THE HAMILTON COUNTY
ECONOMIC INCLUSION POLICY
SMALL BUSINESS ENTERPRISE INITIATIVE

I. Purpose:

The Board of Commissioners, Hamilton County, Ohio, ("Board") is committed to promoting the economic inclusion of all people in Hamilton County regardless of race, gender, disability, national origin, sexual orientation, or gender identity. It established the Office of Economic Inclusion to promote inclusion in County procurement and employment practices. The Board finds Small Business Enterprises (SBEs) provide employment and economic growth in Hamilton County, Ohio. The Board further finds that encouraging the participation of Small Businesses in Hamilton County construction projects undertaken by departments reporting through the County Administrator to the Board ("Projects") will benefit all residents of Hamilton County, Ohio. Hamilton County is an equal business opportunity governmental entity, and has strived to provide, and will continue to provide, equal business opportunities to diverse groups within our region.

II. Definition of Small Business Enterprise ("SBE")

A Small Business Enterprise (SBE) is defined as a business concern that is independently owned and operated and which meets the detailed definitions or size standards established by the Administrator of the Small Business Administration. In addition, those businesses that qualify as a Small Business are encouraged to become a certified minority or women-owned business, if appropriate. Hamilton County will accept Small Business Enterprise certifications by the agencies listed in **Appendix A,** attached hereto.

III. Duties of the Director of the Hamilton County Office of Economic Inclusion

The Director of the Office of Economic Inclusion ("Director") shall work with the Hamilton County Departments and, where appropriate, the General Contractor, project manager or architect to do the following:

1. Identify potential SBE prime Trade Contractors;

2. Identify potential SBE subcontractors for prime Trade Contractors;

3. Verify compliance with the SBE Inclusion Program; and,

4. Provide assistance throughout the Project to SBE subcontractors where such assistance may not be available from prime Trade Contractors.

IV. Actions to be taken to Promote Participation of SBEs in the Hamilton County Projects:

1. Qualified SBE Identification

   a. The Director shall obtain, and make available listings SBE contractors by trade, location and bid activity.

   b. During the Project's prebid phase, the Director shall initiate a comprehensive notice program. Utilizing available SBE listings, the Director will provide SBE Contractors with notice of potential prime Trade Contractor opportunities upon which the SBEs could bid.

2. SBE Listings and Agencies the Director will use to help promote the SBE Inclusion Program by disseminating information throughout Hamilton County.

   African American Chamber Of Commerce
   City of Cincinnati Department of Economic Inclusion
   Downtown Cincinnati Inc.
   Cincinnati USA Regional Chamber of Commerce
   Hamilton County Development Center
   Hamilton County Economic Inclusion Advisory Council
   Hispanic Chamber Cincinnati USA
   Northern Kentucky Chamber of Commerce
   Ohio Minority Supplier Development Council
   Ohio River Valley – Women's Business Council
   State of Ohio SBA 8(a) Contractors Listing
   U.S. Small Business Administration

3. Bid Package Design

   The Hamilton County Department Head, or his or her designee, in conjunction with the Director shall review project bid packages. Subject to competitive bidding requirements, cost effectiveness, and schedule compliance, bid packages will be designed to encourage participation by SBE contractors as prime Trade Contractors, subcontractors and/or suppliers. SBE participation goals will be set in prime Trade Contracts where prime Trade Contractors would normally utilize subcontractors and suppliers.

4. Bid Advertisement

   The Director will use formal advertisement procedures as required by law to advertise contracting opportunities to businesses, and will alert business development and support organizations of contracting opportunities as well.

5. Contract Award

In an effort to encourage SBE participation, the Board will include within the Project bid manuals; special provisions that are substantially similar to those contained in **Appendix C**, attached hereto. As required by the Ohio Revised Code, the Board must award all prime Trade Contracts for Hamilton County Projects to the "lowest and best" bidder, based upon announced evaluation criteria.

V. Actions to be taken to Monitor Participation of SBEs in the Hamilton County Projects

1. The Director shall explore and make recommendations to the Board through the County Administrator, regarding the best method to accurately monitor participation levels of SBEs.

2. Among other steps to be taken, on recommendation of the Director to the Board, an auditing firm may be employed to accurately report participation levels of SBEs as directed in each contract at regular intervals.

