



Hazelwood School District Supplier Diversity Program

*Board Approved – January 23, 2007
Revised and Approved – October 18, 2011
Revised and Approved – February 7, 2012*

HAZELWOOD SCHOOL DISTRICT SUPPLIER DIVERSITY PROGRAM

I. Purpose

The primary purpose of Hazelwood School District's Supplier Diversity Program is to support the District's mission and vision. This will be accomplished by providing opportunities for the meaningful participation of Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) in purchases made by the District. The program complements the District's efforts to be a collaborative learning community guided by a relentless focus to ensure each student achieves maximum growth. Our vision is to foster lifelong learners, productive citizens and responsible leaders for an ever-evolving society. In addition, the program outlines how the District will establish business relationships with MBEs and WBEs.

The program's purpose is to also establish goals and guidelines for MBE/WBE participation by qualified vendors, bidders, contractors, manufacturers, service providers and any person, corporation, business, or other entity doing business with the District. For the purposes of this program, all such entities will be generally referred to as "business partners."

II. Statement of Commitment

We believe the Hazelwood School District's commitment to supplier diversity benefits our students, the District and the community. Diversity empowers us to provide students with a quality education, fosters innovative solutions and delivers value-added services. Our Supplier Diversity Program focuses on developing a diverse supplier base that serves the needs of our stakeholders (students, teachers, staff, administration, community, business partners and tax payers). Employees in the District with responsibilities for purchasing goods and services are expected to follow these guidelines with respect to interactions with minority- and women-owned businesses. We also have the same expectations of our business partners, with the exception of cooperative procurement, as defined herein.

III. Definitions

- A. Broker: A business that facilitates the purchase of materials, services, or secures and resells equipment to a business partner. A broker does not manufacture or supply on a regular basis.
- B. Business Partners: Those business entities doing business directly or indirectly with the Hazelwood School District, .e.g., contractors, subcontractors, suppliers of goods, vendors, manufacturers, brokers, etc.

- C. Commercially Useful Function: Defined as being responsible for the execution of a contract or a distinct element of the work by actually performing, managing and supervising the work involved.
- D. Contractor: One who participates, through a contract or subcontract (at any tier).
- E. Construction Projects: New buildings, building additions, site improvements, and renovations changing the design, layout or function of a building, funded through the Capital Projects or Bond Issue funds, over \$15,000.
- F. Cooperative Procurement: Public school districts utilize cooperative procurement processes to obtain certain goods or services at prices more advantageous than might be obtained by individual procurement. The requirements of this *Supplier Diversity Program* are not applicable to any such procurement process offered by local, state, or federal governmental or non-governmental entities.
- G. Joint Venture: For purposes of MBE/WBE participation, an association of a MBE/WBE firm and one or more other firms may join together to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the MBE/WBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.
- H. Manufacturer: An owner or operator of facilities that produce a product required by the project and purchased by another contractor.
- I. MBE: A Minority Business Enterprise (MBE) is defined as a business that is at least fifty-one percent (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.
- J. Noncompliance: A contractor who has not implemented or met the requirements of the District's *Supplier Diversity Program*.

- K. Positive Efforts: Efforts to achieve MBE/WBE goals which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program goals.
- L. Purchased Services: Certain construction project-related services (architects, engineers, surveys, and testing). Any other purchased service funded by the Incidental Fund, including maintenance contracts, repairs, guest speakers, inspections. Specifically excludes travel, mileage, water, sewer, electric, natural gas, election services, liability, property and workers compensation insurance, telephone, postage, memberships in professional organizations.
- M. Supplier of Goods: A business that sells goods to the general public and maintains an inventory at an owned or leased warehouse or store. Bulk items such as steel, petroleum products, or rock do not have to be maintained in an on-site inventory.
- N. Trucker: A business that provides trucking or hauling services with trucks that are owned or leased long-term by the entity.
- O. WBE: A Women Business Enterprise (WBE) is defined as a business that is at least fifty-one percent (51%) owned, operated and controlled by a 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.

