

Request for Committee Action

To: Ways & Means
Date: 5/9/2016
Referral: N/A
From: Minneapolis Convention Center
Prepared by: Gary Warnberg
Presented by: None
File type: Action
Subcategory: Bid

*David F. Schueter
for
Gary Warnberg*

Subject:

Approval of Official Publication No. 8246 Bids for Painting of Exhibit Halls.

Description:

Acceptance of the low responsive bid of Prindle Painting, Inc. (OP No. 8246) in the amount of \$360,000.00 to furnish and deliver all labor, materials and incidentals necessary for the Painting of Exhibit Halls for the Minneapolis Convention Center, as follows:

Lump Sum: \$360,000.00

The apparent low bidder did not meet the small and underutilized business requirements (SUBP). Please refer to the enclosed staff memo.

Terms are net-30 days

F.O.B.: Destination

Further recommend proper Officers be authorized and directed to execute a contract for this project, all in accordance with our specifications.

This has been approved by the Civil Rights Department.

Previous Actions:

None.

Ward/Neighborhood/Address:

Not Applicable

Background/Analysis:

Tabulation of three (3) bids received on Official Publication No. 8246 Bids for Painting of Exhibit Halls.

Financial Review:

Select financial statement.

Action is within Budget.

Attachments:

1. Staff Memo
2. Tabulation Sheet

April 8, 2016

Sent via e-mail

Guy Willits Decorating Inc.
Attn: Guy Willits
925 McKnight Rd. S.
Saint Paul, MN 55119

RE: Good Faith Efforts Review Determination – Official Publication No. 8246
MCC Painting of Exhibit Hall

Dear Guy Willits:

Based on findings from a review of Guy Willits Decorating Inc.'s good-faith efforts (GFE) to meet the City of Minneapolis Small and Underutilized Business Program (SUBP) project goals, Guy Willits will not be awarded the contract for Official Publication No. 8246 – MCC Painting of Exhibit Hall.¹

The Small and Underutilized Business Program inclusion goal for this project is 6% combined Minority-owned Business Enterprises (MBEs) and Woman-owned Business Enterprises (WBEs). However, Guy Willits' SUBP Participation Form indicated 0% MBE and 0% WBE. Therefore, the MBE/WBE goal was not met and a GFE review was conducted. After careful review of all GFE documents, the Division determined that Guy Willits did not make a good faith effort to contract with MBEs and WBEs based on the following:

Minneapolis Ordinance 423.90(g)(1) states the department may consider whether the bidder or proposer:

Solicited through all reasonable and available means (attendance at pre-bid meetings, advertising and/or written notices) the interest of all MBEs/WBEs certified in the scopes of work of the contract. The bidder or proposer must solicit MBEs/WBEs in sufficient time prior to bid opening or the proposal deadline to allow MBEs/WBEs to respond to solicitations. The bidder or proposer must determine with reasonable certainty if the MBEs/WBEs are interested by taking appropriate steps to follow up on initial solicitations.

Please note that for the GFE review, only efforts conducted prior to bid opening can be considered. Any commitments to utilize MBEs/WBEs that are not included in the bid submission cannot be taken into consideration during the GFE review.

After careful examination of all the requested and submitted GFE documentation, the City has determined that Guy Willits Decorating Inc. did not make a good faith effort to contract with MBEs and WBEs in accordance with Chapter 423.90(g). A list² of 26 MBEs/WBEs certified in the scopes of work identified as subcontracting opportunities for this project was included in the bid specifications. When such a list is provided, bidders are expected to make use of it in soliciting "all MBEs/WBEs certified in the scopes of work of the contract." Guy Willits did not use this list, and instead solicited only one MBE in total. Many available MBEs/WBEs certified in work relating to this project were not solicited.

¹ See Minneapolis Code of Ordinances, Chapter 423 (Small and Underutilized Business Program)

² The list is dated February 3, 2016.

Consequently, because Guy Willits solicited so few MBEs/WBEs, Guy Willits did not solicit "through all reasonable and available means."

If you have any questions or would like to discuss how to make a good faith effort in the future, please contact Contract Compliance Officer Melyssa Mdumuka at 612-673-5502, or at Melyssa.Mdumuka@minneapolismn.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Francois', with a long horizontal flourish extending to the right.

Karen Francois, Director
Minneapolis Department of Civil Rights
Contract Compliance Division

CC: David Schlueter, Purchasing; Randy Rasmussen, Minneapolis Convention Center

