

March 15, 2021

REGARDING

Motion to amend the New Haven Parking Authority Subcontractor Utilization Program for all NHPA construction contracts, except those that are financed by the City of New Haven or any other governmental entity, under which a different set of provisions may apply. This amended program is now called the **New Haven Parking Authority Community Subcontractor Utilization Program**.

PURPOSE

Based on the recent negotiations with the Department of Economic and Community Development of the State of Connecticut concerning the Urban Action Grant, the Executive Director is requesting the amendment of the New Haven Parking Authority's existing Subcontractor Utilization Program to require the following participation:

1. Requirement of 30% SBE (Small Business Enterprise) subcontractor participation of the total dollar amount of the contract;
2. Requirement of 25% MBE/WBE/DisBE (Minority Owned Business Enterprise, Women Owned Business Enterprise, Disabled Owned Business Enterprise) participation of the total dollar amount of the contract;
3. Requirement of 10% New Haven business/materials/suppliers participation of the total dollar amount of the contract;
4. If a bidder is unable to meet these minimum community participation requirements, then the bid shall be deemed non-responsive. However, in the event that a bidder **has met** these minimum community participation requirements, the bidder may be required to submit to NHPA its efforts concerning compliance, upon request by NHPA.

RECOMMENDATION

NHPA should amend its Subcontractor Utilization Program for all NHPA construction contracts, except those that are financed by the City of New Haven or any other governmental entity, under which a different set of provisions may apply. In recognition of these new, enhanced requirements, the amended program is now called the **New Haven Parking Authority Community Subcontractor Utilization Program**.

March 15, 2021

MOVED THAT THE NEW HAVEN PARKING AUTHORITY HEREBY AMENDS ITS SUBCONTRACTOR UTILIZATION PROGRAM IN FORM SUBSTANTIALLY SIMILAR TO THE ATTACHED DRAFT AND UPDATE ITS RELATED BID DOCUMENTS FOR ALL NHPA CONSTRUCTION PROJECTS, EXCEPT THOSE THAT ARE FINANCED BY THE CITY OF NEW HAVEN OR ANY OTHER GOVERNMENTAL ENTITY, UNDER WHICH A DIFFERENT SET OF PROVISIONS MAY APPLY; THIS AMENDED PROGRAM IS NOW CALLED THE NEW HAVEN PARKING AUTHORITY COMMUNITY SUBCONTRACTOR UTILIZATION PROGRAM.

At a Regular Meeting of the New Haven Parking Authority, duly warned and open to the public, held via Zoom teleconference at 5:30 p.m. on Monday, March 15, 2021, Commissioners of the Authority being present, the above Motion was proposed by Commissioner _____, seconded by Commissioner _____, put to vote and unanimously adopted.

Certified to be a true and correct copy.

Douglas Hausladen
Secretary

PROPOSED
AMENDMENT

**NEW HAVEN PARKING AUTHORITY
COMMUNITY SUBCONTRACTOR UTILIZATION PROGRAM**

Approved _____, 2021

Sec. 1. Name.

This program shall be known as the New Haven Parking Authority Community Subcontractor Utilization Program.

Sec. 2. Scope.

The provisions of this program shall apply to all NHPA construction contracts, except those that are financed by the City of New Haven or any other governmental entity and/or agency (i.e. State or Federal), under which a different set of provisions may apply.

This program applies to construction contracts that are valued at a minimum of \$25,000.00.

Sec. 3. DAS Certification.

Small Business Enterprise (SBE), Minority-owned Business Enterprise (MBE), Women-owned Business Enterprise (WBE), or Disabled-owned Business Enterprise (DisBE) must be certified by the State of Connecticut Department of Administrative Services (DAS).¹

Sec. 4. NHPA Subcontractor Outreach.

- (a) *Purpose.* The purpose of this section is to nurture small and minority **Subcontractors and Suppliers of Materials** who have the potential for long-term, sustainable success on a level playing field.
- (b) *Outreach.* NHPA outreach includes a variety of methods, including, but not limited to the following:
 - (1) Post bid or proposal opportunity information on the NHPA publicly accessible website;
 - (2) Announcement in the New Haven Register and three relevant targeted publications aimed at small and minority contractors: *Inner City News, La Voz, and the New Haven Independent;*

¹Small Business Enterprise a.k.a. Small Contractor is defined as any contractor, subcontractor, manufacturer, service company or nonprofit corporation (A) that maintains its principal place of business in the state, (B) that had gross revenues not exceeding fifteen million dollars in the most recently completed fiscal year prior to such application, and (C) that is independent. Small contractor does not include any person who is affiliated with another person if both persons considered together have a gross revenue exceeding fifteen million dollars. See Connecticut General Statutes § 4a-60g.

