Department of Administration
Division of Equity, Diversity & Inclusion (DEDI)
One Capitol Hill, 3rd Floor
Providence, RI 02908

www.dedi.ri.gov
mbe.compliance@doa.ri.gov
(401) 574-8253
RI Relay 711

MBE Utilization Participation Form Checklist

Important: All contract work performed by certified MBE/WBE firms must be reported to the Minority Business Enterprise Compliance Office (MBECO) regardless of the specific type of MBE Determination received by the prime vendor for the project (MBE Waiver or MBE Approval). The contract referenced below will not be released until this MBE Utilization Plan has been approved by the MBE Compliance Office.

All MBE forms listed in this form are required documentation and must be submitted directly to the Minority Business Enterprise Compliance Office (MBECO) at MBE.Compliance@doa.ri.gov for review.

Section No.	Section Name	Required	Check Once Completed	Document Requirement
MBE-001	MBE Utilization Plan	✓		**For ALL Contracts:** MBE Utilization Plan form must be submitted to MBECO after the receipt of a Tentative Award (Notice to Proceed, Notice of Intent, etc., or authorization for a project utilizing state funding. This plan must include: • MBE/WBE Names • Names of all subcontractors • Detailed subcontractor Scope(s) of work • Subcontractor Payment Terms • Subcontractor Contract Value • Project Number • Project Name ****Unless otherwise indicated in the tentative award letter, the vendor must submit this utilization plan within five (5) business days of receipt of a tentative award, pursuant to 220-RICR-80-10-2 E2.**
MBE-01A	Copies of all Subcontractor Bid solicitations	✓		Copy of the MPA No., RFQ, RFP scopes used for bid solicitation requests that have been sent to all certified and non-certified firms regarding subcontracting opportunities to be submitted to MBECO at MBE.Compliance@doa.ri.gov.
MBE-01B	MBE Good Faith Efforts (GFE)	✓		**For ALL Contracts:** Vendors must demonstrate *good faith efforts* in meeting the **minimum 15% MBE participation requirement** pursuant to **RIGL 37-14.1**. Vendors should consult the MBE Directory to review a list of certified firms with applicable North American Industry Classification System (NAICS) codes for their project**.** ***Note:* The MBE Union Directory can be found in a drop-down menu of the main MBE Directory link.*** Attach a separate detailed summary, **on your firm's letterhead,** outlining your efforts to obtain MBE participation that are not apparent from the information provided. This is an opportunity for your organization to demonstrate its adequate *good faith efforts*. Please remember, MBECO will utilize GFE guidance as identified in **220-RICR-80-10-2.8 G4** to make a GFE determination ***Note: Failure to submit a full MBE Utilization Plan Package may result in a non-compliance determination.***
Forms to Submit Post MBE Approval				
Form No.	**Form Name**	**Required**	**Check Once Completed**	**Submission Requirement**
MBE-002	Monthly Project Report	✓		Pursuant to **R.I. Gen. Laws § 37-14.1** and the regulations promulgated thereto, this form must be submitted to MBECO monthly for the lifetime of the contract. **The monthly project reports should be submitted with the following documents:** • Subcontractor Agreements, subcontractor invoices, Payroll records and executed subcontractor agreements. • Certified firm changes to existing MBE Utilization determination letter **cannot occur** without the Prime vendor submitting written justification supporting said change, to replace a certified firm for participation for review by MBECO. • Prime vendors must ensure **all** certified firms remain in good standing for the lifetime of the project.

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Form No.	Form Name	Required	Check Once Completed	Submission Requirement
# of all included Subcontracts	Subcontracts	✓		Prime Vendors are responsible for ensuring reasonable payment terms in all subcontractor agreements with MBE Subcontractors on projects that utilize state funding. All payment terms included in subcontractor payment agreements must abide by the state's Prompt Payment statute, as referred to in **RIGL 42-11.1**. Prime vendors are responsible for making payments to subcontractors within **seven (7) days** of receipt of payment by the State. Subcontractor agreements must allow subcontractors to submit invoices monthly for work performed. The Prime Contractor must include those subcontractor invoices in its next monthly invoice to the State for work performed under an executed contract. **Subcontracting agreements should be provided to MBECO upon receipt of an MBE Determination (MBE Approval Letter).**
Additional GFE Conditions to Be Performed by Prime Vendors				
MBE-003	Payroll	✓		**All** subcontractor payments should be accompanied by payroll records for all MBE subcontractors working on the approved project.
MBE-004	Site Visit	✓		MBECO will conduct periodic site visits, otherwise known as On-Site Inspections, **scheduled or unscheduled,** at **any point** during the lifetime of the contract. During which, the prime vendor may be required to furnish copies of purchase orders, subcontracts, canceled checks, and other records as needed to substantiate compliance with the approved MBE Utilization Plan. Commercial Useful Function (CUF) Reviews: MBECO may perform CUF Reviews per **49 CFR 26.55(c)**. MBECO is required to ensure that an MBE has the ability to carry out its responsibilities by performing, managing, and supervising the work required by contract; ensuring this work fits within the scope of the MBE Certifications.
MBE-005	Payment Proof	✓		The Prime Vendor is required to furnish proof of payment for all payments made to MBEs; such proof may include canceled checks or reports from accounting software capable of generating accurate, detailed payment reports that include transaction and invoice dates and amounts.

*An MBE/WBE firm's certified North American Industrial Classification System (NAICS) Code can be found in the MBE Directory on the MBECO website. This code is to be utilized in the evaluation of the MBE/WBE firm's ability to perform a commercially useful function (CUF).

MBE 01A – Copies of all subcontractor Bid solicitations

Check each when completed ✓		
	Copies of any Requests for bid solicitations	Attach copies of bid solicitations, including scopes of work sent to all subcontractors, including all certified and non-certified firms for the project.
	TIMEFRAME	Email date solicitations were sent to subcontractors. Subcontractor solicitations should be open for a minimum of **ten to fifteen (10-15) business days**.
	OUTREACH	List of all MBE/WBE Firms Contacted and contact method (log including Phone, Email, and Dates) of outreach **MBE 001 – MBE Utilization Plan**

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MBE 01B - Good Faith Efforts (GFE)	
Completed	**Good Faith Effort**
	Did the awardee schedule any pre-solicitation meetings/events with any potential subcontractors in lieu of a bid solicitation sent electronically? Provide names of subcontractors, phone numbers, and the date the event/meeting took place.
	Did the awardee advertise a bid solicitation that included scopes of work, specifications, and requirements for all potential Subcontractors?
	Soliciting quotes from all available MBE firms for each NAICS (North American Industry Classification System (NAICS) code included in the project.
	Documented outreach should include a written log by the Prime vendor to include: name and point of contact of the certified firm, contact method including phone calls (date and time), emails (date and time), notes, and outcomes.

Please consider the following questions when providing the Good Faith Efforts Summary. The questions posed above are not intended to be an exhaustive list of factors considered when evaluating GFE by the MBECO office.

All awarded subcontracts (Tier-based), on state of Rhode Island projects, must perform all scopes of work independently, as well as perform their GFEs.

Prior to the issuance of a waiver, vendors must demonstrate that they have made a good-faith effort to recruit MBEs for the project, subject to approval by the MBECO office.

Certification

☐ Good Faith Efforts (GFE) summary and supporting documentation attached.

The undersigned certifies that the information provided is true to the best of his/her knowledge.

Signature of Authorized Agent Date

Minority Business Enterprise Compliance Office (MEBCO) Use Only

Date GFE received by MBECO

MBECO GFE Determination

MBECO Signature Date ☐ Approved ☐ Denied

Contractor Notification Date