3. The bid package shall require the successful bidder to accurately report the participation levels of SBEs on the forms substantially similar to those attached hereto as **Appendix C.**

SMALL BUSINESS INCLUSION PROGRAM - Appendix A

Hamilton County, Ohio
Small Business Enterprise

Recognized Certification Agencies

City of Cincinnati
Department of Economic Inclusion
805 Central Avenue, Suite 600
Two Centennial Plaza
Cincinnati, OH 45202-1947
(513) 352-3154
Certifies SBE (s), MBE (s), WBE (s)

Ohio Minority Supplier Development Council
Chase Building
100 East Broad Street, Suite 2460
Columbus, Ohio 43215
(614)-225-6959
http://ohiomsdc.org/
Certifies SBE (s), MBE (s)

Women's Business Enterprise Council-Ohio River Valley (WBEC-ORV)
3458 Reading Road
Cincinnati, OH 45229
(513) 487-6537
smixon@wbec-orv.org
https://www.wbecorv.org/about-wbecorv
Certifies WBEs and WOSBs

State of Ohio, Department of Transportation (ODOT)
Office of Equal Opportunity
1980 West Broad Street
Columbus, Ohio 43223
(614) 644-8436 or 1-800-459-3778
www.dot.state.oh.us/ptrans
Certifies SBE (s) DBE (s)

State of Ohio Department of Administrative Services
Equal Opportunity Division
4200 Surface Road
Columbus, OH 43228
(614) 466-8380
das-eod@das.ohio.gov
https://das.ohio.gov/
MBE (s), EDGE

Abbreviations
SBE - Small Business Enterprise
MBE - Minority Business Enterprise
WBE - Women Business Enterprise
WOSB - Women Owned Small Business
DBE - Disadvantage Business Enterprise
EDGE - Encouraging Diversity, Growth and Equity

SMALL BUSINESS INCLUSION PROGRAM - Appendix B

HAMILTON COUNTY
ADDITIONAL BID CONDITIONS

1.1 GENERAL

A. The contracting practices utilized on this project shall conform to the Board of County Commissioners SBE Inclusion Program. Compliance with County "Good Faith Efforts" to achieve contracting goals is one factor that will be considered in the determination of the award. SBE Inclusion Program is available for review at the offices of the Owner.

B. The following documents are additional bid conditions and are supplemental to the Instructions to Bidders.

Special Provisions – SBE Goals

C. Also see **Appendix C** for further detailed instructions concerning compliance with the Small Business Inclusion Program.

SMALL BUSINESS INCLUSION PROGRAM - Appendix C

HAMILTON COUNTY
ADDITIONAL BID CONDITIONS

SPECIAL PROVISIONS

SBE GOALS

1. **PURPOSE:** The Contractor shall employ **"GOOD FAITH EFFORTS**" to achieve Hamilton County's SBE aspirational participation goals as part of its effort to submit the lowest and best bid. The SBE goals for this contract are set forth by the Owner in the Specifications – General Requirements - Descriptions of Contracts.

2. **DEFINITIONS:** As used in this section, the following words have the meaning indicated.

   A. "Small Business Enterprise" ("SBE") is defined as a business concern that is independently owned and operated and meets detailed definitions or size standards established by the Administrator of the SBA. References throughout this section to small business shall mean Small Business Enterprise (SBE).

   B. "Contractor" means any bidder on any contract herein.

   C. "Goal" is defined as the amount of work, material or service that in the Project Manager's judgment, from previous experience, would reasonably be expected to be able to be provided or performed by SBEs in the Greater Cincinnati Metropolitan Area on a Contract similar to that which is being bid.

   D. "Good Faith Efforts" are a specific list of activities that could be done by a contractor in order to demonstration a bona fide effort to achieve the SBE contracting goals as outlined in the contract (See Page 28).

3. **SBE PROJECT GOALS**

   Hamilton County in conjunction with the Project Manager will establish aspirational goals for the utilization of SBEs for each contract in the project. The goals in different contracts will differ, because under certain contracts, SBE participation may not be envisioned to be possible in the same proportion. The Hamilton County encourages the use of SBE firms as first-tier subcontractors and/or joint ventures.

The overall SBE goal for this particular project is **(see general conditions and instructions to bidders)** for SBEs. This has been set forth in the Description of Contract, and is expressed in terms of a percentage of the total dollar value of such contract.

