



THE CITY OF NEW BRUNSWICK
Department of Planning, Community and Economic Development

Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Participation Plan

POLICY AND TERMS

- A. Minority, and Women Business Enterprises (MBE/WBE shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds and that bidders, proposers or contractors and their subcontractors or suppliers shall take all necessary and reasonable steps to ensure that MBE/WBEs shall have the maximum opportunity to compete for and perform contracts financed in whole or in part by federal funds.

This policy shall be implemented through the City of New Brunswick and called the *Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Participation Plan*

- B. As required by Executive Order 11625 by the U.S. Department of Commerce, on an annual basis, the City of New Brunswick will compile department-wide data on Minority Business Enterprises (MBE) and Women's Business Enterprise (WBE) activity for HUD to submit to the Minority Business Development Agency of the Department of Commerce.
- C. The City of New Brunswick will encourage MBE's and WBE's to participate in the participating jurisdiction's HOME and CDBG Programs. The City has developed a web page with links to databases of certified MBE/WBE's to inform subrecipients and contractors of the obligation to undertake outreach to MBE/WBE's as well as links to databases of certified MBE/WBE's. The City will also reach out to local community organizations about upcoming projects and the opportunity for contracting with MBE/WBE's. Additionally, the City's Purchasing Office has developed a brochure that is available in print and online to assist businesses in navigating the City's procurement process.
- D. The City of New Brunswick will require HOME and CDBG Program sub-recipients, contractors and subcontractors to take affirmative steps to use MBE's and/or WBE's in HOME and CDBG funded projects. The City will provide guidance and information to

assist contractors in complying with the MBE and WBE recordkeeping and reporting requirements.

- E. The City of New Brunswick will require HOME and CDBG Program sub-recipients, contractors and subcontractors to maintain appropriate records to document the number and types of contracts and subcontracts it awards, the dollar value of each award, and the gender and ethnic/racial status of the management/ownership of the business.
- F. The City of New Brunswick will compile an annual record of MBE's and WBE's participating in the HOME and CDBG Programs and conduct an annual review to assess the effectiveness of efforts to encourage participation by minority and women owned businesses.

Six Affirmative Steps

The Code of Federal Regulations Title 40 Part 31.36(e), "Procurement," requires the Recipient and Prime Contractor to take all necessary affirmative steps to assure that minority-owned and women-owned businesses are afforded contracting opportunities. This policy applies to all contracts, subcontracts and procurements for services (including engineering and legal), supplies, equipment, and construction. The goal of this policy is to make MBE/WBE firms aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. To achieve this goal, the affirmative steps, otherwise known as "six good faith efforts," that must be followed are:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business and women's business enterprises;
5. Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Administration; and

6. Requiring the prime contractor, if subcontractors are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section

NON-COMPLIANCE SANCTIONS

The City of New Brunswick shall have the discretion to apply suitable sanctions to the bidder/proposer if the bidder/proposer is found to be in non-compliance with the MBE/WBE requirements. Failure to comply with the MBE/WBE terms of commitment goals as applicable to and in the contract or failure to use MBE/WBEs as stated in the bidder/proposer's submitted schedules, constitutes a material breach of the contract and may lead to the suspension and/or termination of this contract in whole or in part; furthermore, continued eligibility to enter into future contracting arrangements with the City of New Brunswick may be jeopardized as a result of non-compliance. In some cases, payments may be withheld until corrective action is taken.

DEFINITIONS

- A. **Community Development Block Grant (CDBG)** will be defined as:
A program established by the U.S Congress through the enactment of the Federal Housing and Community Development Act. The program was created to enhance and maintain viable urban communities. The program gives communities an avenue to address a wide range of issues. Activities undertaken must accomplish at least one of three goals for low-to-moderate income individuals; (1) Provide decent housing, (2) Provide suitable living environments, and/or (3) Expand economic activities.
- B. **Contractor** will be defined as:
The individual or business entity selected by the City of New Brunswick to (1) enter into contract negotiations with the City of New Brunswick or (2) to receive an award of contract pursuant to an Invitation for Bid or Request for Proposal. Wherever the term Contractor appears, it shall also be construed to pertain to Architects, Engineers, Consultants or other professional service providers as applicable.
- C. **HOME** Investment Partnerships Program will be defined as:
A program established through the Cranston-Gonzalez Affordable Housing Act. The sole purpose of this program is to create affordable housing for low-income individuals. HOME activities undertaken must accomplish at least one of two goals for low-income individuals; (1) Provide decent housing and/or (2) Provide suitable living environments.
- D. **Minority Business Enterprise (MBE)** will be defined as:
A business concern which (1) is certified as socially and economically disadvantaged by the Small Business Administration (SBA); or (2) is certified as a minority business enterprise by a state or federal agency; or (3) is independent and at least 51% owned and controlled by minority group member(s).

Minority or Minority Group may include, but is not limited to, the following racial or ethnic groups: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other groups whose members have been determined to be disadvantaged by the Small Business Act or by the Secretary of Commerce under Executive Order 11625, §5.

E. **Sub-recipients** will be defined as:

The legal entity to which a sub-award is made and which is accountable to the recipient for the use of the funds provided.

F. **Women Business Enterprise (WBE)** will be defined as:

A business concern which (1) is certified as economically and socially disadvantaged by the SBA, and (2) (a) is at least 51% owned by one or more women, or in the case of a publicly-owned business, at least 51% of the stock is owned by one or more women, and (b) whose daily business operations are managed and directed by one or more of the women owners.