IV. MBE/WBE Goals

A. Construction Projects

1. The District has established a MBE goal of twenty-five percent (25%) and a WBE goal of five percent (5%) utilization for all building construction contracts in the amount of \$15,000 or more.
2. A building construction contractor who has achieved the participation goals for MBE/WBEs, as defined herein, will be in compliance with the requirements of this specification. A contractor who cannot achieve the goals for MBE/WBE participation must provide documentation, as prescribed in this specification. In such an instance the contractor must be able to demonstrate that the required positive efforts were initiated prior to submittal of the bid. If the contractor fails to provide evidence of the required positive efforts, as defined below, the bid will be rejected as non-responsive.

B. Purchased Services

1. The District has established an MBE goal of twenty-five percent (25%) and a WBE goal of five percent (5%) utilization for all purchased services, as defined herein.
2. A business partner who has achieved the participation goals for MBE/WBEs, as defined herein, will be in compliance with the requirements of this specification. A business partner who cannot achieve the goals for MBE/WBE participation must be able to demonstrate that the required positive efforts were initiated prior to submittal of the proposal. If the business partner cannot demonstrate the required positive efforts, the proposal will be rejected as non-responsive.

C. Manufacturers, Suppliers of Goods, and Brokers

1. The District has established a MBE goal of fifteen percent (15%) and a WBE goal of five percent (5%) utilization for all manufacturers, suppliers of goods, and brokers.
2. A manufacturer, supplier of goods, or broker who has achieved the participation goals for MBE/WBEs, as defined herein, will be in compliance with the requirements of this specification. A manufacturer, supplier of goods, or broker who cannot achieve the goals for MBE/WBE participation must be able to demonstrate that the required positive efforts were initiated prior to submittal of the proposal. If the business partner cannot demonstrate the required positive efforts, the proposal will be rejected as non-responsive.

V. Certification

- A. The District will accept, as prospective MBE/WBE participants for these projects, only those MBE/WBE firms which have been certified by one or more of the following agencies on or before the date of the bid opening:
1. City of St. Louis (St. Louis Development Corporation/Airport Authority)
 2. State Certifications, e.g., the State of Missouri
 3. Missouri Regional Certification Committee (MRCC)

4. St. Louis Minority Supplier Development Council (Formerly the St. Louis Minority Business Council)
5. National Minority Supplier Development Council (NMSDC)
6. Women's Business Enterprise National Council (WBENC) and its affiliates

Note: Certification documents must be presented, and certification status will be verified.

- B. In the case of a manufacturer, the District will also accept MBE/WBE certification by any state division of purchasing or the National Minority Supplier Development Council and its affiliates.
- C. HSD reserves the right to reject any certification if it is discovered that the same entity was denied certification by any of the other agencies listed above. If HSD does not accept a MBE or WBE's certification, HSD will notify the MBE or WBE in writing.

VI. Other Efforts to Achieve MBE/WBE Goals

The District is committed to removing impediments from its procurement process which may negatively impact MBE/WBE business partners. The District will seek means to conduct procurement so as to encourage minority participation.

- A. The District encourages prime contractors to unbundle large contracts to make them accessible to small businesses.
- B. The District encourages prime contractors to subcontract portions of work normally done by their own forces.
- C. The District will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by MBE/WBE, and other small businesses.
- D. The District will conduct information and communications programs on contracting procedures and specific contract opportunities ensuring the inclusion of MBE/WBEs, and other small businesses, on mailing lists for bidders, and ensuring the dissemination of bidder lists to potential subcontractors.
- E. The District will distribute a MBE/WBE directory to all District personnel authorized to purchase goods and services.

- F. Upon request and verification of need by the Hazelwood School District, the District will pay MBE/WBE contractors or other small businesses every two weeks for labor cost upon presentation of required documentation.

