



# Department of Property&Procurement

Government of the United States Virgin Islands

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August 16, 2021

## **AMENDMENT EIGHT (8) RFP-017-C-2021(P) – Design-Build Services for Arthur Richards PK-8 New Build, St. Croix, U.S. Virgin Islands**

**INSERT**

**Attached Form VIDE A-585 for completion.**

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

BIDDERS MUST ACKNOWLEDGE RECEIPT OF THIS AMENDMENT WITH THEIR BID  
PROPOSAL.

**Form VIDE A-585**DBE A  
Rev. 12/2019**VIRGIN ISLANDS DEPARTMENT OF EDUCATION**

Minority and Women Business Enterprise/ Disadvantaged Business Enterprise (MWBE/DBE) Program

**MWBE/DBE Commitment Form**

Project Name:

FAP:

Contract MWBE/DBE Goal %:

Form Revision No:

Name of MWBE/DBE Contractor, Supplier, Consultant:

Item No(s).	Description of Work (item, material, service)	Quantity	Price/Unit	Total Dollars
GRAND TOTAL				

1. Total Amount of the Bid (\$):

2. Total Committed MWBE/DBE Participation (%)\*:

3. Amount Committed to this MWBE/DBE (\$):

4. Amount Committed to this MWBE/DBE (%):

Prime Contractor's MWBE/DBE Officer:

*\*Must equal or exceed established goal indicated above or bid may be rendered non-responsive.*

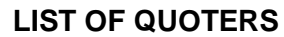
The Parties assure Virgin Islands Department of Education (VIDE) that each will abide by the Minority and Women Business Enterprise/Disadvantaged Business Enterprise (MWBE/DBE) program and all related contract specifications and provisions. If a contract goal is established for this project, the Prime Contractor commits to achieving the goal and will submit the names of certified MWBE firms and their committed percentages using Form VIDE A-585. The Parties understand that Form VIDE A-585 must be revised anytime commitments exceed the established contract goal. The parties further understand that MWBE firm removal and/or substitution is not permitted without written consent of the VIDE MWBE/DBE Program Liaison and only upon a showing of Good Faith Efforts. The parties acknowledge that failure to achieve the goal or otherwise to comply with VIDE MWBE/DBE program requirements may result in VIDE levying liquidated damages or any other remedy available under Federal or Territorial law.

Signature of Prime Contractor Official:

Signature of MWBE/DBE Firm Official:

Date:

Date:



**Prime Firm's Name:** \_\_\_\_\_ **Solicitation Number:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

MBE(AA)=Certified Minority Business Enterprise (African American), MBE(H)=Certified Minority Business Enterprise (Hispanic), MBE(ANA)=Certified Minority Business Enterprise (Asian or Native American)

[illegible]

# Special Provisions

The VIDE uses the following MWBE/DBE special provisions:

*The Virgin Islands Department of Education (VIDE) has committed to provide certified firms full participation in all phases of procurement activities and to afford a full and fair opportunity to all vendors to compete for VIDE contracts. When the VIDE has established a MWBE/DBE contract goal on a VIDE project, it shall award the contract only to a bidder who makes a commitment to meet the established goal or who makes good faith efforts to do so as evidence by the bidder's signed Statement of Responsibility form submitted at the time of the bid opening. The award of the contract will be conditioned on meeting the requirements of this section. The VIDE shall determine whether a bidder has made good faith efforts if it documents either: that it can meet the MWBE/DBE contract goal by documenting that it has obtained commitments for sufficient participation by MWBE/DBE firms; or by documenting that it made adequate good faith efforts to meet the MWBE/DBE contract goal by showing that it took all necessary and reasonable steps, which by their scope, intensity, and appropriateness to the objective of meeting the goal, could reasonably be expected to obtain sufficient MWBE/DBE participation, even if the bidder was not fully successful.*

