendor who cannot achieve the participation goals for MWBE participation must provide documentation, as prescribed in the applicable Procedure Statement document, to demonstrate that the required positive efforts were initiated prior to submittal of the bid. If the vendor cannot demonstrate such positive efforts, as defined in the applicable procedural document, the bid will be rejected as non-responsive.

C. Additional Requirements:

Additional, detailed requirements for each type of program are as listed on the attached Procedure Statements. These requirements are considered essential to the fulfillment of each project application and are herewith incorporated by reference.

D. Bidder, Vendor, and Contractor Responsibilities:

Certain programs which provide funds for completion of Federally-funded projects have mandated the percentages required for receipt of government funds. It is the responsibility of each bidder, vendor or contractor to read, understand and comply with the requirements for each project. The District shall not be held responsible for any failure of the bidder, vendor, or contractor to comply with the requirements for the particular project for which application is made.