VII. Procedures

A. Pre-Contract Award Requirements

1. A properly signed bid will certify that the business partner has undertaken the positive efforts described in this MBE/WBE procedure to achieve the stated goal for MBE/WBE participation. It will be necessary for each business partner to submit the information and documentation required with their bid on HSD Form A and/or HSD Form B. Failure to submit the information as required (on HSD Form A and/or HSD Form B) will result in the bid being rejected as non-responsive.
2. To establish a bid as responsive, the business partner must document, on HSD Form A, the proposed utilization of MBE/WBE participants to achieve the stated goal, and/or document on HSD Form B the positive efforts expended by the business partner to utilize MBE/WBE participants.
3. For the purpose of determining the degree of goal attainment the following methodology will be utilized:
 - a. A joint venture consisting of MBE/WBE and majority business enterprises, functioning as a singular business partner will be credited with MBE/WBE participation based upon the percentage that the dollar amount of the work to be performed by the MBE/WBE equates to the total contract amount. The joint venture itself must pre-qualify through the District Business Office, and minority and/or women partners must be certified as MBE/WBE at least five (5) working days prior to submitting a bid proposal.
 - b. For total contract dollar amounts of \$500,000 or less, a prime MBE/WBE will be credited with participation for one hundred percent (100%) of the contract amount. For total contract dollar amounts greater than \$500,000, a prime MBE/WBE will be credited with participation for the percentage of the contract amount that the MBE/WBE prime contractor self performs. As an MBE/WBE Prime Contractor, the MBE/WBE must control the work and perform a

commercially useful function. The remaining MBE/WBE participation shall be calculated as described below.

- c. Credit is given for one hundred percent (100%) of the amount paid to a MBE/WBE contractor for labor and materials provided to perform a defined and clearly measurable portion of the contract. At least thirty percent (30%) of the work must be performed by the MBE/WBEs own employees.
- d. An MBE/WBE prime professional service consultant will be credited with participation for the percentage of the contract amount managed and performed by the consultant's own forces. The remaining MBE/WBE participation shall be calculated as described below.
- e. Supplier of Goods - A business partner will be credited with MBE/WBE participation for sixty percent (60%) of the dollar amount of purchases made from MBE/WBE suppliers of goods for materials furnished. A supplier of goods sells goods to the general public and maintains an inventory at an owned or leased warehouse or store. Bulk items such as steel, petroleum products, or rock do not have to be maintained in an on-site inventory. Credit will not be given twice for the hauling of materials if hauling of the materials is included in the original cost.
- f. Broker - Credit is given for one hundred percent (100%) of the fees or commission received by the MBE/WBE firm for materials purchased, services provided, or equipment secured and resold to the contractor. Fees or commissions are defined as the difference between what the MBE/WBE firm paid for the materials purchased, services provided, or equipment secured and the price paid by the contractor to the MBE/WBE firm for those items. A broker does not manufacture or supply on a regular basis.
- g. Manufacturer - A prime contractor will be credited with MBE/WBE participation for one hundred percent (100%) of the dollar amount of purchases made from MBE/WBE manufacturers for materials furnished that become a permanent part of the project. A manufacturer is a firm that owns and operates the

facilities to produce a product required by the project and purchased by the contractor.

- h. Other Subs - A prime contractor or prime professional service consultant will be credited with MBE/WBE participation for the corresponding percentage of MBE/WBE sub-contractor participation. Any tier sub-contractor may be used for participation provided the prime contractor or consultant documents utilization and submits verification of certification at the time of the bid proposal.
- i. Trucker - Credit is given for one hundred percent (100%) of the amount paid to the MBE/WBE trucker if the majority of the trucking is performed by the MBE/WBE, with employees of the MBE/WBE, using equipment owned or long-term leased by the MBE/WBE. However, if the MBE/WBE firm uses leased trucks, at least one truck owned by the firm must be used on the project. Full credit will not be given for leased trucks unless they are leased from another MBE/WBE firm, MBE/WBE owner operators, or a recognized commercial leasing operation. Firms licensed by the Missouri Public Service Commission as leasing agents qualify as a recognized leasing operation. Lease of trucks from the prime contractor will not be credited toward the MBE/WBE goal other than the fees and commissions.