"Minority" groups are defined in [Section 32-9n](#) of the Connecticut General Statutes as "(1) Black Americans, including all persons having origins in any of the Black African racial groups not of Hispanic origin; (2) Hispanic Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race; (3) all persons having origins in the Iberian Peninsula, including Portugal, regardless of race; (4) women; (5) Asian Pacific Americans and Pacific islanders; or (6) American Indians and persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification." An individual with a disability is also a minority business enterprise as provided by Connecticut General Statutes § [4a-60g](#) of the Connecticut General Statutes.

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- (3) E-mail the City of New Haven Office of the Small Construction Development program to inform of any relevant bids or proposals;
- (4) E-mail the City of New Haven Commission on Equal Opportunities to inform of any relevant bids or proposals;
- (5) E-mail the Minority Construction Council to inform of any relevant bids or proposals;
- (6) E-mail the Greater New Haven Business and Professional Association to inform of any relevant bids or proposals;
- (7) E-mail the New Haven Regional Contractor's Alliance to inform of any relevant bids or proposals;
- (8) E-mail the Greater New England Minority Development Council to inform of any relevant bids or proposals;
- (9) E-mail notification to the Connecticut Women's Business Development Council to inform of any relevant bids or proposals;
- (10) E-mail notification to interested contractors within the relevant industry segment;
- (11) Notification by the Minority Construction Council to its members or interested parties to provide an overview of the bids or proposals;
- (12) Post bid or proposal opportunity information in the State of Connecticut Department of Administrative Services Contracting Portal (DAS Contracting Portal);

Sec. 5. Community Subcontractor Utilization Requirements.

Bidders must submit with their Bid on forms provided a list of their Intended Subcontractors, together with any other additional applicable requirements (i.e. CHRO compliance on State funded projects), including:

- (a) the use of DAS-certified Small Business Enterprises ("SBE") as **Subcontractors and/or Suppliers of Materials** for a requirement of at least 30% of the Bidder's entire contract value;
- (b) the use of DAS-certified Minority Owned Business Enterprises ("MBE"), Women Owned Business Enterprises ("WBE") and/or Disabled Owned Business Enterprises ("DisBE") as **Subcontractors and/or suppliers of Materials** for a requirement of at least 25% of the Bidder's entire contract value. Please note that the MBE, WBE, and/or DisBE are part of the DAS-certified Small Business Enterprises; and
- (c) independent of the SBE/MBE/WBE/DisBE requirements herein, a minimum of 10% of the Bidder's entire contract value must include businesses having a place of business within the City of New Haven limits.
- (d) In order to satisfy the requirement for use of this Community Subcontractor Utilization Program, Bidders shall submit with their Bid, on forms provided (or using additional sheets if necessary), the Intended Community Subcontractor Utilization Certificate indicating:

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- i. The name, address and contact person of each Subcontractor the bidder will use.
- ii. The name, address and contact person of each Supplier of Materials the bidder will use in order to satisfy the requirement for use of this Community Subcontractor Utilization Program. (For Suppliers of Materials, only list those Suppliers for which the Bidder will use in order to satisfy the requirement for use of Small and Minority Business Enterprises.)
- iii. The categories of the Subcontractors and/or Suppliers utilized (i.e. SBE, MBE, WBE, DisBE, any other Subcontractors)
- iv. The nature of the work to be undertaken by each Subcontractor or Supplier of Materials.
- v. The dollar value of each Subcontract or Supplier of Materials.
- vi. The percentage of Bidder's entire contract dollar amount to be expended for SBEs;
- vii. The percentage of Bidder's entire contract dollar amount to be expended for MBEs, WBEs and DisBEs.
- viii. The percentage of Bidder's entire contract dollar amount to be expended for businesses having a place of business within the City of New Haven limits.

Note: In the event the Prime Contractor/General Contractor is a SBE, MBE, WBE or DisBE, its status as such does NOT contribute to the SBE, MBE, WBE and DisBE Subcontractor requirements.

Additional Note: If the Bidder (i.e., prime bidder) has a place of business within the City of New Haven limits, then the relevant dollar amount is calculated by deducting from the Bidder's entire contract value, the value of the subcontracts and suppliers of materials who do not have a place of business within the City of New Haven.

Bidders shall also submit with their bid a brief description of the experience and ability of each of the Subcontractors and Suppliers of Materials together with the names, telephone numbers, and e-mail addresses of at least three (3) references for each Subcontractor and Suppliers of Materials.

