

GOOD FAITH EFFORTS TO ACHIEVE MINORITY-OWNED BUSINESS ENTERPRISES (MBE), WOMEN-OWNED BUSINESS ENTERPRISES (WBE) AND SERVICE DISABLED-OWNED BUSINESS ENTERPRISES (SDVOB) PARTICIPATION

Prior to acceptance of bid, Good Faith Efforts to include meaningful participation by MBEs, WBEs (MWBEs) and SDVOBs must at least include:

- (a) Dividing the Work to be subcontracted into smaller portions designed based on capacity to the preponderance of MWBE and SDVOB and local contractor community, or encouraging the formation of joint ventures, partnerships or similar arrangements among Subcontractors in order to increase the likelihood of achieving the MWBE and SDVOB Participation goals, and active participation in Work project meetings relating to such division of the Work;
- (b) Providing a sufficient supply of document, drawings and/or specifications for prospective opportunities to MWBEs and SDVOBs and providing appropriate materials in sufficient time for their review;
- (c) Regularly attending and participating in MWBEs and SDVOB workshops and pre-bid meetings, if any, scheduled by the Port Authority;
- (d) Actively and affirmatively soliciting bids for Subcontracts from MWBE and SDVOBs, including circulating of solicitations to Minority and women-owned contractor associations. Maintaining records detailing their efforts to provide for meaningful participation in the Work, including the names and addresses of all MWBE and SDVOBs contacted, and if the MWBE or SDVOB is not selected as a joint venture or Subcontractor, the reason for that decision;
- (e) Advertising in general circulation media, trade association publications and Minority-focused media for a reasonable period before commencing the Work;
- (f) Utilizing the Port Authority's directory of certified MWBE and SDVOB (available online at <http://www.panynj.gov/supplierdiversity>) or proposing for certification other MWBEs, and SDVOBs that appear to meet the Port Authority's criteria for MBE, WBE and SDVOB certification and are technically competent to perform the portions of the Work that the bidder plans to subcontract;
- (g) Soliciting proposals from and actively consider local MWBE and SDVOBs who have the competencies for the proposed work; as a first priority, within the County where the Work is located, as a second priority, within immediately adjacent Counties to where the Work is located that are in the Port District; and as a third priority, within the Port District
- (h) Soliciting specific recommendations on methods for enhancing MWBE and SDVOB participation from Port Authority staff responsible for MWBE and SDVOB participation.

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Subsequent to acceptance of a bid, the contractor shall use and document every good faith effort to comply with the MWBE and SDVOB Participation plan. Participation percentages shall be monitored throughout the performance of a contract. Such good faith efforts shall include at least the following:

- (i) Ensuring that progress payments are made in a timely fashion in accordance with the requirements of the relevant contract, preferably bi-weekly, and that retainage is paid to MWBEs and SDVOBs when they have completed their work;
- (j) Attendance at Participation Goal progress meetings, if any, scheduled by the Port Authority, and (y) holding bi-monthly or monthly Participation Goal progress meetings with Port Authority's MWBE Program and Compliance staff, in each case to discuss good faith efforts being implemented by the Design-Builder and/or its Subcontractors to include meaningful participation by MWBEs and SDVOB in the Work, as well as any issues regarding MBE, WBE and SDVOB providers;
- (k) Relaying the terms of the MBE/WBE and SDVOB Participation Plan and the Participation Goals to Subcontractors and having regular contact with the Subcontractors to ensure that they are making good faith efforts to meet the Participation Goals passed to them in all Categories of the Work;
- (l) Utilizing the services of available Minority and Women's community organizations, contractors' groups, local, state and federal business assistance and development offices and other organizations that provide assistance to MWBEs and SDVOBs;
- (m) Soliciting specific recommendations on methods for enhancing MWBEs and SDVOB participation from Port Authority staff responsible for MWBE and SDVOB participation;
- (n) Where appropriate, not requiring bonds from or providing bonds and insurance for MWBEs and SDVOBs;
- (o) Nominating MWBEs and SDVOBs for participation in business assistance programs sponsored by the Port Authority or the Regional Alliance for Small Contractors;
- (p) If applicable, participating in annual performance reviews; and, if applicable, proposing and complying with appropriate remedial plans as approved by the Port Authority;
- (q) If applicable, develop and execute targeted outreach events to increase MWBE and SDVOB participation for specific Work.
- (r) The MBE/WBE or SDVOB Participation Plan may be modified only after the written approval of the designated Port Authority Representative.