

Attachment A

PUBLIC WORKS DIVERSE BUSINESS INCLUSION PLAN CRITERIA

Diverse business inclusion plan criteria

The JOC shall not create barriers to open and fair opportunities for all businesses, including Public Works Small Business Enterprises and Veteran-Owned Business Enterprises and Minority and Women Business Enterprises, to participate in the Work on this Contract. This includes the opportunity to obtain or compete for contracts, subcontracts, and agreements as sources of supplies, equipment, construction, or services. In considering offers from and doing business with subcontractors and suppliers, the JOC shall not discriminate on the basis of race, color, creed, religion, sex, age, nationality, marital status, or the presence of any mental or physical disability in an otherwise qualified disabled person. Any affirmative action requirements set forth in any federal Governmental Rules included or referenced in the Contract Documents apply.

The JOC Contractor shall submit a Diverse Business Inclusion plan to be considered responsive, as part of their statement of qualifications that will be incorporated the Contract, if awarded. The efforts outlined in the Diverse Business Inclusion Plan shall be commercially reasonable and demonstrate active and vigorous actions to fulfil the goals submitted by the JOC. Zero contributions to detail the specific strategies, approaches, and steps the JOC will take in seeking to help meet or exceed the state's aspirational diverse business participation goals is not considered responsive.

Introduction:

The participation of Small and Veteran-Owned Business Enterprises and Minority and Women Business Enterprises is an important strategic objective for the State. This Contract includes voluntary goals for Small and Veteran-Owned Business Enterprises and Minority and Women Business Enterprises participation. The JOC is encouraged to utilize Small and Veteran-Owned Business Enterprises and Minority and Women Business Enterprises in accordance with [RCW 39.19](#), [RCW 43.60A.200](#), [RCW 39.04.220](#), [Executive Order 13-01](#) (issued by the Governor of Washington on May 10, 2013.)

All Proposers must submit a copy of the firm's Diverse Business Inclusion Plan. The Diverse Business Inclusion Plan should demonstrate in detail the specific strategies, approaches, and steps your firm will take in seeking to help meet or exceed the state's aspirational diverse business participation goals.

Aspirational Goals:

- ✓ 10% Minority Owned Business certified by the Washington State Office of Minority and Women Business Enterprises
- ✓ 6%, Women Owned Business certified by the Washington State Office of Minority and Women Business Enterprises
- ✓ 5% Veteran Owned Business certified by the Washington State Department of Veterans Affairs
- ✓ 10% Public Works Small Business certified by the Washington State Office of Minority and Women Business Enterprises

Definitions:

Diverse Business – *Minority Business Enterprise, Public Works Small Business Enterprise, Veteran-Owned Business, and Women Business Enterprise.*

Minority Business Enterprise (MBE) - A minority-owned business meeting the requirements of RCW 39.19 and WAC 326-20 and certified by the State Office of Minority & Women's Business Enterprises.

Public Works Small Business Enterprise – A small business meeting the requirements of RCW 39.19 and WAC 326-20 and certified by the State Office of Minority & Women's Business Enterprises.

Veteran-Owned Business - A veteran-owned business meeting the requirements of RCW 43.60A.010 and listed in WEBS. Veteran-owned businesses can be located by searching the WEBS directories at: <https://pr-webs-vendor.des.wa.gov/>

Women Business Enterprise (WBE) - A women-owned business meeting the requirements of RCW 39.19 and WAC 326 and certified by the Office of Minority & Women's Business Enterprises.

(Non-certified businesses will not be counted towards the voluntary goals. The firm commits to encourage and support efforts for subcontractors that are self-identified diverse businesses to obtain their certification with the appropriate aforementioned Washington state agency(s)).

Subcontracting - Subcontracting means direct performance of commercially useful work through subcontracting as part of the proposed project team.

The JOC shall submit a Diverse Business Inclusion plan to be considered responsive, , as part of their statement of qualifications that will be incorporated in the Contract, if awarded. The efforts outlined in the Diverse Business Inclusion Plan shall be commercially reasonable and demonstrate active and vigorous actions to fulfil the goals submitted by the JOC. Zero contributions to detail the specific strategies, approaches, and steps the JOC will take in seeking to help meet or exceed the state's aspirational diverse business participation goals is not considered responsive.

(See attached Diverse Business Inclusion Plan Template on pages 2-3)

The firm commits to making vigorous efforts to achieve its proposed subcontract goal amounts and prioritize and reach subcontractors who are certified by the Washington State Office of Minority and Women's Business Enterprises (OMWBE) and Washington State Department of Veterans Affairs (DVA).

