

**SPECIAL CONDITIONS
REGARDING MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES**

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I. POLICY STATEMENT AND TERMS

A. Policy

In accordance with the Metropolitan Pier and Exposition Authority Act, 70 ILCS 210/1 et. seq., Section 23.1 (b) (hereinafter referred to as "Act"); the Authority has adopted and maintains a Business Diversity Program for any and all work undertaken by the Authority. Goals established pursuant to the adoption of such a program include the award of not less than 25% of the annual dollar value of all contracts, purchase orders, or other agreements (collectively referred to as "contracts") to minority owned businesses (MBE) and 5% of the annual dollar value of all contracts to women owned business enterprises (WBE).

It is the policy of the Authority that the contractor take affirmative steps to ensure that minority and women owned businesses have the maximum opportunity to compete for and perform subcontracts for the supply of goods and services. Further, the contractor shall not discriminate against any person or business on the basis of race, color, religion, ancestry, age, marital status, physical or mental disability, unfavorable discharge from military service, parental status, sexual orientation, national origin or sex in connection with the purchase of goods and services or the subcontracting of work required by this agreement.

B. Goals

Accordingly, the bidder or proposer commits to expend at least the following percentages of the total contract price (inclusive of any and all modifications and amendments), if awarded, for contract participation by MBE and WBE. These goals shall apply to all contracts, purchase orders or other agreements administered by the Authority.

MBE PERCENTAGE	WBE PERCENTAGE
25%	5%

C. Obligations of Bidders and Proposers

Each bidder or proposer must commit to utilize M/WBE firms so as to meet the goals as stated above. Evidence of such commitment shall be the responsibility of the bidder or proposer. MBE and WBE commitments may be met by one or a combination of the following:

- C.1.** Bidders or Proposers status as a certified MBE or certified WBE;
- C.2.** Joint venture as prime contractor with one (1) or more certified MBE or certified WBE to the extent of the MBE/WBE participation in such joint venture;
- C.3.** Subcontracting part of the work to one (1) or more certified MBE or certified WBE; or
- C.4.** Purchasing of materials used in performing the contract from one (1) or more certified MBE or certified WBE.

The Authority, through its Business Diversity Department, on request, will assist bidders or proposers in identifying qualified and certified MBE/WBE firms. Direct requests to:

**Metropolitan Pier and Exposition Authority
301 East Cermak Road; Chicago, Illinois 60616
Telephone: (312) 791-6129; Facsimile: (312) 567-8053
Attention: Natalie T Pedraza
Director, Business Diversity**

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D. Disqualification: Bids or Proposals may be rejected if:

- D.1.** Bids or proposals do not include a detailed MBE/WBE commitment;
- D.2.** Bidder or proposer fails to cooperate with Authority requests regarding MBE/WBE participation efforts; or
- D.3.** False statements are made regarding MBE/WBE participation.

II. DEFINITIONS

For purposes of this bid or proposal, and pursuant to the Act, the terms "minority owned business" and "female owned business" shall have the meanings given to those terms as stated in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, 30 ILCS 575/2.01, et. seq.

III. CERTIFICATION

The Authority neither certifies nor decertifies a firm's MBE/WBE status. Rather, it accepts the current certifications of other agencies whose policies and procedures are consistent with the requirements of Section 23.1(b) of the Act. **The Authority presently accepts certifications from the City of Chicago, Chicago Minority Business Development Council, County of Cook, Women's Business Development Center, and the State of Illinois through its Central Management Services Division.**

Substitutions: If an MBE/WBE firm loses its certification from any of the certifying agencies above during the contract term, the contractor and the MBE/WBE must immediately notify the Authority. The Authority has the right to demand the substitution by a certified MBE/WBE or take other appropriate action.

Bidder or Proposer must confirm that neither it nor any of its proposed subcontractors have been decertified by any of the certifying agencies listed above.

IV. MBE/WBE JOINT VENTURES

In order for a joint venture that includes MBE and/or WBE partners to receive credit towards a bidder's or proposer's MBE/WBE commitment, regardless of the MBE or WBE firm(s)' specific share in the ownership of the bidder or proposer, the MBE/WBE partner(s) must: (i) be responsible for a clearly defined portion of the contract to be performed and (ii) share in the ownership, control, management, risks and profits of the joint venture.

If the conditions stated above are met, and (i) 51% or more of the ownership of the joint venture is held solely by MBE firms, or is held solely by WBE firms, then the bidder or proposer will receive credit for the full amount of the contract price towards the MBE or WBE commitment, respectively; (ii) the joint venture includes both MBE and WBE firms, then the commitment to the MBE firm(s) will be counted towards the MBE goal, and the commitment to the WBE firm(s) will be counted towards the WBE goal; (iii) the joint venture includes only MBE firm(s), or only WBE firm(s), and the MBE or WBE firm(s) own less than 51% of the joint venture, then the joint venture will be credited with the percentage of the contract price committed to the MBE or WBE firm(s).