If a bidder is unable to meet these minimum community participation requirements, then the bid shall be deemed non-responsive. However, in the event that a bidder **has met** these minimum community participation requirements, the bidder may be required to submit to NHPA its efforts concerning compliance, upon request by NHPA.

For reference: the City of New Haven's Office of Small Contractor Development Program's website is: https://www.newhavenct.gov/gov/depts/small_contractor/default.htm and its email contact is: lsnyder@newhavenct.gov; the following is a link to the Small Business Directory to search for small and minority business enterprises registered with the State of Connecticut Department of Administrative Services (DAS): <https://biznet.ct.gov/SDSearch/SDSearch.aspx>

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Sec. 6. Exceptions.

- (a) In the event that a construction contract is funded by the City of New Haven, state or federal government or other applicable government entity and/or agency thereof or sources other than the NHPA, the provisions of this program may not apply.
- (b) The utilization requirements may not apply to the following procurements:
 - (1) Construction services that NHPA determines are available only from a sole source and the prospective contractor is not currently disqualified from doing business with NHPA, or from doing business with any governmental agency.
 - (2) Construction contracts determined by NHPA that are necessary to respond to an emergency situation that is a threat to the public health, safety or welfare.
 - (3) Construction contracts determined by NHPA that are made through cooperative purchasing arrangements with other governmental or private entities when, in the judgment of NHPA such contracts are in the best interest of NHPA and such arrangements involve competitive purchasing procedures.
 - (4) Construction contracts made in a manner approved by NHPA where it would not be practicable or in the best interest of NHPA to proceed in accordance with provisions of this program and where NHPA shall find that the making of such a contract in such manner is in the best interest of NHPA.

Sec. 7. Protest procedure.

- (a) If at the time of a bid opening there is an apparent low responsible bidder that should be awarded an NHPA construction contract in accordance with the provisions of this program but an unsuccessful party (a "protesting party") is of the opinion that the apparent low bidder did not comply with the provisions of this program, then the protesting party or parties shall have a period of three (3) calendar days from the date on which the bids were publicly opened in order to protest such award.
- (b) Any such protest shall be made in writing and received by the NHPA representative in charge of the project by not later than 3:00 p.m. on the third **calendar** day following the date of the bid opening.
- (c) Upon timely receipt of such protest letter, the NHPA representative shall forward such protest letter to NHPA's Executive Director and its legal counsel.
- (e) Once the protest is reviewed, a written opinion as to whether the apparent low bid or bidder met the requirements of this program shall be issued. The written opinion shall be sent to both the protesting party or parties and the apparent low bidder, and a copy of said opinion shall be maintained by NHPA.

Sec. 8. Administration.

- (a) The Executive Director of NHPA shall be responsible for the overall administration of this program.
- (b) This program is separate and distinct from the requirements of Article II of Chapter 12 ½ of the City of New Haven's Code of Ordinances as applicable to NHPA on City of New Haven-related Construction Contracts.

Name of Bidder

COMMUNITY SUBCONTRACTOR UTILIZATION CERTIFICATE

The undersigned, having read the Bid Documents and the requirements regarding the naming of subcontractors and the use of DAS-Certified Small (SBE) and Minority Business Enterprises (including Minority owned Business Enterprises (MBE), Women owned Business Enterprises (WBE), and/or Disabled owned Business Enterprises (DisBE)), and the use of businesses based in the City of New Haven, hereby provides the following assurance of compliance. As of the date of the bid opening, the Bidder shall achieve this requirement as follows (attach additional sheets if necessary):

SUBCONTRACTOR* / SUPPLIER**	ENTERPRISE CATEGORY	NATURE OF WORK	DOLLAR AMOUNT
Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE)		
	<input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE		
	<input type="checkbox"/> DAS-certified DisBE		
Contact Person:	<input type="checkbox"/> All other subcontractors		
Phone # / Email address:			
<hr/>			
Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE)		
	<input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE		
	<input type="checkbox"/> DAS-certified DisBE		
Contact Person:	<input type="checkbox"/> All other subcontractors		
Phone # / Email address:			
<hr/>			
Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE)		
	<input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE		
	<input type="checkbox"/> DAS-certified DisBE		
Contact Person:	<input type="checkbox"/> All other subcontractors		
Phone # / Email address:			
<hr/>			
Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE)		
	<input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE		
	<input type="checkbox"/> DAS-certified DisBE		
Contact Person:	<input type="checkbox"/> All other subcontractors		
Phone # / Email address:			
<hr/>			
Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE)		
	<input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE		
	<input type="checkbox"/> DAS-certified DisBE		
Contact Person:	<input type="checkbox"/> All other subcontractors		
Phone # / Email address:			
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*Note: This form is for listing Subcontractors and Suppliers of Materials. In the event the Prime Contractor/General Contractor is a SBE, MBE, WBE or DisBE, its status as such does NOT contribute to the SBE, MBE, WBE and DisBE subcontractor requirements.

