



PROCESS REQUIREMENTS

1. PURPOSE OF THE PROGRAM

The Portland Development Commission (the “Commission”) has a compelling interest to ensure that our contracts provide employment opportunities for minority, women, and emerging small businesses in order to promote economic growth, to increase capacity and to expand competition in the market. **Therefore, if you have not achieved the 20% M/W/ESB (Minority-Owned Business, Women-Owned Business and Emerging Small Business) Utilization goal, the prime contractor is required to submit proof showing that good faith has been made to contract with M/W/ESB Subcontractors. The 20% utilization is based on the total bid (including all Additive Alternatives).**

2. EFFORTS REQUIRED REGARDING M/W/ESBs

Prime Contractors are required to make good faith efforts to contract with M/W/ESB firms for each division of work to be performed by a subcontractor.

Prime Contractors are not required to contact M/W/ESB firms for any division of work that will be performed by the prime contractors own forces.

These requirements are contractual obligations and are included as part of the contract requirements. Failure to comply may result in a finding of breach of contract, disqualification of the contractor to bid on future contracts, or a claim for damages.

Who to contact

For *each* division of work identified to be performed by a subcontractor, the Prime Contractor must contact:

Every M/W/ESB firm that attended the pre-bid meeting (If one was held) which specializes in a division of work that will be subcontracted, *and*

In addition to the above, a minimum of three (3) M/WESB firms from the Office of Minority, Women and Emerging Small Business Certification list must be contacted in each division of work identified for subcontracting. If there are less than 3 firms for a particular division of work, *all* of the contractors in that division must be contacted.

How to contact

First Contact: Prime Contractors shall contact M/W/ESB Subcontractors by letter, fax or E-mail to advise them of potential subcontracting opportunities. Contact should be made at least seven (7) working days before bid opening.

Follow-up: Prime Contractors shall follow up with telephone calls to each M/W/ESB firm contacted to determine if a sub-bid will be submitted or if further information is required. A firm need not be contacted if that firm responds to the first contact with a statement that the firm is not interested in submitting a sub-bid on this project.

Information that must be provided

Prime Contractors must provide project information, including dates and times that sub-bids are due, to M/W/ESB firms. Sufficient bid preparation time must be given to Subcontractors to allow for equal sub-bid opportunities.

3. SUBSTITUTION OR ADDITION OF SUBCONTRACTORS

First tier subcontracting changes are only allowed per ORS 279C.585 or otherwise set forth in the Commission contract documents. The Prime Contractor will not be permitted to substitute a new subcontractor for an M/W/ESB subcontractor without the written consent of the PDC Contract Compliance Coordinator.

If any 1st tier subcontractor is added or replaced after the contract is signed with the Commission, the Prime Contractor shall make good faith efforts to contract with an M/W/ESB for the work to be performed by that subcontractor. Documentation of these efforts is required, and must be submitted to the Commission upon request. If the Prime Contractor finds cause to replace an MBE or WBE subcontractor, the Commission strongly encourages substitution with either an MBE or WBE. The Prime Contractor shall report substitutions to the Commission for the purposes of tracking and reporting overall M/W/ESB utilization and to ensure compliance with ORS 279C.585.

4. DOCUMENTATION OF GOOD FAITH EFFORTS

The following documents shall be submitted by hand delivery in a sealed envelope clearly marked with bid number and project title to PDC Reception Desk, 222 NW 5th Ave. Portland, OR no later than two (2) working hours after the bid due date and time or included with the bid:

Good Faith Effort Program (FORM 1) Disclose all first tier Subcontractors and first tier material suppliers to be used on this contract regardless of the dollar amount. If there will be no subcontracting or material suppliers on the project, submit the form stating "None." Suppliers will be calculated as part of the 20% M/W/ESB utilization. M/W/ESB 2nd tier Subcontractors and 2nd tier suppliers may be considered as part of the good faith effort requirements if 20% goal is not attained. M/W/ESB 2nd tier Subcontractors and 2nd tier suppliers should be listed on Form 1 with a clear indication of which first tier subcontractor they are working for on this project.

NOTE: Failure to submit this form within two (2) working hours after the bid due date and time will result in rejection of the bid.