A subcontract agreement between the joint venture and the MBE or WBE partner(s) to the joint venture clearly delineating the role of each firm in the performance of the contract must be submitted with the submission of the bid or proposal along with a completed Schedule A by the joint venture and a completed Schedule B from all the MBE/WBE firms.

V. COUNTING MBE/WBE PARTICIPATION TOWARD CONTRACT GOALS

A. MBE/WBE participation generally counts toward MBE/WBE goals according to the total dollar value of the goods and services supplied by the certified MBE/WBE. Some restrictions to this general rule apply, as follows:

- i. **Credit:** Credit toward MBE/WBE commitments is only given for work by firms performing within their area(s) of specialty as stated in the current letter of certification.
- ii. **MBE/WBE firms (including wholly-owned MBE/WBE joint ventures).** If certified as both a MBE and a WBE, the Authority will determine whether to count the total dollar value of the contract toward the MBE or WBE goal, but not both at once.
- iii. **Commercially Useful Functions:** Only payments to firms performing commercially useful functions under the contract with the Authority are counted toward MBE/WBE goals. Commercially useful functions include actually performing, managing, and supervising a clear element of the contract. The amount of work subcontracted, industry practices, and other relevant factors are considered.
- iv. A MBE/WBE subcontractor is presumed not to perform a commercially useful function when it subcontracts a significantly greater part of the contract than customary industry practice permits. MBE/WBE may present evidence to rebut this presumption.

B. Purchase of Materials

- B.1.** If the MBE/WBE has the actual and contractual responsibility for providing materials and supplies, then the contract price of those items may be counted toward MBE/WBE goals.

C. Direct Participation

- C.1.** Full credit towards the MBE or WBE commitment may be received for the purchase price of materials and supplies if the materials and supplies are wholly consumed in the performance of a contract and:
- C.2.** the MBE or WBE firm manufactures (i.e., fabricates from raw materials or substantially alters) the materials or supplies; or
- C.3.** the contract or subcontract with the MBE or WBE firm calls for the firm to furnish and install the supplies or materials; or
- C.4.** the MBE or WBE firm providing the materials or supplies performs some other commercially useful function in the supply process (e.g., the MBE or WBE firm's area of specialty, as stated on the letter of certification, is a wholesale/retail distributor of the materials or supplies in question). The Authority, in its sole discretion, shall determine whether the MBE or WBE firm performs a commercially useful function.

D. Indirect Participation

If the MBE and/or WBE goals on a contract cannot otherwise be met and the bidder/proposer has demonstrated to the Authority's satisfaction that it has made every feasible effort to include direct MBE and/or WBE participation, then the bidder/proposer may, with the written authorization of the Director of Business Diversity, receive credit towards its MBE and/or WBE commitment for services or purchases of materials and supplies that are not wholly consumed in the performance of a contract with the Authority. Payment for such purchases must be made within three months after the date of bid or proposal opening. The bidder or proposer will not receive credit for such payments if the bidder/proposer has received credit for such payments towards its MBE and/or WBE commitment to any other government entity.

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All Proposers and Bidders must submit a completed Schedule A which clearly delineates detailed MBE/WBE commitments in accordance with Section V above. Bids or Proposals received without Schedule A along with supporting documentation shall be rejected unless the Authority deems it appropriate to grant a waiver of these requests in accordance with the terms and conditions set forth in these Special Conditions.

VI. SUBMITTAL REQUIREMENTS

A. Required Documents

The following documents **must** be submitted to the Authority **with** submission of the Bid or Proposal:

- A.1. Schedule A: Affidavit of Bidders or Proposers Commitments** The bidder or proposer must complete this form. It shall warrant to the Authority the bidder's or proposer's commitment to use specific MBE/WBE firms in performing the contract. The form details the MBE/WBE plan and **must** be submitted along with Letters of Certification for all MBE/WBE firms.
- A.2. Schedule B: Letter of Intent** This form shows the commitment between the bidders or proposers and each MBE/WBE participant. This form is also required for M/WBE firms that are party to a joint venture. (All MBE and WBE must be complete this Schedule B).
- A.3. Schedule C: Joint Venture Affidavit.** This form must be completed by the parties to the joint venture. Where all of the joint venture parties are MBE/WBE, a copy of the Joint Venture Agreement and Schedule B is required, but Schedule C **is not required**.
- A.4. Schedule D: Unavailability Certification.** The bidder or proposer must complete this form (to demonstrate its good-faith effort to obtain MBE/WBE participation) in the event that the bidder or proposer has been unable to identify MBE/WBE to participate in the contract.