Inability of a Contractor to meet the established SBE goal will not exclude said Contractor from award of a contract if deemed to be "Lowest and Best" bid. Refusal to employ and document "Good Faith Efforts" to include SBE when requested may be cause for non-award of contract.

4. **CONTRACTOR RESPONSIBILITIES**

A. A SBE participation goal for this Contract is set forth in The Description of Contract. The Contractor agrees that he will make "Good Faith Efforts" to achieve the specified amount of the Contract to be performed by SBEs.

B. If awarded the Contract:

- A Contractor shall employ Good Faith Efforts to accomplish an amount of work not less than the SBE business participation rate set forth in its SBE Compliance Plan.

- Indicate and record (for general reporting purposes only) if any of the SBEs utilized are minority or female owned.

C. The Contractor, by submitting its bid, consents to provide such documentation as required by the Owner or Project Manager, and to provide right of entry at any reasonable time for the Owner's representative verifying SBE business participation.

D. COMPLIANCE

I) Each Bidder must submit a SBE Compliance Plan (refer to **Appendix C)** with its Bid. **Failure to submit a Goal Compliance Plan with the Bid and other documentation may result in rejection of the Bid.**

II) When a SBE business performs on more than one contract with the same prime contractor, all references to payment activity must be maintained separately for each contract.

A. Contractor shall indicate on the Contractor's Affidavit of Payment of Debts & Claims, Business Payment summaries.

B. Contractor shall provide information to the Owner upon request, regarding S/M/WBE participation. Such information may include subcontract agreements and purchase orders, canceled checks (front and back), invoices, payment verification, and certified payrolls.

III) The Owner and its agents may make periodic visits to the work site to verify SBE participation and control of work and workforce. The Owner or their designee may interview any member of workforce of subcontractors, or any member of the workforce of the Contractor.

IV) In order to receive credit for the purchase of materials and supplies, the small business shall be certified as a supplier or shall itself purchase the materials and supplies that the SBE business will install and in addition, shall choose the vendor, negotiate the cost, arrange delivery of, and pay for the materials and supplies required for the work of the contract. Invoices for materials shall be invoiced to the SBE firm and not to the prime contractor. The Owner may periodically review invoices for materials to confirm SBE participation. SBE suppliers of materials and supplies should count towards SBE goals. The value of any supplies furnished by a Non-Certified SBE will be separately identified in all reports.

5. **GOOD FAITH EFFORT TO MEET SBE ASPIRATIONAL PERCENTAGE GOALS**

By submitting a signed bid, the Contractor certifies that it shall make "Good Faith Efforts" to achieve the established aspirational percentage goals for utilization of the SBE businesses as subcontractors and/or material supply or service providers appropriate to the project on which it bids.

6**. DEFAULTING SBE SUBCONTRACTORS, MATERIAL OR SERVICE SUPPLIER**

If a SBE business/subcontractor, material or service supplier is unable to perform successfully, the Contractor is expected to make good faith efforts to replace said SBE subcontractor, material or service supplier with another qualified SBE business, unless doing do would cause an unreasonable increase in the project cost or an unreasonable delay in project construction schedule.

7. **PENALTIES**

A. Failure of a Contractor to demonstrate "Good Faith Efforts" to attain the Project's SBE goals may constitute grounds for Hamilton County to

declare Contractor's bid non-responsive.

B. As with other Contract requirements, failure of the successful Contractor to carry out the SBE assurances set forth in its Contract may constitute a breach of Contract, and after notification by Hamilton County may result in default termination of the Contract by the County.

8. **RECORDS AND REPORTS**

A. The Contractor shall maintain such records as are necessary to confirm "Good Faith Effort" for small business participation. For tracking purposes only, tracking records shall indicate the identity of the small business, the type of work performed by each, and the actual dollar value of work, services and procurement achieved by each Contractor and subcontractor (see Form 2005).

B. The Contractor shall submit information with his monthly cost breakdown for progress payments that indicate the dollar value of contracts awarded to small businesses. This information will be submitted as a supplement to the Cost Breakdown for Progress Payments. Failure of the Contractor to submit the required supplementary participation information may result in delays in processing progress payments.