If unable to meet the 20% M/W/ESB requirement, the following forms are due 24 hours after bid opening:

Log of contacts with 1st tier M/W/ESB firms (FORM 2) Submit a completed log of contacts with M/W/ESB firms on FORM 2 (or equivalent).

Copy of letter or fax sent to M/W/ESB firms. Submit one copy of the letter or fax sent to M/W/ESB firms to solicit sub-bids for this project. If more than one form of letter or fax was sent, submit a copy of each form sent.

List of 1st tier M/W/ESB Bids (FORM 3): Submit FORM 3 (or equivalent) providing the requested information.

NOTE: Failure to submit these forms, if required, within 24 hours after the bid due date and time will result in rejection of the bid.

5. DOCUMENTS TO BE SUBMITTED MONTHLY DURING THE PROJECT:

Monthly Subcontractor Payment and Utilization Report (FORM 4): The selected Contractor shall list the contract amounts and payment amounts on Form 4 to all Subcontractors (including MBE/WBE/ESB Subcontractors) previously listed on Form 1.

Report Submission: Monthly reports are due no later than the 5th working day of the month for work performed the prior month. Contractor, as part of the final application for payment, shall submit a Final Report documenting all subcontracting. Failure to submit timely Subcontractor Payment and Utilization Reports may result in a delay in processing applications for payment and release of retainage.

6. OPTIONAL GOOD FAITH EFFORTS

- a. Advertisements in M/W/ESB newspapers.
- b. Alternative methods of participation in Minority, Women or Emerging small businesses through arrangements such as joint ventures, negotiated subcontract agreements and competitive bids.
- c. M/W/ESB 2nd tier Subcontractors and 2nd tier suppliers may be considered as part of the good faith effort requirements if 20% goal is not attained. M/W/ESB 2nd tier Subcontractors and 2nd tier suppliers should be listed on Form 1 and Form 4 (monthly report) with a clear indication of which first tier subcontractor they are working for on this project.

**GOOD FAITH EFFORT PROGRAM
(FORM 1)**

Prime Contractor Name _____ Total Contract Amount \$ _____

Project Name _____ Date _____

We have elected to subcontract work in the following areas to the following first tier Subcontractors. List ALL first tier Subcontractors and suppliers (including M/W/ESBs), their telephone numbers, the type of work to be done and the dollar amount of the subcontract.

First Tier Subcontractors & First Tier Suppliers (Please Print)	Scope of Work	Dollar Amount Of Subcontract	Certified Firms M/W/ESB Yes/No		
			MBE	WBE	ESB
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		

Minority, Women and Emerging Small Business Utilization

Total Amount of M/W/ESB subcontract dollars \$ _____
 Total bid \$ _____
 M/W/ESB as a percent of the total bid _____
 (goal = 20%)

M/W/ESB 2nd tier Subcontractors and 2nd tier Suppliers may be considered as part of the good faith effort requirements if 20% goal is not attained. M/W/ESB 2nd tier Subcontractors and 2nd tier suppliers should be listed on Form 1 with a clear indication of which first tier subcontractor they are working for on this project.

GOOD FAITH EFFORT PROGRAM (FORM 1)

(Additional Page to Be Used as Needed)

First Tier Subcontractors & First Tier Suppliers (Please Print)	Scope of Work	Dollar Amount Of Subcontract	Certified M/W/ESB Yes/No		
			MBE	WBE	ESB
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		
Name Address City/St/Zip Phone# CCB#					
			Cert#		

To verify M/W/ESB certification or to receive information on obtaining names of certified firms contact:

Office of Minority, Women, and Emerging Small Businesses
 State of Oregon, Executive Department
 (Information is also on the OMWESB web site)
www.cbs.state.or.us/omwesb/
 Portland Field Office (503) 887-4349
 Salem Office (503) 947-7922

John Classen, Contracts Compliance Coordinator
 Portland Development Commission
 222 NW 5th Ave., Portland, OR 97209
 (503) 823-3667 Fax# 503 823-3368
 E-mail: classenj@pdc.us

M/W/ESB CONTACT LOG
(FORM 2)

Prime Contractor Name _____ **Project Name** _____

Prime Contractors should record their contacts with potential M/W/ESB Subcontractors through use of this log or equivalent. Additional forms may be copied if needed.

