



Elizabeth Unger
Purchasing Agent

City of Cambridge

PURCHASING DEPARTMENT

SHUO WANG
Assistant Purchasing Agent for
Goods & Services

NATALIE SULLIVAN
Assistant Purchasing Agent for
Design & Construction

TO: All Bidders

FROM: City of Cambridge

DATE: October 25, 2023

**RE: File No. 11252 – SCADA System Upgrade Walter J. Sullivan Purification Facility -
Addendum No. 1**

This addendum is comprised of the following:

- 1. Questions and Answers**

The following questions were asked and answered:

Question 1. I am looking to see if there is a DMBE or WBE requirement on this project or has this been waived off?

Answer: MBE Forms were mistakenly omitted - please see attached. These forms shall be included with your bid package submission.

All other details remain the same.

Elizabeth Unger
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.
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 Businesses 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 CONTRACT.
6. During the bid period if you have any questions please email them to purchasing@cambridgema.gov. After the bid opening date, if you have any questions about the above steps, please call Betsy M. Allen, Director of Equity and Inclusion, at (617) 349-4331.

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 judgment 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.
- G. 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.

**CONTRACTOR CERTIFICATION OF COMPLIANCE
Minority Business Enterprise Requirements**

**FORM
1
M.B.E.**

| Name & Address of Participating Minority Bus. Enterprises | Name of Participant | Dollar Value of Participation |
|--|---------------------|-------------------------------|
|--|---------------------|-------------------------------|

1.

2.

3.

4.

5.

6.

7. GRAND TOTAL FOR MINORITY BUSINESS COMMITMENT \$ _____

8. PERCENTAGE MBE PARTICIPATION (Line 7 Divided by tot. bid price) _____%

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.

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 Contractor

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 **10 %** 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 supplied by 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

INFORMATION ON UNSUCCESSFUL MBE CONTACT
Minority Business Enterprise Requirements

FORM
4
M.B.E.

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 TO 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