If awarded contractor agrees to comply with the Authority's reporting requirements, including but not limited to supporting documentation of MBE/WBE utilization on a monthly basis.

B. Modifications or Substitutions

In the event that the Business Diversity Department on behalf of the Authority, in its sole judgment and discretion, determines that the plan proposed by the contractor for meeting the Authority's MBE/WBE goals is in anyway insufficient or unacceptable, the Director of Business Diversity will provide the contractor with notice of such determination. ***The contractor will have three (3) business days from its receipt of such notice to provide a revised MBE/WBE proposal.*** In the event that the Authority determines, in its sole judgment and discretion, that the revised proposal is found to be insufficient or unacceptable, the contractor may be deemed non-responsive with respect to the particular procurement for which the MBE/WBE proposal was submitted.

Once approved by the Authority, changes by the contractor of commitments certified in the Schedule A: Affidavit of Bidder/Proposer Regarding MBE/WBE Commitments are prohibited. In some cases, however, it may be necessary to substitute a new MBE or WBE due to unforeseen circumstances in order to fulfill the requirements of the contract. In this case, the bidder/proposer must first receive prior written authorization from the Director of Business and Workforce Diversity.

VII. GRANT OF RELIEF / REDUCTION OF MBE/WBE GOALS AND WAIVER PROVISIONS

The Director of Business Diversity or his/her authorized designee shall, on behalf of the Authority, determine whether the request for a reduction of MBE/WBE goals or waiver shall be granted. Bidder or

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proposer may be considered responsive to the terms and conditions of these schedules if a reduction or waiver request is submitted at the time of the bid or proposal opening.

Failure to submit the request for reduction from the stated goals or waiver, sufficient to support the request for a reduction or to support the waiver request with the bid or proposal, will cause the bid or proposal to be found non-responsive by the Director of Business Diversity or his/her authorized designee, and the bid or proposal will be rejected by the Director of Purchasing.

A. Required Documents.

To obtain relief/reduction of MBE/WBE goals, a bidder or proposer must submit the following:

- A.1.** A written request for reduction or waiver from the goals in the form of a signed petition submitted on the bidder's or proposer's letterhead and demonstrate that all required efforts as outlined in Section B below were taken to secure certified MBE/WBE to meet the goals;
- A.2.** Copies of the letters on the bidder's or proposer's company letterhead sent to at least 2 assistance agencies requesting assistance in locating MBE/WBE (include also a notarized statement certifying that the original of each letter to an assist agency was mailed on the date stated in each letter);
- A.3.** At least one completed Schedule D: Unavailability Certification for each M/WBE contacted for participation in the performance of the bid/proposal; and
- A.4.** Evidence of good-faith efforts

B. Good-Faith Efforts.

The following are examples of good-faith efforts:

- B.1.** Policies: Having written affirmative action policies and demonstrating general success in implementing those policies.
- B.2.** Notification: Notifying assistance agencies in writing before bids or proposals are due. (See Section XIII for a list of such agencies.)
- B.3.** Direct Negotiation: Contacting MBE/WBE firms directly. If the bidder or proposer has directly negotiated with MBE/WBE for subcontracts, the following items must be reported. A detailed statement of the efforts made to negotiate with MBE/ WBE showing:
 - a.** the names, addresses and telephone numbers of MBE/WBE who were contacted;
 - b.** a description of the plans and specifications provided to MBE/WBE; and
 - c.** A detailed statement of the reason(s) agreements with MBE/ WBE were not possible.
 - d.** A detailed statement of efforts made to select work for MBE/ WBE.
- B.4.** Extensive and Exhaustive Research: The bidder/proposer must research MBE/WBE involvement beyond customary roles. (Affidavits must be submitted stating why MBE/WBE participation was not possible).
- B.5.** Assistance: Assisting MBE/WBE in overcoming participation barriers, for example, by helping firms obtain bonding or insurance coverage.

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C. Price

Price alone is not an acceptable reason for rejecting a MBE/WBE subcontractor. The bidder or proposer must demonstrate that no MBE/WBE offered a reasonable price [based on objective factors such as the price exceeded an engineering estimate or the bidder's or proposer's own estimate for a subcontract by more than twenty percent (20%).