- 1. All bidders shall give written assurance in their bid proposal to meet the established MWBE/DBE contract goal or propose a reduced goal. The bidder's written assurance is the signed Statement of Responsibility form and will be considered binding.*
- 2. The selected bidder must complete and sign the MWBE/DBE Commitment Form VIDE A-585 as part of the contract. All listed MWBE/DBE firm(s) must be certified by the DPW DBE program or certified by the Small Business Administration as a minority or woman-owned business or 8(a) firm prior to submission of the MWBE/DBE Commitment Form VIDE A-585.*
- 3. The information required on all forms must be accurate, complete in every detail and in final form at the time it is submitted to the VIDE and/or its Contracting Office (Department of Property & Procurement). All bidders are required to list on the MWBE/DBE Commitment Form VIDE A-585, the following information:*
  - a. The names of the MWBE/DBE subcontractor(s) and/or material supplier(s) that will participate in the contract;*
  - b. Item number(s) & description of the work that the MWBE/DBE will perform;*
  - c. The dollar amount of the participation for each item of work the MWBE/DBE will perform;*
  - d. Written documentation of the bidder's commitment to use a MWBE/DBE subcontractor/supplier whose participation it submits to meet the MWBE/DBE contract goal.*
- 4. If the apparent low bidder cannot meet the established MWBE/DBE contract goal, the bidder shall submit documented demonstration of good faith efforts prior to contracting. This justification is a documented demonstration of good faith efforts by the bidder, which must, in the end; show that the contractor had actively and aggressively sought out MWBE/DBEs to participate in the project. Mere pro forma efforts are not the necessary and reasonable steps that indicate good faith efforts. The VIDE will consider the quality, quantity, and intensity of the different kinds of efforts that were made in trying to obtain MWBE/DBE participation sufficient to meet the MWBE/DBE contract goal. The following is a list of types of actions, which the VIDE will consider as part of the bidder's good faith efforts to obtain MWBE/DBE participation. This list is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive, as other factors or types of efforts may be relevant in appropriate cases. This demonstration should include, but not be limited to, the following:*
  - a. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings,*

advertising and/or written notices) the interest of all certified MWBE/DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow MWBE/DBEs to respond to the solicitation. The bidder must determine with certainty if taking appropriate steps to follow up initial solicitations interests the MWBE/DBEs.

- b. *Selecting portions of the work to be performed by MWBE/DBEs in order to increase the likelihood that the MWBE/DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MWBE/DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.*
- c. *Providing interested MWBE/DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.*
- d. *Negotiating in good faith with interested MWBE/DBEs. It is the bidder's responsibility to make a portion of the work available to MWBE/DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MWBE/DBE subcontractors and suppliers, so as to facilitate MWBE/DBE participation. Evidence of such negotiation includes the names, addresses and telephone numbers of MWBE/DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for MWBE/DBEs to perform the work.*

*A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including MWBE/DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration.*

*However, the fact that there may be some additional costs involved in finding and using MWBE/DBEs is not in itself sufficient reason for a bidder's failure to meet the contract MWBE/DBE goal, as long as such costs are reasonable. Also, the ability or desire of the prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from MWBE/DBEs if the price difference is excessive or unreasonable.*

- e. *Not rejecting MWBE/DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.*
- f. *Making efforts to assist interested MWBE/DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.*

- g. Making efforts to assist interested MWBE/DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.*
- h. Effectively using the services of available minority/women community organizations; minority/women contractor's groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of MWBE/DBEs.*

*It is the policy of the VIDE to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a MWBE/DBE. A MWBE/DBE contract goal of 25% (twenty-five) percent has been established for this contract. The bidder/offeror shall make good faith efforts, as outlined above, to meet the contract goal for MWBE/DBE participation in the performance of this contract.*

*The bidder/offeror will be required to submit the following information with its bid: (1) the names and addresses of MWBE/DBE firms that will participate in the contract; (2) a description of the work that each MWBE/DBE firm will perform; (3) the dollar amount of the participation of each MWBE/DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a MWBE/DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the MWBE/DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.*