



# City of Cambridge

## PURCHASING DEPARTMENT

795 Massachusetts Ave. • Cambridge, Massachusetts 02139-3219

Amy L. Witts  
Purchasing Agent

**TO:** All Bidders

**FROM:** City of Cambridge

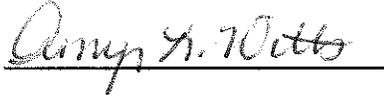
**DATE:** January 5, 2016

**RE:** File No. 7099 – Fence Repairs- Addendum No. 1

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The attached forms are to be included in the bid documents for File # 7099. The MBE forms and the OSHA Certification Form **must** be included in a bid.

All other details remain the same.

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Amy L. Witts  
Purchasing Agent

**Addendum No. 1**

# MINORITY BUSINESS ENTERPRISE REQUIREMENTS

## GENERAL

On June 30, 1983 the city of Cambridge put into effect a city wide Minority Business Enterprise (MBE) Program. To comply with the requirements of this program, a general contractor must submit the appropriate MBE Forms with its bid. The process is explained below. Failure to meet the requirements may result in automatic disqualification of the bidder. Upon request or upon its own initiative, the City may grant an extension of time for submission of the appropriate MBE Forms. Extensions shall be granted only upon a finding by the City that the bidder's failure to submit the appropriate MBE forms was excusable.

## PROCEDURE

Steps you should take to comply with the City's MBE requirements are as follows:

1. Secure a copy of the Supplier Diversity Office (SDO), Certified Minority/Women Business Directory. Only MBE firms approved by SDO will be accepted by the City of Cambridge. Copies of the directory are available at the City's Purchasing Department.
2. Attempt to develop a bid that includes at least ten percent (10%) of your total bid price in the form of work subcontracted to (or materials purchased from) one or more Minority Businesses.
3. To make the attempt to secure at least 10% Minority business participation, you (the General Contractor) must contact as many of the subcontractors or suppliers in the SDO directory as necessary. Please note that MBE FORM #3 - CONTRACT REQUEST-FOR-EXTENSION and MBE FORM #4 - INFORMATION ON UNSUCCESSFUL MBE CONTACT require you to provide a list of each firm contacted and other related information.
4. If you are successful in securing 10% or more Minority Business participation, you must:
  - A: Complete and submit MBE FORM #1 CONTRACTOR CERTIFICATION OF COMPLIANCE.
  - B: Have your participating Minority Business each fill out MBE FORM #2 -LETTER OF INTENT TO PARTICIPATE, to be submitted with your bid.
5. If, after contacting all SDO-approved firms in the trades or materials categories you should include in your bid, you have not been able to secure 10% Minority business participation, then complete and submit with your bid MBE FORM #3 - CONTRACTOR REQUEST FOR EXTENSION and MBE FORM #4 - INFORMATION ON UNSUCCESSFUL MBE CONTACT.
1. If you have any questions about the above steps, please call Duane Brown, Minority Business Compliance Officer, at (617) 349-4332.

# MINORITY BUSINESS ENTERPRISE PROGRAM

## COMPLIANCE DETAILS

PERCENTAGE OF MBE PARTICIPATION - percentage of MBE participation shall be that percentage of the total bid price represented by the amount to be paid to MBE(s). The General Bidder's compliance with the percentage requirement shall continue to be determined by reference to the above-described method throughout the term of the contract, even though the actual may be greater or less than the bid price. The General Bidder shall submit to the Minority Business Compliance Officer signed copies of its subcontracts with all MBE's involved in meeting the percentage of Minority Business Enterprise Requirement.

ROLE of the MBE REVIEW COMMITTEE - The MBE Review Committee shall have referred to it by the Purchasing Agent and the Minority Business Compliance Officer all questions of interpretation of the MBE Program that arise during the Program's operation. The MBE Review Committee shall have the responsibility and authority to respond with binding answers to these questions. It also has the responsibility and authority to recommend to the City Manager whatever improvements it believes can be made in the program, based on operating experience.

CHANGES OF MBE STATUS - Any change or substitution of the officers or stockholders in a participating MBE company that reduces the minority ownership or control to less than the requisite percentage will immediately rescind the MBE designation previously given by SDO. The General Bidder (Prime Contractor) shall immediately notify the Minority Business Compliance Officer upon learning of such a change in MBE status. In this event, the Prime Contractor shall submit to the Minority Business Compliance Officer a revised Contractor Certification of Compliance with MBE Requirements, showing how the lost MBE participation will be replaced.