C.1. Subcontractor participation will be deemed excessively costly when the MBE/WBE subcontractor proposal exceeds the average price quoted by more than twenty percent (20%). In order to establish that a subcontractor's quote is excessively costly, the bidder or proposer must provide the following information:

- a. A detailed statement of the work identified for MBE/WBE participation for which the bidder or proposer asserts the MBE/WBE quotes(s) was excessively costly (in excess of 20% higher).
- b. A listing of all potential subcontractors contacted for a quotation on that work item and the prices quoted for the subcontract in question by all such potential subcontractors for that work item or service to be rendered.
- c. Other documentation that demonstrates to the satisfaction of the Director of Business Diversity, or his/her designee, that the MBE/WBE proposals are excessively costly, even though not in excess of 20% higher than the average price quoted. This determination will be based on factors that include, but are not limited to the following:
 1. The Authority's estimate for the work under a specific subcontract;
 2. The bidder's or proposer's own estimate for the work under the subcontract;
 3. An average of the bona fide prices quoted for the subcontract;
 4. Demonstrated increase in other contract costs as a result of subcontracting to the M/WBE or other firm.

D. If a proposer or bidder is not capable of submitting all of the above documentation in support of its request for relief or waiver prior to the opening of proposals/bids, the proposer/bidder may request a three business day extension for submitting such documentation. Such request for extension must be submitted with the bid or proposal and clearly delineate the reason for the extension request. The Authority reserves the right to reject any such request for extension.

VIII. IMPRACTICABILITY

If the Director of Business Diversity, or his/her designee, determines that a lesser MBE/WBE percentage goal is appropriate with respect to a particular contract subject to competitive bidding or issuance of request for proposals prior to the bid or proposal solicitations for such contract, bid or proposal specifications shall include a statement of such revised standard.

This determination may be made in connection with a particular contract, whether before the contract is let for bid or proposal, during the bid or proposal or award process, before or during award of the contract, or during the performance of the contract.

IX. RECORD KEEPING

Records of all relevant data must be maintained for at least three (3) years after the work is accepted or the contract with the Authority ends. The Director of Business Diversity or his/her designee must be

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granted full access to records.

X. EQUAL EMPLOYMENT OPPORTUNITY

Successful contractors shall comply with all applicable federal, state, and local Equal Employment Opportunity or Civil Rights laws, codes or ordinances, and regulations, and shall require compliance from all sub-contractors and sub-consultants.

XI. AUTHORITY'S REMEDIES FOR NON-COMPLIANCE

The following constitutes a material breach of this contract and shall entitle the Authority to declare a default, terminate the contract and exercise those remedies provided for in the contract, at law or in equity:

- A.** Failure to satisfy the MBE/WBE percentage goals required by the contract; and/or
- B.** The contractor or subcontractor is disqualified as a MBE or WBE when such status was a factor in contract award, and was misrepresented by the contractor.

In the event that the contractor is determined not to have been involved in any misrepresentation of the status of the disqualified subcontractor or supplier, the contractor shall seek to discharge the disqualified subcontractor or supplier, upon proper notification to the Director of Business Diversity or his/her designee and make every effort to identify and engage a qualified MBE/WBE as its replacement.

- C.** MBE/WBE certification must be in good standing with the certifying agency.

Furthermore, continued eligibility to enter into future contracting arrangements with the Authority may be jeopardized as a result of non-compliance or the non-compliant contractor may be deemed non-responsible with respect to future procurement by the Authority. Payments due to the contractor may be withheld until corrective action is taken.

Each and every provision of these Special Conditions is a material term of the bidder's bid, proposer's proposal, and contractor's or consultant's contract. Accordingly, failure to comply with these Special Conditions may result in the rejection of the bid or proposal, termination of the contract, or such other remedy as may be available to the Authority under the contract, at law, or in equity.

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XII. SCHEDULE A: AFFIDAVIT OF BIDDER/PROPOSER REGARDING MBE/WBE COMMITMENTS

Project Name: _____ Project Number: _____

Bidder/Proposer: _____

For Internal Use Only: Reviewed by: _____ Date: _____

I HEREBY DECLARE AND AFFIRM that I am duly authorized representative of: _____
(Name of Prime Contractor) and that I have personally reviewed the materials and facts set forth herein describing our proposed plan to achieve the MBE/WBE requirements of this contract. All MBE/WBE firms included in this plan are certified. (Letters of Certification must be attached for all MBE/WBE firms including Bidder/Proposer).

1. Direct Participation of MBE/WBE Firms

(Note: The Prime Contractor shall, in determining the manner of MBE/WBE participation, first consider involvement with MBE/WBE firms as joint venture partners, subcontractors and suppliers of goods and services directly related to the performance of this contract.)

If Bidder/Proposer is a joint venture and one or more joint venture partners are certified MBE and WBE, attach copies of Letters of Certification, a copy of Joint Venture Agreement clearly describing the role of the MBE/WBE firm(s) and its ownership interest in the joint venture and list all MBE/WBE firms below.

List all MBE/WBE firms directly involved in the performance of this contract, including the Bidder/Proposer if MBE/WBE. Attach Letters of Certification and completed Schedule B for all MBE/WBE firms.