Proposal:

The Proposer must prepare and provide a "Diverse Business Inclusion Plan" and must use the Inclusion Plan Template (below.) The Proposer's goals are voluntary. No preference will be included in the evaluation of proposals, no minimum level of Small and Veteran-Owned Business Enterprises and Minority and Women Business Enterprises participation will be required as a condition for receiving an award and proposals will not be rejected or considered non-responsive/non-responsible on that basis (unless a zero (0) goal amount is submitted).

Proposer commits to genuine efforts to achieve the proposed subcontract amounts with diverse business subcontractors by working with the Agency to develop a comprehensive “Outreach Strategy”.

The following is a list of types of actions that are considered genuine efforts to achieve diverse business participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

1. Soliciting through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified firms who have the capability to perform the Work of the Contract. The JOC should solicit this interest within sufficient time to allow the diverse business to respond to the solicitation. The Bidder should determine with certainty if the diverse businesses are interested by taking appropriate steps to follow up initial solicitations.
2. Providing interested diverse businesses with adequate information about the Specifications, if applicable, and requirements of the Contract in a timely manner to assist them in responding to a solicitation.
3. Negotiating in good faith with interested diverse businesses.
4. Not rejecting diverse businesses as being unqualified without sound reasons based on a thorough investigation of their capabilities. The diverse business’s standing within the industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the JOC’s efforts to meet the diverse business voluntary goals.
5. Making efforts to assist interested diverse businesses in obtaining necessary equipment, supplies, materials, or related assistance or services.
6. Effectively using the services of available organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of diverse businesses.
7. Ensuring diverse business participation has been included as part of all subcontracts and agreements entered into by the JOC, as a result of this Contract.

The JOC shall be responsible for implementing the Diverse Business Inclusion Plan. The JOC shall be responsible at a minimum for fulfilling the following requirements:

- Administration of the Diverse Business Inclusion Plan
- Oversight of voluntary goals attainment efforts
- Outreach and networking with the diverse business communities
- Developing strategies for including diverse businesses in the Project
- Developing and assisting in the procurement processes to ensure diverse businesses are provided opportunities for consideration during Subcontract procurement

- Submit documentation to DES of the following:
 - ✓ Status of attaining diverse business voluntary goals
 - ✓ Projections for attaining diverse business voluntary goals
 - ✓ Upcoming outreach plans
 - ✓ Results of previous outreach and any challenges
 - ✓ Any outstanding issues that need to be resolved including terminations and prompt pay

In addition, **the successful Proposer is required to register and create an account in the DES Diversity Compliance program (B2Gnow) at <https://des.diversitycompliance.com>**. (If assistance is needed, contact: DESBusinessDiversity@des.wa.gov)

For information on certified firms, Firms may contact:

- OMWBE at <http://www.omwbe.wa.gov/> or 360.664.9750
- DVA at <http://www.dva.wa.gov/BusinessRegistry/Search.aspx> or 360.725.2200.

DES Business Diversity Program for subcontractors interested in participating on JOC projects at DESBusinessDiversity@des.wa.gov

Inclusion Plan Template			
1. Anticipated Certified Diverse Business Participation (Goals)			
State certification category	Washington State / DES Goals	Anticipated Percent of Contract Amount (Goals)	
Minority Business Enterprise	10%		
Women Business Enterprise	6%		
Veteran-owned business certified by DVA	5%		
Public Works Small Business Enterprise	10%		
2. Diverse Business Subcontracting Team			
Name the Diverse Business team members you anticipate utilizing during the contract term. Generally, describe the work you expect the Diverse Business to perform. This list should be current, and include businesses you regularly work with and/or have already reached out to work with your firm.			
<i>Name of Diverse Business</i>	Specify Diverse Business Certification	Describe Task	Describe the percentage of the state contract the Diverse Business subcontractor will be performing

<p>10. Policy Statement: Attach a signed and dated policy statement from organization's highest ranked officer that expresses the organization's commitment to economic development and fair opportunity. Describe a narrative that outlines how the policy statement is communicated and shared throughout the organization and to the business community.</p>
<p>11. Acknowledgement that proposing firm has education and training programs to communicate to your employees your firm's expected employee behaviors and performance relative to implementing the Diverse Business Inclusion Plan</p>
<p>12. Describe the organization's prompt payment practices. Include any contract clause language, mechanisms used for proactive monitoring, and dispute resolution mechanisms. Provide data that supports the organization's track record in paying subcontractors timely.</p>
<p>13. Describe the organization's practices to assist small and Veteran-owned businesses in gaining the ability to compete successfully for contracts with the organization. Describe the specific steps taken to eliminate obstacles to their participation.</p>
<p>14. Any additional information the firm would like to include as a part of their plan</p>

The Department of Enterprise Services will review the submitted inclusion plan for good faith effort and the maximum opportunity to contribute toward the Department of Enterprise Services' aspirational goal.