HAMILTON COUNTY SBE PROGRAM REQUIREMENTS

It is the policy of the Board of Commissioners, Hamilton County, Ohio ("County") that Small Business Enterprises **("SBEs"**) have equal opportunities to participate in the performance of Trade Contracts on the project noted in this solicitation ("Project"). **All Bidders must comply with applicable Hamilton County requirements to ensure that SBEs have equal opportunities to compete for and perform on Trade Contracts.** Hamilton County and its Prime Contractors shall not discriminate on the basis of race, gender, disability, religion, national origin, age, sexual orientation, gender identity, or other unlawful basis in the award and performance of Trade Contracts.

Prime Contractors seeking to participate on this Project agree to ensure SBEs, minority and women-owned businesses, as well as veteran-owned businesses and disability-owned businesses and other have the equal opportunity to participate in the performance of Trade Contracts. A Prime Contractor submitting a bid or proposal on this Project ("Bidder") is asked to make good faith efforts to meet or exceed the goal for **SBE** participation. The County encourages Bidders to aspire to meet or exceed the **SBE** participation goal for this Project.

In order to assure equal opportunity **SBE** participation, **each Bidder must submit the SBE Goal Compliance Plan with its bid. Failure to submit the SBE Goal Compliance Plan with the bid and other documentation that may be requested shall result in rejection of the bid.**

In order to evaluate **SBE** Participation, all Bidders are to submit the forms included with Appendix C with their bid. **These forms are not intended to be exclusive or exhaustive, and the Bidder should attach additional sheets, as necessary, to fully explain its good faith efforts in accordance with the requirements of The Hamilton County SBE Inclusion Program.**

This Appendix C supersedes and is controlling over any possible conflicting information in any of the other appendices (A – B) of the
Hamilton County
Economic Inclusion Program.

SBE GOAL COMPLIANCE PLAN

CONTENTS INCLUDE:

1. SBE Goal Compliance Plan Instructions
2. Cover Page
3. SBE Goal Compliance Plan - Parts A, B, C, and D

HAMILTON COUNTY
SBE GOAL
PROGRAM COMPLIANCE PLAN
INSTRUCTIONS

Each Bidder shall submit a SBE Goal Compliance Plan with its Bid. The Compliance Plan consists of the signed Cover Sheet and Parts A, B, C, and D. Please direct any questions regarding preparation of the SBE Goal Compliance Plan to the Director of The Office of Economic Inclusion.

How To Complete the SBE Goal Compliance Plan:

Complete, sign and date the SBE Goal Compliance Plan Cover Sheet

1. Complete the Part(s) per the instructions applicable to the Bidder:

A. PART A instructions must be followed by:

- Bidders who are SBEs who meet the Participation Goal without the use of SBE subcontractor/suppliers.
- Bidders who are a Joint Venture which include a SBE and meet the Participation Goal without the use of SBE subcontractor/suppliers.

B. PART B instructions must be followed by:

- Bidders who will meet the Participation Goal by subcontracting with SBE subcontractor/suppliers.
- Bidders who are SBE Joint Ventures which include and only meet the Participation Goal with the use of SBE subcontractor/suppliers.

C. PART C instructions must be followed by:

- Bidders who do not meet the Participation Goal but seek a partial or total exemption and have exercised good faith efforts to meet the Participation Goal.

D. PART D instructions must be followed by:

- Bidders who do not meet the Participation Goal but seek exemption because the Bidder will perform the work of the entire Trade Contract with its own forces, without the use of subcontractors, and by using materials, supplies or equipment in Bidder's existing inventory or obtained pursuant to existing contracts.

SBE GOAL COMPLIANCE PLAN
COVER PAGE

Project Name: _____

Project Solicitation Number:_____

SBE Participation Goal indicated in the solicitation: _____%

Date:_____

Bidder Name:_____

Contact Person:_____

Telephone No.:_____

Fax No.:_____

E-mail Address:_____

Address:_____

City:_____State:_____Zip Code:_____

Total Base Bid Price $_____Total SBE Participation $_____

THIS PLAN MUST BE SIGNED AND SUBMITTED WITH THE BID DOCUMENTS.

I certify that the information included in this SBE Goal Compliance Plan is true and complete to the best of my knowledge and belief. I further understand and agree that this SBE Goal Compliance Plan shall become a part of my Trade Contract with Hamilton County.