## SANCTIONS

- A. If the Prime Contractor does not comply with the terms of the Minority Business Enterprise requirements of the contract, the City may (1) suspend any payment for the activity that should have been performed by the MBE pursuant to the contract, or (2) require specific performance of the Prime Contractor's obligation by requiring the Prime Contractor to sub contract with any MBE for any contract or specialty item at the contract price established for that item in the proposal submitted by the Prime Contractor.
- B. To the extent that the Prime Contractor has not Complied with the MBE requirements of the contract, the City may retain an amount determined by multiplying the bid price of this contract by the required percentage of MBE participation, less the amount of paid to MBEs for work performed under the contract and any payments already suspended under "A" above.
- C. In addition, or as an alternative, to the remedies under "A" and "B" above, the City may suspend, terminate, or cancel this contract, in whole or in part, or may call upon the Prime Contractor's surety to perform all terms and conditions in the contract, unless the Prime Contractor is able to demonstrate its compliance with the MBE requirements, and may further deny to the Prime Contractor the right to participate in any future contracts awarded by the City for a period of up to three years.
- D. In any proceeding involving the imposition of sanctions by the City, no sanctions shall be imposed if the City finds that the Prime Contractor has taken every possible measure to comply with MBE requirements, or that some other justifiable reason exists for waiving the MBE requirements in whole or part.
- E. Any bidder or contractor shall provide such information as is necessary in the judgement of the City to ascertain its compliance with the MBE Requirements.

- F. No sanctions shall be imposed by the City except in an adjudicatory proceeding under Chapter 30A of the General Laws.
- E. A Prime Contractor shall have the right to request suspension of any sanctions imposed by the City upon showing that it is once again in compliance with the MBE Requirements.

FORM

CONTRACTOR CERTIFICATION OF COMPLIANCE

1

Minority Business Enterprise Requirements

M.B.E.

Name & Address of Participating  
Minority Bus. Enterprises

Name of Participant

Dollar Value  
Participation

The below-signed bidder certifies that it will honor the above Minority Business Enterprise Commitment and that it understands that a breach of this commitment constitutes a breach of the contract.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. GRAND TOTAL FOR MINORITY BUSINESS COMMITMENT

\$ \_\_\_\_\_

8. PERCENTAGE MBE PARTICIPATION (Line 7 divided by total bid price)

% \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
General Contractor

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Business Address

**LETTER OF INTENT TO PARTICIPATE**  
**Minority Business Enterprise Requirements**

FORM  
2  
M.B.E.

TO: \_\_\_\_\_  
(Name of General Bidder)

1. My company intends to perform work under the above-identified contract as:
- \_\_\_\_\_ an individual
  - \_\_\_\_\_ a partnership
  - \_\_\_\_\_ a corporation
  - \_\_\_\_\_ a joint venture with \_\_\_\_\_
  - \_\_\_\_\_ other (explain) \_\_\_\_\_

2. My company has been certified by the Supplier Diversity Office (SDO) as a Minority Business Enterprise and is listed as such in the most recently issued SDO Minority/Women Business Directory. I hereby certify that my company's qualification as a Minority Business Enterprise have not changed since its application was submitted to SDO. I further certify that my company will give immediate notification in writing to both SDO and your Company in the event that its minority ownership, control, or management should change.

3. My company understands that if your company is awarded the contract, your company intends to enter into an agreement with my company to perform the activity described below for the prices indicated. My firm also understands that your firm, as General Bidder, will make substitutions and quantity changes only as allowed or required by the provisions of the contract with the City of Cambridge.

Item No.	Description of My Company's Activity	Quantity	Unit Price	Amount

TOTAL AMOUNT \_\_\_\_\_

\*Description of Activity should include notations such as "Labor Only", "Material Only", etc.

\_\_\_\_\_ Date \_\_\_\_\_ MBE Name

\_\_\_\_\_ MBE Authorized Signature \_\_\_\_\_

\_\_\_\_\_ Business Address

**CONTRACTOR REQUEST FOR EXTENSION  
Minority Business Enterprise Requirements**

**FORM  
3  
M.B.E.**

CONTRACTOR REQUEST-FOR-EXTENSION OF MINORITY BUSINESS ENTERPRISE  
REQUIREMENTS

The below-signed General Bidder certifies that it made a good faith effort to develop the required \_\_\_\_\_  
% Minority Business Enterprise participation in this contract, but was able to develop only \_\_\_\_\_ %.

The below-signed General Bidder further certifies that it contacted the below-listed firms from the SDO  
MINORITY/WOMEN BUSINESS DIRECTORY available for viewing at the City of Cambridge Purchasing  
Department with the Bidding Documents; that said contracts were bona fide efforts to develop the required  
Minority Business Enterprise participation in the above-identified contract but were unsuccessful due to  
circumstances beyond the control of the General Bidder; and that the information given on the following  
pages about each contract has made is accurate and complete.