1. Name of MBE/WBE: _____
Address: _____
Contact Person: _____ Phone: _____
Description of Service or Work: _____

Dollar Amount of Participation: \$ _____
Percentage Amount of Participation: _____ %

2. Name of MBE/WBE: _____
Address: _____
Contact Person: _____ Phone: _____
Description of Service or Work: _____

Dollar Amount of Participation: \$ _____
Percentage Amount of Participation: _____ %

3. Name of MBE/WBE: _____
Address: _____
Contact Person: _____ Phone: _____
Description of Service or Work: _____

Dollar Amount of Participation: \$ _____
Percentage Amount of Participation: _____ %

Attach additional sheets if necessary

2. Indirect Participation of MBE/WBE Firms

(Note: This section need not be completed if the MBE/WBE requirements have been met through the direct participation outlined above. If the MBE/WBE requirements have not been met through direct participation, bidder or proposer will be expected to demonstrate that the proposed MBE/WBE direct participation represents the maximum achievable under the circumstances. Only after such a demonstration will indirect participation be considered.)

List all MBE/WBE Subcontractors/Suppliers/Consultants proposed to perform work or supply goods or services where such performance does not directly relate to the performance of this contract:

1. Name of MBE/WBE: _____
 Address: _____
 Contact Person: _____ Phone: _____
 Description of Service or Work: _____

 Dollar Amount of Participation: \$ _____
 Percentage Amount of Participation: _____ %

2. Name of MBE/WBE: _____
 Address: _____
 Contact Person: _____ Phone: _____
 Description of Service or Work: _____

 Dollar Amount of Participation: \$ _____
 Percentage Amount of Participation: _____ %

3. Name of MBE/WBE: _____
 Address: _____
 Contact Person: _____ Phone: _____
 Description of Service or Work: _____

 Dollar Amount of Participation: \$ _____
 Percentage Amount of Participation: _____ %

4. Name of MBE/WBE: _____
 Address: _____
 Contact Person: _____ Phone: _____
 Description of Service or Work: _____

 Dollar Amount of Participation: \$ _____
 Percentage Amount of Participation: _____ %

3. Non-MBE/WBE Direct Participation.

List all Non-MBE/WBE firms directly involved in the performance of this contract, below in this section 3.

1. Name of Non-MBE/WBE: _____
Address: _____
Contact Person: _____ Phone: _____
Description of Service or Work: _____

Dollar Amount of Participation: \$ _____
Percentage Amount of Participation: _____ %

2. Name of Non-MBE/WBE: _____
Address: _____
Contact Person: _____ Phone: _____
Description of Service or Work: _____

Dollar Amount of Participation: \$ _____
Percentage Amount of Participation: _____ %

3. Name of Non-MBE/WBE: _____
Address: _____
Contact Person: _____ Phone: _____
Description of Service or Work: _____

Dollar Amount of Participation: \$ _____
Percentage Amount of Participation: _____ %

4. Name of Non- MBE/WBE: _____
Address: _____
Contact Person: _____ Phone: _____
Description of Service or Work: _____

Dollar Amount of Participation: \$ _____
Percentage Amount of Participation: _____ %

SCHEDULE A: AFFIDAVIT OF BIDDER/PROPOSER REGARDING MBE/WBE COMMITMENTS

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENT(S) ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE BIDDER OR PROPOSER, TO MAKE THIS AFFIDAVIT.

Signature of Affiant

(Print Name)

Date

IF PROPOSING TO PERFORM AS A JOINT VENTURE:

By: _____
Joint Venture Partner (Print)

Signature of Affiant

Date

(Print Name)

Phone

Fax

MBE WBE Non-MBE/WBE

State of: _____

County of: _____

Subscribed and sworn to before me this _____ day of _____, 200 _____

NOTARY PUBLIC

(SEAL)

XIII. SCHEDULE B: LETTER OF INTENT TO PERFORM AS A MBE/WBE FIRM (PRIME CONTRACTOR, SUBCONTRACTOR, CONSULTANT, OR MATERIAL SUPPLIER)

For Internal Use Only:
Reviewed by: _____
Date: _____

Project Name: _____ Project Number: _____

MBE/WBE Company: _____ MBE: Yes ___ No ___; WBE: Yes ___ No ___

To Prime Bidder/Proposer: _____

- 1. I have attached a copy of my certification, and, if applicable, Schedule C, Joint Venture Affidavit.
- 2. I agree to provide the following described services in connection with the above project.

