

CITY OF DAVENPORT

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

POLICY

It is the policy of the City of Davenport that Disadvantaged Business Enterprises (DBEs) shall have an equal opportunity to participate in the performance of contracts. Every effort must be made by prime contractors to ensure that DBE's have this opportunity. Contractors must make good faith efforts in securing DBE contractors. The following should be used as applicable to each project:

- Developing solicitations of subcontract bids to increase potential participation. This may take the form of breaking down large subcontracts into smaller ones, and of issuing notice of solicitations in a timely manner.
- Providing technical assistance and guidance in the bidding, estimating, and scheduling processes.
- Considering purchasing supplies and/or leasing the required equipment for a job, then subcontracting only for the expertise or labor required to perform the work.
- Providing accelerated payments or establishing prorated payment and delivery schedules so as to minimize cash flow problems faced by small firms.
- Providing for waiving or reducing subcontractor bonding requirements.
- Providing a pre-bid conference for potential subcontractors.
- Advertising in trade association newsletters and minority-oriented and general circulation media of potential opportunities or projects.
- Notifying minority contractor assistance agencies of potential opportunities or projects.
- Reviewing the State of Iowa's approved DBE directory.

CONTRACTOR PARTICIPATION IN THE DBE PROGRAM

Contractors submitting bids for major construction projects, including demolition, must submit the Work Types and DBE Contact forms. These forms are to be used to record each work type being subcontracted and contacts made with DBE firms. The forms must be completed as fully as possible. The information on this form is subject to verification.

In cases where the City's review of a bidder's DBE form concludes that there is a deficiency, the bidder will be instructed to submit a modification of the form which remedies the deficiencies cited. All terms and conditions stipulated for prospective DBE subcontractors or suppliers should be satisfactorily negotiated prior to the submission of a bid to the City whenever possible.

DBE SUBSTITUTIONS

After submitting a bid, the contractor may not change DBE's, reduce the scope of work, or decrease the price without receiving prior written approval from the City. In some cases, it may be necessary to substitute a new DBE in order to have DBE participation. In such cases, the City will be given reasons justifying the release of prior DBE commitments specified in the contractor's bid proposal. Generally, a substitution may be considered because:

- The DBE was found to be unable to perform the work under the subcontract;
- The DBE could not perform the work on time;
- The DBE could not produce acceptable work;
- The DBE demanded an unreasonable escalation in the negotiated price.

The substitution procedure will be as follows:

- The contractor must notify the City immediately in writing of an apparent necessity to reduce or terminate a DBE subcontract and to propose a substitute DBE;
- The contractor's notification must include the name, address, and principal official of any proposed substitute DBE, and the dollar value and scope of work of the proposed subcontract;
- The City will evaluate the submitted documentation and respond within 15 working days to the request;
- Actual substitutions of replacement DBE's to fulfill DBE contract requirements should not be made before City approval is given.

EVIDENCE OF SOLICITATION

If a bidder finds it cannot secure DBE's for a project, documentation showing that all reasonable good faith efforts were made toward fulfilling the DBE participation must be submitted to the City with the bid. Such reasonable efforts include, but are not limited to:

- Copies of subcontract quote solicitations with certified mail receipts or fax transmittal log showing evidence that the solicitation was sent to DBE;
- Evidence that the contractor held a prebid meeting for DBEs;
- Notification of minority contractor assistance agencies;
- The contractor's general affirmative action policies regarding the utilization of DBE's.

DBE REPORTS

The contractor shall file regular DBE utilization reports with the Project Manager reflecting the payments to date and the projected payments to DBE's. These reports shall be notarized. Vouchers will not be processed for payment until the current report has been presented.

RECORDKEEPING

The contractor shall maintain records of all relevant data with respect to the utilization of DBE's. Full access to these records shall be granted to the City upon request.

DISQUALIFICATION OR TERMINATION

Failure of the prime contractor to fulfill the requirements of the DBE program, including making a good faith effort, may result in a non-responsive bid determination and disqualification of the bidder.

Failure of the prime contractor to carry out the requirements set forth may constitute a breach of contract, which could result in the termination of the agreement or contract.