

CITY OF MILWAUKEE  
DEPARTMENT OF COMPLIANCE AND ENGAGEMENT (DCE)  
PROVISIONS FOR  
SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION

**General**

A. In accordance with Chapter 370 Section 5 of the Milwaukee Code of Ordinances, the Department of Administration-Purchasing Division must utilize Small Business Enterprises (SBE) in their contracting activities. The participation requirements for small businesses (SBEs) expressed as a percentage of the total dollars annually expended are:

- Construction 25%
- Goods and services 25%
- Professional services 18%

These requirements shall be reviewed and adjusted annually with the approval of the common council. In an effort to meet these requirements, the City Purchasing Director, as contracting officer for the City, requires all bidders to utilize SBEs as subcontractors and/or material suppliers on all contracts, when appropriate.

Bidders are encouraged to review Chapter 370 in its entirety. For a full copy of Chapter 370, please visit the website for the Department of Compliance and Engagement (DCE) at [city.milwaukee.gov/dce](http://city.milwaukee.gov/dce).

B. The contractor shall prepare and submit accurate and timely SBE utilization forms and reports. The reports shall include, but not be limited to:

- Contractor Compliance Plan (Form A)
- Electronic reporting in the Compliance Reporting and Certification System (include monthly electronic reporting in contract compliance reporting and certification system), and
- SBE Subcontractor Payment Certification (Form E)

Failure to submit the forms and/or reports may result in disqualification of future bids, delay of payments, or other sanctions deemed appropriate. The final contract payments will not be made until a final Monthly Report (CRCS final audit) and SBE Subcontractor Payment Certification (Form E) are on file with the Department of Compliance and Engagement (DCE).

C. During the performance of this contract, the Purchasing Division reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Purchasing Division will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, except in the case of fraudulent information, the Purchasing Division may take one or more of the following actions listed below:

- Terminate or cancel the contract, in whole or in part.
- Debarment of the contractor from bidding.
- Withhold payments on the contract.
- Any other remedy available to the City by law or in equity.

**SBE Utilization Requirements**

It is the policy of the City of Milwaukee that Small Business Enterprises (SBEs) have the maximum feasible opportunity to participate in the performance of City contracts. Therefore:

A. The Bidder agrees to carry out this SBE policy through award of subcontracts to SBEs to the fullest extent consistent with the efficient performance of this contract.

B. Only those companies which are certified by the City of Milwaukee Department of Compliance and Engagement may be utilized to meet the participation requirements established by Chapter 370. The Department of Compliance and Engagement can supply the bidder with a list of certified companies accessible on their website [milwaukee.diversitycompliance.com/FrontEnd/searchcertifieddirectory.asp](http://milwaukee.diversitycompliance.com/FrontEnd/searchcertifieddirectory.asp).

C. The bidder agrees that pursuant to Chapter 370 Section 5, the following requirements are adopted by the City for increasing the level of small business enterprise participation in City contracts:

- Construction: 25%
- The purchase of goods and services: 25%
- The purchase of professional services: 18%

At least 18% (Professional Services) or 25% (Goods & Services, Construction Services) of the total dollar value of the contract shall be subcontracted to Small Business Enterprises.

Any adjustments to the aforementioned required levels of participation will be documented on the Contractor Compliance Plan (Form A) and/or in the form of an addendum, otherwise the contract requirements are as herein stated.

All Small Business Enterprise (SBE) contract requirements will continue to be set on a per contract basis. Every attempt will be made to establish realistic and achievable SBE requirements. Individual contract requirements will be set based upon the dollar value of the project, the availability of certified SBEs to perform the work that is to be subcontracted, and the availability of SBEs by certification category.

- D. The bidder is required to subcontract to small business firms a share of the work consistent with the contract requirements. In some cases, a Contractor may be able to fulfill a portion of the participation requirements; however, the Contractor will be required to meet the rest of the participation requirements.
- E. The bidder must submit a list of the proposed subcontractors on the Contractor Compliance Plan (Form A), sign the form, and include the estimated dollar amount of contract dollars to be awarded to each proposed SBE subcontractor. A final executed copy of the Contractor Compliance Plan (Form A), with the SBE's signature(s), must be included as a part of the bid response.
- F. The Bidder should only use those small business enterprises listed by or confirmed in writing through the DCE to receive full credit. The successful bidder shall cooperate with the City of Milwaukee and the DCE in studies and surveys of the Contractor's small business procedures and practices.
- G. The successful Bidder shall maintain records showing:
  - Awards to small businesses
  - Specific efforts to identify and award subcontracts to small businesses, and
  - Payments to small businesses.
- H. The successful Bidder shall confirm monthly audits in the CRCS of subcontracting to known small businesses in such form and manner and at such time as the City of Milwaukee or the Department of Compliance and Engagement may prescribe.
- I. CRCS audits shall be provided frequently and/or at the request of the DCE.
- J. Upon successful completion of a contract, the successful bidder shall submit a completed Form E signed by all SBE subcontractors that were actively engaged on the respective contract. Indication of the final audit in the CRCS is required in addition to the completed Form E.
- K. The DCE shall have the right to review and audit records, receipts and documents maintained by the Contractor, upon reasonable notice.
- L. For contracts containing SBE utilization requirements, the contractor is required to participate in mandatory CRCS training within thirty (30) days of contract award. Training can be found at: [milwaukee.diversitycompliance.com/?TN=milwaukee](http://milwaukee.diversitycompliance.com/?TN=milwaukee) .
- M. Questions relating to the SBE Program should be directed to the Department of Compliance and Engagement (DCE).

<b>CONTACT INFORMATION</b>	
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