_____

Name and Title of Authorized Representative (Print)

_____

Signature

_____

Date

SBE GOAL COMPLIANCE PLAN

PART A: SBE Prime Contractor and Joint Ventures

If you are a SBE Prime Contractor or a Joint Venture which includes a SBE and you meet the Participation Goal without the use of subcontractor/suppliers, disclose the level of SBE participation here expressly providing the dollar amount, percentage, and scope of work of the qualifying SBE prime or venture(s).

BIDDER INFORMATION:

1. **Bidder is an SBE:** **YES** / **NO** (circle answer) If YES, complete the following:

   Total Base Bid Price $_____

   Percentage of work to be performed by Bidder without subcontractor/suppliers: _____%

2. **Bidder is a SBE Joint Venture:** **YES / NO** (circle answer). If YES, complete the following:

   Name of SBE participating in Joint Venture:_____

   Address of SBE:_____

   City:_____ State:_____ Zip:_____

   Contact Person:_____ Telephone No.:_____

   Description of Work:_____

   _____

   Total Base Bid Price $_____

Percentage of SBE ownership in Joint Venture _____%

(Copy of signed Joint Venture Agreement to be submitted to the Project Manager within one business day, upon request)

Project Name_____

Project # _____

Contract Representative (Print Name) _____

Signature_____

PART B: Bidders who will meet the Participation Goal by subcontracting with SBE subcontractor/suppliers

All Bidders who will meet the Participation Goal, in whole or in part, by subcontracting with SBE subcontractor/suppliers shall disclose the identity of the SBE subcontractors/suppliers who are to be utilized in the execution of this Trade Contract. For each identified SBE subcontractor/supplier, the Bidder must submit a Letter of Intent (LOI), within 3 business days of when requested by the Project Manager. Bidders who meet the balance of the Participation Goal because they are a SBE Joint Venture, which includes SBE subcontracting must also complete the information requested in Paragraph 2 of Part A.

SUBCONTRACTOR/SUPPLIER INFORMATION: (Attach additional sheets if necessary)

Name of SBE subcontractor/supplier: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Telephone No.: _____

Amount of Subcontract: $ _____ (%) of Trade Contract: _____ %

Description of Work: _____

_____

Name of SBE subcontractor/supplier: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Telephone No.: _____

Amount of Subcontract: $ _____ (%) of Trade Contract: _____ %

Description of Work: _____

_____

Name of SBE subcontractor/supplier: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Telephone No.: _____

Amount of Subcontract: $ _____ (%) of Trade Contract: _____ %

Description of Work: _____

PART C: **Bidders who do not meet the Participation Goal but seek a partial or total exemption and have exercised good faith efforts to meet the Participation Goal**

Bidders who do not meet the Participation Goal but seek an exemption, in whole or in part, and have exercised good faith efforts to meet the Participation Goal must submit the following information.

1. Bidders who partially meet the Participation Goal by subcontracting with SBE subcontractor/suppliers shall disclose in Part B the identity of the SBE subcontractors/suppliers who are to be utilized in the execution of this Trade Contract. For each identified SBE subcontractor/supplier, the Bidder must submit a Letter (LOI). If Bidder is seeking a total exemption, please skip this Paragraph and submit the information required by Paragraph 2 below only.

2. All Bidders who seek a partial or total exemption and the Bidder has exercised good faith efforts to meet the Participation Goal shall complete and submit with their bid the Statement of Good Faith Efforts. **See Good Faith Efforts Section.**

PART D: Bidders who seek to perform the work of the entire Trade Contract with their own work force, without the use of subcontractors, and using materials, supplies or equipment in Bidder's existing inventory or obtained pursuant to existing contracts.

Bidders who do not meet the Participation Goal but seek an exemption because the Bidder will perform the work of the entire Trade Contract with its own work force, without the use of subcontractors, and by using materials, supplies or equipment in Bidder's existing inventory or obtained pursuant to existing contracts must submit the following information. Bidder must demonstrate that use of subcontractor/suppliers is not the Bidder's normal business practice.