If the MBE/WBE firm uses owner-operators to supplement their owned trucks, the MBE/WBE must be responsible for management and supervision of the entire trucking operation. The trucking arrangement or contract cannot be a contrived arrangement to meet the MBE/WBE goal. The MBE/WBE will be considered a broker, and only fees or commissions received will count toward the goal, if the MBE/WBE is not in full control, or does not have employees or trucks on the project.

In order for the use of a MBE/WBE trucker to be credited for the delivered price of materials/supplies, the trucker must be certified as a supplier of goods or manufacturer of the material, responsible for the quality standards of the material, negotiating the material price, payment, and select the source.

- j. Any tier supplier of goods, broker or manufacturer certified by one of the recognized certification agencies may be use for participation provided the prime contractor documents utilization and submits verification of certification at the time of the bid proposal.

B. Evaluation of Goal Achievement

- 1. As a prerequisite, to demonstrate MBE/WBE goal achievement, the business partner must provide the following data with their bid:

NOTE: HSD Form A must be used for this purpose.

- a. The type of work and dollar amount to be awarded to each MBE/WBE sub-contractor, supplier of goods, professional service consultant and manufacturer.
- b. The names of MBE/WBE sub-contractors, suppliers of goods, professional service consultants, and manufacturers to be utilized.
- c. The total dollar amount of MBE/WBE participation. MBE and WBE must be shown separately.
- d. MBE/WBE certification for all sub-contractors, suppliers of goods, professional service consultants, and manufacturers listed on HSD Form A.

NOTE: All MBE/WBE subs of any tier other than the prime must be indicated on HSD Form A.

- 2. For bids that do not meet the District's stated MBE/WBE goal, the business partner must document the positive efforts taken to achieve the stated goal, except in those cases in which the general contractor is an MBE/WBE and the total contract dollar amount is \$500,000 or less. For a bid to be considered responsive, each of the positive efforts must be documented.

NOTE: HSD Form B with appropriate attachments must be used for this purpose.

The following are the positive efforts to be documented and attached to HSD Form B:

- a. Copies of timely solicitation letters (dated and postmarked a minimum of ten (10) calendar days prior to bid opening) sent to MBE/WBE firms other than those listed on HSD Form A, which will not perform the same work as those listed on HSD Form A. The solicitation letters should include the specific type of work and delivery schedule conforming to the type of work that the MBE/WBE firm performs. Blanket solicitations are not required. Letters must be sent by either registered or certified mail (return receipt required), or courier, and proof of receipt must be attached. Facsimile confirmation reports that indicate the date, time, and phone number and sent status of the fax will be accepted.
 - b. Documentation of any other efforts to extend opportunities to MBE/WBE firms, such as advertisements in minority and women trade association newsletters and minority-owned media, and written notification sent to minority and women contractor associations, including the Contractors Assistance Program, MOKAN, and the St. Louis Minority Business Council (SLMBC).
3. If the bid is considered non-responsive and therefore rejected, the District will advise the business partner, in writing, of the basis for such determination.

C. Contract Compliance

1. Within fifteen (15) calendar days after notice of award of the contract, MBE/WBE verification letters signed by all the MBE/WBE participants or copies of all MBE/WBE related sub-agreements signed by the general contractor and sub-contractors must be submitted to the District. Form C-1 may be used as a guide to completing such verification letter. If a contractor fails to submit the required information and documentation within fifteen (15) calendar days after notice of award, the District may withdraw the notice of award and the bid security of that contractor will be forfeited to the District.
2. During construction, the contractor must submit monthly MBE/WBE involvement reports to the District in a timely manner utilizing HSD Form D-1 furnished by the District. Comparative information will be collected from MBE/WBE sub contractors on HSD Form D-2. Changes to the previously reported MBE/WBE utilization from HSD Form A

will only be considered by the District for one of the following reasons:

- a. The named MBE/WBE firm is unable to meet the delivery requirements of the contract schedule.
- b. The named MBE/WBE firm is dilatory in complying with the requirements of the contract documents.
- c. The named MBE/WBE firm is prevented from performing due to bankruptcy, insolvency or circumstances related to the failure of the business.
- d. The type and amount of work to be performed by the MBE/WBE contractor is less than what the general contractor could have reasonably assumed at the time of the bid due to changes in scope or field conditions.
- e. The contractor must promptly report to the District, in writing, any proposed changes in the utilization of MBE/WBE firms, and include appropriate documentation. No changes will be effective unless confirmed in writing by the District.
- f. The contractor must attach HSD Form D-1 to each progress payment request. Before final payment will be authorized by the District, the contractor must submit a signed confirmation (HSD Form C-2) of total payment from each MBE/WBE sub-contractor listed on HSD Form A of the initial contract.
- g. In the event the contractor fails to conform to their MBE/WBE obligations, the contractor must furnish to the District, in writing, the reasons for failure. If, in the sole judgment of the District, there is non-utilization without good cause, the District will advise the contractor, in writing, of corrective actions to be initiated. If the contractor fails to fully initiate these corrective actions in a timely manner, the District may withhold the equivalent amount, which should have been paid to the MBE/WBE(s), from any payments and/or institute appropriate actions pursuant to the provisions that have been incorporated into these specifications. An equivalent amount shall be defined as that portion of the MBE/WBE goal that was not met, as initially set forth in HSD Form A.

- h. The failure of a MBE/WBE firm to perform a commercially useful function (CUF) will result in the dollar value of that MBE/WBE firm's work not being credited toward the contractor's MBE/WBE goal for that contract. This may result in HSD withholding payment from the prime contractor of the entire amount not credited, if this results in the contractor's failure to achieve the MBE/WBE participation goal for that contract.

D. Termination, Removal, or Substitution of MBE/WBE Firm

- 1. A contractor cannot terminate, release, or substitute any MBE/WBE firm without the written consent of HSD. The contractor must provide documentation to the office of the Assistant Superintendent of Finance and Facilities that the MBE/WBE firm is unwilling or unable to perform within five (5) working days of notice of the inability to perform by the MBE/WBE firm. If removal of a MBE/WBE firm is approved, or a MBE/WBE firm withdraws, the contractor must make a positive effort to find a replacement MBE/WBE firm. The contractor must make efforts to replace the dollar value of work to be performed, not merely finding a replacement for the work that was to be performed by the MBE/WBE firm being replaced. If substitution of a MBE/WBE firm is approved, the prime contractor must provide the Assistant Superintendent of Finance and Facilities copies of new or amended subcontracts.
- 2. If the contractor fails or refuses to comply in the time specified, HSD will issue an order stopping all or part of payment until satisfactory action has been taken. If the contractor remains in non-compliance HSD may terminate the contract.

E. Disclaimer

The District's implementation of this MBE/WBE procedure and its requirements does not constitute any endorsement of any MBE/WBE. By submitting a bid to the District, the business partner agrees to hold harmless the District, its officers and employees for all claims arising out of this bid or any contract connected thereto.

F. Supplier Workforce Diversity

Business partners of the District are expected to recruit, hire, train, and develop a qualified, diverse workforce that represents the community. Federal standards have established a workforce diversity goal of 14.7% minority that is recognized by the District. The District strongly encourages its business partners to strive for workforce goals of twenty-five percent (25%) minority and five percent (5%) women. The District will actively pursue and monitor its goals of 25% minority and 5% women for construction contracts exceeding \$250,000. In addition, business partners will provide the District with copies of their diversity programs, community outreach efforts and workforce demographics. Human Resource policies such as EEO, Non-Harassment and similar policies will be shared with the District. The District expects its business partners to follow all applicable local, state and federal employment laws and regulations.

Note: Bidders are required to complete, sign and submit HSD Form E with their bids.

Dear _____,

Pursuant to our contract with Hazelwood School District, we are required to confirm your company's participation in the project known as _____.

We have reported the following information to the District:

Subcontractor

Amount of Subcontract

If your records agree with this statement please sign the bottom of this letter and return it to my attention as soon as possible.

Sincerely,

Date

I hereby certify that the information regarding the above subcontract is correct.