Description of Services/Goods to be supplied	Projected Start Date	Projected Completion Date

- 3. I agree to provide the goods or services stated above for \$ _____ equal to _____% of the total contract price.
- 4. I [will] [will not] be sub-subcontracting any portion of the work that I agree to provide.
 _____% of the dollar value of the MBE/WBE subcontract will be sublet to non- MBE/WBE contracts.
 _____% of the dollar value of the MBE/WBE subcontract will sublet to MBE/WBE contractors.

NOTICE: If MBE/WBE will not be sub-subcontracting any of the work described in this Schedule, a zero (0) must be shown in each blank. If more than ten percent (10%) of the value of the MBE or WBE's scope of work will be sublet, attach on letterhead company name, dollar amount of participation, and a brief explanation and description of the work to be sublet.

The undersigned will enter into a formal written agreement for the above work with you as the Bidder/Proposer, conditioned upon your execution of a contract with the Metropolitan Pier and Exposition Authority, and will do so within a reasonable amount of time of your receipt of a signed contract for the Metropolitan Pier and Exposition Authority. Any material misrepresentation will be grounds for terminating any contract which may be awarded and for initiating action under federal or state laws concerning false statements.

NOTICE: This schedule (and accompanying attachments) to be submitted with original signatures. If after filing this statement and before the completion of the work or services to be performed on the project, there is any change in the information submitted, you must inform the Authority.

IF PROPOSING TO PERFORM AS A PRIME OR SUBCONTRACTOR:

Signature of President or Authorized Agent

MBE/WBE Company

Name: _____ Date: _____
[Printed]

Phone: _____

IF PROPOSING TO PERFORM AS A JOINT VENTURE:

Signature of President or Authorized Agent

MBE/WBE Company

Name: _____ Date: _____
[Printed]

Phone: _____

State of: _____ County of: _____ Subscribed and sworn to before me this _____ day of _____, 200____. Signature of Notary Public: _____ (SEAL)

XIV. SCHEDULE C: JOINT VENTURE AFFIDAVIT

For Internal Use Only:
Reviewed by: _____
Date: _____

Project Name: _____ Project Number: _____

If ALL joint venture participants are MBE/WBE then DO NOT complete this form. Submit a copy of the joint venture agreement clearly delineating the roles of all partners of the joint venture, Schedule A and copies of current certification letters.

If NOT all joint venture participants are MBW/WBE then this form IS REQUIRED and must be submitted along with a completed Schedule A, Schedule B, joint venture agreement and copies of current certification letters.

1. Name of joint venture: _____

2. Address of joint venture: _____

3. Phone Number of joint venture: _____

4. Nature of the joint venture's business: _____

5. Identify the firms which comprise the joint venture: _____

6. Indicate the percentage of MBE/WBE ownership of the joint venture? _____

7. Describe the role(s) of each joint venture participant for the following day-to-day policy and management decision areas. Identify by name, firm, and title the person(s).

a. Financial decisions _____

b. Management decisions, such as: _____

c. Estimating _____

d. Marketing and Sales _____

e. Hiring and firing of management personnel _____

f. Purchasing of major items or supplies _____

g. Supervision of field operations _____

h. Supervision of office personnel _____

8. Describe the financial controls of the joint venture, e.g., will a separate cost center be established; which venturer will be responsible for keeping the books; how will the expense therefore be reimbursed; the authority of each joint venturer to commit or obligate the other.

9. Describe the estimated contract cash flow for each joint venturer. _____

10. Attach a detailed organizational chart listing the persons performing services for the contract. Identify in detail their positions and titles and state whether they will be employees of the joint venture or one of its participants.

- 11. Provide an executed copy of the joint venture agreement clearly describing the role of the MBE/WBE firm(s) and its ownership interest in the joint venture.
- 12. Please provide the following specific information:
 - a. Allocation of profit and loss between joint venture participants.

 - b. Capital contributions of each joint venture participant, including equipment.

 - c. Other applicable ownership interests, including ownership options or other agreements which restrict ownership or control.

 - d. Describe any loan agreements between joint venture participants, and identify the terms thereof.

 - e. Please state any material facts or additional information pertaining to the control and structure of this joint venture.

The undersigned swear or affirm that the foregoing statements are correct and include all material information necessary to identify and explain the terms and operations of our joint venture and the intended participation by each joint venture participant in the undertaking. Further, the undersigned covenant and agree (i) to provide the AUTHORITY current, complete and accurate information regarding actual joint venture work, and the payment therefore and any proposed changes in the joint venture agreement and (ii) to provide for the audit and examination of the books, records and files of the joint venture, or those of each joint venturer relevant to the joint venture, by authorized representatives of the AUTHORITY.

ANY MATERIAL MISREPRESENTATION OR OMISSION WILL BE GROUNDS FOR TERMINATING ANY CONTRACT WHICH MAY BE AWARDED AND FOR INITIATING ACTION UNDER FEDERAL OR STATE LAWS CONCERNING FALSE STATEMENTS.