The following are recent projects similar in size and scope to this Project that the Bidder has completed with its own work force, without the use of subcontractors, and by using materials, supplies or equipment in Bidder's existing inventory or obtained pursuant to existing contracts without the use of any subcontractor/suppliers. **Bidder must provide information for at least three projects.**

PROJECT 1:

Name of the Project: _____

Name of the Project Owner: _____

Owner Contact Person and Phone Number: _____

Description of Work Performed: _____

_____

Bidder's Contract Amount: _____ Construction Period (Dates): _____

PROJECT 2:

Name of the Project: _____

Name of the Project Owner: _____

Owner Contact Person and Phone Number: _____

Description of Work Performed: _____

_____

Bidder's Contract Amount: _____ Construction Period (Dates): _____

PROJECT 3:

Name of the Project: _____

Name of the Project Owner: _____

Owner Contact Person and Phone Number: _____

Description of Work Performed: _____

_____

Bidder's Contract Amount: _____ Construction Period (Dates): _____

PROJECT 4:

Name of the Project: _____

Name of the Project Owner: _____

Owner Contact Person and Phone Number: _____

Description of Work Performed: _____

_____

Bidder's Contract Amount: _____ Construction Period (Dates): _____

PROJECT 5:

Name of the Project: _____

Name of the Project Owner: _____

Owner Contact Person and Phone Number: _____

Description of Work Performed: _____

_____

Bidder's Contract Amount: _____ Construction Period (Dates): _____

SBE PROGRAM
FORMS AND ATTACHMENTS

CONTENTS INCLUDE:

1. Sample Letter to Solicit SBE subcontractor/suppliers (1 page)
2. Sample Log of Contacts (1 page)
3. Letter of Intent (LOI) (3 pages including instructions)
4. Request for Change to the SBE Goal Compliance Plan (3 pages including instructions)

SAMPLE LETTER TO POTENTIAL SUBCONTRACTOR/SUPPLIER FROM PRIME CONTRACTOR

_____ is soliciting Small Business participation for the following Project.

Name of Project: _____

Project Solicitation Number:_____

Pre-bid Conference (if applicable):

Date/Time: _____ Location: _____

Bids due: Date/Time: _____ Location: _____

Bidders may purchase bid documents from Ohio Blueprint Company, 2348 Gilbert Avenue, Cincinnati, Ohio 45206, (513) 281-9933. Bidders can obtain documents from all available sources. Here are several as an example:

Bidders may access bid documents from:

Allied Construction Industries
3 Kovach Drive
Cincinnati, Ohio 45215
513-221-8020

ARC Cincinnati
7157 E. Kemper Road
Cincinnati, Ohio 45249
513-326-2300

African-American Chamber, Gr. Cincinnati/No. Kentucky
2945 Gilbert Avenue
Cincinnati, Ohio 45205
513-751-9900

The Work on this Project includes the following:
(Please list work areas that pertain to the subcontractors/suppliers expertise)

- ☐ Asbestos Abatement
- ☐ Carpentry
- ☐ Carpeting
- ☐ Concrete
- ☐ Demolition Services
- ☐ Doors and Frames
- ☐ Drilling
- ☐ Drywall
- ☐ Electrical
- ☐ Excavation Services
- ☐ Fabricated Steel
- ☐ Flooring
- ☐ Glazing Services
- ☐ Hardware
- ☐ Heavy Construction Equipment
- ☐ Other _____
- ☐ HVAC
- ☐ Insulation
- ☐ Lab and Field Testing Services
- ☐ Landscaping
- ☐ Masonry
- ☐ Millwork
- ☐ Painting
- ☐ Paving and Resurfacing
- ☐ Plumbing
- ☐ ?Roofing
- ☐ Stone
- ☐ Tile
- ☐ Weather and Waterproofing
- ☐ Welding
- ☐ Windows

Contact our office for detailed information on the scopes of work being subcontracted and the relevant terms and conditions of the contract.

Please contact:_____ at _____ or _____
(Name) (Telephone) (Fax)

All quotations **MUST** be received by (Time and Date):_____

LOG OF CONTACTS
FOR SOLICITING SBE SUBCONTRACT PARTICIPATION

Documentation of contacts must be submitted if SBE Participation Goal was not achieved. Duplication of this form or the format of this form is acceptable for documentation of contacts.

Please use the attached log to document all conversations and contacts regarding the solicitation of prospective subcontractor/suppliers including responses to phone calls, letters, and advertisements.