** For Suppliers of Materials, list only those Suppliers for which the Bidder will use in order to satisfy the requirement for use of Small and Minority Business Enterprises. Label in the Nature of Work section as supplier of the specific material to be supplied.

Name of Bidder

CONTINUED:

SUBCONTRACTOR / SUPPLIER*	ENTERPRISE CATEGORY	NATURE OF WORK	DOLLAR AMOUNT
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Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE) <input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE <input type="checkbox"/> DAS-certified DisBE <input type="checkbox"/> All other subcontractors		
Contact Person:			
Phone # / Email address:			

Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE) <input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE <input type="checkbox"/> DAS-certified DisBE <input type="checkbox"/> All other subcontractors		
Contact Person:			
Phone # / Email address:			

Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE) <input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE <input type="checkbox"/> DAS-certified DisBE <input type="checkbox"/> All other subcontractors		
Contact Person:			
Phone # / Email address:			

Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE) <input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE <input type="checkbox"/> DAS-certified DisBE <input type="checkbox"/> All other subcontractors		
Contact Person:			
Phone # / Email address:			

Name:	<input type="checkbox"/> DAS-certified SBE (non-MBE/WBE/DisBE) <input type="checkbox"/> DAS-certified MBE		
Address:	<input type="checkbox"/> DAS-certified WBE <input type="checkbox"/> DAS-certified DisBE <input type="checkbox"/> All other subcontractors		
Contact Person:			
Phone # / Email address:			

*Note: This form is for listing Subcontractors and Suppliers of Materials. In the event the Prime Contractor/General Contractor is a SBE, MBE, WBE or DisBE, its status as such does NOT contribute to the SBE, MBE, WBE and DisBE subcontractor requirements.

** For Suppliers of Materials, list only those Suppliers for which the Bidder will use in order to satisfy the requirement for use of Small and Minority Business Enterprises. Label in the Nature of Work section as supplier of the specific material to be supplied.

Name of Bidder

COMMUNITY SUBCONTRACTOR UTILIZATION CERTIFICATE [CONTINUED]

SUBCONTRACTOR/SUPPLIER NAME

BRIEF STATEMENT OF EXPERIENCE

REFERENCES

DRAFT

Name of Bidder

COMMUNITY SUBCONTRACTOR UTILIZATION CERTIFICATE [CONTINUED]

SUBCONTRACTOR / SUPPLIER NAME

BRIEF STATEMENT OF EXPERIENCE

REFERENCES

DRAFT

CALCULATION SHEET FOR COMMUNITY SUBCONTRACTOR UTILIZATION CERTIFICATE

(A) Total Dollar Amount for All MBE, WBE and DisBE = \$ _____

(B) Total Dollar Amount for All SBE (non-MBE/WBE/DisBE), MBE, WBE and DisBE = \$ _____

(C) Total Dollar Amount for Businesses having a place of business with the City of New Haven limits*** = \$ _____

(D) Total Dollar Amount for Bidder's Entire Contract Value (The "Bid Price") = \$ _____

*** Note: If the Bidder (i.e., prime bidder) has a place of business within the City of New Haven limits, then the relevant dollar amount is calculated by deducting from the Bidder's entire contract value, the value of the subcontracts and suppliers of materials who do not have a place of business within the City of New Haven.

Minority Business Enterprises Utilization Calculation for Percentage of Total Contract Value:

1. (A) Divided By (D) x 100 = _____% (Percentage of MBE, WBE and DisBE Participation) **NOTE: Must be no less than 25%.**

Small Business Enterprises Utilization Calculation for Percentage of Total Contract Value:

2. (B) Divided By (D) x 100 = _____% (Percentage of SBE Participation) **NOTE: Must be no less than 30%.**

New Haven Business Enterprises Utilization Calculation for Percentage of Total Contract Value:

3. (C) Divided By (D) x 100 = _____% (Percentage of New Haven Businesses) **NOTE: Must be no less than 10%.**

The Bidder further certifies that, upon approval of the above-named firms, or other firms added or substituted in accordance with the Bid Documents, it will execute a binding contract with such subcontractors and suppliers of materials for the purpose of undertaking and completing the above described work.

Date: _____

Name of Bidder: _____

Official Address: _____

Name and Title of Signatory: _____

Signature: _____

Affix Corporate Seal
(Attach additional sheets if necessary)