



State of Rhode Island Division of Equity, Diversity, and Inclusion
Minority Business Enterprise Compliance Office

Policy & Procedures Manual

May 2026

This document includes state statutes and regulations as of the date of print and is subject to change.

This page is intentionally left blank.

TABLE OF CONTENTS

I.	About The Division of Equity, Diversity, and Inclusion (DEDI).....	4
..		
II.	About The Minority Business Compliance Office (MBECO).....	4
III.	Definition and Eligibility Criteria for Certification.....	5
	a. Criteria for Certification.....	6
	b. Benefits of Certification.....	7
	c. Certification Process.....	7
	d. Re-certification Process.....	9
	e. Denial of Certification/Recertification.....	13
IV.	State Contracting and Contract Compliance Overview.....	16
	a. Participation Requirements.....	17
	b. State Procurement Methods and Types of Awards.....	19
	c. Post Award Process.....	21
	d. MBE Utilization Plan Package.....	22
	e. Prime Vendor Steps to Complete MBE Utilization Plan Form.....	23
	f. MBE Directory Search.....	24
	g. Good Faith Efforts (GFEs).....	26
	h. Prime Vendor Submission Requirements.....	28
	i. MBE Determination Letters.....	30
	j. Waivers of the MBE Requirement.....	31
	k. Self-Performing.....	31
	l. Post Approval Requirements.....	32
	m. Compliance Submission Requirements for Prime Vendor.....	33
	n. Compliance Guidelines for Subcontractors.....	34
	o. Compliance Guidelines for Certified Firms.....	34
	p. Statutory and Regulatory Authority.....	34
	q. Non-Compliance Notices and Sanctions.....	35
	r. MBE Anonymous Tip Reporting Form.....	36
	s. Governing Laws and Regulations.....	36
V.	Appendices.....	37
	• M/W/V/SDVBE Declaration of Eligibility Examples.....	38
	• Application Supporting Documentation Checklist.....	39
	• DBE/ACDBE Declaration of Eligibility.....	40
	• DBE/ACDBE Supplemental Request Form.....	41
	• Letter of Approval of MBE Utilization Plan Example.....	42
	• MBE Compliance Quick Start Guide.....	43
	• MBE Utilization Plan Form.....	44
	• MBE Participation Checklist.....	45
	• Sample MBE Utilization Plan Form.....	46
	• MBE Anonymous Tip Form.....	47
	• State of Rhode Island DOA, MBECO - Records Retention Schedule.....	48

• MBECO Contact Information.....	66
----------------------------------	----

I. ABOUT DEDI

The Division of Equity, Diversity, and Inclusion (DEDI), within the Department of Administration (DOA), was established in 2014 following the implementation of [Executive Order 13-05](#), which promotes diversity, equal opportunity, and minority business enterprises in Rhode Island. The Executive Order directed the Director of the Department of Administration to review all divisions and offices responsible for facilitating equal employment opportunities and supporting minority business enterprises (MBE).

DEDI's vision is to foster a diverse and inclusive state government culture that reflects Rhode Island's changing demographics by advancing equitable and fair opportunities for all Rhode Island residents to work for and do business with the State.

II. ABOUT THE MINORITY BUSINESS COMPLIANCE OFFICE

The Minority Business Enterprise Compliance Office (MBECO) at DEDI promotes the growth of State-certified diverse small businesses and helps them participate in business and economic development opportunities in Rhode Island. MBECO is responsible for administering the certification process, monitoring compliance, enforcing regulations, and conducting outreach and engagement related to certification programs and compliance requirements.

Certifications:

- MBECO certifies Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) for participation in contracts and projects funded in whole or in part with State funds, or funds which, by a federal grant or otherwise, the state expands or administers, or in which the state is a signatory to a construction project. [R.I. Gen Laws § [37-14.1](#); [220-RICR-80-10-1](#)]
- MBECO certifies Veteran Business Enterprises (VBE) and Service-Disabled Veteran Business Enterprises (SDVBE) for participation in state-funded and state-directed public works projects and in-state purchases of goods and services. [[RIGL § 37-14.3](#); [220-RICR-80-15-1](#)]
- MBECO serves as the State's **Uniform Certification Program (UCP)** and certifies Disadvantaged Business Enterprises (DBEs) and Airport Concessionaire Disadvantaged Business Enterprises (ACDBEs) for participation in projects funded in whole or in part by the U.S. Department of Transportation. [[49 C.F.R. 23](#); [49 C.F.R. 26](#)]

MBECO's prime objective is to increase the number of certified businesses available for State contracting opportunities by fostering relationships among certified firms, State agencies, quasi-state agencies, purchasing agents, and prime vendors. MBECO also supports certified firms in their growth and development while ensuring that prime vendors adhere to MBE contract requirements in state procurement activities.

MBECO engages in community outreach and attends events and meetings to support underserved populations, connecting with potential certification-eligible businesses and fostering relationships with Prime vendors.

III. DEFINITION AND ELIGIBILITY CRITERIA FOR CERTIFICATION

Small businesses, majority-owned and operated by one or more socially and economically disadvantaged individuals, are eligible for MBECO certification. [\[49 CFR 26.5\]](#)

"Socially and economically disadvantaged individuals" are individuals who are citizens or lawful permanent residents of the United States and who can meet the economic disadvantage test. The following groups are presumed to be socially and economically disadvantaged:

Black	All persons having origins in any of the Black racial groups of Africa.
Hispanic	All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
Native American	All persons having origins in any of the original peoples of North America.
Asian American	All persons who have origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.
Portuguese	All persons of Portuguese, Brazilian, or other Portuguese culture or origin, regardless of race.
Women	Any female qualifies as a class of minority.
Disadvantaged	Members of other groups or other individuals found to be economically and socially disadvantaged by the Small Business Administration under Section 8 (a) of the Small Business Act, as amended. (15 U.S.C. Chapter 637) (a))

Note: All applicants are required to submit documentation supporting claims of social and economic disadvantage.

In accordance with the U.S. Department of Transportation's Interim Final Rule (IFR) issued on October 3, 2025, a Personal Narrative (PN) is now required for all new and existing DBE/ACDBE firms. MBECO requires that the PN be limited to one page, single-spaced, and formatted in Times New Roman, 12-point font.

As additional guidance on the DBE/ACDBE program is released by USDOT and FHWA, MBECO will post updates on its website at [DBE/ACDBE Program](#).

Socially and economically disadvantaged owner(s) must be U.S. citizens or lawful permanent residents.

A. Criteria for Certification

1. Be a small business concern as defined pursuant to Section 3 of the Federal Small Business Act (15 U.S.C. §§ 632 and 637) and implementing regulations ([13 C.F.R. Part 121](#)), and fulfill one of the definitions as defined in §§ 1.2(O) or (Q) of this Part.
2. Owner(s) must be a member of a definable minority group, a woman, and/or an individual(s), found to be both socially and economically disadvantaged as defined in ([49 C.F.R. § 26.67](#)).
3. Minority, Disadvantaged, or Women partners/shareholders must own at least 51 percent of the business.
4. Minority, Disadvantaged, or Women owners must possess control of the business and the power to direct or cause the direction of the management and policies of the firm and to make the day-to-day as well as major decisions on management, policy, and operations.
5. Minority, Disadvantaged, or Women owners must be substantial investors in the business.
6. The business must be an ongoing concern.
7. The business must be in operation for a minimum of six (6) months before applying for certification.
8. Existing businesses whose ownership and control have been transferred to minorities or women must be under the control of the minorities/women for a minimum of six (6) months prior to applying for certification.

In addition to the above criteria for certification, small business standards include: This program is limited to small businesses (as defined by the U.S. Small Business Administration size standards under [13 C.F.R. Part 121](#)) owned and controlled by one (1) or more minorities, women, or disadvantaged individuals and which the MBECO has certified as a minority business enterprise under regulations issued by the R.I. Department of Administration.

B. Benefits of Certification

Certification provides official recognition by the State of Rhode Island that a small business is majority-owned and controlled by a socially and economically disadvantaged individual. While certification is not required to participate in State procurement, the program offers significant benefits that support small businesses' growth and promote a level playing field for all Rhode Island small businesses:

- Certified firms are listed in the MBECO Certification Directory, increasing visibility in both the public and private sectors.
- Many grantmaking organizations seek to work with certified firms.

- Certified firms gain increased access to supportive resources, including technical assistance, training programs, and development opportunities.
- Opportunities to collaborate and network with prime vendors and subcontractors to expand business opportunities and increase revenue.
- Pursuant to R.I. Gen Laws §[37-14.1-6](#), a minimum of 15% of the total dollar value of a State procurement project must be awarded to certified minority and women-owned businesses. Accordingly, State certification may serve as a strategic tool to enhance participation in public procurement.

C. Certification Process

New Applications

MBE/WBE/VBE/SDVBE Certification: MBECO conducts full reviews for all complete applications by firms seeking certification, regardless of location or certification by other jurisdictions (federal, state, local, or private). Reciprocity is not recognized, except for firms currently certified under the [SBA 8\(a\)](#) program.

Reciprocal process for current 8(a) certification: Pursuant to [RIGL § 37-14.1-6\(b\)](#), firms currently certified under the 8(a) program and in good standing must submit proof of their current 8(a) certification and basic company information required for entry into MBECO certification systems.

DBE/ACDBE Certification: Rhode Island firms seeking DBE and ACDBE certification must submit a complete application using the U.S. Department of Transportation's form, available at: <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>

- **Interstate DBE/ACDBE Certification Process:** Pursuant to [49 CFR 26.85\(c\)](#), out-of-state firms seeking DBE certification must apply through the Interstate DBE Certification Process by submitting the required form and a cover letter indicating the request. Submissions must include identification of all Unified Certification Programs (UCP) in which the firm is certified (including the original certifying UCP), an electronic copy of the UCP directory listing, and a completed DBE/ACDBE Declaration of Eligibility (DOE) form.
- **Intake Procedure:** Upon receipt, all applications for MBE, WBE, VBE, SDVBE, DBE, or ACDBE certification, including Interstate requests, are date-stamped and logged into the application database for tracking purposes.
- **Initial Review:** All applications for certification are preliminarily reviewed for completeness. If items are missing or require additional clarification, written notification is provided by email to the applicant identifying the deficiencies. Notifications are issued via email to support efficiency; otherwise, notices may be sent by regular mail when an email is not provided. All correspondence is retained in the official certification file.

- **Eligibility Determination:** Once an application is deemed complete, all supporting documentation is evaluated to determine whether the applicant meets all applicable certification eligibility requirements.
- **Site Visits:** Under [49 CFR 26.83](#)(C)(1)(i), site visits are mandatory for all Rhode Island-based firms seeking DBE and/or ACDBE certification. Site visits are not required for out-of-state applicants applying under the Interstate DBE Certification process. MBECO may request a copy of the site visit documentation from the non-Rhode Island firm's Jurisdiction of Certification (JOC).
 - Site visits include, but are not limited to, interviews with the socially and economically disadvantaged owner(s) of the firm, tours of the applicant's facilities, verification of equipment (including manufacturing equipment where applicable), verification of inventory for supplier firms, and review of company records (including bank statements, payroll records, contract files, and bidding/estimating records). At MBECO's discretion, interviews may also be conducted with other owners and any employees. The purpose of the site visit is to verify the information provided in the application and to confirm the firm is adequately staffed and equipped to perform the work for which certification is sought.
 - Site visits for MBE/WBE/VBE/SDVBE certification applicants are preferred but not required, and, for Rhode Island-based firms, are conducted at MBECO's discretion. For out-of-state applicants, site visit reports may be requested from the home state certification agency; however, such reports may be unavailable or outdated. If necessary, to determine eligibility, MBECO may request that the home state conduct a new site visit, subject to the agency's ability to do so promptly.
 - For out-of-state applicants, MBECO may request copies of site visit reports from the home state certification agency in writing. Any documentation received will be maintained in the applicant certification file.
 - Recommendation of MBECO: Upon completion of the applications review, MBECO will prepare a written recommendation regarding the firm, which includes:
 - A one-page recommendation report approval by the MBE Compliance Administrator and the DEDI Associate Director, pursuant to [220-RICR-80-10-1](#) § 1.11(H).

D. Re-Certification Process

MBE Annual Update Process:

MBECO-certified firms are required to complete an annual update by accessing the MBECO website and selecting 'Apply for Certification Online' here: [MBECO website](#). Paper applications are not accepted. Firm owner(s) must complete the annual update and may not delegate this responsibility. Annual updates are

necessary for maintaining good standing. The application includes an attestation confirming that the owner has completed the submission.

To apply for Re-certification, navigate to the [PRiSM Application Portal](#), then click 'Let's Go' under 'Get Certified with MBECO'. On the 'Ready to do business with the State of Rhode Island? It's time to get certified.

- a. Select 'Starting a New Application or Completing an Annual Review?
- b. On the 'Starting a New Application' page, click 'Start Application.'
- c. On the 'Find Me' page, enter your Federal Employee Identification Number (FEIN) and select 'Find Me'.

Select the 'Perform Annual Review' next to the application certification Type (MBE, VBE, WBE).

***Note:** If the firm is overdue by one (1) day past its Annual Update deadline, it must email dedi.mbeco@doa.ri.gov to request access to the online portal. If the option is greyed out and you believe your firm is currently certified, contact MBECO for assistance using the email previously mentioned in this section.

There are two certification application types to select from at this stage. For annual updates, select '**Perform Annual Review**'. If the incorrect application type is selected (e.g. Apply/Re-apply"), the firm must email dedi.mbeco@doa.ri.gov with the Application ID and describe the issue. A new application cannot be initiated until the incorrect application is removed by MBECO technical assistance.

- d. Download required forms at: [MBE, WBE, AND VBE/SDVBE Programs | Rhode Island Office of Division of Equity, Diversity, and Inclusion](#) and select 'Annual Update Forms':
 - Personal Financial Statement (PFS) and Annual Declaration of Eligibility (formally 'No Change Affidavit') under '**Annual Update Forms**' from the MBECO website. Note: Firms, MBECO suggests that all required forms be submitted; old forms will not be accepted.
 - Upon submission, applications are placed in a queue for review and assigned to a Program Services Officer. Reviews are completed within a reasonable time. MBECO will begin reviewing a complete application within a period not to exceed ninety (90) days from the original submission date. See [220-RICR-80-10-1-1.11-D](#).
 - Upon initial notification from the online portal requesting additional documentation and/or clarification, applicants have thirty (30) days to respond by uploading the required materials. See [220-80-10-1 1.11](#). Failure to respond may result in 'Administrative Closure'. MBECO may request additional documentation, including tax returns, at any time during the review process. An administrative closure is a procedural action taken by MBECO to close a pending application due to the applicant's failure to provide the requested information and/or documents within 30 days of the notice of the request.
 - If administratively closed, the firm may reapply online after sixty (60) days from notification from MBECO. The reapplication date will be provided in the email notification.

- For certification inquiries, contact MBECO at: dedi.mbeco@doa.ri.gov.
- MBECO sends courtesy reminder notices through the online certification portal beginning sixty (60) days before the firm's annual review date. The responsibility of submitting the renewal application remains with the firm. Firms are advised to set an internal calendar reminder in advance of the renewal deadline. All firms, including newly certified firms and those completing annual updates, receive a certification status letter via email that includes the firm's renewal date. Firms holding multiple certifications will receive separate notifications for each certification.
 - MBECO utilizes two (2) portals for annual updates: The [PRiSM Portal \(ridedi.prismcompliance.com\)](http://ridedi.prismcompliance.com) for MBE/WBE/VBE/SDVBE firms and the [Secure Mail Portal](#) for DBE/ACDBE certified firms.
- For MBE/WBE certifications, firms must submit the following documentation through the PRiSM portal (ridedi.prismcompliance.com), uploading each document separately in PDF format: [portal: ridedi.prismcompliance.com](#).
 - A completed MBE/WBE Declaration of Eligibility (DOE). See [Appendix A: Figure 1](#). Found under the tab 'Annual Update Forms' here: [MBE, WBE, AND VBE/SDVBE Programs | Rhode Island Office of Division of Equity, Diversity, and Inclusion](#).
 - A copy of the firm's most recently filed federal tax return, including all schedules and attachments, for the applicant firm and all affiliates. For sole proprietorships or single-member LLCs taxed as sole proprietorships, submit Schedule C (business portion) of the individual's federal tax return. State tax returns will not be accepted, nor partial tax returns.
 - A copy of the firm's most recent home state certification letter(s) for firms based out of state.
 - Copies of all current Rhode Island business licenses for firms certified for scopes of work that require a [license in the State of Rhode Island](#). **Note:** Socially and economically disadvantaged owner(s) must hold valid Rhode Island licenses.
 - A comprehensive review is conducted every five (5) years, which includes submission of an updated personal financial statement, and tax returns. A new site visit is conducted at MBECO's discretion.
- For VBE/SDVBE certification, firms must submit the following documentation through the [PRiSM Portal](#).
 - A completed VBE/SDVBE Declaration of Eligibility. See [Appendix A: Figure 2](#). Forms and Applications can be found here: [MBE, WBE, AND VBE/SDVBE Programs | Rhode Island Office of Division of Equity,](#)

Diversity, and Inclusion.

- A copy of the firm's most recently filed federal tax return, including all schedules and attachments, for the applicant firm and all affiliates. For sole proprietorships or single-member LLCs taxed as sole proprietorships, submit Schedule C (business portion) of the individual's personal federal tax return. In no instance should state returns or state schedules be submitted; only federal returns/schedules are permitted.
- For firms based out of state, a copy of the firm's most recent home state certification letter(s).
- Copies of all current State of Rhode Island licenses, if licensing is required. for firms certified for scopes of work that require a license in the State of Rhode Island.
Note: Veteran owner(s) must hold valid Rhode Island licenses.
- A comprehensive review is conducted every five (5) years, which includes submitting an updated personal financial statement and tax returns. A new site visit is conducted at MBECO's discretion.
- For DBE/ACDBE certification, firms must submit the following as part of their Declaration of Eligibility (formerly called annual update) to maintain their certification through the [Secure Mail Portal](#) and address to dedi.dbe@doa.ri.gov:
 - A completed DBE/ACDBE Declaration of Eligibility (DOE). See [Appendix A: Figure 3](#). Find forms here: [DBE/ACDBE Program | Rhode Island Office of Division of Equity Diversity and Inclusion](#)
 - A copy of the firm's most recently filed corporate federal tax return, including all federal schedules and attachments, for the applicant firm and all affiliates. For sole proprietorships or single-member LLCs who have opted to be taxed as sole proprietorships, company federal taxes are filed as part of the individual's personal federal tax return. In those cases, we will need a complete copy of the individual's personal federal tax return, including all federal schedules and attachments. In no instance should state returns or state schedules be submitted; only federal returns/schedules are permitted.
 - For firms based out of state, a copy of the firm's most recent home state certification letter(s).
 - For Rhode Island-based firms only, a more substantive review is conducted every five years, which includes submitting an updated personal net worth statement, and a new site visit is performed at MBECO's discretion. The personal financial statement form is posted on the website here - [US DOT Disadvantaged Business Enterprise \(DBE\) Program- Rhode Island -Office of Diversity, Equity &](#)

[Opportunity](#). This is a different process from the typical annual recertification, and it is conducted every 5 years.

Note: Instructions on how to submit through the Secure Mail Portal can be found on the [DBE page](#) of the MBECO website.

DBE/ACDBE Interim Final Rule (IFR) Reevaluation Application

On October 3, 2025, the U.S. Department of Transportation (DOT) issued an [Interim Final Rule \(IFR\)](#) revising the DBE and ACDBE programs by removing race and sex based presumptions from the definition of a “socially and economically disadvantaged individual” under [49 CFR Part 26](#).

The summary of the key IFR changes (1) eliminated the presumption of social disadvantage and (2) required reevaluation for all DBE firms. The latter is comprised of submitting the following forms to their respective Jurisdiction of Certification (JOC):

1. [Personal Net Worth \(PNW\)](#)
2. [Personal Narrative \(PN\)](#)

Each Unified Certification Program (UCP) is responsible for reevaluating firms within its jurisdiction. DEDI/MBECO conducts reevaluations for DBE/ACDBE firms with Rhode Island as their home state. In accordance with federal requirements, DBE certifications are suspended until reevaluation is completed for DBE-certified firms in Rhode Island. In accordance with federal requirements, DBE certifications are suspended until firm reevaluation is completed and approved.

- The [PN form](#) is available on the MBECO website under the [DBE/ACDBE Program Interim Final Rule \(IFR\) Recertification Application](#) section. It must not exceed two (2) pages, be single-spaced, and formatted in Times New Roman, 12-point font.
- The PN must address criteria outlined in the [IFR](#) and the [U.S. DOT’s Official Frequently Asked Questions \(FAQ\)](#). Examples may include barriers to education, employment, and business history. The narrative described in the Personal Narrative (PN) must not rely, in whole or in part, on race or sex.

All required documents must be submitted by the firm’s owner through the Secure Mail Portal at dedi.doa@DOA.RI.GOV.

Applications are reviewed for completeness. If documentation is missing or requires additional clarification, a written notification is issued via email. If email is unavailable, notification shall be sent by regular mail. Responses must be submitted in writing via email. All communications are retained in the official file.

Once complete, documentation is evaluated by MBECO to determine eligibility.

Firms decertified under the IFR reevaluation process may appeal *only* to U.S. DOT per [49 CFR § 26.89](#).

E. Denial of Certification/Re-Certification

If a firm is denied certification or re-certification, it can appeal the decision to the Certification Review Committee.

Certification Review Committee (CRC)

- Pursuant to [220-RICR-80-10-1](#) § 1.2 (H) and [220-RICR-80-15-1](#) § 1.3 (A)(11), the Certification Review Committee (CRC) functions as an appellant body. Firms denied certification as a Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Veteran Business Enterprise (VBE), Service-Disabled Veteran Business Enterprise (SDVBE), Disadvantaged Business Enterprise (DBE), and/or Airport Concessionaire Disadvantaged Business Enterprise (ACDBE) may request a hearing before the CRC.
- The CRC comprises five members, which includes a Chairperson appointed by the *Director of the Department of Administration*. The *Director of the Department of Administration* appoints the chairperson of this committee. The five members consist of one individual from the Rhode Island Department of Transportation and four individuals from the public or private sector.
- At least four members represent the minority groups as defined under [R.I. Gen. Laws Chapter 220-RICR-80-10-1-1.5](#). Each member, including the chairperson, serves at the pleasure of the Director of the Department of Administration, and their term is perpetual until replaced. No person involved in the original determination may serve as a member of the CRC for that appeal.

Denial of Certification Appeal Procedures

- For administrative appeal hearings, the complete application file is provided to each *CRC member*. DEDI/MBECO schedules the hearing and issues notification. Notices must be sent via certified mail pursuant to [220-RICR-80-10-1](#) § 1.11 and may also be sent by email at MBECO's discretion.
- DEDI/MBECO must record the hearing procedures, and the digital recording must be maintained as a part of the permanent record, transcribed, and included in the official file. See [R.I. Gen. Laws § 38-2-1](#).
- Upon conclusion of the hearing, DEDI/MBECO will coordinate with the Chairperson to draft and issue the CRC decision.
- Applicants denied certification may seek judicial review. The Department of Administration's Legal Services Department will be served notice and coordinate required submissions with DEDI/MBECO.
- Upon denying a firm DBE/ACDBE certification, DEDI/MBECO will inform USDOT of the firm's denial and the reasons for the decision through the DBE reporting portal.
- Firms denied certification may reapply one year after the date of their original denial letter.

Denial of Re-Certification Appeal Procedures

During the re-certification process, a firm may be “removed for cause.” This may occur due to changes in ownership or control that render the firm ineligible, failure to operate as a certified firm, violations of awarding authority requirements, failure to conduct itself as a bona fide certified firm, violations of the covenants of an awarding authority, or the certified firm has failed to cooperate, and failure to submit required annual updates or requested information. The firm will receive a Notice of Intent (NOI) to administratively remove certification.

The notification letter must be sent via certified mail and may also be sent via email at MBECO's discretion.

The notice must inform the firm of its right to request a hearing before the CRC by submitting a written request, within **10 calendar days** of the notification letter sent via certified mail.

The notification letter must:

- Include specific details supporting the proposed removal of accreditation.
- Reference to specific Federal and State sections of the regulation.
- Provide a deadline for submission of additional information.

If the firm does not request an administrative hearing within **10 calendar days** of receipt of the notification, certification may be removed from the Certification Database and the Certified Directory. A Notice of Decision (NOD) is sent to the firm via certified mail and email.

If the firm requests an administrative removal hearing before the CRC, the following procedures apply:

- A complete copy of the application file will be provided to each CRC member, along with any investigative materials, the NOI letter, and all firm responses.
- DEDI/MBECO will schedule the hearing and issue notifications to CRC members and the firm. Hearing notices must be sent via certified mail per [220-RICR-80-10-1](#) § 1.11. Copies may also be sent via email at MBECO's discretion.
- MBECO will record the hearing. The recording must be maintained as a permanent record, or the recording must be officially transcribed and included in the official certification file.
- Upon the conclusion of the hearing, DEDI/MBECO will coordinate with the CRC Chairperson to draft and issue the determination letter.
- Firms denied continued certification from the CRC may seek judicial review. The DOA Legal Services Department will be notified and coordinate court submission requirements with DEDI/MBECO.
- Upon issuance of a Notice of Decision (NOD) denying DBE/ACDBE re-certification, DEDI/MBECO will notify USDOT of the decision and supporting rationale through the DBE reporting system.

DBEs Appeals to U.S. Department of Transportation

- For DBE firms denied continued certification, appeals must be submitted to the U.S. Department of Transportation. Upon receipt of an appeal, U.S. DOT will notify DEDI/MBECO and provide the division's instructions for submitting the application file, supporting documentation, and the denial determination.

STATE CONTRACTING AND CONTRACT COMPLIANCE

Overview

In addition to providing certification on behalf of the State's small businesses, MBECO implements the State's policy to promote full participation of certified firms and monitors and enforces compliance by prime vendors, interagency entities, and quasi agencies with participation requirements on State-funded projects.

Pursuant to Rhode Island law,¹ a minimum of 15% of the total contract dollar value of any State-funded project, including in-state purchases of goods and services and grants, must be awarded to a certified MBE/WBE firm. This includes a minimum of 7.5% MBE and a minimum 7.5% WBE.

MBECO oversees contract compliance to ensure adherence to State procurement requirements related to disadvantaged businesses and to enforce compliance through monitoring and enforcement activities. The *Rhode Island State Archives and Public Records Administration require all state agencies, including the Department of Administration and the Minority Business Enterprise Compliance Office (MBECO)*, to retain records in accordance with approved retention schedules. This includes certification files and compliance documentation, which must be retained for up to five (5) years.

STATE-FUNDED PROJECT DELIVERY TYPES AND MBE PARTICIPATION REQUIREMENTS

Overview

All state purchasing, including, but not limited to, the procurement of goods, services, public works/construction projects, or contracts funded in whole or in part by state funds, or funds which, in accordance with a federal grant or otherwise, the state expends or administers or in which the state is a signatory to the construction contract are subject to MBE Participation requirements through [RIGL § 37-14.1](#). Projects may be delivered through various procurement and contracting methods, including, but not limited to, traditional design-bid-build, Construction Manager at Risk (CMAR), and design-build projects. Regardless of delivery method, all State-funded projects are subject to MBE/WBE participation requirements pursuant to [R.I. Gen. Laws § 37-14.1](#) and [220-RICR-80-10-1](#).

¹Under [RIGL § 37-14.1](#), MBEs shall be awarded a minimum of fifteen percent (15%) of the dollar value of the entire procurement or project. This includes all state-funded, public works, and municipal construction projects. [[RIGL § 37-14.1](#) and [220-RICR-80-10-2](#)]

²Under [RIGL § 37-14.3-1-7](#), VBEs shall be awarded a minimum of three percent (3%) of the dollar value of the entire procurement or project. [[RIGL § 37-14.3](#) and [220-RICR-80-15-1](#)]

A. Participation Requirements

All Prime vendors awarded State-funded contracts must meet the statutory participation goal requirement of:

- **Minimum 15% total participation consisting of:**
 - **Minimum 7.5% MBE participation**
 - **Minimum 7.5% WBE participation**

These requirements apply unless expressly exempted by statute, approved through a formal waiver, or by the Director of Administration.

Construction Manager at Risk (CMAR) Projects

For CMAR projects:

- MBE/WBE participation requirements apply to the **total contract value**, including all subcontracted scopes.
 - For CMAR solicitations, MBECO evaluates modified ISBE submissions and assigns points based on “Fixed Fee for Pre-Construction Services” and “Construction Manager’s General Conditions and General Requirements” only and in accordance with the standard formula outlined in [220-RICR-80-10-2.7\(C\)](#).
 - Subsequent notice of award, negotiation of final Guaranteed Maximum Price GMP, and facilitation of subcontractor solicitation processes will trigger the overarching requirement for the prime contractor to submit full MBE Utilization Plans to MBECO.
 - Prime vendors must submit an **MBE Utilization Plan** in accordance with MBECO requirements, as subcontract solicitations are independently conducted and awarded by the Prime Vendor.
 - Good Faith Efforts (GFEs) must be documented for all phases of subcontractor procurement, including preconstruction and construction phases, where applicable.
 - Early engagement of certified firms is strongly encouraged due to phased procurement and scope development.
-

Project Labor Agreement (PLA) Projects

Projects that include a PLA:

- MBE/WBE participation requirements apply to all applicable subcontracting opportunities within the project.
- Prime vendors must ensure compliance with both **PLA requirements and MBE participation requirements concurrently**.

- The use of union labor or PLA provisions does **not exempt** Prime vendors from meeting MBE/WBE participation requirements.
 - GFEs must demonstrate outreach to certified firms capable of performing work within the PLA structure.
-

Design-Build Projects

Projects utilizing a Design-Build delivery method:

- Prime vendors are responsible for identifying MBE/WBE participation across all phases of the project, including professional services, construction trades, and suppliers, where applicable.
- MBECO suggests that prime vendors prepare and plan MBE Participation inclusion during the preparation of their bid to include a Good Faith Efforts (GFEs) log that includes MBE/ WBE scopes, subcontractor names, which must be submitted ahead of the appropriate stage and schedule of the Design-Build by the date specified in the Award Letter.
- MBE Requirement is still based on the total procurement contract amount, unless otherwise stated and approved as a part of the procurement.

***Note:** *A Project that is designated as a Design-Build does not exempt the Prime Vendor from meeting MBE Participation requirements.*

Prime Vendor Responsibility & Guidance

Prime vendors are responsible for:

- Understanding applicable participation requirements prior to bid submission.
- Incorporating MBE/WBE participation into project planning and pricing.
- Conducting timely and documented Good Faith Efforts; and
- Ensuring compliance throughout the life of the project.

Failure to meet participation requirements or demonstrate adequate GFEs may result in non-compliance determinations and enforcement actions by MBECO.

Guidance

Prime vendors are strongly encouraged to:

- Begin MBE/WBE outreach early in the procurement process, including conducting GFEs during the posted solicitation period; suggested timeframes for bid solicitations from subcontractors:
 - Material/Supplies subcontractor bids: Minimum of 10-15 days
 - Service subcontracting bids: Minimum of 10 days

- Capital Improvement & Construction subcontractor bids: between 21 to 30 days
- Visit the State’s certified firm directory to identify qualified firms (includes searches by Company, Service, or Product (Toggle between the two) Search using only one to two words maximum. Do not use any symbols, commas, or periods)[Directory Search | Rhode Island Office of Division of Equity Diversity and Inclusion](#)
- Contact MBECO for guidance prior to bid submission when questions arise regarding compliance requirements.

VBE Participation

- MBECO is responsible for supporting the State’s annual participation benchmark for Veteran Business Enterprise (VBE) in State-funded and State-directed public construction programs and projects, and in-state purchases of goods and services. Pursuant to Rhode Island law, 3% of the dollar value of the procurement or project should go to a certified VBE.²

EPA / Fair Share Agreement

- MBECO is responsible for negotiating the State’s Fair Share Agreement with the U.S. Environmental Protection Agency (EPA) and ensuring compliance with the EPA Disadvantaged Business Enterprise (DBE) program for projects funded in whole or in part with funding by the EPA. This includes municipal sewer and water infrastructure projects, drinking water, and wastewater treatment facilities. [40 C.F.R. 33].
- MBECO reviews, investigates, and mediates, as applicable, contract and payment disputes for MBE, WBE, DBE, and VBE firms performing work on State-funded projects and contracts. [[RIGL § 37-14.1-1](#) and [RIGL § 37-14.1-3](#)].

Guidance for State Agencies — Projects Subject to Participation Under R.I. Gen. Laws § 37-14.1

- Build adequate time into the procurement schedule for MBECO review and approval. Agencies should allow at least 45 business days for vendors to receive an MBE determination.
- Designate a single agency contact per project, should the need to correspond with MBECO arise during compliance review.
- Direct vendors to the MBECO website <https://dedi.ri.gov> for the latest MBECO Compliance documentation and information.

B. STATE PROCUREMENT METHODS

The State of Rhode Island uses various methods to procure goods and services, including Requests for Proposals (RFPs), Requests for Quotes (RFQs), and Master Price Agreements (MPAs) for frequently purchased items. Although additional procurement methods are available, the following specifically include requirements for Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) participation:

- **RFP:** Formal solicitation method. Contracts are awarded based on best value, based on combined technical capability and cost evaluations, and are used when technical expertise is critical.
- **RFQ:** Formal solicitation method. Contracts are awarded to the lowest responsive and responsible bidder. A 5% price preference may be applied, at the discretion of the Purchasing Agent, to MBE/WBE prime vendors (see [220-RICR-30-00-5.12](#)). The 5% preference does not constitute a regulatory guarantee, but it solely gives the Purchasing Agent the ability to award the qualified MBE/WBE firm if it is within the 5% pricing threshold of the bidder least responsive and responsible bidder.
- **MPA:** Master Price Agreements. A mini-bid process is required in the corresponding MPA User Guide. Vendors are pre-qualified, and pricing is most commonly obtained through the mini-bid process, depending on the individual scope of work prepared at the user agency level. As with RFQs, under this MPA structure, price is the primary determining factor.
 - User agencies may issue mini-bids under MPAs.
 - MBE Utilization Plans are required, and DEDI/MBECO must be copied on all tentative award letters.
 - The approval process follows the same procedures as RFQs.
 - Additional information is available at <https://ridop.ri.gov/master-price-agreements>.

TYPES OF AWARDS

Award letter variations may differ based on the awarding entity. The State of Rhode Island Division of Purchases typically issues a Tentative Selection Letter. Municipalities, quasi-public agencies, grant-funded projects, etc., may issue other forms of awards, including Notices to Proceed, Notices of Intent, Authorizations to Proceed, or other approval methods. While these are different forms of approvals in name, in terms of MBECO Compliance, these letters all serve as sufficient project award documents that verify project-specific information, including the Prime Vendor, project description, and total contract value. For the purposes of this manual, there are two categories of awards: those issued by the State of Rhode Island and those issued by all other non-State entities, including Grantors, Municipalities, School Districts, etc.

State of Rhode Island Awards:

Following a competitive process and evaluation, tentative selection letters are issued by the Division of Purchases, the delegated agency, or (in the case of mini bids off MPAs) the user agency. All tentative award

letters must require the submission of an MBE Utilization Plan by the tentatively selected vendor(s) for review and approval prior to issuance of a Purchase Order, except for awards resulting from an RFP process, where an MBE Utilization Plan is not required by the Division of Purchases to issue an award, due to the evaluation and associated scoring of ISBE submissions. (See [Appendix B to view a tentative selection letter template](#)). DEDI/MBECO are copied on all tentative/award letters issued to the Prime vendor. For the latest Tentative Award Letter Template, agencies are encouraged to utilize the [Division of Purchases Procurement Library](#).

***Note:** *Submission of an MBE Utilization Plan may still be requested by MBECO if a vendor has been tentatively awarded.*

Awards by non-State of Rhode Island Entities (Quasi-State Entities, Grantors, Municipalities, School Districts, etc.):

Awards issued by non-State entities may include various award types, including Notice of Intent, Notice to Proceed, Letter of Authorization, Letter of Approval, etc. Though the type of award issued may differ from that of the Tentative Selection Letter issued by the State of Rhode Island, Prime vendors that receive an award letter from any of these functions are still subject to MBE Participation Requirements. After receiving such an award, Prime vendors must submit an MBE Utilization Package to MBECO within 5 business days of the award, as denoted in the standard process.

Receipt of these notices enables DEDI/MBECO to confirm the award and identify the agency responsible for overseeing project execution and compliance. Prime vendors must complete the MBE Utilization Plan package, which includes the MBE Utilization Plan form and the MBE Checklist, and submit via email to the MBECO Compliance Office at mbe.compliance@doa.ri.gov. This process allows DEDI/MBECO to confirm the award and determine the individual(s) at the User agency responsible for executing and overseeing the project.

ISBE PARTICIPATION REQUIREMENTS – INDEPENDENT SMALL BUSINESS ENTERPRISE

ISBE Participation is a process set forth in 220-RICR-80-10-2 and is a regulatory change in 2017 that altered the selection methodology for Requests for Proposals (RFPs). The purpose of the ISBE Participation is to increase the utilization of minority- and women-owned business enterprises (MBEs/WBEs).

Independent Small Business Enterprise: ISBE is an evaluation tool that includes State of Rhode Island certified Minority Business Enterprises (MBE), Women-owned Business Enterprises (WBE) through the Division of Equity, Diversity & Inclusion, and Disability Business Enterprises through the Governor’s Commission on Disabilities (DisBE), as defined under Rhode Island law and regulation.

Award of a contract through the ISBE Participation criterion does not relieve the successful awardee of its obligation to comply with the post-award MBE contract compliance requirements established under R.I. Gen Laws Chapter 37-14.1, 220-RICR-80-10-2, the solicitation documents, or the State contract award

requirements. All successful awardees shall comply with MBECO's contract compliance procedures, including submission of any required MBE Utilization Plan and supporting documentation.

***Note:** The completed ISBE Participation Plan serves as part of the evaluation and scoring during procurement, while the MBE Utilization Plan serves as part of the post-award compliance review and approval process before contract performance.

The Division of Purchases administers a procurement method called RFP (Requests for Proposals), a competitive process in which technical and cost proposals are collected, evaluated, and subsequently awarded based on best value, with the highest overall score from combined cost and technical scores. Pursuant to [220-RICR-80-10-2](#), the Minority Business Enterprise Compliance Office (MBECO) is responsible for the review of all ISBE submissions and for assigning the applicable evaluation points in accordance with established policy and regulatory requirements.

For RFPs that do not contain an otherwise standard or competitive cost component, a "modified" ISBE may be included with the posted solicitation materials. Modified ISBE forms do not require remittance of MBE/WBE participation in dollar terms; rather, bidders are requested to commit to specific participation percentages. The stated percentages are then evaluated in accordance with the formula and methodology prescribed in 220-RICR-80-10-2.

MBECO ISBE PARTICIPATION SCORING

- During the cost evaluation phase, the Division of Purchases shall forward all ISBE Participation Plans to MBECO for evaluation and scoring for those bidders that have advanced to the cost evaluation phase. If the bidder did not submit an ISBE Participation Plan with its bid, the bidder's name shall still be included in the list of bidders as part of the list of firms forwarded to MBECO.
- If a bidder has not submitted an ISBE Participation Plan with their original bid documents through the bidding platform, they are not eligible for evaluation and assignment of ISBE points as described above.
- The Division of Purchases shall submit all ISBE forms to the MBE Compliance inbox folder (mbe.compliance@doa.ri.gov). The subject line shall read: **ISBE - Project Name/ Description**.
- ISBE reviews may take anywhere between 10-15 business days to complete, and are reviewed on a first-come, first-served basis.
- *Only firms certified by the State of Rhode Island as MBE, WBE, or DisBE at the time of proposal submission may be counted toward ISBE participation.*

***Note:** MBECO is strictly prohibited from discussing the scoring methodology or review process with anyone outside of the organization, as such actions are deemed improper.

C. POST AWARD PROCESS

TYPES OF AWARDS

Following a competitive process and evaluation, tentative selection letters are issued by the Division of Purchases, the delegated agency, or (in the case of mini bids off MPAs) the user agency. All tentative selection letters must require the submission of an MBE Utilization Plan package for review and approval prior to issuance of a Purchase Order, except for awards resulting from an RFP process, where an MBE Utilization Plan is not required due to the evaluation and associated scoring of ISBE submissions. DEDI/MBECO are copied on all tentative/award letters issued to the Prime vendor. However, MBECO should not be copied on any communication between the Prime vendor and the Awarding Authority, except for the initial MBE Utilization Plan package submission. For the latest Tentative Award Letter Template, agencies are encouraged to utilize the Division of Purchases Agency Procurement Library at <https://ridop.ri.gov/agency-procurement-club-and-campus/agency-procurement-library>.

DEDI/MBECO must be copied on all tentative selection letters. Receipt of these notices enables DEDI/MBECO to confirm the award and identify the agency responsible for overseeing project execution and compliance. Prime vendors must complete the MBE Utilization Plan package, which includes the MBE Utilization Plan form and the MBE Checklist, and submit via email to the MBECO Compliance Office at mbe.compliance@doa.ri.gov. This process allows DEDI/MBECO to confirm the award and determine the individual(s) at the User agency responsible for executing and overseeing the project.

1. Notice of Tentative Selection (Division of Purchases)

- Tentative selection letters are issued to the winning vendor by the Division of Purchases, agencies with delegated authority, or, in the event of MPA mini-bids, by the user agency. Vendor is the prime of the awarded project.
- All Tentative Selection letters must include the MBE requirement for the winning Prime vendor to submit an MBE Utilization Plan for review and approval before a **Purchase Order** can be issued.
- See [Appendix B to view a tentative award template](#).

2. Notice of Intent (NOI)

- Notice of Intent (NOI) letters are a type of award letter issued by a Rhode Island municipality that provides formal notification to the prime vendor of the intention to award a contract or grant. NOIs are not utilized by the State

D. MBE Utilization Package:

- MBE Utilization Plan form
- MBE Utilization Checklist form
- Tentative Selection from the Division of Purchases /Notice of Intent Letter/Award Letter
- Copy of Good Faith Efforts (GFEs) documentation (Log of Bid Solicitations submitted to all certified firms who fit the scopes of work within a project, Method of Contact (email, phone), Dates, Notes of outcomes) as requested.

An MBE Utilization Plan outlines how a Prime vendor will meet and establish participation within a project awarded by the State of Rhode Island. It provides an outline for engaging certified MBEs/WBEs on the project.

The plan must include a document of the GFEs performed that describes in detail all outreach methods utilized (i.e., phone, email, bid solicitations, requests for quotes, dates, and notes of outcomes), and list **all** subcontractors planned to be used (certified and non-certified), including the scope of work and projected contract costs for each subcontractor.

Note: MBE requirements are part of the Purchases bid package as applicable to and delineated in individual solicitations. MBECO suggests that bidders begin preparing the MBE Utilization Plan before award, to meet Purchases or Agency award deadlines.

- The Prime vendor shall send **DEDI/MBECO the MBE Utilization Plan complete documentation package to be reviewed for approval to mbe.compliance@doa.ri.gov. Primes should copy the user agency on the email for all MBE Utilization Plan package submissions for inclusion.** This process allows DEDI/MBECO to confirm the award and determine the individual(s) at the User agency responsible for executing and overseeing the project.

E. PRIME VENDOR STEPS TO COMPLETE MBE UTILIZATION PLAN PACKAGE

Guidance – MBE Utilization Plan

- Once approved, an MBE Utilization Plan is considered an agreement with the State of Rhode Island. The Prime Vendor is subject to meeting the terms outlined in its approved plan (see [220-RICR-80-10-2](#)). After MBECO approves an MBE Utilization Plan and upon satisfaction of all requirements outlined in the corresponding tentative selection letter, the State generates the Purchase Order (PO), authorizing work to commence as delineated in the solicitation or mini-bid.
- Subcontractors identified in the approved MBE Utilization Plan are considered to be in agreement to perform the scope of work outlined at the dollar amount on the plan approved for participation in the project. The Prime Vendor must execute subcontracts or issue purchase orders to those firms and is subject to post-approval reporting requirements.
- The Prime Vendor shall consult the Rhode Island **MBE/WBE Directory** before completing the MBE Utilization Plan. For each contracting scope identified, the Prime Vendor shall solicit all Rhode Island certified firms listed within the applicable work category or otherwise demonstrate that all reasonably available certified firms were provided with an opportunity to participate. Documentation of these solicitation efforts shall be maintained and submitted to MBECO as part of the Good Faith Efforts (GFEs) documentation.
- Prime contractors are expected to utilize the most current version of the State Certified MBE Directory throughout the Good Faith Efforts (GFE) process and should not limit outreach efforts exclusively to firms with whom they have previously conducted business and have a relationship with, nor be selective with the recruitment of firms. **Note:** The MBE Directory is updated regularly.

- Prime contractors are encouraged to develop and maintain professional relationships with qualified subcontractors and suppliers. However, reliance solely on an existing internal subcontractor database, historical business relationships, or previously utilized firms does not satisfy the intent of the State's Minority Business Enterprise (MBE) Program.
- Firms that are not certified in the State of Rhode Island and listed in the MBE/WBE Directory shall not be counted toward MBE participation.
- Certified Firms must maintain an active MBECO certification throughout the duration of the project in order for the Prime Vendor to receive participation credit toward the MBE participation requirement, unless otherwise authorized by MBECO.
- Prime Vendors shall not identify firms with pending certification applications as certified firms within the MBE Utilization Plan. Pursuant to R.I. Gen Laws 37-14.1 and 220—RiCR-80-10-1, certification applications are reviewed in accordance with the State's certification process. Awarding Authorities require MBE participation determinations in order to proceed with contract award, there is no guarantee that a firm with a pending certification application will receive a determination prior to MBECO Contract Compliance issuing its MBE participation determination.

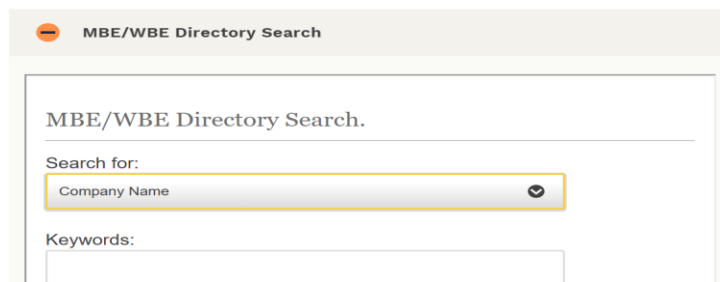
F. MBE/ WBE Directory Search

The Division maintains a Certified MBE Directory that includes all MBE and WBE firms (including union signatories).

Directory Search Tips

- Under 'Search by' select one of three (3) types: **Company Name, Product or Service, or NAICS Code;**
*Toggle using the arrow to select desired search type.

Directory Search



- Searches are limited to a maximum of **two (2) words** per search. Do not use symbols, commas or punctuation in the search feature.
- The MBE Directory is also available for download and may be used to perform offline searches, sorting, and filtering as needed. **Note: *The MBE Directory is updated regularly.**

MBE Directory: <https://dedi.ri.gov/division-units/minority-business-enterprise-compliance-office/mbe-wbe-and-vbesdvbe-programs>.

MBE Union Directory: <https://dedi.ri.gov/division-units/minority-business-enterprise-compliance-office/directory-search#details-3226>

Note: It remains the responsibility of the prime vendor to ensure formal written communication is sent to MBECO prior to including any changes to the approved MBE determination letter from MBECO, including the addition or removal of certified subcontractors in a detailed format, including any relevant documentation, emails, replacement certified firms, contract value replacement, and a detailed description.

For **municipal projects** that include or reference an MPA, prime vendors must list the municipal solicitation number on the cover page of the MBE Utilization Package.

** Note: Prime Vendors that receive MBE Utilization Plan approval typically submit two to three (2–3) updates during the project lifecycle. MBECO must be notified in writing of any changes to subcontractors. The Prime Vendor must replace any removed subcontractor with another certified MBE/WBE firm of the same type and contract value or otherwise demonstrate Good Faith Efforts, subject to MBECO review and approval.*

- **Step 1: Receipt of Notice of Tentative Selection Letter** from the Division of Purchases **/Award/Notice of Intent:** All letters are issued by Purchases, the delegated agency, or the user agency for mini-bids. Each tentative award letter requires the vendor to submit an MBE Utilization Plan within five (5) business days of receipt of an award letter.
 - Purchases/user agency copies the MBE Compliance email (mbe.compliance@doa.ri.gov) on all tentative selection letters sent to Prime Vendors.
 - The Prime awardee is required to submit the full MBE Utilization Plan Package and Scope of Work to MBECO at mbe.compliance@doa.ri.gov. Individual members of MBECO should not be copied on submissions, and Prime awardees should send completed MBE Utilization Plan Packages directly to the stated email address.
 - No additional documents, such as COIs, should be emailed to MBECO.

***Note:** The onus of satisfying the project requirements is on the Prime awardee as the direct contract party; as such, only the Prime awardee should make inquiries to MBECO on behalf of the project via email. Additionally, the Prime must appoint one point of contact for MBECO with one backup representative per project.

***Note:** If the Division of Purchases issues a waiver of the tentative selection letter authorizing an MPA mini-bid sourced project to proceed instead of a tentative selection, please note that such projects remain subject to all MBE participation requirements under [R.I. Gen. Laws § 37-14.1](#) and [220-RICR-80-10-2](#).

- **Step 2: MBE Utilization Plan Package Submission:** Vendors that have been tentatively selected for a project utilizing State funding must submit an MBE Utilization Plan package to MBECO for review and approval. It is the responsibility of the Prime vendor to ensure that the MBE Utilization Plan Package is submitted within five (5) business days of receipt of a Tentative Selection Letter from the Division of Purchases /Award notice, including Notice of Intent (issued by municipalities for municipal-level projects), Notice to Proceed, etc. The vendor is aware, before bidding, that the MBE Utilization Plan package is a requirement in the process and should be prepared in advance.

***Note:** For additional subcontractors, please use the format below on a separate typewritten page.

Subcontractor / Supplier	Dollar Award	Scope/Detailed Description of Work being performed	RI Certified MBE/ WBE?
ABC Concrete, Inc.	\$1,300.00	Install and pour concrete for all curbs and sidewalks	MBE

- **Subcontractor/Supplier:** An entity that holds a subcontract or sub-agreement or otherwise receives a sub-award on a State-funded project to provide goods and/or services. A supplier is a firm that provides materials, equipment, or supplies used on a project.
- **Dollar Award:** The total contracted dollar amount committed to a subcontractor or supplier within the project. Do not put 0 or NA on the form.
- **Scope/Description:** The specific work, service, or trade assigned to a subcontractor or supplier. Please note that all scope descriptions must be specific in nature and include a minimum of three (3) words describing the nature of the work.
- **MBE/WBE:** Within the MBE Utilization Plan, prime awardees must designate whether each listed firm is classified as an MBE or WBE. **Note:** If the certified firm holds more than one certification type, the prime vendor must verify with the subcontractor which certification type will be utilized for the project prior to submitting the MBE plan documentation for approval to MBECO.
- Note: Self-performance alone **does not satisfy or waive** the MBE participation requirements under **R.I. Gen. Laws § 37-14.1**.
If the prime vendor is a certified MBE firm, that vendor may self-fulfill the MBE participation requirement pursuant to [RIGL 37-14.1-6\(a\)](#), provided the vendor self-performs at **least fifteen percent (15%)** of the contract with their own forces. If the prime vendor is not a certified firm and the scope of work is limited to one scope, the prime vendor must notate this on the until plan in the subcontractor section and provide the detailed project scope as an attachment or within the email body of the MBE Utilization Plan package submission.

G. Good Faith Efforts (GFEs)

- Prime vendors must make an affirmative good-faith effort to seek MBE participation for all State-funded project opportunities. Prime vendors must keep documentation of all GFEs performed, including a bid/solicitation log, and submit a complete package to MBECO compliance. Good Faith Efforts are described in [220-RIGL-80-10-2 § 2.8\(G\)\(4\)](#).
- Good Faith Effort (GFE) determinations are based on several of the factors below, and more than one of these circumstances may be considered at any given time. The Prime vendor should be prepared to provide this evidence along with the MBE Utilization plan if it does not meet the minimum 15% requirement, 7.5% MBE and 7.5% WBE.

***Note:** It is recommended by MBECO that Prime vendors begin Good Faith Efforts (GFEs) during the bidding process, to assist in meeting deadlines of project requirements. MBECO requires up to 30 business days for review and determination of completed submissions.

When assessing Good Faith Efforts, the following factors may be taken into consideration:

1. Whether the Bidder attended any pre -solicitation or pre-bid meetings that were scheduled by the Division to inform MBE/WBEs of contracting and subcontracting opportunities.
2. Whether the Bidder advertised in general circulation, trade associations, and minority-focused media concerning the subcontracting opportunities.
3. Whether the Bidder provided written notice to all State of Rhode Island certified MBEs/WBEs pertaining to each subcontracting scope within a project, that their interest in a contract was being solicited, in sufficient time to allow the MBEs/WBEs to participate.
4. Whether the Bidder followed up with MBEs/WBEs that showed an initial interest by contacting the firms to determine whether they were interested and documented a method of contact (email, phone, dates, outcome notes).
5. Whether the Bidder selected portions of work to be performed by MBEs/WBEs to increase the likelihood of meeting MBE/WBE participation requirements (including, where appropriate, breaking down contracts into economically feasible units to facilitate MBE/WBE participation)
6. Whether the Bidder provided interested MBEs/WBEs with adequate information about the plans, specifications, and requirements of the contract.
7. Whether the Bidder negotiated in good faith with interested MBEs/WBEs.
8. Whether the Bidder made suggestions to interested MBEs/WBEs to assist them in obtaining bonding, lines of credit, or insurance required by the Bidder.

9. Whether the Bidder effectively used the services of available minority community organizations, minority contractors' groups, local, state, and federal minority business assistance offices, and other organizations that assist in the recruitment and placement of MBEs/WBEs.

H. Prime Vendor Submission Requirements

1. GFE documentation (pursuant to [220-RIGL-80-10-2 § 2.8\(G\)\(4\)](#), including outreach to all Rhode Island certified firms for applicable scopes, solicitation logs (emails/calls with dates and outcomes), and evidence that firms were provided with a reasonable response period. (MBECO recommends allowing subcontracts a minimum of ten (10) business days to respond to bid solicitations.
2. A summary within the email body outlining project details, including subcontractor scopes of work.
3. Tentative Award from the Division of Purchases/Award Letter/Notice of Intent.
4. Signed and dated MBE Utilization Plan.
5. Signed and dated MBE Checklist.
6. Email to MBECO: All Subject Lines must include: Project number/Name with applicable procurement identifiers (MPA/RFP/RFQ).

***Note:** Incomplete MBE Utilization Plan Packages will not receive a determination letter from MBECO if incomplete. MBECO will email the sender with details of any deficiencies and instruct the prime vendor to resubmit the complete Signed and Dated MBE Utilization Plan package for review.

Prime vendors shall document all Good Faith Efforts (GFE) Log undertaken to solicit participation by Rhode Island Certified MBE firms. A completed GFE Log and documentation shall be submitted as part of the MBE Submission Package or upon request by the MBE Compliance Office (MBECO). A sample Good Faith Efforts (GFE) Log is provided below and can be found to download on the MBECO website.

MBE Utilization Plan Submission – “Awaiting Response”

As part of the review of a vendor's MBE Utilization Plan Package, MBECO may request via email to the prime vendor (cc: Awarding Authority) contact if provided on original submission, requesting additional information, clarification, or substantiating documentation to determine compliance with [R.I. Gen. Laws § 37-14.1](#).

Upon issuance of such a request, the vendor will be assigned the status “Awaiting Response,” indicating that MBECO is awaiting additional information from the vendor.

When a project is assigned an **Awaiting Response** status, the subject line of all related correspondence must be updated to reflect:

“Awaiting Response: Re: Project Number / Project Description.”

MBECO maintains an internal email rule that automatically routes projects with an *Awaiting Response* status to a designated subfolder for tracking and follow-up.

STATE OF RHODE ISLAND DEPARTMENT OF ADMINISTRATION Division of Equity, Diversity & Inclusion (DEDI) One Capitol Hill, 3rd Floor Providence, RI 02908		Sample Good Faith Efforts Log							
Project Name:									
Prime Contractor:									
Solicitation / Bid #									
Agency:									
#	Date	Firm Contacted	Designation (MBE/WBE)	Trade/Scope	Bid Solicitation Sent (Y/N + Date)	Email Sent (Y/N + Date)	Phone Call Made (Y/N + Date)	Bid Submitted (Y/N)	Notes
1	1/10/2026	ABC Painting Company LLC	MBE	Interior painting of school classrooms	Yes (1/11)	Yes (1/11)	Yes (1/10)	Y	Quote received on 1/18/2026. Firm confirmed availability and was included in bid evaluation.
2	10-Jan	ABC HVAC Firm, LLC	WBE	Installation of Rooftop AC Unit	Yes (1/11)	Yes (1/11)	Yes (1/10)	Y	Firm acknowledged receipt of solicitation and submitted a quotation on 1/19/2026. Follow-up call confirmed scope and pricing.
3	1/15/2026	ABC Flooring Firm, LLC	MBE	Installation of Epoxy Flooring in lobby	Yes (1/15)	Yes (1/15)	Yes (1/15)	Y	Firm expressed interest, attended optional pre-bid site visit, and submitted a complete bid package by the requested deadline.
4	1/16/2026	ABC Electrical Supplier, Inc.	WBE	Supply (60% Participation) electrical materials, including wiring, connectors, terminals, and connection hardware for generator installation.	Yes (1/16)	Yes (1/16)	Yes (1/16)	No	No quotation received. Follow-up email and phone call made on 1/20/2026; voicemail left. Firm later advised they were unable to supply materials within the project schedule.
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									

- **Step 3: MBECO Review the MBE Utilization Plan:** MBECO cross-references the plan with the Tentative Selection from the Division of Purchases/Notice of Intent letter provided by the agency/municipality and verifies that the plan conforms with [RIGL § 37-14.1](#) and [220-RIGL-80-10-2.8\(G\)\(4\)](#). The Prime Vendor must demonstrate that they have documented proof of utilizing the MBECO Directory and that they have solicited all certified firms for each scope of work for the project to obtain an approval letter from MBECO and to demonstrate they have met the *minimum* 15% participation requirement on the project.
- **Step 4: Determination of MBE Participation Credit:** MBE Participation Credit is the percentage of work performed by a certified MBE/WBE firm that is applied toward the project's MBE Participation Requirement. Firms must be certified by the Division of Equity, Diversity & Inclusion (DEDI), Minority Business Enterprise Compliance Office to be eligible for credit.
- MBE/WBE firms must perform 100% of their contracted scope of work to receive full participation credit, unless subcontracting to another Rhode Island-certified MBE/WBE firm.
- MBE/WBE suppliers receive 60% participation credit for the value of goods supplied. MBE/WBE brokers receive participation credit only for fees or commissions earned and not for the cost of goods or materials.

- MBE Participation Credit is determined based on the actual work performed by each certified MBE/WBE subcontractor and must follow the following rules:
 1. Work must match the firm's certification scope (NAICS Code must match the work being performed).
 2. Must be certified MBE/WBE by the State of Rhode Island.
 3. Must be a registered business in good standing with the State of Rhode Island.
 4. The certified firm will receive 100% credit on work performed using MBE/WBE's own employees.
 5. Certified suppliers or dealers will receive 60% credit on work performed using the MBE/WBE's own employees.
 6. Brokers will only receive credit for commission and fees.
- **Step 6: MBE Determination Letter:** After the MBE Utilization Plan package review, MBECO issues an MBE Determination Letter.

MBECO can issue one of the following ***Determination Letter*** types:

1. **Approval letter:** This means the prime vendor has conformed with RIGL § 37-14.1 and can continue with the procurement process.
2. **Denial Letter or Request Corrective Action:** MBECO will notify the prime vendor that the plan submitted is not acceptable. MBECO will determine whether the plan requires denial and resubmission or requests a corrective action on a non-certified vendor in the plan.
3. **Waiver:** MBECO will only grant a waiver if there are no/limited firms in the directory within the scope of work in which a non-certified vendor was hired. Waivers are determined by the MBECO office, not at the convenience of the Prime vendor. Waivers are a tool to be utilized in a very specialized scope of work. Waivers may also be issued by the Department of Administration Director, the Purchases Director, and the Governor.
4. **Partial Waiver:** MBECO will only provide a partial waiver to a prime vendor who provides documentation that it was unable to meet the minimum 15% due to no/limited firms available within the scope, if the Prime vendor can demonstrate that they have performed their Good Faith Efforts (GFEs) as prescribed by regulation.

I. MBE Determination Letters

Approval of Plan

If the plan is acceptable, MBECO issues a formal approval letter and emails it directly to the Prime Vendor. The awarding agency (i.e., the Division of Purchases and/or the agency with delegated purchasing authority) must be copied by the prime vendor on the original MBE Utilization Plan package submission and will therefore receive notification of the determination - MBE approval and/or waiver letters. If the prime vendor is a certified MBE firm, that vendor may self-fulfill the MBE participation requirement pursuant to [RIGL 37-14.1-6\(a\)](#), provided the vendor self-performs at **least fifteen percent (15%)** of the contract with their own forces.

Denial of Plan / Request for Corrective Action

If the submitted plan is not acceptable, MBECO sends an email notification to the Prime vendor requesting corrective action. Prime vendors must actively and aggressively seek MBE participation for all available subcontracting and supplying opportunities within the project for each included scope of work.

- Should deficiencies exist in the submitted plan from the Prime, MBECO will direct the Prime vendor to take corrective action and submit an updated and revised MBE Utilization plan via email for review and approval.
- **Prime Vendor Assistance:** To the extent that opportunities have been identified, MBECO will send the Prime vendor selections from the directory of certified MBE/WBE firms, indicating the firms that are certified in the scopes of work for which opportunities exist.

J. Waivers of the MBE Requirement

An MBE Waiver exempts a Prime Vendor from meeting its MBE/WBE requirements, and is determined by Executive order, the Director of the Department of Administration (DOA), or the Division of Purchases.

Waivers and partial waivers of the MBE participation requirement may be granted in one of the following circumstances:

- A State of Rhode Island authorized emergency.
- If there are no firms certified as MBE/WBEs that provide the goods or services needed for the project, a waiver is granted.
- Prime vendor has demonstrated their good faith efforts pursuant to [220-RICR-80-10-2](#) and [RIGL 37-14.1](#).

*Please note: Projects that receive an MBE waiver remain subject to all applicable compliance requirements, including continuing disclosure obligations such as monthly reporting, site visits, and the reporting of change orders, and must otherwise comply with the approved MBE Utilization Plan in accordance with 220-RICR-80-10-2.

*Note: Prime vendors are still obligated to remit documentation, even for emergency authorized procurements issued by the Division of Purchases.

MBE Waivers are only provided in the following instances:

1. MBE Waivers are determined by MBECO or DOA leadership.
2. Emergencies.
3. Prime vendor has demonstrated their Good Faith Efforts (GFEs) pursuant to **220-RICR-80-10-2** and **R.I. Gen. Laws § 37-14.1**.

K. Self-Performing

Self-Performing is known as the execution of contract work by the prime contractor or prime vendor utilizing its own workforce, equipment, and resources. Self-performance refers to work performed by the prime contractor's own forces and does not include work assigned or subcontracted to another entity.

- Regardless of whether the Prime Contractor is self-performing, **all required MBE Contract Compliance documentation must be submitted to MBECO** for review pursuant to [220-RICR-80-10-2](#) to determine whether a full or partial waiver is warranted.
- Self-performance alone **does not satisfy or waive** the MBE participation requirements under **R.I. Gen. Laws § 37-14.1**.
- If a Prime vendor is unable to meet the required **MBE** participation requirement, a waiver could be the resulting determination by MBECO, if the Prime vendor has met all of its requirements, including successful completion of **Good Faith Efforts (GFEs)** satisfactory to the applicable statutes, regulations, and the Division's requirements.
- If the Prime vendor is a certified **MBE** or **WBE** firm, that vendor may self-fulfill the MBE participation requirement pursuant to [RIGL 37-14.1-6\(a\)](#), provided the vendor self-performs at **least fifteen percent (15%)** of the contract with their own forces.
- Prime Vendors proposing to self-perform all or substantially all of the work may be required to provide additional information regarding the work to be self-performed and the basis for not utilizing certified firms (**GFE log**).

L. POST APPROVAL REQUIREMENTS

- **Monthly Reporting Requirements:** Any project for which the vendor receives an MBE Determination is subject to Monthly MBE Project Reporting throughout the life of the contract. Vendors should receive a copy of the Monthly MBE Project Report form when they receive the Letter of Approval of the MBE Utilization Plan. RFP projects where an ISBE has been provided are also subject to the Monthly Reporting Requirements.
- **Monthly Reporting Submissions to MBECO:** Prime vendors must elect one (1) Project Manager, and no more than one (1) backup person as the point of contact on all monthly reporting submissions. When tendering a reporting submission to MBECO, Project Managers should ensure to submit via email, with a subject line of: "MBE Monthly Reports" to MBECO Compliance at: (mbe.compliance@doa.ri.gov).

Monthly reports must include:

- Monthly Report Cover Page (include all subcontractors who have performed during the reporting period).**
- All executed Contracts (parallel to the project schedule)**
- Payment Proof (i.e., canceled checks, copy of ACH statement)**
- Subcontractor invoices**

***NOTE:** Please save each section of the report (1-4) in PDF format and submit with the subject line indicating: **“Monthly Project Report: Project Name and Number. ”**

- **Project Site Visits:** MBECO is permitted to periodically conduct project site visits to determine compliance with the provisions of [RIGL 37-14.1](#) and [§ 2.8 of 220-RICR-80-10-2](#) in accordance with the approved MBE Utilization Plan.
- **Prime vendors are responsible for ensuring that approved certified subcontractors remain in good standing with the State of Rhode Island including licensing throughout the lifetime of the project. The Prime must further make sure that they are periodically conducting compliance checks, to check for any certification updates.**

M. Compliance Submission Requirements for Prime Vendors (State-Funded Projects)

Upon receipt of a Tentative Selection from the Division of Purchases /Notice of Intent/ Notice to Proceed letter, the **Prime** vendor must submit within **five (5) business days** of the award date (unless otherwise directed by the awarding authority) the following to MBECO: the **Tentative Award/Award/Notice of Intent Letter**; a completed, signed and dated **MBE Utilization Plan that lists all subcontractors (certified and noncertified); Good Faith Efforts (GFEs)** documentation log; and applicable **MPA # / RFP # / RFQ #** to MBECO. All State-funded projects, including **public works and construction** projects, are required to meet the State’s MBE Participation requirements.

Note: MBE Utilization Plan Package submissions must be emailed to mbe.compliance@doa.ri.gov as **one complete package for review**. Processing submissions by MBECO is on a first-come, first-served basis.

A complete submission must include:

- **GFE documentation** (pursuant to [220-RICR-80-10-1](#)), including solicitation outreach to **all RI certified firms** for applicable scopes, outreach logs (emails/calls with dates and notation of outcomes), and evidence that firms were given a reasonable amount of time to respond (MBECO highly advises a minimum of **15 business days** to respond; no less than 10 business days is considered acceptable).
- **A summary within the email body outlining the project details**, including subcontractor scopes of work. The subject line must include the applicable procurement identifier (MPA/RFP/RFQ) number.
- **Tentative Award** from the Division of Purchases **/Award, Notice of Intent Letter**.
- **Signed and dated completed MBE Utilization Plan form**.
- **Signed and dated MBE Utilization Checklist**.

The MBECO standard review period for receipt of a complete MBE Plan submission package is up to **30business days**; however, approval may take up to 30 business days, depending on staff capacity due to the number of projects submitted to MBECO and or during the end-of-year and fiscal year reporting where processing times may be longer. **MBECO Compliance** issues written correspondence via email to the Prime and copies the awarding authority.

Incomplete MBE Utilization Plan package submissions are returned with a detailed list of any missing information and/or if the form has any required sections left blank and are **not queued for review** until receipt of a complete package is submitted back into the compliance email queue.

***Note:** The MBE Utilization Plan form template must not be altered in any way and will be returned to the sender if any alterations or changes to the form are present.

Following review, MBECO takes one of the following actions:

1. Issue approval,
2. Request additional information, or
3. Notify the Prime that the minimum 15% participation; 7.5% MBE, 7.5% WBE, and/or GFEs have not been met pursuant to [R.I. Gen. Laws § 37-14.1](#) and [220-RICR-80-10-1](#).

N. COMPLIANCE GUIDELINES FOR SUBCONTRACTORS

Subcontractors may contact MBECO with project-related questions or concerns at mbe.compliance@doa.ri.gov. Email communications should reference the *Project name* and the prime vendor and include supporting documentation.

Upon receipt of an MBE approval letter, Prime Vendors must:

1. Execute subcontracts consistent with the approved MBE Utilization Plan and project schedule.
2. Ensure all subcontractors (certified and non-certified) have a fully executed subcontract agreement in place before commencing any work.
3. The subcontract agreement must include all applicable contract terms, including but not limited to:
 - Invoice and payment terms
 - A detailed scope of work
 - Materials and/or supplies to be provided
 - Project start and completion dates

These terms may be included within the subcontract agreement or incorporated as an **appendix to the Prime vendor's contract**, as applicable.

O. Statutory & Regulatory Authority

MBECO's authority to enforce compliance and take corrective action is grounded in:

- [R.I. Gen. Laws § 37-14.1](#) (Minority Business Enterprise Participation)
- [220-RICR-80-10-2](#) (MBE Compliance Regulations)
- [R.I. Gen. Laws § 37-13.1](#) (Prompt Payment Act)
- [R.I. Gen. Laws § 37-2 et. seq.](#) (State Purchases Act – enforcement authority of Purchases)

P. Rhode Island Prompt Payment Act

Prime vendors are required to comply with the Rhode Island Prompt Payment Act ([R.I. Gen. Laws § 37-13.1](#)), which governs timely payment to subcontractors.

- Prime vendors must remit payment to subcontractors within seven (7) calendar days of receipt of payment from the awarding authority for work satisfactorily performed.
- Any delay or withholding of payment must be justified in writing and consistent with contract terms.
- Failure to comply with prompt payment requirements may result in enforcement action, including withholding payments, compliance review, or other sanctions.

Q. Non-Compliance Notices and Sanctions

MBECO monitors compliance with MBE participation requirements throughout the lifecycle of State-funded projects. Failure to comply with approved MBE Utilization Plans, Good Faith Efforts requirements, or applicable statutes and regulations may result in enforcement action.

Notice of Non-Compliance

If a Prime vendor fails to comply with MBE participation requirements, approved MBE Utilization Plans, or Good Faith Efforts (GFEs), MBECO may issue a written **Notice of Non-Compliance**.

The Notice shall:

- Identify the specific deficiency or violation
- Cite applicable statutory and regulatory provisions
- Specify required corrective actions
- Provide a reasonable timeframe for response

R. Corrective Actions and Sanctions

If non-compliance is identified, the Prime vendor may be required to:

- Submit a **Corrective Action Plan**
- Demonstrate additional **Good Faith Efforts**
- Replace or supplement subcontractors to meet participation requirements

Material Non-Compliance

Material non-compliance includes, but is not limited to:

- Failure to meet the **15% participation requirement** without adequate GFEs
- **Misrepresentation** of MBE/WBE participation
- **Pass-through activity** (non-commercially useful function)
- Failure to maintain approved participation throughout the project

If deficiencies are not cured, MBECO may recommend that the awarding authority:

- Withhold contract payments until compliance is achieved

R. MBE ANONYMOUS TIP REPORTING FORM

The Department of Administration, through the Division of Equity, Diversity, and Inclusion (DEDI), has a duty to investigate complaints involving certified MBE/WBE firms related to state-funded projects in accordance with [RIGL § 37-14.1](#).

The [Rhode Island MBE Anonymous Tip Form](#), launched in February 2026, is available to report allegations of waste, fraud, misuse, non-payment, and any other concerns related to certified firms or State-funded projects.

Submissions related to State-funded projects or certified MBE/WBE firms should be reported through this form. Anonymous submissions will not receive a response from the Division.

MBE/WBE firms may also report concerns related to State-funded projects anonymously through the [Rhode Island MBE Anonymous Tip Form](#).

S. Governing Laws and Regulations

MBECO is responsible for compliance, in whole or in part, with the following laws and regulations:

- R.I. Gen. Laws [§ 37-14.1](#) entitled Minority Business Enterprise
- [R.I. Gen. Laws § 37-14.3](#) entitled Veteran-Owned Business Enterprises
- [R.I. Gen. Laws § 37-21-3](#) Minority Business Development Compliance Act
- [220-RICR-80-10-1](#) Rules, Regulations, Procedures, and Criteria Governing Certification and Decertification of MBE Enterprises by the State of Rhode Island
- [220-RICR-80-10-2](#) Regulations Governing Participation by Small Business Enterprises in State Purchase of Goods and Services and Public Works Projects
- [220-RICR-80-15-1](#) Certification and Decertification of Veteran Business Enterprises by the State of Rhode Island and Participation by Veteran Business Enterprises in State Purchases of Goods and Services and Public Works Projects
- [49 CFR 26](#) and [49 CFR 23](#) DBE and ACDBE federal regulations
- [Executive Order 13-05](#), entitled: Promotion of Diversity, Equal Opportunity and Minority Business Enterprises in Rhode Island

APPENDICES

Figure 1. Image of blank MBE/WBE Declaration of Eligibility form



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

Providence, RI 02908
www.dedi.ri.gov
dedi.mbeco@doa.ri.gov (401)
574-8606 - RI Relay 711

MBE/WBE ANNUAL DECLARATION OF ELIGIBILITY

Name of Business: _____
Physical Address: _____
Mailing Address: _____
City/Town: _____ State: _____ Zip Code: _____
Federal ID No.: _____ Phone No: () _____ # of Employees: _____
E-mail Address: _____ State/Jurisdiction of Original Certification: _____
Original Date of Certification: _____
Percentage Owned by Minority or Women: _____
I am submitting this Declaration of Eligibility for my certification as ☐ MBE ☐ WBE

I, _____ (full name printed), declare under penalty of perjury that I am the _____ (title) of the above-referenced firm, and that all of the foregoing information and statements submitted for eligibility are true, correct, and complete to the best of my knowledge. I further declare that my firm continues to meet the size, disadvantaged status, ownership, and control requirements of 49 CFR Part 26 and 13 CFR Part 121. I declare that my personal net worth does not exceed \$1,320,000, the economic disadvantage criteria per 49 CFR 26.68 (October 2014) for the MBE program.

I declare that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking to continue to have an WBE/MBE certification. I declare that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified in 49 CFR Part 26.67, without regard to my individual qualities.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its place(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for decertification.

I agree to notify this certifying agency, the Minority Business Enterprise Compliance Office (MBECO) of the State of Rhode Island, of any material change in circumstances that affects my firm's eligibility within 30 days of its occurrence, explain the change fully, and include a duly executed MBE/WBE Declaration of Eligibility (this form) with the notice.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON _____

Signature (owner) _____

Rev. 11/21/2024

Figure 2. Image of blank VBE/SDVBE Declaration of Eligibility form



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

www.dedi.ri.gov
dedi.mbeco@doa.ri.gov (401)
574-8806 - RI Relay 711

**VETERAN BUSINESS ENTERPRISE (VBE)
SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE (SDVBE)
ANNUAL DECLARATION OF ELIGIBILITY**

Name of Business: _____
Address: _____
Federal ID No.: _____ Phone No.: _____ # of Employees: _____
E-mail Address: _____ Jurisdiction of Original Certification: _____
Original Date of Certification: _____ Percentage Veteran-Owned: _____

I, _____ (full name printed), declare under penalty of perjury that I am
the _____ (title) of the above-referenced firm and that all of the foregoing information and supporting documents
submitted for eligibility are true, correct, and complete to the best of my knowledge. I

further declare that my firm continues to meet the size, disadvantaged status, ownership, and control requirements of 220-RICR-80-15-1.

I declare that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking to continue
to have a VBE/SDVBE certification. I declare that I am a veteran or service-disabled veteran as identified in 38 CFR Part 74.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the
named firm and its affiliates, inspection of its place(s) of business and equipment, and to permit interviews of its principals, agents, and
employees. I understand that refusal to permit such inquiries shall be grounds for decertification.

I agree to notify this certifying agency, the Minority Business Enterprise Compliance Office (MBECO) of the State of Rhode Island, of a
material change in circumstances that affects my firm's eligibility within 30 days of its occurrence, explain the change fully, and include a
duly executed VBE/SDVBE Declaration of Eligibility (this form) with the notice.

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING
IS TRUE AND CORRECT. EXECUTED ON _____.**

Signature (owner) _____

Rev. 11/20/24

Figure 3. Image of blank Application Supporting Documentation Checklist (p. 1)

1

Application Supporting Documentation Checklist

Please gather and review the following documents before beginning the online application.

All Applicants	
	Proof of US Citizenship and/or permanent resident status.
	Resumes for all owners, officers, shareholders, directors and key employees. <i>Must include education, training, licensing, and employment history with dates.</i>
	All license, permits, registrations and certifications.
	Bank signature card, bank resolution, or letter from bank (on bank letterhead) identifying the names of all individuals with check signing authority for all company accounts, including the levels and limitations of authority, as applicable. *Do <u>not</u> submit Bank Statements*
	All MBE, WBE, DBE, and VBE certification letters, denials, and decertifications.
	Documented proof of contributions used to acquire ownership of the firm for each owner (e.g., copies of front and back of cancelled checks, initial bank deposit contribution).
	Schedule of salaries (or other compensation) paid to all owners, officers, directors and managers of the firm. Certified Payroll or Excel with all Officers, Owners, Directors, and Managers of the firm with their annual salaries.
	Personal financial statements for all owners.
	Personal federal tax returns for the last three (3) years for each owner, including all federal schedules and attachments. *Do <u>not</u> include state returns or state schedules*
	Business federal tax returns for the last three (3) years for applicant firm and all affiliate firms, including all federal schedules and attachments. *If the firm has been in business for less than three (3) years provide federal tax returns for that time or state if less than one (1) year.
	Copies of signed loan agreements, security agreements, and bonding forms.
	Copies of signed lease agreements, including equipment leases and leases for space.

MBE/WBE Applicants	
	Proof of ethnicity, and for women, proof of gender (e.g., birth certificate, driver's license, tribal identification card).
VBE Applicants	
	DD Form 214 – Certificate of Release or Discharge from Active Duty
	Documentation of Service-Connected Disability Certification (for SDVBE)

Figure 4. Image of blank Application Supporting Documentation Checklist (p. 2)

Application Supporting Documentation Checklist (Continued)

Partnerships	
☐	Copy of original and any amended partnership agreements
Corporations	
☐	Official Articles of Incorporation (i.e., When firm registers, this document is on the Secretary of State's official site)
☐	Corporate By-Laws and any amendments (i.e., Provided through the Secretary of State's official site)
☐	Both sides of all corporate stock certificates and the firm's stock transfer ledger.
☐	Shareholder agreements
☐	Minutes of all stockholder and board of director meetings for the last year.
LLCs	
☐	Official Articles of Organization
☐	Operating Agreement and any amendments
Sole Proprietorships	
☐	Certificate of Trade Name if operating under a fictitious name
Trucking Companies	
☐	Insurance agreements for each truck owned or operated by the firm
☐	Titles and registrations for each truck owned or operated by the firm
☐	List of U.S. DOT numbers for each truck owned or operated by the firm
Suppliers/Regular Dealers	
☐	Proof of warehouse ownership or lease
☐	List of all product lines carried and kept in stock
☐	List of all distribution equipment owned or leased by the firm

Figure 8. Image of blank DBE/ACDBE Declaration of Eligibility forms



U.S. Department of Transportation

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: 05/31/2027

OMB CONTROL NUMBER: 2105-0586
EXPIRATION DATE: 05/31/2027

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2105-0586. Public reporting for this collection of information is estimated to be approximately 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information.

All responses to this collection of information are mandatory under 49 CFR §§ 23.39 and 26.83; the nature and extent of confidentiality to be provided, if any under 49 CFR §§ 26.83 and 26.109. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, (your agency name and address), Washington, D.C. 20590.

Privacy Act Statement (5 U.S.C. § 552a, as amended):

AUTHORITY: [42 U.S.C. 2000d et seq.](#), [§ 12101 et seq.](#), [42 U.S.C. 6101 et seq.](#); [29 U.S.C. 794, 749d](#); [49 U.S.C. 47113](#); [42 U.S.C. 12101](#); [49 CFR Part 23](#); [49 CFR Part 26](#), and [Executive Order 13160](#).

PURPOSE(S): DOT will use the information collected to respond to Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) inquiries and adjudicate appeals.

ROUTINE USE(S): In accordance with DOT's system of records notice, DOT/ALL-24 Departmental Office of Civil Rights System, 76 FR 71108 (Nov. 16, 2011), the information provided may be disclosed to the U. S. Department of Justice, including United States Attorney's Offices, or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation. A comprehensive list of routine uses can be found in DOT/ALL 24 and DOT's General Statement of Routine uses, 75 FR 82138 (Dec. 29, 2010). 77 FR 42796 (July 20, 2012), 84 FR 55222 (Oct. 15, 2019).

DISCLOSURE: Provision of the requested information is voluntary; however, failure to furnish the requested information may result in the denial of a DBE or ACDBE application and an inability of the Department to process an appeal or inquiry from any party.

Figure 9. Image of blank DBE/ACDBE Declaration of Eligibility forms (cont.)



U.S. Department of Transportation
DECLARATION OF ELIGIBILITY

OMB APPROVAL NO: 2105-0586
EXPIRATION DATE: 05/31/2027

This form must be signed by *EACH OWNER* upon whose disadvantaged status the firm relies for certification.

A FALSE STATEMENT OR MATERIAL OMISSION MADE IN CONNECTION WITH THIS SUBMISSION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, DECERTIFICATION, OR SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE UNDER FEDERAL AND STATE LAW.

I (full name printed), declare under penalty of perjury that I am (title) of the firm , all of the foregoing information and statements submitted for eligibility are true, correct, and complete to the best of my knowledge. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this material is for the purpose of inducing certification by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the material, and I authorize such agency to contact any entity named in certification material, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial or decertification.

If awarded a contract, subcontract, concession lease or sublease, as detailed in § 26.55, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency, on an ongoing basis, current, complete and accurate information regarding my firm's (1) commercially useful function (CUF) performed on the project or concession lease; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to notify the certifying agency of a material change in circumstances that affects my firm's eligibility within 30 days of its occurrence, explain the change fully, and include a duly executed Declaration of Eligibility (this form) with the notice.

I acknowledge and agree that any misrepresentations in certification materials or in records pertaining to a contract

or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or decertification; suspension and debarment; and for initiating action under federal and/or state law.

I declare that I am a socially and economically disadvantaged individual who is an owner of the above referenced firm seeking certification as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. In support of my application, I declare that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s): (Check all that apply):

Women Black American Hispanic American
Native American Asian Pacific American
Subcontinent Asian American
Other pursuant to 49 CFR § 26.67(d)

I declare that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

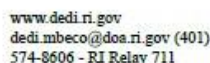
I further declare that my personal net worth does not exceed the DBE program's limit posted on <https://www.transportation.gov/DBEPNW>, and that I am economically disadvantaged because My ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

PURSUANT TO 28 USC § 1746:

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON

SIGNATURE
(OWNER)

Figure 10. Image of blank DBE/ACDBE Supplemental Request



Rev. 11/21/2024

44
Rev. 09.01.26



Division of Equity, Diversity and Inclusion
Minority Business Enterprise Compliance Office

One Capitol Hill, Providence, R.I. 02908-5850
(401) 574-8670 - mbe.compliance@doa.ri.gov - RI Relay 711

November 19, 2025

Business Point of Contact

Vendor Name

Vendor Address 1

Vendor Address 2

RE: : Project Name (Description)

Agency: State/ Municipal Agency, Town or School District

Amount: \$Amount

Dear Vendor Name,

The Rhode Island MBE Compliance Office has reviewed the MBE plan submitted **Vendor Name** which included an MBE contract dollar amount of *(\$Total MBE Participation Amount)* on this project, utilizing the following Rhode Island Certified MBE firm(s):

Subcontractor 1	-	\$Subcontractor 1 Award Value
Subcontractor 2	-	\$Subcontractor 2 Award Value

Please note that all MBE subcontractors must self-perform the work under their contract with their own forces in order to receive MBE participation credit. Any work performed by a non-MBE firm will not be counted to the MBE participation requirement pursuant to R.I. Gen. Laws §37-14.1.

We find this plan to be in conformance with R.I. Gen. Laws §37-14.1 and implementing regulations, and therefore this plan is approved. Pursuant to §220-RICR-80-10-2.8 please submit all MWBE subcontractor agreements to the MBE Compliance Office within 5 business days of the issue date of this letter. Should there be any changes that result in additional use of any outside vendors in the performance of this work, or that reduces the amount to be awarded, supplied and/or performed by the contractor submitted in your plan, you are to notify this office in writing immediately. Please be advised that no changes or substitutions to the approved MBE plan will be allowed without the prior written approval of the MBE Compliance Office.

Please forward a copy of the signed subcontractor agreement(s) and/or purchase order with the MBE/WBE Certified firm(s). Also, please be advised that this office will be requiring the submittal of monthly reports including copies of all invoices and cancelled checks for payment for all MBE subcontractors and suppliers.

Please note that failure to submit monthly MBE reports as required, or failure to fulfill the MBE participation commitment as outlined above, will result in a determination that your firm is in non-compliance with R.I. Gen. Laws § 37-14.1. Please note that, per R.I. Gen. Laws § 37-14.1-8, should your firm be deemed in non-compliance, sanctions shall include, but not be limited to, "(1) suspension of payments; (2) termination of the contract; (3) recovery by the state of ten percent

Figure 12. Letter of Approval of MBE Utilization Plan Example (cont.)



**Division of Equity, Diversity and Inclusion
Minority Business Enterprise Compliance Office**

One Capitol Hill, Providence, R.I. 02908-5850
(401) 574-8670 - mbe.compliance@doa.ri.gov - RI Relay 711

(10%) of the contract award price as liquidated damages; and (4) denial of the right to participate in future projects for up to three (3) years."

It is requested that you acknowledge the receipt of this notification and agree to the conditions as detailed above by signing and returning same to our attention. Again, thank you for your efforts to provide opportunities to the MBE community. Please contact our office if you have any further questions, or if we may be of additional assistance.

Sincerely,

MBECO Staff Member
Programming Services Officer – MBE Compliance Office

Cc: Project Manager Contact

ACKNOWLEDGMENT

I acknowledge the State of Rhode Island's goal of MBE participation is 15% of the total bid value to be split evenly between Rhode Island certified MBE and WBE companies. I attest that I made a good faith effort to achieve this goal. I acknowledge that I am required to immediately notify the MBECO of **all** changes in the use of vendors, subcontractors, or suppliers used under this contract including all change orders. If an opportunity is identified to subcontract any task associated with the fulfillment of this contract, a good faith effort will be made to select MBE certified businesses.

(Signature)

Name: _____

Title: _____

Date: _____

Figure 13. MBE Compliance Quick Start Guide



MBECO Compliance Good Faith Efforts and Submission Process Quick Guide

- **Good Faith Efforts (GFEs):** Prime vendors must make an affirmative good faith effort to seek MBE participation for all project opportunities. Prime vendors must keep documentation of all GFEs performed including a bid/solicitation log and submit a complete package to MBECO compliance. Good Faith Efforts are described in [220-RIGL-80-10-2 § 2.8\(G\)\(4\)](#). Additional guidance is posted on the website here: <https://dedi.ri.gov/division-units/minority-business-enterprise-compliance-office/mbe-wbe-dbe-acdbe-and-vbe-programs-0>.

Note: MBE Utilization Plan submissions must be emailed to mbe.compliance@doa.ri.gov as one complete package for review. See list below.

A complete MBE Utilization Plan submission package must include:

- MBE Utilization Plan (Signed and Dated) *No fields can be left blank & Prime should attach additional sheet should space not allow for all subcontractors. Scopes of Work field must include detailed descriptions of each scope of work.
- MBE Utilization Checklist (Signed and Dated)
- GFE documentation (pursuant to 220-RICR-80-10-1), including solicitation outreach to all RI certified firms for applicable scopes, outreach logs should include the following information: Subcontractor name, method of communication, i.e. emails/calls, dates of contact and notes indicating outcomes, and evidence that firms were given a minimum of at least 15 business days to respond.
- Email subject line should include applicable procurement identifiers (MPA/RFP/RFQ) and the body of the emails should include any pertinent project details, including scope of work to MBE Compliance Email.
- Tentative Award/Award Letter/Notice of Intent.

MBE approvals will only be reviewed with a complete package as outlined above.

*The information above is subject to change and vendors are encouraged to refer to our website [MBE Contract Compliance | Rhode Island Office of Division of Equity Diversity and Inclusion](#).

State of Rhode Island Directory: [MBE, WBE, AND VBE/SDVBE Programs | Rhode Island Office of Division of Equity Diversity and Inclusion](#)

Figure 14. MBE Utilization Plan Form



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) 574-8606 - RI Relay 711

MINORITY BUSINESS ENTERPRISE (MBE) UTILIZATION PLAN

Company Name: _____

Contact Person: _____

Street Address: _____

City, State, Zip: _____ Telephone: _____

Email: _____ Project Location: _____

Bid or Project #: _____ Date of Tentative Selection Letter: _____

Description of Work: _____

Total Contract \$: _____ MBE Utilization %: _____

Total # of All Subcontractors/Suppliers used: _____ # of MBE Subcontractors/Suppliers used: _____

Note: For additional subcontractors, please use the below format on a separate typewritten page.

List All Subcontractors/Suppliers/Consultants/Independent Contractors

Subcontractor / Supplier	Dollar Award	Scope/Detailed Description of Work being performed	RI Certified MBE/ WBE?

Pursuant to R.I. Gen. Laws § 37-14.1 et seq. and promulgated regulations through 220-RICR-80-10-2, State of Rhode Island certified Minority Business Enterprise firms shall be included in all procurements and construction projects under this chapter and shall be awarded a minimum of fifteen percent (15%) of the dollar value of the entire procurement or project. Of that fifteen percent (15%), minority business enterprises owned and controlled by a minority owner, as defined in § 37-14.1-3, shall be awarded a minimum of seven and one-half percent (7.5%), and minority business enterprises owned and controlled by a woman shall be awarded a minimum of seven and one-half percent (7.5%).

As part of this requirement, prime vendors are subject to monthly MBE project reporting. MBE/WBE firms must be certified by the Division of Equity, Diversity & Inclusion (DEDI), Minority Business Enterprise Compliance Office to receive credit. MBE/WBE firms must perform 100% of the work, or subcontract to another RI certified MBE/WBE firm to receive participation credit. *Please note: MBE/WBE suppliers receive 60% participation credit. MBE/WBE brokers receive participation credit for the fees and commissions charged for the procurement of goods and materials, but not for the cost of the goods and materials themselves. For assistance identifying MBE/WBE firms, please refer to the MBE/WBE directory at: www.dedi.ri.gov/ directory.

The above referenced contract will not be released until this MBE Utilization Plan has been approved by the MBE Compliance Office.

*Note: MBE Util Plans cannot include fields that have been left blank, or responses such as "TBD" or "N/A".

Signature of Authorized Agent: _____ Date: _____

Email Completed MBE Util Package
with Tentative Award Letter to
MBE.Compliance@doa.ri.gov

Rev. 7.8.2026



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 below referenced contract 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 for review directly to the Minority Business Enterprise Compliance Office (MBECO) at MBE.Compliance@doa.ri.gov.

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 **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 <i>good faith efforts</i> 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 <i>good faith efforts</i>. 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 on a monthly basis for the lifetime of the contract. Monthly Project Reports report 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 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.

rev. 8.21.2026

Figure 16. MBE Participation Checklist (cont)



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

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

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 made with MBE Subcontractors on projects utilizing state funding. All payment terms included in subcontractor payment agreements <u>must</u> abide by the state's Prompt Payment statute, refer to RIGL 42-11.1. Each Prime Contractor shall make payments to subcontractors within seven (7) days of receipt of payment by the state. Subcontracting agreements should be provided to MBECO upon receipt of an MBE Determination (Approval or Waiver).
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 actually 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 payment proof for all payments made to MBEs, such payment proof may include cancelled checks or reports from an accounting software capable of generating accurate and detailed payment reports that include transaction and invoice dates and amounts.

*An MBE/WBE firms' 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 firms 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 ten (10) 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

Figure 17. MBE Participation Checklist (cont.)



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

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

MBE 01B - Good Faith Efforts (GFE)	
Completed	Good Faith Effort
	Did 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 awardee advertise a bid solicitation that included scopes of work, specifications and requirements for all potential subcontractor tiers, including Tier 1, Tier 2, and Tier 3 to RI Certified MBE's.
	Soliciting quotes from all available MBE firms for each NAICs (North American Industry Classification System (NAICS) code included in the project.
	Documented outreach including phone calls and emails should be made to MBEs including timestamps, responses, and appropriate follow-up.

Please consider the following questions, when providing Good Faith Efforts Summary. The questions posed above are not intended to be an exhaustive list of what is considered in 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 perform their GFEs.

Prior to the issuance of a waiver, vendors must demonstrate that they have effectively made a good faith effort in recruiting MBEs on the project subject to approval by the MBECO office .

Certification

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

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

Signature of Authorized Agent

Date

Minority Business Enterprise Compliance Office (MBECO) Use Only

Date GFE received by MBECO

MBECO GFE Determination

MBECO Signature

Date

☐ Approved ☐ Denied

Contractor Notification Date

Figure 18. Step-by-Step Checklist



MBECO GFE Submission – Step-by-Step Checklist

Step 1: Conduct Outreach (Good Faith Efforts) ☐ Identify all RI-certified MBEs for applicable scopes of work - MBECO website ☐ Send outreach (email, phone, etc.) with project details and scopes – Keep a Log ☐ Allow at least 10-15 business days for responses from material, service and supplier subcontractors. 21-30 days for Capital project. ☐ Record all activity in a solicitation log	Step 2: Document Your Good Faith Efforts ☐ Maintain a complete solicitation log, including: ☐ Subcontractor names ☐ Communication method (email, phone, etc.) ☐ Dates of contact ☐ Notes and outcomes ☐ Keep proof of outreach and response timeframe
Step 3: Complete Required Forms ☐ MBE Utilization Plan (Signed & Dated) ☐ No blank fields, No N/A entry ☐ Detailed scope(s) of work included ☐ Attach additional pages if needed ☐ MBE Utilization Checklist (Signed & Dated)	Step 4: Gather Procurement Documentation ☐ Include ALL the following: ☐ Tentative Award ☐ Award Letter ☐ Notice of Intent
Step 5: Prepare Your Submission Package ☐ Combine ALL documents into ONE complete package to email in PDF format ☐ Double-check: ☐ All documents are signed and dated ☐ No missing fields on Util Plan ☐ All required documents included	Step 6: Submit via Email ☐ Send to: mbe.compliance@doa.ri.gov ☐ Include identifiers in subject line (MPA / RFP / RFQ) ☐ Include in email body: ☐ Project details ☐ Scope(s) of work
Step 7: After Submission ☐ Allow up to approximately 30 days for Compliance review ☐ Ensure submission was complete (incomplete packages will be returned)	Final Confirmation ☐ All steps completed ☐ Package is accurate, complete, and submitted with all required documents

Follow each step to ensure compliance and avoid delays!

Rev.08.21.202

Figure 19. Sample MBE Utilization Plan Example



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) 574-8606 - RI Relay 711

MINORITY BUSINESS ENTERPRISE (MBE) UTILIZATION PLAN

Company Name: **ABC Company, Inc.**

Contact Person: **Sample Contact Name**

Street Address: **123 Contractor Drive**

City, State, Zip: **Providence, RI 02908** Telephone: **555-876-4284**

Email: **sampleEmail@abccompany.net** Project Location: **Warren, RI**

Bid or Project #: **MPA, #52** Date of Tentative Selection Letter: **8/17/2026**

Description of Work: **Town sustainability street scape and capital improvements**

Total Contract \$: **15,000.00** MBE Utilization %: **20%**

Total # of All Subcontractors/Suppliers used: **2** # of MBE Subcontractors/Suppliers used: **2**

Note: For additional subcontractors, please use the below format on a separate typewritten page.

List All Subcontractors/Suppliers/Consultants/Independent Contractors

Subcontractor / Supplier	Dollar Award	Scope/Detailed Description of Work being performed	RI Certified MBE/ WBE?
ABC Concrete, Inc.	\$1,300.00	Install and pour concrete for all curbs and sidewalks	MBE
DEF Electric Supply Company	\$2850.00(\$1,710 at 60%)	Electrical lighting fixtures and supplies	WBE

Pursuant to 220-RICR-80-10-2, material or equipment suppliers must be calculated at 60% of their total contract value.

Pursuant to R.I. Gen. Laws § 37-14.1 et seq. and promulgated regulations through 220-RICR-80-10-2, State of Rhode Island certified Minority Business Enterprise firms shall be included in all procurements and construction projects under this chapter and shall be awarded a minimum of fifteen percent (15%) of the dollar value of the entire procurement or project. Of that fifteen percent (15%), minority business enterprises owned and controlled by a minority owner, as defined in § 37-14.1-3, shall be awarded a minimum of seven and one-half percent (7.5%), and minority business enterprises owned and controlled by a woman shall be awarded a minimum of seven and one-half percent (7.5%).

As part of this requirement, prime vendors are subject to monthly MBE project reporting. MBE/WBE firms must be certified by the Division of Equity, Diversity & Inclusion (DEDI), Minority Business Enterprise Compliance Office to receive credit. MBE/WBE firms must perform 100% of the work, or subcontract to another RI certified MBE/WBE firm to receive participation credit. *Please note: MBE/WBE suppliers receive 60% participation credit. MBE/WBE brokers receive participation credit for the fees and commissions charged for the procurement of goods and materials, but not for the cost of the goods and materials themselves. For assistance identifying MBE/WBE firms, please refer to the MBE/WBE directory at: www.dedi.ri.gov/directory.

The above referenced contract will not be released until this MBE Utilization Plan has been approved by the MBE Compliance

Signature of Authorized Agent: *Sample Contact* Date: **8/21/2026**

***Note: MBE Util Plans cannot include fields that have been left blank, or responses such as "TBD" or "N/A".**

Email Completed Form and
Tentative Award to
MBE.Compliance@doa.ri.gov

rev. 08.21.2026

Figure 19. MBE Anonymous Tip Reporting Form

MBE Anonymous Tip Reporting Form

The purpose of this form is to report suspected allegations of misconduct of the State of Rhode Island Minority Business Enterprise and Woman Business Enterprise (MBE/WBE) programs and its corresponding statute. **Note:** This form is to be utilized only for claims of misconduct related to the MBE program of state funded projects.

?

The Department of Administration by and through the Division of Equity, Diversity and Inclusion (DEDI) has a duty to investigate all MBE/WBE complaints in accordance with [RIGL § 37-14.1](#). All submissions of this report shall be reviewed in the order in which they are received by the Minority Business Enterprise Compliance team.

Each complaint received shall be investigated by DEDI, although not every submission will result in further action. Reporting on this form shall include, but are not limited to, issues of non-payment, misuse or fraud (allegations of misconduct) of the MBE/WBE program, or in relation to a state funded project.

All form submissions are anonymous, so you will not receive updates on the status of your complaint. If your complaint falls out of the scope of the purpose of this tip form, it may be routed to a corresponding agency at DEDI's discretion.

Please note that any complaint received by this form is subject to the Rhode Island Access to Public Records Act (RI APRA) [RIGL § 38-2-1](#).

Please check all of the boxes that most closely apply to your tip: *

- ☐ Certified MBE/WBE contractor is listed on a bid/proposal without its permission and/or knowledge beforehand.
- ☐ Work designated to be performed by a RI certified MBE/WBE firm listed was instead performed by a non-MBE/WBE firm or the prime contractor.
- ☐ A prime contractor has failed to make payments on time, or at all in accordance with Prompt Payment (see RIGL §42-11.1-3).
- ☐ Other

Figure 20. MBE Anonymous Tip Reporting Form (cont)

Project Name *

Prime Contractor *

Project Address 1

Project Address 2

City/Town

State/Province

- None -

ZIP/Postal Code

MBE/WBE and Scope of Work Involved: *

Additional Details/Comments about your concern(s): *

Upload a document or image (1)

Choose File No file chosen

Upload

One file only.
256 MB limit.
Allowed types: gif jpg jpeg png bmp eps tif pict psd txt rtf html odf pdf doc docx ppt pptx xls xlsx xml avi mov mp3 mp4 ogg wav bz2 dmg gz jar rar sit svg tar zip.

Figure 21. MBE Anonymous Tip Reporting Form (cont)

Upload a document or image (2)

Choose File No file chosen

Upload

One file only.

256 MB limit.

Allowed types: gif jpg jpeg png bmp eps tif pict psd txt rtf html odf pdf doc docx ppt pptx xls xlsx xml avi mov mp3 mp4 ogg wav bz2 dmg gz jar rar sit svg tar zip.

Upload a document or image (3)

Choose File No file chosen

Upload

One file only.

256 MB limit.

Allowed types: gif jpg jpeg png bmp eps tif pict psd txt rtf html odf pdf doc docx ppt pptx xls xlsx xml avi mov mp3 mp4 ogg wav bz2 dmg gz jar rar sit svg tar zip.

Submit

Figures 22-27. State of Rhode Island DOA, MBECO - Records Retention Schedule

State of Rhode Island

Records Retention Schedule

State Agencies

MBE Series

Department of
Administration,
Minority Business
Enterprise
Compliance Office

Produced by
Rhode Island Department of State
Rhode Island State Archives & Public Records Administration
33 Broad Street | Providence, Rhode Island | 02903
401-222-2353 | www.sos.ri.gov | statearchives@sos.ri.gov

The Minority Business Enterprise Compliance Office (MBECO) is responsible for administering and implementing the state's policy of supporting the fullest possible participation of firms owned and controlled by minorities, as defined by R.I. Gen. Laws § 37-14.1—1: Contractors bidding to offer products and services to state agencies must include the use of services and products available from businesses that are certified as Minority Business Enterprises (MBE).

Figure 23. State of Rhode Island DOA, MBECO - Records Retention Schedule (cont)

TABLE OF CONTENTS

OVERVIEW.....	i
SERIES SCHEDULE.....	1
MBE Minority Business Enterprise Compliance Office	1
MBE1 Certification Application Files	1
MBE2 Primary Contractor Compliance Files	2
MBE3 Records of Certification Review Committee	3
MBE4 MBE Tracking System	3
MBE5 Certificates of Records Destruction	3

Figure 24. State of Rhode Island DOA, MBECO - Records Retention Schedule (cont)

OVERVIEW

Series Schedule: MBE

Department of Administration, Minority Business Enterprise Compliance Office

This Records Retention Schedule has been developed by the Rhode Island Public Records Administration of the State Archives in an effort to assist government officials in the proper management of public records.

The schedule consists of separate sets of records, or series, recognized as those records generated by the Department of Administration, Minority Business Enterprise Compliance Office. Included in each entry is a series number, records series title and description, and a retention period. For example:

MBE4 MBE Tracking System

The MBE office uses a searchable database to maintain control of its information and MBECO activity history about each applicant for minority status. The database includes company name and location information, ownership identity, the number of employees, and minority percentage of the total workforce, the minority status (Black, Latino, Asian, woman, the business type, and year established, as well as sales statistics. The application is capable of providing aggregated reports keying on any field in the form.

Retention: Permanent.

The retention periods set forth in this document are minimum periods and are the result of analysis on the part of the State Archives concerning the legal, fiscal, administrative, and historical value of the records. Because many retention periods are based on state and federal statute and regulation, updates to this schedule may be issued to incorporate any changes.

Records Destruction

Proper procedures for the destruction of public records must be adhered to. Records that are eligible for destruction can only be legally destroyed with an approved "Certificate of Records Destruction" (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1-10).

Download the [Certification of Records Destruction](#) and follow the [instructions](#) to submit for approval.

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act (R.I. Gen. Laws Chapter 38-2)

Please direct questions to:

Rhode Island Department of State
Rhode Island State Archives & Public Records Administration
33 Broad Street | Providence, Rhode Island | 02903
401-222-2353 | www.sos.ri.gov | statearchives@sos.ri.gov

Figure 25. State of Rhode Island DOA, MBECO - Records Retention Schedule (cont)

MBE Minority Business Enterprise Compliance Office

Approval date (12.2012)

MBE1 Certification Application Files

The Minority Business Enterprise Compliance Office (MBECO) is responsible for administering and implementing the state's policy of supporting the fullest possible participation of firms owned and controlled by minorities, as defined by R.I. Gen. Laws § 37-14.1—¹. Contractors bidding to offer products and services to state agencies must include the use of services and products available from businesses that are certified as Minority Business Enterprises (MBE). The office is responsible for accepting applications for certification of businesses as minority enterprises and promoting the development of certified Minority Business Enterprises (MBE) as well as Women-owned Business Enterprises (WBE), and Disadvantaged Business Enterprises (DBE) in Rhode Island. This program is limited to small businesses (as defined by the U.S. Small Business Administration size standards under 13 C.F.R. Part 121) owned and controlled by one (1) or more minorities, women, or disadvantaged individuals and which the Office has certified as a minority business enterprise under regulations issued by the R.I. Department of Administration. A minority small business concern is one that is at least fifty-one percent (51%) owned and controlled by one (1) or more socially and economically disadvantaged individuals. In the case of a publicly owned business, at least one (1) or more socially and economically disadvantaged individuals must own fifty-one percent (51%) of the stock. Also, one (1) or more such individuals and women must control the management and daily business operations. The MBECO is responsible for reviewing applicant documentation and making recommendations to the Certification Review Committee. MBECO applications may be approved, withdrawn, dormant (incomplete/inactive), or denied. Finally, the MBECO also provides financial, legal, and personnel advice and assistance to MBEs throughout the life of contracts in which they participate.

This record series documents the certification application process for individual applicant companies. The content of each company file depends on the kind of company and the

¹ Under current law, "minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

- (1) Black (a person having origins in any of the black racial groups of Africa);
- (2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
- (3) Portuguese (a person of Portuguese, Brazilian, or other Portuguese culture or origin, regardless of race);
- (4) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);
- (5) American Indian and Alaskan Native (a person having origins in any of the original peoples of North America).

Figure 26. State of Rhode Island DOA, MBECO - Records Retention Schedule (cont)

course of the application process. Records contain application forms along with supporting documentation, which includes personal financial statements, income tax returns, loan agreements, equipment leases, year-end balance sheets, licenses, bank authorizations, minutes of director and stockholder meetings, schedules of salaries, insurance agreements, and proof of facility ownership. Files may also contain proof of ethnicity and proof of citizenship documentation. As well, files include site visit reports to ensure MBE-certified companies remain in compliance with legal and regulatory requirements, construction-related records and notices of hearing, as well as annual recertification application forms, and related correspondence. Files may also include records related to company appeals to the federal Department of Transportation of CRC denial decisions.

a) Annual personal and business tax returns

Retention: Retain five (5) years.

b) Personal and business financial statements

Retention: Retain three (3) years.

c) Construction-related reports

Retention: Retain three (3) years.

d) All other documentation

Retention: Retain five (5) years after last file activity.

MBE2 Primary Contractor Compliance Files

All state funded and state directed public construction programs and projects and in-state purchases of goods and services must include the engagement of MBEs, DBEs, or WBEs. This applies to any and all state purchasing, including, but not limited to, the procurement of goods, services, construction projects, or contracts funded in whole or in part by state funds, or funds which, in accordance with a federal grant or otherwise, the state expends or administers, or in which the state is a signatory to the construction contract. Primary contractors must prepare an MBE Compliance Plan and submit it to the Director or his designee for approval. By law, plans must make provision for sub-contracting a minimum of ten percent (10%) of the dollar value of the entire procurement or project to minority business enterprises. The Office is responsible for reviewing primary contractors' Minority Business Utilization Plans for the engagement of minority businesses. If the Director or his designee does not approve the plan the prime contractor has submitted, the prime contractor may present a revised plan. Prime contractor may need to submit copies of purchase orders, subcontracts, cancelled checks, and other records that may indicate the number, names, dollar value of MBE subcontracts, dates, and schedule time for performance of work by an MBE subcontractor.

Files in this series may include individual Contractor Minority Business Utilization Plans, revised plans, financial and contract documentation, and records related to hearings concerning primary contractor compliance with laws and regulations. Records may also include documentation related to contractor/vendor justification for non-compliance with ten percent (10%) requirement.

Retention: Retain three (3) years after MBE contract terms fulfilled.

Figure 27. State of Rhode Island DOA, MBECO - Records Retention Schedule (cont)

MBE3 Records of Certification Review Committee

The Certification Review Committee is an administrative adjudicatory body consisting of five (5) members appointed by the Director of the Department of Administration. The Committee is responsible for the certification, recertification, and/or decertification of MBE/WBE/DBE applicant firms and or certified firms. The committee reviews MBECO application recommendations as they relate to company control, dependency, compensation, or the appearance that a firm may have deliberately structured itself in order to take advantage of the MBE and DBE programs. The committee also schedules hearings in those instances where a formal meeting is requested by an applicant or the Certification Review Committee and conducted pursuant to the Administrative Procedures Act (R.I. Gen. Laws Chapter 42-35). The MBECO may require and applicants may request a hearing before the Committee arrives at a final determination. Hearings conducted by the Committee concern the certification, recertification, or decertification of an applicant or certified firm.

The Committee also monitors primary contractor legal and regulatory compliance. In those instances where the Certification Review Committee has determined that a prime contractor has not met the requirements of MBE law and regulations, the contractor has a right to appeal the decision to the Committee. The Committee may approve or deny the applicant's appeal, or the case may be filed as inactive when an applicant has failed to appear. The records include minutes of meetings and related documentation. A record of the hearings is kept on "electronic recording equipment" (audiotape cassettes) as specifically required by regulation, as well as verbal transcripts in those cases where the applicant has appealed the Committee's decision to the federal DOT and the DOT has requested a record of the hearing.

Retention: Permanent.

MBE4 MBE Tracking System

The MBE office uses a searchable database to maintain control of its information and MBECO activity history about each applicant for minority status. The database includes company name and location information, ownership identity, the number of employees, and minority percentage of the total workforce, the minority status (Black, Latino, Asian, woman, the business type, and year established, as well as sales statistics. The application is capable of providing aggregated reports keying on any field in the form.

Retention: Permanent.

MBE5 Certificates of Records Destruction

Certification of Records Destruction forms (PRA 003) signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules.

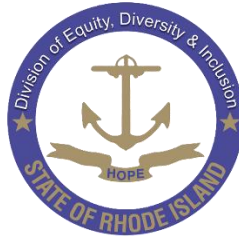
Retention: Permanent.

R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10

Minority Business Enterprise Compliance Office Contacts

The Minority Business Enterprise Compliance Office (MBECO) promotes the development of certified Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), and Disadvantaged Business Enterprises (DBEs). MBECO provides services in certification, enforcement, business assistance, and advocacy.

The MBECO main objective is to increase the number and capability of MBE, WBE, and DBE firms available for contract competition, fostering relationships between MBE, WBE, and DBE firms with state agencies, quasi-state agencies, purchasing agents, and prime vendors.



- **Sarcia, Daphne**

Administrator, MBE

Phone: [\(401\) 574-8670](tel:(401)574-8670)

Email: daphne.sarcia@doa.ri.gov

- **dela Dingco, Meg**

Chief Program Services Officer

Phone: [\(401\) 574-8396](tel:(401)574-8396)

Email: meg.s.deladingco@doa.ri.gov

- **Leslie, Kadeem**

Programming Services Officer, MBE Contract Compliance

Phone: [\(401\) 574-8253](tel:(401)574-8253)

Email: kadeem.leslie@doa.ri.gov

Bala, Karla

Programming Services Officer, MBE Contract Compliance

Phone: [\(401\) 574-9145](tel:(401)574-9145)

Email: karla.m.bala@doa.ri.gov

Almeida, Ariel

Programming Services Officer, DBE

Phone: [\(401\) 574-8356](tel:(401)574-8356)

Email: ariel.almeida@doa.ri.gov