THE FOLLOWING FIRMS WERE NOTIFIED OF SUBCONTRACTOR/SUPPLIER OPPORTUNITIES:

NAME SBE SUBCONTRACTOR/ SUPPLIER/AGENCY	DATE WRITTEN NOTICE WAS SENT AND METHOD (LETTER/FAX)	SCOPE OF WORK SOLICITED	DID SBE SUBMIT WRITTEN RESPONSE? (Y/N)	IF SBE RESPONDED, REASON AGREEMENT WAS NOT REACHED

BIDDER:_____

PROJECT NAME: _____

PAGE _____ OF _____

INSTRUCTIONS FOR LETTER OF INTENT (LOI)
BETWEEN PRIME CONTRACTOR AND SBE SUBCONTRACTOR/SUPPLIER

The following Letter of Intent (LOI) is to be used by Prime Contractors and their SBE subcontractor/suppliers. Signed and notarized LOIs between the Bidder and the SBE subcontractor/suppliers must be submitted within three (3) business days of request from the Project Manager or the Director of the Office of Economic Inclusion. The LOI must be submitted on this form. Submit a separate form for each SBE subcontractor/supplier.

Any changes to the SBE Goal Compliance Plan, including substitution or addition of SBE subcontractor/supplier must be approved by the Hamilton County Administrator or his designee. LOIs must be submitted prior to the start of work for changes of SBEs in the SBE Goal Compliance Plan.

LETTER OF INTENT (LOI)
BETWEEN PRIME CONTRACTOR
AND SBE SUBCONTRACTOR/SUPPLIERS
(PAGE 1 OF 2)

Prime Contractor:_____

Address:_____

City_____State _____Zip_____

Telephone:_____Fax: _____Proposed Contract Amount: $_____

Project Solicitation Number:_____

Project Name: _____

Type of Agreement:_____
(Lump Sum/Unit Price/Commodity/Professional Service)

Period of Performance:_____

Name of SBE Subcontractor/Supplier_____

Address:_____

City_____State _____Zip_____

Telephone:_____Fax: _____Proposed Contract Amount: $_____

Description of work to be performed under Subcontract with SBE:

_____

_____

_____

_____

_____

_____

LETTER OF INTENT (LOI)
BETWEEN PRIME CONTRACTOR
AND SBE SUBCONTRACTOR/SUPPLIERS
(PAGE 2 of 2)

By signing below, the Prime Contractor and the SBE agree that they intend to enter into a contract by which the Prime Contractor agrees to pay the contract amount and the SBE agrees to perform the work described herein.

Prime Contractor:

Name of Firm_____

By:_____ Title: _____
(Signature)

Print Name_____ Date: _____

STATE OF_____

COUNTY OF_____

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 20____

_____
Notary Public

_____
Printed Name of Notary

SBE Subcontractor/Supplier:

Name of Firm_____

By:_____ Title: _____
(Signature)

Print Name_____ Date: _____

STATE OF_____

COUNTY OF_____

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 20____

_____
Notary Public

_____
Printed Name of Notary

REQUEST FOR CHANGE TO THE SBE GOAL COMPLIANCE PLAN

INSTRUCTIONS

No changes to the SBE Goal Compliance Plan are permitted after submittal of the Bid and before the award of the Trade Contract. After Trade Contract award, changes to SBE Goal Compliance Plan can be made with the prior written approval of the Hamilton County Administrator or his designee.

Submission and Evaluation of Requests

Where a Bidder discovers after award of the Trade Contract that the SBE Goal Compliance Plan must be changed or a substitution must occur, the Bidder must seek in writing the prior approval of the Hamilton County Administrator or his designee on the attached form. The form must be notarized, and should be submitted to the Hamilton County's Director of Economic Inclusion.

The written request must state specific reasons for the proposed change or substitution. Sworn statements from the SBE to be substituted stating why it cannot perform on the Project may be submitted to support the request. The facts supporting the request must not have been known nor reasonably should have been known by the Bidder and/or proposed subcontractor/supplier prior to the submission of the SBE Goal Compliance Plan.

The following conditions constitute examples of acceptable reasons for changes:

- Unavailability of subcontractor/supplier after receipt of reasonable notice to proceed;
- Failure to perform the scope(s) of work;
- Financial incapacity;
- Failure to honor bid or proposal price within a reasonable period of time after original submittal;
- Mistake of fact or law about the scope(s) of work where a reasonable price cannot be agreed upon;
- Failure of subcontractor/supplier to meet bonding, insurance, or licensing requirements specified in the solicitation;
- Withdrawal of bid or proposal by subcontractor/supplier;
- When the County Administrator determines that it is in the best interest of the Program and the County.