MBE Companies Contacted

- |           |           |
|-----------|-----------|
| 1. _____  | 11. _____ |
| 2. _____  | 12. _____ |
| 3. _____  | 13. _____ |
| 4. _____  | 14. _____ |
| 5. _____  | 15. _____ |
| 6. _____  | 16. _____ |
| 7. _____  | 17. _____ |
| 8. _____  | 18. _____ |
| 9. _____  | 19. _____ |
| 10. _____ | 20. _____ |

The below-signed General Bidder therefore requests that the City of Cambridge grant an extension of ten  
working days in order to provide the General Bidder and opportunity to secure the required percentage of  
Minority Business participation.

\_\_\_\_\_  
Date

\_\_\_\_\_  
General Contractor

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Business Address

**FORM**  
**4**  
**M.B.E.**

**INFORMATION ON UNSUCCESSFUL MBE CONTACT**  
**Minority Business Enterprise Requirements**

Additional copies of this information form shall be prepared by the General Bidder in the quantity necessary to comply with bidding requirements.

ITEM NO. ON REQUEST-FOR-EXTENSION \_\_\_\_\_  
NAME OF MBE COMPANY CONTACTED \_\_\_\_\_  
ADDRESS OF " " \_\_\_\_\_  
TELEPHONE NO. " " \_\_\_\_\_  
DATE OF INITIAL CONTACT \_\_\_\_\_  
HOW WAS CONTACT MADE? (Check appropriate answer) TELEPHONE \_\_\_\_\_ IN PERSON \_\_\_\_\_  
SUB-CONTRACT WORK OFFERED TO THIS MBE COMPANY \_\_\_\_\_

RESULT OF CONTACT (Check appropriate answer) MBE FIRM DECLINED JOB \_\_\_\_\_;  
MBE FIRM OFFERED TO DO JOB AT PRICE OF \$ \_\_\_\_\_, WHICH WAS DETERMINED BY  
OUR COMPANY TO BE TOO HIGH \_\_\_\_\_; MBE COMPANY OFFERED TO DO THE JOB AT A  
PRICE OF \$ \_\_\_\_\_, WHICH WAS SATISFACTORY, BUT THE MBE  
COMPANY WAS JUDGED BY OUR COMPANY TO BE UNQUALIFIED FOR THE JOB

NAME AND TITLE OF THE MBE COMPANY OFFICER WHO CAN VERIFY ABOVE  
INFORMATION AS TO MBE COMPANY'S RESPONSE

\_\_\_\_\_ It is  
certified herewith by the below-signed officer of the General Bidder that the above information is accurate  
and complete.

\_\_\_\_\_ Date

\_\_\_\_\_ General Contractor

\_\_\_\_\_ Authorized Signature

\_\_\_\_\_ Business Address

**Chapter 306 of the Acts of 2004  
An Act Relative to the Health and Safety on Construction Projects**

**GENERAL CONTRACTOR'S CERTIFICATION - BID FORM**

\_\_\_\_\_ (Name of General Bidder) hereby certifies that it,  
and all its subcontractors who are not filed sub-bidders shall:

(1) who shall certify that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is a least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee.

Signed under the penalties of perjury. \_\_\_\_\_ (date)

\_\_\_\_\_  
Signature of authorized representative of contractor

\_\_\_\_\_  
Print name of authorized representative of contractor

**RETURN THIS FORM WITH YOUR BID**

**CAMBRIDGE RESPONSIBLE EMPLOYER PLAN  
NON-FILED SUB-CONTRACTOR'S CERTIFICATION - BID FORM**

\_\_\_\_\_ hereby certifies that it shall:  
(Name of Sub-Contractor)

- (1) comply with the Cambridge Employment Plan as it currently exists and as it may be, from time to time, amended, and specifically shall comply with the worker hours requirements of §2.66.060(A);
- (2) comply with the obligations established under M.G.L. c.149 and G.L. c30§39M to pay the appropriate lawful prevailing wage rates to its employees;
- ~~(3) maintain or participate in a bona fide apprentice training program as defined by c.23 §§ 11H and 11I for each apprenticable trade or occupation represented in its workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and shall abide by the apprentice to journeymen ratio for each trade prescribed therein in the performance of the contract;~~
- (4) furnish, at its expense, hospitalization and medical benefits for all its employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. c.149, §26 and G.L. c30§39M in establishing minimum wage rates;
- (5) maintain appropriate industrial accident insurance coverage for all its employees employed on the project in accordance with M.G.L. c.152;
- (6) properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance, unemployment taxes, social security taxes and income tax withholding; and
- (7) certify under oath and in writing on a weekly basis for the entire duration of its work on the project, that it is in compliance with the above obligations.

Signed under the penalties of perjury. \_\_\_\_\_ (date)

\_\_\_\_\_  
Signature of authorized representative of contractor

\_\_\_\_\_  
Print name of authorized representative of contractor

THIS CERTIFICATE APPLIES ONLY TO SUB-BIDS OVER \$25,000 INCLUDING ALL ALTERNATES, IF ANY.

**RETURN THIS FORM WITH YOUR BID**