NOTE: If there is any significant change in the information submitted after filing this Schedule C and before the completion of the joint venture's work on the project, the joint venture must inform the AUTHORITY, either directly or through the Proposer/Bidder if the joint venture is a subcontractor.

Name of Joint Venture Participant

Name of Joint Venture Participant

Signature

Signature

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

State of: _____ County of: _____ Subscribed and sworn to before me this _____ day
of _____, 200____. _____ (Notary Public) (SEAL)

**SPECIAL CONDITIONS
REGARDING MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES**

XV. SCHEDULE D: CERTIFICATION OF BIDDERS/ PROPOSERS REGARDING UNAVAILABILITY OF MINORITY BUSINESS ENTERPRISE/WOMEN BUSINESS ENTERPRISE

For Internal Use Only:
Reviewed by: _____
Date: _____

Instructions. Each time you contact a Minority Business Enterprise/Women Business Enterprises that is not ready, willing, or able to perform the work you request that he/she/it perform, for any reason other than failure to agree on price, you must complete this form. Please have the MBE/WBE complete the Statement of MBE/WBE on the following page.

AFFIDAVIT

Name of Project _____
Project Number _____
Bidder/Proposer _____

1. I, _____ of _____
Name of Individual *Name of Bidder/Proposer*

Certify that on _____ I contacted _____
Date *Name of Company*

Who is a _____ To obtain a bid for goods or services to be
Choose One [MBE] or [WBE]
performed for the above-captioned contract.

2. I was informed that the MBE/WBE was unavailable for work on this project, or unable to prepare a bid, for the following reason(s):

Signature of the Bidder/Proposer

Subscribed and sworn to before me this _____ day of _____, 200 _____

NOTARY PUBLIC

(SEAL)

**SPECIAL CONDITIONS
REGARDING MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES**

STATEMENT OF MBE / WBE

For Internal Use Only:
Reviewed by: _____
Date: _____

Name of Project _____
Project Number _____
Bidder/Proposer _____

I _____ (authorized representative of MBE/WBE Company) was offered an opportunity to bid on the above-captioned work on _____ (Date) by the Bidder/Proposer. The statements made in the attached Schedule C: Certification of Bidders/Proposers Regarding Unavailability of MBE/WBE affidavit were made by me to the Bidder/Proposer, and are a true and accurate account of why I did not submit a bid/proposal on the above described project.

Signature of MBE/WBE

Date

() - _____
Telephone Number of MBE/WBE

Subscribed and sworn to before me this _____ day of _____, 200 _____

NOTARY PUBLIC

(SEAL)

XVI.

**SPECIAL CONDITIONS
REGARDING MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES**

XVII. EXHIBIT I - ASSISTANCE AGENCIES

The agencies listed below are available to offer technical assistance in connection with identifying certified minority and women owned businesses