MBE/WBE

Date

Dear _____,

We have applied for our final payment on the project known as _____.

We have reported to the District that we made the following payments to your company:

Payment Amount

Date

Payment Amount

Date

Payment Amount

Date

If your records agree with this statement please sign the bottom of this letter and return it to my attention as soon as possible.

Sincerely,

Date

I hereby certify that the information regarding the above subcontract is correct.

MBE/WBE

Date

**HAZELWOOD SCHOOL DISTRICT
Supplier Diversity Program**

SUBCONTRACTOR UTILIZATION FORM

Project Name: _____

Prime Contractor: _____

If I am awarded this bid I will subcontract with the following MBE/WBE firms:

Work or Trade to be Subcontracted	MBE/WBE Firm Name or Joint Venture	Subcontract Amount	
		(MBE)	(WBE)
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
SUBTOTALS:		\$ _____	\$ _____
MBE/WBE SUBCONTRACTS TOTAL		\$ _____	

TOTAL BID: _____ **TOTAL MBE %** _____ **TOTAL WBE %** _____

NOTE: A MBE or WBE Subcontractor may be included as a Joint Venture with a Non-Certified MBE/WBE on Form "A". However, only the portion of work to be managed and performed by the Certified MBE/WBE may be counted towards the goal.

MBE/WBE SUBCONTRACTOR SOLICITATION REPORT

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**Firm Name and
Contact Person**

Reason not Utilized

[illegible]

HAZELWOOD SCHOOL DISTRICT Supplier Diversity Program

GENERAL CONTRACTOR'S MONTHLY MBE/WBE REPORT

INFORMATION ON CONTRACT

Original Contract Value: _____
 Total Change Orders: _____
 Final Contract: _____
 Starting Date: _____
 Completion Date: _____

GENERAL CONTRACTOR

(Duration/Months) _____ Project : _____
 _____ Months Report for Month of: _____

Name of Subcontractor <i>Please copy form and use a second sheet if necessary.</i>	Project Task	Cert #	Original Contract Amount	Original Contract +/- Amount C.O.	Payment This Month	Previous Payments	Total Payments	Pending C.O.'s Amount and Date	Overall Work Completed %
TOTAL			\$	\$	\$	\$	\$	\$	

Comments: (Attach a separate sheet if necessary) _____

Prime Contractor
Print Name: _____

Signature: _____

Phone Number: _____

Date: _____

HAZELWOOD SCHOOL DISTRICT
Supplier Diversity Program
MBE/WBE SUBCONTRACTOR'S MONTHLY REPORT

INFORMATION ON GENERAL CONTRACTOR:

REPORT FOR MONTH OF: _____

PROJECT: _____

NAME: _____

ADDRESS: _____

CONTACT PERSON: _____

TELEPHONE: _____

INFORMATION ON SUBCONTRACT:

Services/Purchase Order/ Task Order No.	Original Subcontract Amount	Date of Change Order	Change Orders Amount (+/-)	Present Subcontract Amount	Total Payments Received this Month	Total Payments to Date	% of Work Complete
1.							
2.							
3.							

INVOICES PAST DUE

SUBCONTRACTOR

Invoice Date	Reference Number	No. Days Past Due	Amount	Name of Firm:	MBE/WBE Certification #
				Address:	
				Telephone:	
				Print Name:	Title :
				Signature:	

COMMENTS:

**HAZELWOOD SCHOOL DISTRICT
Supplier Diversity Program
MBE/WBE SUBCONTRACTOR'S MONTHLY REPORT**

**HAZELWOOD SCHOOL DISTRICT
Supplier Diversity Program**

MBE/WBE WORKFORCE DIVERSITY FORM

Project Name:

Prime Contractor:

**If awarded this bid the undersigned Prime/General Contractor
commits to the following workforce diversity goals:**

MBE % GOAL: _____

HSD % MBE GOALS – 25%

WBE % GOAL: _____

HSD % WBE GOALS – 5%

PRIME CONTRACTOR

PRINT NAME:

SIGNATURE:

DATE:

PHONE:

E-MAIL:
