



Milwaukee Public Schools



Neighborhood Schools
Where Children Live and Learn

NSI - Project Participation Plan

Project: Neighborhood Schools Initiative
Owner: Milwaukee Public Schools
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Date and Revision: Plan 031028 R3A

Prism Technical Independent Monitoring Team



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& Associates

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EXECUTIVE SUMMARY

The purpose of the Executive Summary is to provide a one-page overview of the NSI - Participation Plan Revision 2. It is not intended to be a substitute for a complete and thorough review of the entire “Plan” document. The reader should familiarize him/herself with the full plan.

The Milwaukee Public Schools Office of Neighborhood Schools is interested in maximizing opportunities to include students, parents, and low income workers in every aspect of the promotion, development, design, renovation, repair and construction of facilities to teach and prepare children for the future and provide safe areas for recreation in the neighborhoods where children live.

Any money spent by MPS in the name of “Neighborhood Schools” shall take into consideration the needs of the aforementioned stakeholders. The “Participation Plan”, which follows, shall serve as a policy manual for all Service Providers -- spelling out in detail (1) Student engagement; (2) Workforce hiring goals and (3) Requirements for inclusion of Certified Minority and Women owned businesses; on all projects. Again, it is imperative that the bidder familiarize him/herself with the full plan.

- All bidders must commit to 25 % of the total site workforce hours being completed by persons certified for the MPS Communities in Need (COIN) Program, unless otherwise specified. *Certified workers shall meet specific conditions of the COIN Policy. Persons currently certified as “RPP workers” by the City of Milwaukee or MPS may qualify for the COIN initiative, upon review of eligibility. COIN and RPP use different Certification criteria.*
- All bidders must commit to a minimum of 30% MBE participation, unless otherwise specified.
- All bidders must commit to a minimum of 5% WBE participation, unless otherwise specified.
- DBE or EBE certified firms not also certified as MBE or WBE, but legally registered to minority and/or women owners -- may submit documentation to obtain MBE/WBE status for MPS NSI projects. Submittal must be made ten (10) working days prior to bid time.
- All Service Providers will engage MPS students in a meaningful learning exchange through employment, job shadowing, presentations and/or other approved-activities.
- Contractors are encouraged to maximize the use of MPS graduates working as Apprentices on NSI projects. These apprentices may meet COIN requirements, upon review of eligibility.
- Service Providers shall work with MPS approved organizations to find and inform the pool of qualified community workers and M/WBE firms of available job/project opportunities.
- Service Providers must indicate at the time of bid that they will comply with **all** Participation Requirements. The successful bidder must submit a detailed plan to the Independent Monitor prior to the first payment request, indicating how compliance with the individual requirements will be met, including a monthly estimated projection of workforce hours and Certified COIN worker hours. The IM may approve or recommend action against any potential or existing Service Provider, who fails to comply or falls out of compliance with the Participation Plan.
- The IM may review Service Provider records at any time upon submittal of notice three (3) working days prior to review date. Record review requests may include, but are not limited to: Bid submittal documents, payroll and check registers, accounts receivable/payables, copies of cancelled checks, purchase orders, contracts, and/or working agreements at any sub-tier level.
- The apparent lowest responsive bidder shall have 48 hours from “notice” to submit all required bid related NSI forms. No discrepancies may exist from documents submitted at bid time.
- The IM shall review required Service Provider monthly reports showing compliance with the Participation Plan on NSI projects before payment can be made, as required by the MPS Board of School Directors.



PROGRAM OVERVIEW

The approved Neighborhood Schools Initiative (NSI) authorizes the Milwaukee Public Schools (MPS) to borrow state funds to reduce overcrowding and create more neighborhood school choices for parents and children in the District's most overcrowded elementary and middle school attendance areas. Achieving the goals of the initiative in the district's most overcrowded elementary and middle schools calls for the creation of some 11,000 additional seats through the construction of new elementary (K5) schools; K8 schools; constructing additions; renovations; leasing space and establishing Partnerships.

In addition to the "bricks and mortar" elements of the plan, the NSI seeks to create Community-Rich Neighborhood Schools through a variety of programs and services specifically designed to meet the needs of neighborhood children and their parents. As an outcome of these programs and services, MPS seeks to increase community awareness and support for neighborhood schools while providing increased opportunities for Historically Underutilized Businesses and improved prospects for employment and educational opportunities for adult and youth in our community.

It is the intent of the Milwaukee Public Schools to utilize Professional Service Providers, Contractors, suppliers, community support agencies and individual workers reflective of the diversity of the Milwaukee Metropolitan area during the renovation, remodeling and new construction taking place under the banner of the Neighborhood School's Initiative. The MPS Office of Neighborhood Schools (ONS) therefore, notifies all who choose to participate in any of the many NSI Projects that no one will be discriminated against in the awarding of any Project contract or in subsequent Project participation on the grounds of sex, race, color, national origin, sexual orientation, religious belief, age or disability.

The ONS is unequivocally committed to maximize the participation of Minority and Women Business Enterprises; as well as underemployed individuals from communities suffering from the ill effects of poverty through the deployment of the new Communities in Needs (COIN) Policy. As of May 1, 2003, the COIN Policy replaces the MPS Residency Preference Program and is different from the City of Milwaukee's Resident Preference Program.

The provisions of this Participation Program will assist Historically Underutilized Business (HUB) firms and underemployed individuals, from financially depressed communities, to have a meaningful opportunity for substantive participation during the design and construction of the new 11,000 seats to be utilized by Milwaukee Public Schools.



I. DEFINITIONS

In addition to those definitions set forth elsewhere in this document, when used in this Participation Plan, the following terms (whether used in singular or plural tense) shall have the meanings identified below:

- A. **“Affidavit of Business Status”** is a Participation Plan form – Schedule B2, available to firms solely Certified as “DBE or EBE”, who are 51% or more owned and controlled by Minority Group Members and/or Women to affirm and declare their business as minority or women owned, respectively.
- B. **“Broker”** is defined as a provider of materials or supplies, who is not authorized as a bona fide, factory authorized wholesaler. A Broker may inventory “like or similar” parts but does not hold a valid “wholesalers” agreement with the manufacturer of the goods they resell. A Broker may serve a useful business function, but Participation Credit is limited. [Section III A 2 g]
- C. **“CDBG Area”** is the Community Development Block Grant Area of the City of Milwaukee designated as such by the Common Council and identified by specific census tracts. The term and geographic boundaries are associated with the City of Milwaukee Residents Preference Program (RPP). The CDBG map and RPP program are no longer utilized by MPS. The MPS Board of School Directors has adopted the Communities in Need (COIN) Policy. For the current COIN map (Impact Areas) see Exhibit 2B.
- D. **“CDE” or “Community Development Entity”** is a non-profit community-based entity, organization or agency located in or serving the Impact Areas; that has developed commercial grade projects currently in use by the intended clients; can document a history of using HUB firms in their development or creative projects and; has a history of active engagement with individuals in Impact Areas in promoting training, employment, economic development and community activities in the areas affected by the NSI plan.

CDEs must be pre-qualified as such by the MPS HUB Program Coordinator. Joint Ventures between two or more non-profit entities or a non-profit entity and a private sector entity may be allowed to meet the qualification requirements.

- E. **“Certified”** applies to a business or person, that meets the requirements of the Certifying Agencies as identified in Exhibit 1 (for business certifications) or Exhibits 2A through 2C (for COIN eligibility). Businesses can be certified MBE or WBE. Individual workers, who qualify are “Certified” for the MPS ONS Communities in Need (COIN) initiative. Individual workers “Certified” for the City of Milwaukee or former MPS NSI RPP initiative prior to May 1, 2003, may be accepted as qualified for the MPS ONS COIN Program provided the worker can prove they reside in a COIN Impact Area. Certified businesses and persons are granted a “HUB” or “Target” status as identified in this document.



- F. **“Certifying Agency”** shall apply to any of the agencies noted in Exhibit 1 and Exhibit 2A that are acceptable to the MPS ONS for granting “Certified” status to businesses that seek and obtain the designation as Minority or Women owned and controlled Business Enterprises; or to Persons in the workforce, who meet the requirements of the MPS ONS COIN Program.
- G. **“Certified COIN Person”** or **“Certified COIN Worker”** shall mean individuals – regardless of race and gender who meet the MPS ONS COIN Policy–guidelines for place of census tract residency and underemployment. High School students and full time students, regardless of age, are not eligible for COIN enrollment. The program seeks to certify persons in search of full time employment.
- H. **“COIN”** Communities in Need is a preferential hiring program targeting neighborhoods (defined by U.S. Census Tracts) stricken with a sizable percentage of its families residing within a given Tract that have incomes insufficient to improve their financial conditions. In order for a person to qualify for the program, and become a certified COIN worker, he/she not only must reside in a COIN Impact Area, but must also prove financial adversity in their own household.

The COIN Policy replaces the Residency Preference Program (RPP), which ceased to exist on any new contracts issued by MPS on or after May 1, 2003. Like the old Residents Preference Program, workers must be pre-qualified or certified as “COIN” workers to be counted towards reaching the COIN goal. RPP certified workers are not automatically enrolled into the COIN program. Further, if certification was obtained on or after May 1, 2003 the individual must meet all COIN requirements.

- I. **“COIN Eligibility Period”** is the length of time a worker can continue to qualify towards a Contractor’s commitment to meet the COIN participation requirements. A worker approved for the COIN Program shall remain “certified” for a period of three years. However, the time period will be extended to a maximum of five years provided the worker is enrolled in an indentured apprenticeship anytime during the initial three year period.
- J. **“Construction Services”** means providing any service directly related to or pertaining to the construction, repair and/or renovation on any NSI Project, including the supply of materials to any other functionally related or auxiliary facilities or structures on the various construction sites. This definition excludes professional services such as Program Management, Independent Monitoring, Legal, Design, Architectural and Engineering Services, Accounting, Public Relations, Media, Travel, Promotions, Insurance, etc. and applies to traditional on site trade construction and repetitive hauling activities.



- K. **“Contracting Threshold”** is an accumulative calculated value of a first tier Contractor’s annual contract awards, which when exceeded in any sliding twelve month period, will automatically require the Contractor to begin obtaining Participation on each additional dollar award, above this value, at the levels herein noted. It is the responsibility of the Contractor to keep track of the accumulated value of their contracts and to begin obtaining participation when the “Contract Threshold” is exceeded. *This term applies to small individual contracts issued without Participation requirements; that when considered with change orders or new “small” contracts, issued to the same Service Provider become “substantial” (exceeding the threshold) in any 12 month “window” of time.*
- L. **“Contractor”** for this document shall apply to each firm providing Construction or Professional Services, under direct contract with MPS. This definition also includes Certified HUB firms operating at this “First Tier” level. Additionally, it shall apply to any Lessor providing long term “space” needs for the ONS on new developments and construction designed, developed and built specifically for housing MPS operations or students and paid with NSI funds.
- M. **“Disadvantaged Business Enterprise” or “DBE”** is a for-profit business concern that is at least 51% owned, operated, and controlled by one or more individuals who meet the criterion established by an MPS approved Certifying Agency. Firms certified DBE only must be approved as MBE and/or WBE by the IM to qualify as a HUB vendor on NSI projects. See “Affidavit of Business Status” (Schedule B2).
- N. **“Division of Facilities Maintenance Services” or “DFMS”**– refers to the operating arm of MPS charged with planning, hiring, managing and approving work of all providers of Professional and Construction Services related to building projects, renovation and repair of existing and new school facilities. DFMS is located at 1124 North 11th Street, Milwaukee, WI 53233. Prime contact is Ms. Gina Spang, Manager of Design and Construction. Phone 414.283.4732. FAX (414) 283-4682 Email: spanggm@milwaukee.k12.wi.us
- O. **“Emerging Business Enterprise” or “EBE”** is a for-profit business concern that is at least 51% owned, operated, and controlled by one or more individuals who meet the criterion established by the City of Milwaukee -- an MPS approved Certifying Agency. Firms certified EBE only must be approved as MBE and/or WBE by the IM to qualify as a HUB vendor on NSI projects. See “Affidavit of Business Status” (Schedule B2).
- P. **“Educational / Employment Partnership” or “Student Education / Employment Partnership”**- refers to Contractors and other Service Providers participating on NSI projects who engage MPS students to expose them to post secondary career options, provide hands-on learning opportunities, and provide meaningful educational and employment experiences through projects related to the Neighborhood School Initiative Plan.



- Q. **“Exempt”** shall apply to written and specific items for which the ONS has granted a “Waiver” from meeting a specific Participation requirement. The ONS shall have the right to “Exempt” specific NSI expenditures from the Participation Plan for cause. Exemptions shall be specific, by project, by itemized expenditures or incident and shall not be granted for complete projects or categories of work. Exemptions will be reviewed by the IM.
- R. **“First Tier Contractor”** – See Contractor.
- S. **“Good Faith Assessment”** – is a term that applies to a Contractor’s efforts to maintain the Participation Levels after the initial contract award. See Section III D 3.
- T. **“Historically Underutilized Business”** or **“HUB”** is used to describe individually or collectively “Certified” Minority or Women Owned Businesses.
- U. **“HUB Program Coordinator”** applies to Ms. Renee Taylor, of MPS’ HUB Office – 5225 West Vliet, Milwaukee, WI 53208, Phone: 414.475.8278 FAX: 414.475.8287 Email: taylorrx@mail.milwaukee.k12.wi.us
- V. **“Impact Area”** is the collective term used to describe the many neighborhoods, defined by specific US Census Tracts that make of the areas to receive preferences in workforce hiring. The chosen Census tracts are areas where 14.3% of the area’s families have combined incomes below the poverty line, as established by the US Census Bureau. Additionally, any contiguous set of census tracts not meeting this criterion equal to or less than 0.16 square miles in total area, which are completely surrounded by census tracts qualifying for the Impact Area -- shall also be included in the Impact Area, even if the “small island” area is considered affluent. The COIN program considers this “island” in grave jeopardy of falling into decay or increased poverty. The IM has determined that the COIN Map (Exhibit 2B) represents the only Impact Areas for Milwaukee County. There are no known Impact Areas for the following Wisconsin Counties as of this writing: Ozaukee, Washington or Waukesha. The IM may approve other areas as they are reasonably presented for consideration.
- W. **“Implementation Plan”** refers to the spreadsheet or “spreadsheet like” report provided to MPS by the Contractor, prior to the first pay request that identifies how the Contractor plans to achieve the workforce percentages, broken out by month that will ultimately achieve the COIN workforce percentages agreed to at the time of bid.
- X. **“Independent Monitor”** or **“IM”** applies to the team led by Prism Technical Management & Marketing Services, AKA Prism or Prism Technical -- a firm retained by Milwaukee Public Schools to assure HUB, Targeted individuals and MPS students are given every opportunity to participate and learn on NSI Projects. All MPS NSI Service Providers are required to respond to and provide requested documentation when requested to do so, by the IM, in a timely manner. Prism is located at N118 W15630 Williams Drive; Germantown, WI 53022. The IM Project Manager is Randy Crump. Phone: 262.250.7737. Fax 262.250.0757 Email info@prismtechnical.com.



- Y. **“Joint Venture”** means an association of two or more businesses to carry out the work of a single business enterprise, for which purpose they combine their property, capital, efforts, skills, and/or knowledge.
- Z. **“Lessor”** means any agency, organization or person that receives funds from the ONS for the payment of “space or property rental”, built in its entirety or in part with NSI funds as prepayment in lieu of, or to assure reduction of future rent or lease costs.
- AA. **“Manufacturer” or fabricator** is a firm that substantially alters raw materials, adding value through this process and subsequently provides the altered product(s) to NSI projects without providing installation services.
- BB. **“Minority Business Enterprise” or “MBE”** means a for-profit business concern that is 51% or more owned, operated, and controlled by one or more Minority Group Members; and has been Certified as such by an MPS approved Certifying Agency. For the purpose of the NSI Projects, Certified DBE and/or EBE firms, who have completed and approved Affidavits of Business Status (Schedule B2) as an MBE on file with the IM; shall also be considered MBE.
- CC. **“Minority Group Member”** means a person, as defined in Wis. Stats §560.036(a)(f), including any of the following:
- | | |
|---------------------|----------------------------------|
| An African-American | An Aleut |
| A Hispanic | A native Hawaiian |
| An American Indian | An Asian Indian |
| An Eskimo | A person of Asian-Pacific origin |
- DD. **“Milwaukee Public Schools” or “MPS”** is the largest school district in Wisconsin and the facilitator of the Neighborhood School Initiative.
- EE. **Neighborhood Schools Initiative or “NSI”** is a legislated plan that authorizes MPS to borrow state funds to reduce overcrowding and create more neighborhood school choices for parents and children and calls for the creation of some 11,000 additional seats through the construction of new Elementary (K-5) schools; K-8 schools; Constructing Additions; Performing Renovations; Leasing space and Establishing Partnerships.
- FF. **“Office of Neighborhood Schools” or “ONS”** is the MPS operation responsible for achieving the goals and requirements of the Neighborhood Schools Plan adopted by the Milwaukee Public Schools (MPS) Board of School Directors on August 24, 2000. The ONS is located at 6620 West Capitol Drive Room 204, Milwaukee, WI 53216. The Prime contact is Dr. Aquine Jackson, ONS Director. Phone: 414.438.3566 Fax: 414.438.3515 Email: jacksoax@mail.milwaukee.k12.wi.us.



- GG. **“Participation Credit”** when referring to expenditures shall mean the amount of money spent with HUB firms and allowed to count towards meeting the Participation Level requirements on NSI Projects. When referring to the workforce, the term shall mean the number of hours worked by Certified persons, who qualify for the MPS ONS COIN initiative, and allowed to count towards the COIN Participation Levels of the NSI Projects.
- HH. **“Participation Level”** shall dually mean (1) the percentage of Planned participation by HUB firms and/or Persons to be achieved by each individual Contractor or NSI Projects as a whole, when addressed in the Aggregate – and (2) the required percentage of participation by HUB firms and/or Persons – as established in Section II of this Participation Program for each NSI activity.
- II. **“Partnership”** A collaborative arrangement entered into between the MPS ONS and various community organizations and agencies. The “Partnerships” have produced a number of shared arrangements whereby MPS may prepay lease expenses to an agency or organization which in turn uses the prepayment in whole or in part for the initial funding to construct classrooms and athletic facilities for MPS use during the weekday and remains available for general community use evenings and weekends. In so doing, the community organization or agency becomes a Lessor. (See Lessor definition).
- JJ. **“Professional Services”** shall include all services not specifically defined as a Construction Service for which the ONS may contract or purchase in any manner and form. The definition specifically includes, but is not limited to services for: Program Management, Independent Monitoring, Legal, Design, Architectural and Engineering Services, Accounting, Public Relations, Media, Travel, Promotions, Insurance and related services.
- KK. **“Program Manager”** or **“PM”** applies to the firm doing business as Milwaukee School Managers -- retained by the owner to facilitate the renovations, additions and new construction to take place under the Neighborhood School Initiative. It’s principle contact shall be John Bowles at 414.224.7793 located at Central City Construction, Inc. 1300 North Fourth Street, Milwaukee, WI 53212.
- LL. **“Project”** means any non-exempt activity for which the ONS: Makes purchases; Enters into any facility lease agreement where construction is required to prepare the facility for MPS use; Issue Contracts, Purchase Orders or Service Agreements to perform work related to the NSI. This definition shall apply to both aggregate and individual expenditures.
- MM. **“Poverty Threshold”** is a financial value derived from US Census Bureau data, based upon family size and household income. In order to qualify for the COIN program, a person must reside in an Impact Area and his/her household income shall not exceed the “Poverty Threshold” established by the MPS COIN Policy. Until updated herein, Exhibit 2C shall serve as the only source for identifying the Poverty Threshold.



- NN. **“Remedial Plan”** applies to any corrective action plan required by and/or provided by the Contractor to MPS to meet Participation Plan and contractual requirements.
- OO. **“RPP”** or Residency Preference Program shall apply equally to the program – of the same name deployed by the “City of Milwaukee” and formally by MPS -- on initial NSI projects. MPS has replaced the RPP program with COIN as of May 1, 2003. Persons certified for the Residency Preference Program prior to May 1, 2003 by either the City of Milwaukee or MPS program may be eligible for the COIN program provided they (1) Reside in an Impact Area (2) Have not exceeded the eligibility period for the RPP program.
- PP. **“Sanctions”** are monetary and/or other actions that may be taken by MPS against Contractors that fail to meet any of the Participation Plan or other Contractor contractual obligations.
- QQ. **“Sanctions Policy”** is the procedure MPS has developed to administer the application of Sanctions.
- RR. **“Service Provider”** – See “Contractor”
- SS. **“Student Engagement”** refers to both (1) Contractor meaningful participation with MPS elementary school children at the schools and in the neighborhoods in which the Service Provider is under contract and/or (2) The employment of high school students (juniors or seniors) from any MPS school. When used without a specific reference to category “one” or “two” in the aforementioned sentence, the term shall infer “both” categories of Contractor Participation.
- TT. **“Sole Source”** shall apply to a product, service or building specifications issued by a Professional Service Provider where it creates a market condition whereby only a limited number of Service Providers (Contractors, Manufacturers, or Suppliers etc.) can reasonably provide the specified product or service being specified for an NSI Project. The practice limits competition and creates a situation where Participation by HUB vendors may not be possible. MPS shall restrict the use of Sole Source specifications whenever possible. Service Providers should refrain from establishing such specifications unless approved by the HUB Program Coordinator.
- UU. **“Target Firms”** – See HUB firm.
- VV. **“Target Persons”** See “Certified COIN Persons”
- WW. **“WBE”** or **“Woman Business Enterprise”** means a for-profit business concern that is owned, operated, and controlled by one or more women and has been Certified as such by an MPS approved Certifying Agency. For the purpose of the NSI Projects, Certified DBE and/or EBE firms, who have completed and approved Affidavits of Business Status (Schedule B2) as a WBE on file with IM; shall also be considered WBE.



XX. **“Wholesaler”** or Distributor shall mean a for-profit business that maintains an inventory of like or related products and ships from stock the same or similar products to be sold onto the MPS ONS projects. The firm must have a bona fide long-term contractual agreement to resale product(s) with the manufacturer of the goods to be sold. To qualify as a “Wholesaler”, the business must not be limited to selling its product(s) to a narrow clientele or geographic base.



II. PARTICIPATION LEVELS

A. HUB FIRMS

The ONS, consistent with requirements of the Neighborhood Schools Plan, has established the following provisions for economic participation of Historically Underutilized Businesses (HUBs). In implementing these Participation Levels, the ONS seeks to increase substantive participation of these HUB firms, by working to eliminate barriers that deny them equal opportunity to perform on the Project.

1. Eligibility

For MPS NSI projects HUB firms are for-profit organizations certified as Minority Business Enterprises (MBE) or Women Business Enterprises (WBE) by an acceptable Certifying Agency -- at the time of bid. (See Exhibit 1 for a list of acceptable agencies).

The NSI Projects do not recognize Disadvantaged Business Enterprise (DBE) or Emerging Business Enterprise (EBE) certifications alone. However, firms, that are certified as DBE or EBE only, but can meet the criterion to be certified as a Minority Business Enterprise (MBE) or Women Business Enterprise (WBE) should complete and submit an Affidavit of Business Status – Schedule B2 to the Independent Monitor, to declare and affirm their status as an MBE or WBE entity. This information must be submitted at least 10 working days prior to the bid date to allow time for review and verification. Ownership and control will be confirmed with the D/EBE certifying agency.

2. Utilization Requirements

MPS reserves the right to increase/decrease the participation requirements on each contract, or to adjust, more or less, participation to either the MBE and/or WBE categories, as it deems necessary to meet the NSI program goals, based upon its' staff's and consultant's knowledge of the available HUB firms to perform on a specific project.

Unless otherwise specified Contractors are required to achieve the following:

30% MBE Participation

5% WBE Participation

***IMPORTANT NOTE:** The definition of "Contractor" when capitalized applies to all First Tier contractors. Unless otherwise noted, any firm, organization or Non Profit entity, including HUB firms, which exceed a Contracting Threshold of \$25,000 or more for Professional Services, or \$50,000 or more for Construction Services, or holds a lease with the MPS ONS, valued at \$50,000 or more, shall commit to meet the contracting requirements and both the workforce and educational goals established herein for all monies received from MPS - in the name of Neighborhood Schools.*



3. Detailed Utilization Plans

Within 48 hours of being notified of being the lowest responsible bidder, the Contractor shall submit Schedules A and B1. Schedule B1 shall be signed by HUB firms acknowledging the work to be performed. The IM may request additional detail upon reviewing the submitted documents including, but not limited to estimated HUB project schedules and more detailed work scopes for listed HUB firms.

4. Sanctions

A Sanctions Process has been developed to encourage compliance with the Participation Plan requirements.

MPS may take action, including monetary Sanctions, against Contractors that fail to meet any of the Participation Plan, Utilization Plan or other Contractor contractual obligations. See Section: IX Compliance, Remedies and Sanctions.

B. COIN WORKFORCE

In accordance with the NSI Plan, workforce preference hiring is required for all Construction Services occurring on NSI Projects, unless otherwise specified. The MPS ONS Communities in Need Policy (COIN) is very different from both the former MPS and current City of Milwaukee Residency Preference Programs. All individuals and bidders, especially those familiar with Residency Preference Programs, are encouraged to read through this and the preceding section to acquaint themselves with the provisions of the MPS NSI COIN initiatives.

1. Eligibility

Workers shall remain eligible for the COIN program for three years from initial registration/approval or five years if an apprenticeship is gained any time during the first three years.

In order to qualify as a Targeted Person or Certified COIN Worker:

- a) Individuals must be able to show they maintain a permanent residence in specific US Census tracts (derived from family poverty statistics) called "Impact Areas". For the Impact Areas located in Milwaukee County see Exhibit 2B. No such areas exist in Waukesha, Washington or Ozaukee County as of this writing.
- b) Individuals must be able to provide proof that his/her combined family income falls below the Poverty Threshold, established by MPS – using the 2000 US Census Bureau data on family size (including dependent adults) and income – See Exhibit 2C



- c) Persons who are already certified, prior to May 1, 2003 under the City of Milwaukee or former MPS Residents Preference Program (RPP) are eligible provided they meet the criterion under point “a” above and are within the eligibility period. However, the COIN eligibility period shall have a start date equal to the workers initial RPP registration date.
- d) Workers should complete “Employee Affidavit of Address and Income” -- Schedule E (Rev 2 or later) with supporting documentation to one of the agencies or organizations noted in Exhibit 2A.
- e) Contractors shall submit notification of approved Schedule E documents –in the form of a letter from an appropriate agency from Exhibit 2A, on agency letterhead, indicating worker COIN certification to the IM. Submission of this information shall be “on-going” as the Contractor registers or prepares to hire new project workers. Contractors will not be allowed COIN participation credit until workers are properly certified.

Questions concerning COIN Program Operation may be directed to:

Ms Renee Taylor
PH 414.475.8278
FX 414.475.8287
taylorrx@mail.milwaukee.k12.wi.us

Milwaukee Public Schools
HUB Program Coordinator
5225 West Vliet Street
Milwaukee, WI 53201-2181

Joann Crump
PH 262.250.7737
FX 262.250.0757
jcrump@prismtechnical.com

Prism Technical
IM Administrator
N118 W15630 Williams Drive
Germantown, WI 53022

2. Utilization Requirements

Contractors performing Construction Services are required to utilize Certified COIN Workers to perform on-site construction work at a minimum level equal to the percentage specified in their contract with Milwaukee Public Schools on NSI Projects. Unless otherwise specified Contractors are required to achieve the following:

25 % of All Construction Site Worker hours shall be performed by Certified COIN Workers

Worker hours, specified herein, shall include, work performed by field labor including: Management and clerical staff related to the project; construction trade labor including journey-persons and those participating in apprenticeships and on-the-job training programs. Hours may include services provided by trucking firms providing repeat site delivery services, however if utilized, all trucking firms engaged must report the hours charged to the project.



The Contractor, by signing and submitting a bid, certifies that he/she understands the provisions of the MPS ONS COIN Program and will comply with them, without exception.

All 1st Tier Contractors will be held responsible for achievement of this goal directly, but may do so with the assistance of its sub-tier vendors. Contractors are encouraged to make this and other provisions of the Participation Plan mandatory with every sub-tier contractor it hires, however MPS has no authority to demand or enforce this policy at the sub-tier level. It is the responsibility of the 1st Tier Contractor to enforce and achieve participation goals.

The Contractor shall maintain personnel records listing the names, addresses, race and gender of its employees utilized for this contract and any records demonstrating that the employees utilized by the Contractor in meeting the COIN requirements are actual residents of an Impact Area. These records shall be maintained for three (3) years after the Contractor has received final payment under the contract and shall be made available to the MPS HUB Program Office or its' agent upon reasonable notice.

Committing to the COIN requirements is an element of bid responsiveness. Failure to commit to the specified hiring requirements will render the bid non-responsive, and the MPS HUB Program Coordinator or IM may then recommend award to the next apparent low bidder.

Please see the attached listing of organizations and Community Based agencies – Exhibit 2A where workers may go to seek COIN qualification. Bidders may also contact these agencies, as well as the Independent Monitor, to obtain listings of individuals pre-qualified for the COIN program for purposes of the Neighborhood Schools Project.

If the Contractor has problems in meeting the COIN requirements or if any other problems relative to hiring participation arise during the completion of this project, the Contractor shall immediately contact the Independent Monitor to inform and request assistance. However, Contractors are advised that achievement of the COIN requirement is not the responsibility of the IM.

3. Detailed Implementation Plan

The Contractor, prior to commencing work, shall submit an Implementation Plan identifying the hours and corresponding percentages of COIN Workforce Participation. The Implementation Plan should identify the projected hours/percentages on a per month basis. The Implementation Plan will be monitored on a regular basis and monthly reports will be verified to insure that the contractor is in compliance.



Contractors not able to achieve the projected hours of their original Implementation Plan will be required to submit a Remedial Plan (or revised Implementation Plan) to the Independent Monitor with a copy to DFMS, identifying how/what adjustments will be made in order to meet the Project requirements.

4. Sanctions

A Sanctions Process has been developed to encourage compliance with the Participation Plan requirements.

MPS may take action, including monetary Sanctions, against Contractors that fail to meet any of the Participation Plan, Utilization Plan or other Contractor contractual obligations. See Section: IX Compliance, Remedies and Sanctions.

C. STUDENT EDUCATION / EMPLOYMENT OPPORTUNITIES

The NSI plan reflects recommended strategies to continue to involve the community in educating children and improving employment opportunities for students resulting in better-educated workers for Wisconsin businesses. The ONS, consistent with requirements of the Neighborhood Schools Initiative has established the following participation provisions for promoting student inclusion on general construction, architectural/engineering and all Construction Services and Professional Services contracts related the Neighborhood Schools Plan.

1. Eligibility and Requirements

- a. Elementary School: All Service Providers are required to provide interface with children within the elementary school, or in the case of new school -- the neighborhood, where their work is being contracted.

Unless otherwise specified, All Service Providers will provide a minimum of twenty (20) hours of educational activities. These activities should be coordinated through the school Principal or his/her designee and the ONS Cluster Leader for the school(s). If no Principal contact can be made, as will be the case with new school construction, the Service Provider should contact the ONS Cluster Leader or the Independent Monitor for direction.

- b. High School: All Service Providers are required to provide MPS upper class (junior and senior) high school students with employment based upon the contract dollar amount and/or estimated hours to complete the NSI Project(s), unless otherwise specified in the Project bid documents. Students must be enrolled in an MPS school or non-COIN certified graduate no more than twelve months from their date of matriculation with written approval from the IM or HUB Program Coordinator.



- (i) *If not otherwise specified, Professional Service Providers are required to provide 150 student hours of work per 1,000 man-hours of estimated Professional hours to be supplied.*
- (ii) *If not otherwise specified, Construction Service Providers, supplying on-site labor, are required to provide 250 student hours of work per each 3,000 man-hours of estimated trade and on-site supervisory hours.*

2. Education Activities

Educational Activities can include, but are not limited to, the following:

- a. Classroom presentations on NSI project work, construction or career related awareness
- b. Student group tours of work site(s) with orientation to “careers at work” on site
- c. Classroom skill development project activities in conjunction with teacher lesson plans, i.e. math, science, reading, writing etc.
- d. Other IM approved Contractor provided option

3. Student Employment

Student Employment participation can include but is not necessarily limited to the following activities:

- a. Required orientation and participation in preparation for student hire
- b. Required participation in student selection process (interviewing)
- c. Possible student summer employment placement (full-time/part-time) or
- d. Possible student after school placement (20 hrs max. -- where applicable)
- e. Other IM approved Contractor provided option

4. Sanctions

A Sanctions Process has been developed to encourage compliance with the Participation Plan requirements.

MPS may take action, including monetary Sanctions, against Contractors that fail to meet any of the Participation Plan, Utilization Plan or other Contractor contractual obligations. See Section: IX Compliance, Remedies and Sanctions.



III. CALCULATION OF PARTICIPATION LEVELS

A. PARTICIPATION LEVELS

1. Commitment.

As a condition of receiving a contract on the Project, each Contractor shall agree not to discriminate against any person or business on the basis of sex, race, color, national origin, sexual orientation, religious belief, age or disability. Contractors further shall agree to take affirmative action to ensure that HUB Firms have the maximum opportunity to compete for and substantively perform on the Project. Accordingly, each Contractor shall commit to meeting and maintaining the Participation Levels established in the preceding sections for Contracting, Workforce and Student Education.

All bidders further commit by submitting their bids that they will not require HUB Firms to engage in exclusive relationships with them (other than as a Joint Venture) as a condition to their participation in the Services being bid. Bidders, who engage in such restraint of trade or attempts to monopolize utilization of HUB Firms, may have their bids rejected.

2. HUB Firm Compliance Options

- a. 100% Participation Credit will be allowed for all work self performed where the Contractor is an MBE or WBE Firm. However, HUB firms operating at the 1st Tier level must either self perform the required Participation Levels of the Project or subcontract out to other HUB firms to meet the Participation Requirements. Dually certified MBE and WBE firms cannot satisfy both the MBE and WBE HUB requirements, unless specifically allowed by MPS. This may be allowed on a limited number of smaller projects.
- b. 100% Participation Credit will be granted for contracts where the contractor is a Certified MBE or WBE business, operating as a Joint Venture for all work self performed by the Joint Venture. A duly Certified Joint Venture, certified by an approved certification agency is considered to be either an MBE or WBE firm with no distinction made for the ratio of HUB firm ownership. However, because the firm is “Certified” it is understood and required that the MBE or WBE Joint Venture partner(s), own and control at least 51% of the Joint Venture. Compliance Option III A.2.a. – above, therefore applies.
- c. Prorated Participation Credit will be granted on the aggregate dollar value of contracts where the contractor is a legal Joint Venture, approved by the IM, where the participation by the Certified HUB(s) in the Joint Venture is less than or equal to 50%. The prorated percentage will be



equal to the percentage of substantive participation by the HUB entities in the Joint Venture, as determined by the IM. In order to have this Compliance Option considered, Schedule C must be fully completed, with attachments and submitted to the IM 10 working days prior to the bid due date.

- d. 100% Participation Credit will be granted for contracts held with lower tier HUB subcontractors. Credit is granted at 100% for all material purchased and installed by a HUB subcontractor.

Should MPS decide to engage in an Owner Purchase arrangement for specific NSI Projects, whereby it purchases all major materials in an effort to avoid or reduce sales taxes; the installing contractor – if a Certified HUB entity -- shall be granted full Participation Credit for the material purchased by MPS, provided the installing contractor receives an appropriate mark-up for assuming the risk of material selection, on site handling, breakage and theft liability. All Contractors requesting Participation Credit for Owner Purchased Materials must have the purchases and their plan for Participation Credit approved in writing by the IM before the material purchase is made and before Participation Credit will be granted.

- e. 100% Participation Credit is granted for all purchases from HUB Manufacturers or fabricators - including concrete “manufacturers”.
- f. 100% Participation Credit for materials or supplies purchased from bona fide, factory authorized HUB wholesale supplier.

CERTIFICATION ALONE IS NOT ACCEPTABLE. Contractors should submit a copy of the official and legal wholesale distributor agreement(s) between the supplier and the manufacturer for all brands to be supplied by the wholesaler. If legal agreements are not provided, products supplied by the wholesaler may not be counted for Participation Credit, or at best - credit towards participation will be limited to the amount of gross profit actually realized by the supplier.

- g. Brokers may be utilized to supply materials for participation credit, BUT credit will be allowed only for the amount of commission or gross profit realized by the Broker and not the full price of the merchandise provided under any circumstance.

HUB Contractors or lower tier HUB subcontractors who provide substantial material and/or supplies for the Project where they do not participate in it’s installation, shall be considered Brokers and Participation Credit will be limited to the commission or fee paid to the contractor or supplier for the material supplied. If there are questions



related to material supply, the concerned party should obtain written approval from the Independent Monitor before proceeding.

B. PARTICIPATION CONCERNS

1. Certification

- a. All HUB Firms, including HUB Joint Ventures (where the HUB participants in the JV represents the majority ownership), must be certified by an approved Certifying Agency prior to providing supplies, Construction or Professional Services to the project. Participation Credit may be disallowed for any expenditure made prior to a firm obtaining proper Certification.
- b. All Joint Ventures where the HUB Firm(s) do not represent majority ownership shall provide, at least 10 working days prior to bid time, an Affidavit of Joint Venture on Schedule C to the Independent Monitor to verify that they conform to the definition of Joint Venture set forth in Section I.
- c. All Target Persons must be pre-qualified for the MPS ONS COIN program before their hours can be counted for Participation Credit.

2. Sole Source Specifications

No Service Provider shall specify a product or service that creates a Sole Source condition without first obtaining an opinion from the Independent Monitor on its impact upon the Participation Program and the availability of local HUB firms to provide the Sole Sourced product(s) and/or service(s) in question, and obtaining permission from MPS. Service Providers, who ignore this provision of the Participation Program, may be terminated from further work by MPS after review of the Independent Monitor's investigation and report on the results of the Sole Source situation.

3. Commercially Useful Function/Independence.

The ONS reserves the right to deny or limit Participation Credit to the Contractor where any HUB Firm is found to be engaged in substantial subcontracting or pass-through activities with others. In this regard, a Contractor may count toward its Participation Levels only expenditures to firms that perform commercially useful functions. To determine whether a firm is performing a commercially useful function, the Independent Monitor may evaluate the amount of work subcontracted, reasonable and customary industry practices, and other relevant factors. The Participation Credit allowed shall be based upon an analysis by the Independent Monitor of the specific duties that will be performed by the HUB Firm(s). Each HUB Firm shall be expected to actually manage and supervise the work contemplated for it by any subcontract or agreement through the use of its own employees and equipment and shall



perform that portion of the actual work which is reasonable and customary within their industry.

HUB Firms must be independent businesses.

4. Joint Ventures

Credit for the participation of HUB Firms as Joint Venture (JV) partners shall be based upon an analysis of the duties, responsibilities and risks undertaken by the HUB Firms as specified by the Joint Venture's executed JV Agreement as verified through the certification process. The ONS and IM reserves the right to deny or limit HUB Firm Participation Level credit to the Contractor where any HUB Firm JV partner is found to have duties, responsibilities, risks or loss and management control over the JV that are not commensurate with or in proportion to its JV ownership percentage.

5. Confirmation

No credit for Participation will be granted until proper certification of HUB firms is received and confirmed. Additionally, Participation Credit may be withheld for all previous expenditures or hours.

The inclusion of any HUB Firm and/or Person as certified in a Contractor's Utilization Plan, Schedule A, shall not conclusively establish the Contractor's right to full Participation Credit for that intended participation in the contract. The IM shall review bid submittals and/or proposals and may visit proposers or named HUB Firms to verify proper certification and utilization of HUB Firms.

The IM may request, and a proposer or Contractor shall promptly furnish, additional information to assist in the making of Participation Level determinations, including, without limitation, (1) specific information concerning any supplier's broker fees, mark-up and/or commissions; (2) intended suppliers or other sources of labor, equipment, materials and/or services; (3) specific financial or other risks to be assumed by the HUB Firm; and (4) identification of employees and supervisory personnel assigned to perform on the Project.

C. RESOURCES FOR MEETING AND MAINTAINING PARTICIPATION

- 1. Database.** The Independent Monitor will establish and maintain a database of potential students, Certified COIN workers and HUB Firms - including firm name; overall capabilities including specific tasks they could perform for the Project; Contact Person; Ownership; firm location including phone and fax number and email address if applicable and number of employees – if available (the "Database"). Upon request, proposers for all Contractor positions will be provided information from the Database to assist in preparation of proposals.



During the Project, Contractors may request information from the Database to assist in maintaining the Participation Levels, however, Contractors are required to make their own determination of HUB suitability for the work to be performed and verify the accuracy of the data provided from the Database.

Contractors should also seek qualified firms and persons through Approved Agencies as provided in Exhibit 2A and Exhibit 3.

2. **Certification Information.** The IM will provide information regarding certification requirements to HUB Firms and Persons and to potential Contractors.
3. **COIN Workers.** COIN Workers may be found by contacting one of the approved agencies listed in Exhibit 2A. Workers are pre-Certified and the Contractor need only obtain verification of such pre-qualification and forward this information to the IM. MPS reserves the right to expand or reduce Impact Areas to stay in compliance with the COIN program guidelines; however workers previously qualified for the COIN Program will continue to qualify until their eligibility period expires. .
4. **Student Education/Employment Opportunities.** Upon submission of Schedule H1, student education activities will be coordinated directly with the school Principal or designated liaison, and student employment placement activities will be coordinated directly with the Office of Neighborhood Schools (ONS) or designated liaison. The Contractor may also contact the IM Education Consultant for additional assistance if difficulty is being experienced in carrying out this important element of the NSI project.
5. **Information Dissemination.** MPS and the Independent Monitor will meet with Contractors, potential subcontractors and community groups for the purpose of informing potential Project participants – including HUB Firms and persons about the Participation Program and Project opportunities.
6. **Proposal Packages.** MPS may prepare several smaller construction packages, which will enhance HUB Firms’ ability to successfully participate as first Tier Contractors, on portions of the Project, within their capabilities. MPS may also prepare blended scope of work proposal packages designed to assist its’ subcontractors in achievement of Participation Levels.
7. **Assistance Agencies.** The Assistance Agencies identified in the attachment Exhibit 3 are community-based organizations and advocacy groups who have agreed to assist Contractors by facilitating contacts and participation by their members and constituents as HUB Firms and Persons. These groups may be contacted directly by contractors at any time and certainly in any instances where a contractor is experiencing difficulty attaining Participation Levels.



D. WAIVER OF PARTICIPATION LEVELS

Requests for waivers of this policy must be submitted in writing to the HUB Program Coordinator and to the DFMS. Such requests shall be in writing and shall specify measures taken to meet the requirements and/or documented justification for waiver. In the event evidence suggests a need to adjust the percent requirement on a particular contract, an addendum will be issued prior to bid opening. Contractors must notify the HUB Program Coordinator and the contracting department concerning difficulties in meeting Participation requirements **prior to bid opening** for waiver to be considered.

1. All bidders are required to achieve the Participation Levels established at the time of bid for the work to be performed.
2. When a Contractor feels that conditions exist that make it difficult for the Contractor to achieve the Participation Levels established in their original Contract they must immediately alert the IM, the MPS HUB Program Office and the Division of Facilities and Maintenance Services, in writing. The Contractor will then be directed to develop a remedial Participation plan that meets the requirements of their original Contract within a specified time period or risk application of Sanctions.
3. **Good Faith Assessment.** After the award of a contract, if the Contractor asserts that it is unable to meet the Participation Levels, the Independent Monitor shall assess whether they have made a “Good Faith” effort to maintain the Participation Levels established in the Contractor’s contract. In determining whether a Good Faith effort was made, the IM shall determine if the Contractor has undertaken appropriate activities which include but may not be limited to:
 - a. Provided assistance to the HUB firm(s), COIN workers or students originally assigned to the project, so that they would have had a reasonable opportunity to succeed.
 - b. Carefully reviewed the original HUB firm(s) scope of work for appropriateness in relation to the firm’s capabilities, manpower and financial resources.
 - c. Carefully examined a COIN worker or student’s history and ability to perform the originally assigned tasks.
 - d. Assisted the original HUB firm(s) in properly executing Change Order requirements such as required paperwork documentation and honestly reviewing both errant and satisfactory estimates with HUB firms so the MBE or WBE entity could successfully navigate Change Order work, in an effort to maintain Participation Level Commitments.
 - e. Provided an atmosphere that invited discussion and partnership with HUB firms, COIN workers, students and/or school officials and administrators.

After these methods have been deployed, if the HUB, COIN or student



participant(s) must still be replaced – MPS and the IM will determine if the Contractor:

- i. Advertised in generally circulated media and with trade associations, as well as in community newspapers and/or with radio stations that market to Targeted Firms and Persons regarding contracting, work and/or sub-contracting opportunities as time permitted;
 - ii. Followed up with HUB Firms, Targeted Persons and students showing an interest in the Project during the initial solicitation process or subsequent Project information or networking sessions;
 - iii. Solicited HUB Firms, Targeted Persons and students from school counselors, the IM and Assistance Agencies for technical, trade and service areas wherein the greatest numbers exist to perform the work.
 - iv. Requested a list or assistance to find available companies and/or persons from the Program Manager, the IM, the MPS HUB Office or other Assistance Agencies and resources available to the Contractor.
 - v. Where appropriate, broke down any remaining subcontracts or jobs into smaller; economically feasible units to facilitate potential replacement HUB firm participation or new workers.
 - vi. Assisted HUB firms in properly executing Change Orders if needed and in determining needed materials and honestly reviewing both acceptable and errant estimates with HUB firms so they can successfully perform CO work
- f. Review evidence of the lack of eligible additional HUB firms, Target Persons and students that have the financial capacity, technical capacity, and/or previous experience in the areas in which subcontracts and job opportunities were originally awarded;
 - g. Contractor willingness to allow new and available HUB firms and persons to perform in areas where opportunities for contracting or jobs are still available even though they were not originally forecasted for HUB firms, COIN or MPS student participation.
 - h. The competing demands for the services provided by eligible HUB Firms, COIN Persons and students in areas in which subcontracts were awarded and where opportunities exist;
 - i. Such other objective factors as MPS, the HUB Program Coordinator and the Monitor, in their discretion, deems appropriate.

The MPS may exercise all of its legal rights to bring a Contractor into compliance with this Participation Plan.



IV. PARTICIPATION LEVEL SUBMITTAL REQUIREMENTS

In an effort to maintain a competitive environment and not bog Contractors down with duplicative paperwork at Bid time, many of the specialized NSI schedules herein are due **48** hours after bids are received and the responsive low bidder is notified by DFMS. It is imperative that the bidder know which forms must be submitted at bid time and which are required shortly thereafter. Contractors who fail to complete and/or submit all required Schedules will have their bid proposals declared invalid and will be removed from consideration. Therefore, it is imperative that all Contractors be prepared to submit the Schedules when due, to remain eligible for consideration.

A. SCHEDULE A – “Program Compliance and HUB Utilization Plan” – 2 Page Form

Schedule A is submitted to DFMS **within 48 hours** after notice of a pending award. All information on this form must be consistent with like information on the standard MPS DFMS Proposal Form submitted at the time of bid. Otherwise the bid will be considered invalid.

1. HUB Firm/Target Persons Utilization
 - a. This schedule lists all MBE and WBE firms to be utilized by the Contractor including contact and scope information.
 - b. The schedule also indicates if all HUB Firms in the Contractor’s Utilization Plan are properly Certified. If one or more of the alleged HUB firms included on this schedule is/are not Certified prior to proposal submission, the form must indicate this fact.
 - c. The schedule provides a space for the Contractor to list the total estimated labor hours to be expended on the Project - by skill level. Space is also provided to indicate which trade areas may be available for COIN workers.
2. Indicating Planned Participation
 - a. Contractors are responsible for showing amounts to be contracted and the Planned Participation Levels as a percentage of their total base proposal or contract sum and indicating this on Schedule A.
 - b. Contractors are responsible for committing to a percentage of their total estimated onsite workforce hours available to workers who qualify for the Project’s COIN initiatives.

3. Plan Approval

Utilization Plans must be reviewed by the IM and approved by MPS before beginning work on the Project site.



B. SCHEDULE B1 “HUB Project Acknowledgement”

Schedule B1 is submitted to DFMS within 48 hours after notice of a pending award. All information on this form must be consistent with like information on the standard MPS DFMS Proposal Form submitted at the time of bid. Otherwise the bid will be considered invalid.

1. This schedule is an official notification to MPS and the Independent Monitor that the HUB firms listed on a Contractor’s proposal have agreed to participate on the Project and provide the Scope of Services listed, at the price shown on this Notarized form -- should the Contractor receive a contract from the DFMS. The form is to be completed by the HUB firm subcontractor, notarized and forwarded to the Contractor for submission with their bid documents. A copy of each proposed HUB firm’s current letter or certificate of Certification from approved Certification agencies must be submitted with the Project Acknowledgment. All Certification certificates or letters must include a descriptive statement of the HUB firm’s area of specialty. The HUB firm’s scope of work, detailed on Schedule A and Schedule B I, must conform to their stated area of specialty.
2. A copy of all Distributor Wholesale Agreements must accompany the form for all manufactured product the Wholesaler expects to provide to the Project.

C. SCHEDULE B2 – Affidavit of Business Status

Schedule B2 is submitted to the Independent Monitor 10 working days prior to the Bids Closing time and date if needed. Firms not properly certified MBE or WBE, by an appropriate Certification agency noted herein or those firms certified DBE only but do not have an appropriately authorized and approved Affidavit of Business Status on file with the Independent Monitor at the time of Bid Closing -- are not considered Certified. Submission of Uncertified firms with Bid or Proposal submittals may cause a Contractor’s bid/proposal to be rejected.

1. Schedule B2 is used by firms, that assert that they can qualify as a Minority or Women Business Entity, but have previously only been Certified as a DBE.
2. The DBE firm must have been previously approved by an Acceptable Certifying Agency (See Exhibit 1)
3. Once Schedule B2 is approved by the IM, the firm may be counted towards NSI Project requirements, as a Minority or Women Business Entity.



D. SCHEDULE E – “Employee Affidavit of Address and Income”

Schedule E (Rev 2) is completed by individuals, who are eligible for the MPS ONS COIN (Communities in Need) initiatives – a workforce preference program. This form is submitted as eligible workers are identified and become available before or during the life of the Contract.

1. The Contractor should provide the blank Affidavit to the potential workers, which the Contractor believes to be eligible to qualify for the MPS ONS COIN initiative. To qualify, potential workers must complete Schedule E providing all documents noted on the form. Once signed and notarized, the worker shall provide this form and copies of all supporting documentation to the Independent Monitor or approved Certification Agency (Exhibit 2B) for review and approval before reporting the individual(s) on their Monthly Workforce Utilization Report (Schedule F).
2. The Contractor may become aware of Pre-Certified COIN workers through one of the approved Certification Agencies or the IM. See Exhibit 2B – Assistance Agencies for potential pre-qualified persons. The Contractor should obtain a letter on the agencies letterhead stating which workers it has obtained from their list of eligible workers, which are duly registered into the MPS ONS COIN initiative and on file in the agency’s office. A copy of this letter should be forwarded to the Independent Monitor prior to reporting the individual(s) on the Contractor’s Monthly Workforce Utilization Report (Schedule F).

E. SCHEDULE C - “Joint Venture Agreements”

Schedule C should be submitted to the Independent Monitor at least **10 working days** prior to the Contractor’s proposal submission, to allow time for proper review. The IM will provide a recommendation to the MPS HUB Coordinator who will then issue a response to the Contractor within five (5) working days of receipt. The response will be in the form of an approval, rejection or recommendation for changes to the JV agreement that if made, would allow greater opportunity for approval.

If the Contractor includes the participation of a HUB Firm as a Joint Venture participant on any tier (either as the proposer to MPS or as a subcontractor on any tier), for Participation Credit, it must provide a copy of the Joint Venture Agreement(s) and an Affidavit of Joint Venture Form, Schedule C for each such Joint Venture for which credit is sought.

1. In order to demonstrate the HUB Firm’s partner’s share in the ownership, control, management responsibilities, risks and profits, of the Joint Venture, the proposed Joint Venture agreement must include specific details related to: (1) contributions of capital and equipment; (2) work responsibilities or other performance to be undertaken by the HUB Firm; and (3) the commitment of management, supervisory and operative personnel employed by the HUB Firm



to be dedicated to the performance of the contract. The Joint Venture Agreement(s) must also clearly define each partner's authority to contractually obligate the Joint Venture and each partner's authority to expend Joint Venture funds (e.g., check signing authority).

2. All plans for Joint Venture arrangements must be identified in Schedule C

F. SCHEDULE H1 -- "Student Education/Employment Participation"

Schedule H1 is submitted **at the time of bid or proposal submission.**

In completing this schedule, the Service Provider will indicate their intent to engage MPS students during the life of their NSI contract. The schedule provides participation options and requirements for engaging students. The schedule will be reviewed and approved prior to contract award.

V. MONTHLY & FINAL CONTRACTOR REPORTING REQUIREMENTS

During performance of a contract for the Project, each Contractor shall comply with the following Contractor reporting requirements. All forms are available in paper formats as well as Adobe Acrobat computerized forms for entry of data directly on a PC or MAC.

The Contractor shall prepare and submit accurate and timely Participation Level reports to the IM. These reports should be submitted with each Contractor's pay application.. The IM shall review the submittal, and report compliance with Participation Levels to the HUB Program Coordinator, Division of Facilities and Maintenance Services and Office of Neighborhood Schools. The Contractor's reports shall include, but not be limited to:

A. SCHEDULE D1– Monthly HUB Firm Payment Report

1. Reporting By Site

Each Contractor providing Construction or Professional Services shall submit one Schedule D1 report with each pay application. If the Service Provider makes any changes, for any reason, to the HUB firms or Contract values originally submitted on Schedule A, it must clearly denote and highlight those changes on the first Schedule D1 report submitted following the change.

If the Service Provider holds a single MPS contract to perform work on multiple NSI project Sites, the Service Provider must submit a different Schedule D1 for each site under contract. If a single financial transaction¹ is used to pay HUB subcontractors that perform work on multiple sites, the payment values shown on the corresponding Schedule D1 shall represent the Service Provider's allocated cost for the HUB subcontractor, for that site.

¹ The "financial transaction" can be in the form of a check, electronic funds transfer, etc.



Service Providers performing work on multiple sites under a single MPS contract will also be required to complete a Schedule D2 report – per contract, attached to two or more Schedule D1 report – one for each school; which shall be submitted with each draw request.

With each Schedule submission, the Service Provider shall regularly and accurately submit information showing: Current contract values for itself and all HUB subcontractors; the Service Provider’s current draw request, total funds received as of the report month and all past payments made to HUB firms during the period covered by the Schedule submission. Questions on the proper application of forms should be referred to the Independent Monitor.

a. HUB First Tier Service Providers

First tier vendors to MPS that happen to be HUB firms, shall list all non-HUB sub vendors used on the Project on Schedule D1. The HUB Contractor shall list its total contract value in the Prime row and list its own Self Perform work as a sub-vendor in the first row marked Sub 1.

Additionally, as the MPS NSI Participation Plan requires that all contractors, including HUB firms, meet the HUB Participation requirements through self performing or subcontracting to other HUB vendor, the 1st Tier HUB vendor shall list all non-HUB Service Providers (at any tier) immediately below it’s self perform row, beginning with Sub 2, followed by Sub 3 etc. (Sub-sub tier relationships should be listed as: 2nd tier vendor / 3rd tier vendor).

Once all non-HUB vendors are concluded, the 1st Tier HUB Service Provider shall then list all HUB sub tier vendors used on the project. Use additional copies of Schedule D1 as necessary.

b. Non-HUB First Tier Service Providers

Non-HUB 1st tier vendors shall list its total contract value on Schedule D1 in the “Prime” row. Additionally, this Service Provider is required to list all HUB firms used as sub vendors, at any tier, in the designated rows of (Sub 1, Sub 2 etc.) Use additional copies of Schedule D1 if necessary. It shall not be necessary to list non-HUB Service Providers, unless HUB firms listed on Schedule D1 have non-HUB sub vendors, in which case this information must be disclosed on Schedule D1. (Sub-sub tier relationships should be listed as: 2nd tier vendor / 3rd tier vendor).

c. Professional Service Providers and Projects without Owner Purchases

Enter all Contract Values on Schedule D1 in the row marked “NET”. (You may skip point “2” below concerning Owner Purchases).



2. Reporting Owner Purchases (Trade Contractors Only)

For every HUB subcontract where the Contractor desires to count Owner Purchases for Participation Credit, the Contractor must first obtain approval from the IM or MPS HUB Program Coordinator. MPS has developed the following procedure to account for Owner Purchases on Participation reporting forms.

- a. Schedule D1 shall be used by all Service Providers to report approved Owner Purchase Contract (OPC) arrangements.
- b. Contractors shall report the total value of all OPC included in its total Gross Contract Value provided on Schedule D1. On this form, the 1st Tier Service Provider to MPS (Contractor) is listed as “Prime Contractor”.
- c. Contractors shall separately list the total cost of OPC in the space provided and labeled “OPC”.
- d. Contractors shall calculate and enter its NET contract value (Gross less OPC amounts), including Change Orders. The NET amount listed for the “Prime” on Schedule D1 shall equal the total current NSI contract value held with MPS.
- e. Contractors shall display the Gross Contract, approved OPC and Net Contract Values (Gross less OPC) including Change Orders for each contract held by a HUB sub tier contractor. Contractors and sub tier HUB contractors engaged in questionable business practices, in regards to Owner Purchase Contracts, shall not have such arrangements approved. If these practices are discovered following approval, the HUB Program Coordinator or IM may disallow Participation Credit for any or all OPC amounts claims for Participation Credit by the Contractor. The IM shall notify the Contractor if concerns arise from OPC contracting arrangements, prior to taking action and shall recommend a remedy, if one is known to exist, that will bring the contract into compliance.
- f. If Participation Credit is desired for OPC materials, the following must exist:
 - i. The HUB firm must install the OPC equipment.
 - ii. It must be demonstrated to the IM and HUB Program Coordinator’s satisfaction that the HUB firm will/has received a reasonable “mark up” for handling the materials. “Reasonableness” shall be determined by examining the practices of similar projects utilizing OPC materials counted for Participation Credit under similar circumstances.
 - iii. The arrangement shall be approved in writing by the IM or HUB Office Coordinator prior to executing the agreement.



- g. Contractors shall display each contract held by a HUB firm, at every tier on Schedule D1. If the same HUB firm holds multiple contracts impacted by OPC materials, each contract shall be listed showing the Gross/OPC/Net Amounts legible on the submitted schedule.
- h. All Contractor payments made to sub tier HUB firms (at any tier) is considered a payment towards the NET Contract Amount and mark ups.
- i. OPC payments to suppliers will be monitored by the IM directly with MPS and Participation credit appropriately applied as payments are made by MPS.

B. SCHEDULE D2– Monthly HUB Firm Payment Report – Summary

Only Contractors performing work on multiple sites, under a single MPS contract need to submit a Schedule D2. A schedule D2 is required for each contract held by the Contractor covering multiple MPS construction sites. Contractors should report NET payments only on Schedule D2 without regards to Owner Purchases.

The purpose of the schedule is to provide the Independent Monitor with additional information concerning payment distribution to HUB subcontractors, especially when payments are made to HUB firms with one check or other financial instrument -- for completed work on multiple project sites. Used in conjunction with schedule D1, the IM will be able to perform faster field reviews allowing contractors to spend more time as “contractors” rather than assisting the IM in untangling messy or unnecessary payment disputes at a later date.

While a single Hub Subcontractor may appear on multiple Schedule D1 submittals, according to the MPS Sites under contract, the subcontractor’s name must appear only once on the accompanying and corresponding Schedule D2 – Summary report -- followed by the summary payment data for the period.

C. SCHEDULE F -- Total Workforce Hours Summary and Certified Payroll Report

Each Contractor providing Construction Services shall submit this schedule with their pay application. This summary sheet should be accompanied by a detailed Certified Payroll report. Schedule F is a summary of total workforce hours with detail listings only for the COIN workforce.

Certified Payroll reports should include at minimum the: Name, home addresses, race and gender of its’ employees utilized for this Project. Additionally, the Contractor shall submit Schedule E Affidavits for any employees utilized by the Contractor in meeting the residency requirements, which had not been previously submitted to the IM. Certified Payrolls and missing Affidavits must be supplied to the IM within five (5) working days of transmission of Schedule F.



D. SCHEDULE H2 – Student Education/Employment Activities

Schedule H2 report is submitted with the Service Provider’s pay application/invoice. Schedule H2 is a report on planning and activities undertaken to engage MPS students.

E. SCHEDULE G -- Final Payment Certification

Schedule G documents are submitted to the Independent Monitor at the time of the Contractor’s final payment request. The Contractor’s HUB firm subcontractors complete the form to acknowledge receipt of Project payments, less any retention – as noted on the form. The IM shall notify MPS of the Contractors compliance with this requirement before MPS will release the firm’s final payment.

Failure to submit the required reporting forms to MPS may result in remedies as outlined in Section IX: Compliance, Remedies and Sanctions

VI. MAINTENANCE OF PARTICIPATION LEVELS

The Contractor will maintain the Participation Levels approved at the time of its contract execution and may be amended from time to time in writing as reviewed by the Independent Monitor and approved by MPS during the Project.

A. CHANGE ORDERS

Change Orders will be reviewed by the Independent Monitor for compliance with the spirit of this Participation Program. It is expected that the dollar amount of change orders, or any other contract modifications that increase or decrease the scope of work committed to HUB Firms and Persons will commensurately add or subtract from the total contract amount used to compute the Participation Levels.

B. DISCLOSURE OF CHANGES

The Contractor will immediately report in writing to the IM, any changes in the ownership and/or control of a HUB Firm, or Joint Venture; including HUB participants identified on a Monthly Utilization Report by a Contractor. Such disclosure will provide the facts surrounding the changes and the effective dates of any changes to be made subsequent to proposal due dates. Changes may include, but are not limited to:

1. Amendments, modifications, additions, deletions, revisions.
2. Execution of new agreements, board and/or shareholders’ resolutions, memoranda of understanding.
3. Consolidation, liquidation, reorganization, merger, or bankruptcy.
4. Election of new officers and/or directors, appointment of new principals and/or key personnel.



5. The purchase and/or sale of shares, new issues of shares.
6. Loss of Certification by any HUB Firm or Targeted Person for any reason.

C. SUBCONTRACTS

The Contractor will submit to the IM copies of all executed HUB Firm subcontracts (or Purchase Orders) and all supporting and associated documentation within 20 working days after the Contractor receives MPS Board approval of its contract from DFMS, or before the Contractor begins work on the Project, whichever comes first. The Contractor shall be considered under contract (“Awarded” a contract) upon Board approval. If the Contractor cannot issue HUB subcontracts within this time, it must provide written notice to the IM, explaining when they will be written. Copies of all subsequent HUB contracts must be provided to the IM within 10 working days after issuance. The Contractor shall not falsify any information related to any subcontract, including but not limited to, subcontractor’s name and/or actual work to be performed by HUB Firms. No HUB vendor substitutions or scope of work reductions shall occur without the expressed written consent of the MPS HUB Program Coordinator.

D. CONSTRUCTION MEETINGS

The Contractor will attend construction meetings as required by MPS, at which time Participation Levels and other matters may be discussed. The Contractor will be responsible for informing subcontractors of all Participation Program procedures and enforcing them as necessary for the Contractor to achieve compliance with Participation Levels under its contract with the ONS. The IM may present Participation Program issues for discussion at these construction meetings.

E. PERFORMANCE ASSISTANCE

The Contractor will ensure that HUB Firms performing any portion of the Project and students in their employ have maximum opportunity to successfully perform, including:

1. Negotiating in good faith to attempt to finalize subcontracts consistent with the Participation Program and by securing signed subcontracts or issuing Purchase Orders within twenty (20) working days after “Award” to Contractor or before a subcontractor commences work on the Project, whichever comes sooner.
2. Providing assistance to HUB Firm subcontractors in obtaining bonding if required by the Contractor or by law.
3. Reporting HUB Firm, student or workforce needs to the IM and MPS; while encouraging their participation in community-based Assistance Agency programs and with the IM – where appropriate.



4. Notifying HUB Firms, students or Targeted workers in writing of any potential problems and attempt to resolve them in a reasonable time prior to formally requesting approval from the IM to substitute any HUB Firm or Person.
5. Making payments of all monies due and owing to HUB Firms or Persons in accordance with their employment agreement, contract or Purchase Order agreement. This requires that all HUB firms be paid within 7 calendar days of the Contractor for all undisputed and completed work. Any matters considered under “dispute” must be in writing in the form of a letter to the Targeted Persons or HUB Firm and copied to the IM, HUB Program Office and DFMS.
6. Informing the IM in a timely manner of any problems anticipated in attaining the Participation Levels or affecting continued HUB Firms, student or Targeted Persons participation agreed to under this Participation Program.

VII. REPLACEMENT OF HUB FIRMS AND PERSONS

Changes by the Contractor of the Participation Level commitments as supplied in Schedule A and approved by the Independent Monitor are prohibited unless approved in writing by the MPS HUB Program Coordinator. In some cases however, it may become necessary to substitute a new HUB Firm or Persons in order to actually fulfill Participation Levels. This also must be approved in writing by the MPS HUB Program Coordinator.

HUB vendor and Target person substitution may not be done arbitrarily. The Contractor must provide a clear and reasonable explanation of replacement rationale by written notification to the Independent Monitor of any necessity to reduce or terminate a HUB Person or Firm’s subcontract agreement at any sub tier level and to utilize a substitute party for some aspect of the Project’s services with a copy to DFMS and the MPS HUB Program Coordinator. The Contractor’s notification should include the name, address, and principal officer of the substitute HUB Firm or Person(s), and the dollar value or projected hours of work and scope of the subcontract or employment. Attached should be all the requisite affidavits and documents for that HUB Firm or Person, as enumerated in Sections IV “Participation Level Submittal Requirements” and V “Contractor Reporting Requirements.”

MPS will not approve extra payment for escalated costs incurred by the Contractor when a substitution of subcontractors or persons becomes necessary for the Contractor in order to comply with HUB Firms and/or Targeted Persons contract requirements.

After award of contract and initial approval of Participation Levels, MPS, only in exceptional circumstances will grant relief of the Participation Level commitments. Requests for complete or partial waiver of the HUB Firm or COIN requirements of a contract must be made in writing, stating all details of the request, the circumstances, and any additional relevant information. A record of all efforts taken by the Contractor to locate specific persons or firms and to solicit HUB Persons or Firms as outlined below, must accompany the request. Contractors must be able to state and prove that market conditions or staff availability has changed since the contract award substantially enough to warrant a waiver.



A. GOOD FAITH EFFORT

If the Contractor, after execution of a Contract, requests substitution of a Targeted Person or HUB Firm, as an employee or subcontractor(s) respectively, the Contractor will use Good Faith efforts to replace a Targeted Person or HUB Firm with another Targeted Person or HUB Firm. The overall Participation Levels as identified in the Contractor's proposal and Schedule A must be maintained regardless of such substitution. No HUB vendor substitutions shall occur without the expressed written consent of the MPS HUB Program Coordinator.

B. OBTAINING CONSENT

The Contractor will obtain the written consent of the MPS HUB Program Coordinator before making, or allowing, any changes in the HUB firms performing at any sub tier.

C. SUBSTITUTION SUBMITTAL

The Contractor will make a written submittal to the MPS HUB Program Coordinator, with copy to DFMS and the Independent Monitor of any requested substitution of HUB Firms or Persons. The list will include the dollar value or job title and the type of Construction or Professional Services to be performed by each such HUB Firm or Person. No later than five (5) working days after approval of a substitution, the Contractor will submit a copy of each new subcontract entered into or list of new persons hired to the Independent Monitor.

VIII. AUDIT AND INSPECTION

A. INDEPENDENT MONITOR RIGHT TO AUDIT

MPS and the Independent Monitor reserve the right to audit the records and inspect the facilities of the Contractor and any of its subcontractors for the purpose of verifying HUB Firm and Targeted Person participation. The Contractor and subcontractors will permit access to their records upon the request of MPS or Independent Monitor. The IM shall be entitled to examine, on three (3) working days notice, the Contractor's books and records including, without limitation, payroll records, tax returns and records, and books of account, to determine whether the Contractor is in compliance with its Participation Levels commitment and the status of any Targeted Person or HUB Firm on any portion of the contract. Such rights are in addition to any other audit inspection rights contained in the contract.

B. OTHER AUDIT RIGHTS

Notice is hereby given that MPS, the City, County, State, and Federal authorities may initiate or cooperate with the Independent Monitor in auditing and inspecting such records.



IX. COMPLIANCE, REMEDIES AND SANCTIONS

A. COMPLIANCE AGREEMENT

The Contractor agrees, as a condition of receiving a contract with the DFMS or ONS (in connection with the Neighborhood Schools Project), that if it is found in violation of the Participation Program provisions during the performance of the Project, MPS shall be entitled to enforce such remedies, as it may deem appropriate.

B. COMPLIANCE REVIEWS

During the performance of a contract for the Project, the Independent Monitor shall conduct compliance reviews no less frequently than every three months. If the Contractor is not in compliance with the Participation Program, the Independent Monitor will notify the Contractor in writing of the corrective action that will bring the Contractor into compliance.

C. NON COMPLIANCE REMEDIES AND MISREPRESENTATION SANCTIONS

If any document or Schedule submitted to MPS or the IM by a Contractor contains false, misleading or fraudulent information; or if a Contractor fails to submit required documentation and reports to MPS or the IM as requested; such action or inaction, shall be considered an act of non-compliance.

During the performance of this contract, the IM as an agent of MPS and the Office of Neighborhood Schools, reserves the right to conduct compliance reviews. If any Contractor or sub contractor is found to be not in compliance with the requirements of the Participation Plan, including submission of documents containing false, misleading, or fraudulent information in connection with obtaining, maintaining or connected with any MPS NSI contract, the Independent Monitor may recommend; and upon conferral with the HUB Program Coordinator, the MPS contracting Director may take one or more of the actions listed below on the offending Contractor, subcontractor, bidder, or individual:

1. Withholding of payments
2. Termination, suspension, or cancellation of the contract, in whole or in part.
3. Denial to Participate in any further contracts awarded by MPS for a specified period of up to three years and
4. Any other remedy available to MPS at law or in equity.

In the case of fraud or providing misleading or fraudulent information, the Contractor shall upon conviction, forfeit the maximum available by law with the costs of prosecution and upon default of payment, shall be imprisoned in the County Jail or House of Correction as allowed by law, or until the forfeiture costs are paid.



D. SANCTIONS PROCESS

By entering into a Contract with MPS on NSI projects, the Service Provider agrees to meet the Participation Requirements of its Contract. The Service Provider agrees that absent specific contract language to the contrary, or written permission from the MPS HUB Program Coordinator, the Participation Plan language, contained herein, shall apply to its contract without exception.

- 1 The Independent Monitor will oversee the Service Provider's Implementation and Utilization Plans, verify Student Education, Student Hiring, Communities in Need (COIN) and HUB firm Participation, and report any non-compliant matters to the HUB Program Coordinator and DFMS.
- 2 Service Providers not meeting their Participation projections, as measured monthly, will be required to provide a Remedial Plan to MPS within 10 working days written notice from MPS that such a plan is required.
- 3 After submitting the Remedial Plan, the Service Provider shall have one (1) additional month to come into compliance.
- 4 If the Service Provider is still out of Compliance after applying the Remedial Plan for one (1) month, appropriate Sanctions will be applied at the time of the next pay request.
- 5 As the Project progresses Penalties and Sanctions may be applied to pay requests. Penalties and/or sanctions may affect future contracting opportunities.



APPENDIX





EXHIBITS

EXHIBIT NUMBER AND DESCRIPTIVE TITLE	Latest Edition	Date
HISTORICALLY UNDERUTILIZED BUSINESSES - CERTIFICATION		
Exhibit 1 -- List of Acceptable Certification Agencies	R1	030627
RESIDENCY PREFERENCE PROGRAM.		
Exhibit 2A – List of Acceptable COIN Qualification Agencies	R1	030627
Exhibit 2B – COIN Impact Area Map for Milwaukee County	R1	030627
Exhibit 2C – Underemployment Criterion	R2	031028
COMMUNITY ASSISTANCE AGENCIES		
Exhibit 3 -- Recognized Assistance Agencies (2 pages)	R1	030627



SCHEDULES

FORM LETTER AND DESCRIPTIVE TITLE	Latest Edition	Date
Participation Level Submittal Requirements – (if necessary)		
Schedule A – Program Compliance and Hub Utilization Plan ² (2 pages)	R2	030627
Schedule B1 – HUB Project Acknowledgement ²	R1	030627
Schedule B2 – Affidavit of Business Status ³	R2	030627
Schedule C – Joint Venture Agreements ³ (5 Pages)	R2	030627
Schedule E – COIN – Address & Income Affidavit ⁴	R3	030627
Schedule H1 – Student Education/Employment Participation ²	R2	030627
Monthly Reporting Requirements – Must be submitted with each Pay Application.		
Schedule D1 – Monthly HUB Firm Payment Report – by Site ⁵	R2	030627
Schedule D2 – Monthly HUB Firm Payment Report – Summary ⁵	R1	030627
Schedule F – Workforce Reporting	R2	030627
Schedule H2 – Student Education/Employment Activities	R2	030627
Final Submittal		
Schedule G – Final Payment Certification	R2	030627

² This Schedule is submitted to MPS **within 48 hours** after proposal submission. All information on this form must be consistent with like information on the standard MPS DFMS Proposal Form submitted at the time of bid. Otherwise the bid will be considered invalid.

³ These Schedules are submitted for approval, to the Independent Monitor **10 working days prior** to the Bid’s Closing time and date, as needed. Firms certified “DBE only” without an appropriately approved Affidavit of Business Status – which officially reclassifies the firm as an MBE, WBE or both, if appropriate; on filed with the Independent Monitor at the time of Bid Closing -- are not considered properly certified.

⁴ This Schedule is submitted after contract award, as employees are hired.

⁵ Schedule D2 is submitted only if the reporting Contractor has paid a HUB subcontractor with one financial transaction (check or electronic funds transfer, etc.) for completed work on multiple NSI Projects. In which case, the Contractor would also supply a separate Schedule D1 for each Site where work was performed. If all subcontractor payments are Site based, Scheduled D2 is not necessary.