<p>AFRICAN AMERICAN CONTRACTORS ASSOCIATION 2910 S. Wentworth Ave # 1F, Chicago, IL 60616 Attn: Omar Shareef Phone: (312) 915-5960; Fax: (312) 567-9919 Email: aacaomar@yahoo.com</p>	<p>ASIAN AMERICAN SMALL BUSINESS ASSOCIATION 1600 Golf Rd. Rolling Meadows, IL 60008 Attn: John Lee, Executive Director P.O. Box 1471 Morton Grove, IL 60053-7471 Phone: (847) 409-1900; Fax: (847) 229-9440 Email: Aasba5000@msn.com</p>
<p>ASSOCIATION OF ASIAN CONSTRUCTION ENTERPRISES 333 North Ogden Avenue, Chicago, IL 60607 Attn: Perry Nakachi, President Phone: (312) 563-0746; Fax: (312) 666-1785 Email: nackmancorp@aol.com</p>	<p>BLACK CONTRACTORS UNITED 400 West 76TH Street, Chicago, IL 60620 Attn: Florence B. Cox, Executive Director Phone: (773) 483-4000; Fax: (773) 483-4150 Email: flocox_bcu@yahoo.com</p>
<p>CITY OF CHICAGO DEPARTMENT OF PROCUREMENT SERVICES 121 North LaSalle Street, Rm. 604, Chicago, IL 60602 Attn: Judy Martinez Phone: (312) 742-9478; Fax: (312) 744-0010 Email: judy.martinez@cityofchicago.org; CGiraldo@cityofchicago.org; jbracewell@cityofchicago.org; RJkelly@cityofchicago.org; bwhittaker@cityofchicago.org; jobrien@cityofchicago.org</p>	<p>CHICAGO MINORITY SUPPLIER DEVELOPMENT COUNCIL 105 W. Adams, Suite 2300, Chicago, IL 60603 Attn: Shelia Hill, Executive Director Phone: (312) 755-8880 x 515; Fax: (312) 755-8890 Email: shill@cmbdc.org Contact: Needa Sharp</p>
<p>CHICAGO URBAN LEAGUE 4510 South Michigan Avenue, Chicago, IL 60653 Attn: Tia Young-Robin Phone: (773) 624-8826; Fax: (773) 451-3549 Email: tyoung@thechicagourbanleague.org</p>	<p>CHICAGO WOMEN IN TRADES 1455 S. Michigan Ave # 210, Chicago IL 60661 Attn: Jayne Vellinga – Director, Advocacy & Special Initiatives Phone: (312) 942-1444 ext. 209; Fax: (312) 942-0802 Email: jvellinga@cwit2.org</p>
<p>COOK COUNTY GOVERNMENT, OFFICE OF CONTRACT COMPLIANCE 118 N. Clark, Chicago, IL 60602 Attn: Betty Hancock Perry – Contract Compliance Administ. Phone: (312) 603-5502; Fax: (312) 603-4547 Email: bhperry@cookcountygov.com</p>	<p>COSMOPOLITAN CHAMBER OF COMMERCE 1455 S. Michigan Ave. # 240, Chicago, IL 60605 Attn: Carnice Carey, Executive Director Phone: (312) 499-0611; Fax: (312) 701-0095 Email: Chambers203@sbcglobal.net</p>
<p>FEDERATION OF WOMEN CONTRACTORS 5650 S. Archer, Chicago, IL 60638 Attn: Beth Doria – Executive Director Phone: (312) 360-1122; Fax: (312) 360-0239 Email: fwcchicago@aol.com</p>	<p>ILLINOIS DEPARTMENT OF CENTRAL MANAGEMENT SERVICES 160 N. LaSalle # 500, Chicago, IL 60601 Attn: Carlos Gutierrez, Outreach Manager Phone: (312) 814-4190; Fax: (312) 814-5539 Email: carlos.gutierrez@illinois.gov</p>
<p>HISPANIC AMERICAN CONSTRUCTION INDUSTRY ASSOCIATION (HACIA) 901 W. Jackson Blvd., Suite 205, Chicago, IL 60607 Attn: Gilbert Villegas, Jr. Associate Director Phone: (312) 666-5910 ext. 16; Fax: (312) 666-5692 Email: gvillegas@haciaworks.org</p>	<p>LATIN AMERICAN CHAMBER OF COMMERCE 3512 West Fullerton Avenue Chicago, IL 60647 Attn: Socorro Garcia, Director Phone: (773) 252-5211; Fax: (773) 252-7065 Email: sgarcia@latinamericanchamberofcommerce.com</p>
<p>ILLINOIS HISPANIC CHAMBER OF COMMERCE 111 W. Washington, Suite 1660, Chicago, Illinois 60602 Attn: Gerardo Rodriguez, Assistant Director Phone: (312) 425-9500; Fax: (312) 425-9510 Email: ptac@ihccbuisness.net</p>	<p>PUERTO RICAN CHAMBER OF COMMERCE 2622 W. Division Street, Chicago, IL 60622 Attn: Marlo Irizarry, Executive Director Phone: (773) 486-1331; Fax: (773) 486-1340 Email: marlo@prcci.com</p>
<p>RAINBOW/PUSH COALITION 930 East 50TH Street, Chicago, IL 60615 Attn: Brandon Evans, Project Manager Phone: (773) 256-2781; Fax: (773) 373-4104 Email: bevans@rainbowpush.org</p>	<p>S.B.A. GOVERNMENT CONTRACTING 500 W. Madison St. # 1240 Chicago, IL 60661 Attn: Linda Jones – Administrative Assistant Phone: (312) 353-4506; Fax: (312) 353-3111 Email: linda.jones@sba.gov</p>
<p>U.S. SMALL BUSINESS ADMINISTRATION 500 West Madison St., Ste 1240, Chicago, IL 60661 Attn: Robert Murphy, Area Director Phone: (312) 353-7381 or -4528; Fax: (312) 353-3111 Email: robert.murphy@sba.gov</p>	<p>WOMEN'S BUSINESS DEVELOPMENT CENTER 8 South Michigan Avenue, Ste 400, Chicago, IL 60603 Attn: Kasia Staszal Phone: (312) 853-3477 x 53; Fax: (312) 853-0145 Email: kstaszal@wbdc.org</p>
<p>CHATHAM BUSINESS ASSOCIATION 8441 South Cottage Grove Attn: Melinda Kelly, Executive Director or Karletta Kelly Phone: (773) 994-5006; Fax: (773) 994-9871 Email: melkelCBA@sbcglobal.net</p>	