Where the reason is a valid mistake or disagreement on the scope(s) of work, the request must document all efforts made by the parties to reach an agreement for a reasonable price for the corrected scope(s) of work.

Good Faith Efforts on Substitutions and Additions of Subcontractor/Suppliers

When a change or substitution of a SBE is requested, the Prime Contractor still must continue to make Good Faith Efforts to meet the goal as submitted in the SBE Goal Compliance Plan.

PRIME CONTRACTOR
REQUEST FOR CHANGE OF SBE GOAL COMPLIANCE PLAN
(PAGE 1 OF 2)

DATE:_____

PROJECT SOLICITATION NO.:_____

PROJECT NAME: _____

PRIME CONTRACTOR:_____

TOTAL TRADE CONTRACT PRICE:_____

SBE PARTICIPATION GOAL STATED IN SOLICITATION:_____

ACTUAL SBE PARTICIPATION PRIOR TO PROPOSED CHANGE:_____

SBE PARTICIPATION AFTER PROPOSED CHANGE:_____

The Prime Contractor on the above Project requests approval of the following addition and/or deletion of subcontractor/suppliers as submitted in the SBE Goal Compliance Plan included in the Bid. (Submit a separate form for each proposed change.)

PROPOSED DELETION:
Name of SBE subcontractor/supplier:_____

Address:_____

City:_____ State:_____ Zip:_____

Contact Person:_____ Telephone No.:_____

Amount of Subcontract: $_____ Percent of Trade Contract:_____%

Description of Work:_____

PROPOSED ADDITION: Attach Good Faith Efforts documentation, if applicable. See preceding page for instructions.

Name of SBE subcontractor/supplier:_____

Address:_____

City:_____ State:_____ Zip:_____

Contact Person:_____ Telephone No.:_____

Amount of Subcontract: $_____ Percent of Trade Contract:_____%

Description of Work:_____

REASONS FOR REQUESTING CHANGE: Attach supporting documentation as necessary. A statement from the SBE to be removed stating why it cannot perform on the Project may be submitted to support the request.

_____

PRIME CONTRACTOR
REQUEST FOR CHANGE OF SBE GOAL COMPLIANCE PLAN
(PAGE 2 OF 2)

AFFIDAVIT

The above information is true and complete to the best of my knowledge and belief. I further understand and agree that this affidavit shall become a part of my Trade Contract with Hamilton County.

Name and Title (Print):_____

_____ _____
Signature: Date:

STATE OF_____

COUNTY OF_____

On the _____day of _____. 20____, _____ personally appeared and having been duly sworn by me, subscribed to the foregoing affidavit and has stated that the facts stated therein are true and correct.

_____
Notary Public

_____
Printed Name of Notary

For Hamilton County use only:

I approve/disapprove the requested change.

_____
Hamilton County Director of Economic Inclusion

_____
Date

GOOD FAITH EFFORTS REQUIREMENTS FOR
THE HAMILTON COUNTY
SBE INCLUSION PROGRAM

STATEMENT OF GOOD FAITH EFFORTS

By the signature below of an authorized company representative, we certify that we have utilized the following methods to obtain the maximum practicable participation by small business enterprises on this project. Please indicate which methods you used by placing an **X** in the appropriate place.

YOU MUST SUBMIT YOUR SUPPORTIING DOCUMENTATION WITH YOUR BID.

- ☐ Identified sufficient subcontracting work to meet goal (attach content of advertisements and written notices to SBE subcontractors indicating type of work to be subcontracted).

- ☐ Written Notice to SBE Subcontractors (submit copy of each letter sent, or if one master notification, submit copy of letter and recipient list).

- ☐ Follow-up to initial solicitations (submit copy of call logs).

- ☐ Advertising (attach content of advertisements, which must include project name, bidder, work available, contact person's name and number, information on availability of plans and specifications and bidder's policy concerning assistance to subcontractors in obtaining bonds, credit lines and/or insurance; date of advertising and publications).

- ☐ Assistance to SBEs with bonds, credit lines, insurance (submit copy of advertising and written notices to subcontractors).

- ☐ Provision of plans, specifications and requirements: Bidder provided interested sub-bidders with access to plans, specifications and requirements for subject project.

- ☐ Other (please list any other methods utilized that aren't covered above).
  _____
  _____

_____ _____
Company Date

_____
Company Representative (Name and Title)