Division of Work	Name of Subcontractor	Certified Firms M/W/ESB Yes/No			Date of FAX/Letter	Phone Contact				Able to Make Contact		Submitting Quote		Quote Received	
		MBE	WBE	ESB		Date of Call	Time of Call	Name of Person Placing Call	Name of Person Receiving Call	Yes	No	Yes	No	Yes	No

Instructions: Submit to: John Classen, Contracts Compliance Coordinator, Portland Development Commission, 222 NW 5th Ave. Portland, OR 97209
(503) 823-3667 Fax# 503 823-3368, E-mail: classenj@pdc.us

MONTHLY SUBCONTRACTOR PAYMENT AND UTILIZATION REPORT (FORM 4)

Project Name _____ Prime Contractor _____

Prime Contract Amount \$ _____ Report Dates (Project Beginning & Ending) _____

List All First Tier Subcontractors & First Tier Suppliers*	Original Subcontract \$Amount	Amended Subcontract \$Amount	Payment Made this Month	Retainage this Month	Payments Made to Date	Retainage to Date

IT IS HEREBY CERTIFIED THAT THE ABOVE LISTED FIRMS HAVE BEEN UTILIZED BY OUR COMPANY IN THE AMOUNTS REPRESENTED ABOVE AND THAT THE INFORMATION CONTAINED HEREIN IS COMPLETE AND ACCURATE.

Authorized Signature of Contractor Representative _____ Date _____

Completed form may be faxed to: Cathleen Massier (503) 823-6865

For additional information contact:

John Classen, , Portland Development Commission, 222 NW 5th Ave., Portland, OR 97209
 (503) 823-3667 Fax# 503 823-3368 E-mail: classenj@pdc.us

*See instruction on next page for 2nd tier Subcontractors.

INSTRUCTIONS FOR COMPLETING THE MONTHLY SUBCONTRACTOR PAYMENT AND UTILIZATION REPORT

1. **PROJECT NAME:** Enter the name of the project as shown on the contract document.
2. **PRIME CONTRACTOR:** Indicate the name of the prime contractor.
3. **PRIME CONTRACT AMOUNT:** Indicate the total dollar amount of the prime contract.
4. **REPORT DATES:** Indicate the beginning and ending dates corresponding to the progress payment period or use calendar month.
Example: 1/1/95 thru 1/31/95. Reports should be sequential and not overlap.
5. **SUBCONTRACTOR NAME:** List the names of all Subcontractors having performed work on this project during the reporting period.
6. **ORIGINAL SUBCONTRACT AMOUNT:** Indicate the dollar amount for each subcontract at time of award.
7. **AMENDED SUBCONTRACT AMOUNT:** Indicate the cumulative dollar value of each subcontract with any changes.
8. **PAYMENTS MADE THIS REPORTING MONTH:** Enter payments made to the subcontractor for the reporting month excluding retainage.
9. **RETAINAGE FOR THIS MONTH:** Enter retainage withheld for reporting month.
10. **PAYMENTS MADE TO DATE:** Cumulative payments made to date including amounts for current report excluding any retainage.
11. **RETAINAGE TO DATE:** Cumulative retainage withheld to date including amount on current report.
12. **SECOND TIER SUBCONTRACTORS:** M/W/ESB 2nd tier Subcontractors and 2nd tier Suppliers may be considered as part of the good faith effort requirements if 20% goal is not attained. M/W/ESB 2nd tier Subcontractors and 2nd tier Suppliers should be listed on Form 1 and Form 4 (monthly report) with a clear indication of which first tier Subcontractor they are working for on this project.

The Monthly Subcontractor Payment and Utilization Reports are due no later than the 5th working day of the month for work performed for the prior month. Completed form may be faxed to: Cathleen Massier (503) 823-6865

For additional Information:

John Classen, Contracts Compliance Coordinator (503) 823-3667
Portland Development Commission Fax (503) 823-3368
E-mail: classenj@pdc.us