Metro Nashville and Davidson County

M/WBE Utilization Schedules & Substitution/Addition
M/WBE Utilization Schedule

- M/WBE Utilization Schedule is a forecast of the Prime’s use of certified M/WBE firms to meet the M/WBE goal on projects.
  - The schedule must be submitted before contractor starts work and upon request.
  - An updated copy of the Utilization Schedule is also required when responding to a “Not Meeting the Goal” letter.

Utilization Schedules for Work Orders – Challenges

- Scope of work not fully defined
- Multiple contracts awarded for the same type of service
- Time constraints/emergency
- Work orders may not be consistent
- Documentation of your efforts is important to final determination of whether you made good faith efforts.
# M/WBE Utilization Schedule

<table>
<thead>
<tr>
<th>Status as of:</th>
<th>12-Aug</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name:</td>
<td>Nolensville Pike Road Paving &amp; Drainage Design</td>
</tr>
<tr>
<td>RFQ #:</td>
<td>999999</td>
</tr>
<tr>
<td>Company Name:</td>
<td>Watson Engineering, Inc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Month</th>
<th>Total</th>
<th>Frye Surveying</th>
<th>JR Shire, Inc.</th>
<th>Carr &amp; Associates</th>
<th>Burt Engineering</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan-20</td>
<td>$31,000</td>
<td>$8,000</td>
<td>$9,000</td>
<td>$8,000</td>
<td>$6,000</td>
</tr>
<tr>
<td>Feb-20</td>
<td>$29,500</td>
<td>$1,500</td>
<td>$12,000</td>
<td>$12,000</td>
<td>$4,000</td>
</tr>
<tr>
<td>Mar-20</td>
<td>$41,000</td>
<td>$4,000</td>
<td>$12,000</td>
<td>$15,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>Apr-20</td>
<td>$23,000</td>
<td>$3,000</td>
<td>$8,000</td>
<td>$8,000</td>
<td>$4,000</td>
</tr>
<tr>
<td>May-20</td>
<td>$35,000</td>
<td>$15,000</td>
<td>$8,000</td>
<td>$8,000</td>
<td>$4,000</td>
</tr>
<tr>
<td>Jun-20</td>
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<td>$0</td>
<td>$12,000</td>
<td>$4,000</td>
</tr>
<tr>
<td>Jul-20</td>
<td>$3,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

| Total Dollar Value | $178,500  | $31,500  | $49,000 | $63,000 | $35,000 |
| Total %            | 100%      | 17.64%   | 27.45%  | 35.29%  | 19.60%   |
Substitution Requests

- Work designated in the Prime’s approved M/WBE Utilization plan cannot be completed by any other subcontractor, supplier or the Prime unless approved by BAO first.

- If Prime needs to make any changes to the utilization plan by adding, removing or substantially reducing (more than 50%) utilization of an M/WBE, Prime must first complete and submit a substitution request.

Complete Substitution form by going to B2GNow https://nashville.diversitycompliance.com/
Substitution: Removal or Reduced Utilization

Prime’s Responsibility

- Before submitting a substitution request, Prime must give written notice to affected M/WBE of its intent to request removal or substantially reduce utilization.

- Prime must provide M/WBE with specific reason(s)
  - Reason(s) must constitute “Good Faith”:
    - Unable to execute an agreement after award.
    - Subcontractor unable to perform.
    - The listed subcontractor is ineligible to receive credit for the type of work required.
    - The listed subcontractor is ineligible to work because of suspensions or debarment.
    - The subcontractor voluntarily withdraws.
Prime’s Responsibility

- Must give M/WBE five (5) business days to respond to the written notice.
- Prime must submit to BAO:
  - Copy of the notice to the affected M/WBE along with any objections by the affected M/WBE.
  - Reason why Prime’s request should be approved despite the objection, if any.
  - Copy of a completed online Substitution request form including information about Prime’s plan to meet the approved M/WBE utilization plan if removal or reduction is approved.
Substitution: Removal or Reduced Utilization Cont’d.

BAO’s Review

- BAO will confirm M/WBE’s consent or refusal.
- If M/WBE does not consent to being removed, BAO will initiate mediation between the Prime and the M/WBE to attempt a resolution.
- If parties fail to reach a resolution after mediation, BAO will make a reasonable determination based on all the information provided by all the parties, including information provided by the procuring department regarding any relevant technical project issues.
- BAO will provide a written final determination to Prime, affected M/WBE and the procuring department.
Prime must submit a completed online Substitution/Addition Request form when requesting to add an M/WBE for goal credit to the existing approved utilization plan.

BAO’s review:

- Ensure proposed addition does not adversely impact M/WBEs already listed for credit on project
- Understand how the proposed addition affects the overall M/WBE and procuring department
- BAO will confirm M/WBE’s consent or refusal

BAO will provide a written final determination to Prime, affected M/WBE and the procuring department.

Within 14 business days of the date of BAO’s approval letter, the Prime must provide BAO with a copy of the executed subcontracting agreement or purchase order agreement with the new M/WBE.

Prime must also provide an updated M/WBE Utilization Schedule, if applicable.