

## EXHIBIT B

"WOMEN AND MINORITY AFFIRMATIVE EFFORTS REQUIREMENTS: All proposals are required to meet the Affirmative Efforts requirements as specified in the RFQ/RFP. An Outreach Plan will be required for the top rated consultant(s)."

### **Definitions:**

**Affirmative Efforts:** Documented reasonable attempts in good faith to contact and employ women and minorities and to contact and contract with Women and Minority Businesses.

**Availability or Available:** A business that is interested in and is Capable of performing the item of work in question; and is able to perform the work within the time frame required by the contract.

**Capability or Capable:** A business that appears able to perform a Commercially Useful Function on the item of work in question.

**Commercially Useful Function:** The performance of real and actual services in the discharge of any contractual endeavor.

**Outreach Plan:** The Plan submitted by the Consultant outlining the affirmative efforts the Consultant made in preparing its proposal and will make during the term of the Contract to solicit the participation of minorities and women and WMBEs on the Contract in accordance with SMC Ch. 20.42.

**Voluntary Aspirational goals:** A participation level the Consultant voluntarily establishes for potential employment on the Contract of women or minority employees and/or the use of WMBEs. No Consultant established voluntary aspirational goals will represent an actual utilization requirement or a condition of such contract.

**Women and Minority Business Enterprises (WMBEs):** A WMBE means a business that is at least fifty-one percent owned by women and/or minority (including, but not limited to, blacks, women, Native Americans, Asians, Eskimos, Aleuts, and Hispanics) group members.

### **Affirmative Efforts in Women and Minority Business Subcontracting:**

In SMC 20.42.010, the City has found that minority and women businesses are significantly under-represented and have been underutilized on City Contracts. Additionally, the City does not want to enter into agreements with businesses that discriminate in employment or the provision of services. The City intends to provide the maximum practicable opportunity allowed by law for increased participation by minority and women owned and controlled businesses, as long as such businesses are underrepresented, and to ensure that City contracting practices do not support discrimination in employment and services when the City procures public works, goods, and services from the private sector. The City will not enter into Contracts with contractors that do not agree to use Affirmative Efforts as required under SMC Chapter 20.42 or violate any provisions of that chapter, or those requirements set forth below.

Consultants entering into contracts with the City shall actively solicit the employment of women and minority group members should they be hiring employees for work on the project. Should there be subcontracting opportunities; consultants shall actively solicit subcontract proposals from qualified, available, and capable Women and Minority Businesses for participation on the contract. At the request of the City, Consultants shall furnish evidence of the Consultant's compliance with these requirements and provide records necessary to document: 1) Affirmative Efforts to employ women and minority group members; 2) Affirmative Efforts to subcontract with Women and Minority Businesses on City Contracts; and 3) the Consultant's non-discrimination in the provision of goods and services.

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Consultants are also encouraged to take Affirmative Efforts to assure equality of employment and subcontracting opportunities within the scope of work for the Contract. Such Affirmative Efforts may include, but are not limited to, establishing voluntary employment aspirational goals for women and minorities and establishing voluntary aspirational goals for subcontracting to Women and Minority Businesses.

See the Outreach Plan for more information on documenting Affirmative Efforts and for resources that may be of assistance in your solicitation efforts.

**RFP or RFQ AFFIRMATIVE EFFORTS DOCUMENTATION REQUIREMENTS:**

Prior to contract negotiations, the City will review the Outreach Plan from the finalist (or if more than one proposal is selected, the finalist(s)). The Consultant finalist(s) shall provide an Outreach Plan identifying the Affirmative Efforts that the Consultant has made in preparing its proposal, along with its proposal in continuing those Efforts during the term of the contract in soliciting women and minority businesses for participation on this contract consistent with SMC Ch.20.42. Upon agreement by the City, each selected Consultant's Outreach Plan shall be incorporated as part of the resulting Agreement.

See the attached Outreach Plan the Consultant should use in responding to the following request for information regarding the consultant's Affirmative Efforts.

Affirmative Efforts Information for Women and Minority Employment:

1. Should there be new employment opportunities on this project, the Consultant should note the number of such positions and the efforts the consultant will make to recruit qualified minority and women to fill new positions.
2. The Consultant may also indicate any voluntary employment aspirational goals for women and minorities that it believes to be reasonably achievable for this contract. Such voluntary aspirational goals shall not represent a utilization requirement that would be a condition of contracting, but instead shall be considered a presentation of the Affirmative Efforts that the Consultant intends to make and the voluntary aspirational goals that the Consultant proposes to be reasonably achievable. Note: The City will not approve or reject an Outreach Plan based upon the voluntary aspiration women and minority employment goals.

Affirmative Efforts Information for Women and Minority Subcontracting:

1. If there will be subcontracting available on the proposed contract:
  2. Identify the commercially useful subcontracting opportunities available or expected within the contract.
  3. Note any voluntary aspirational goals for subcontracting with Minority and Women Owned Businesses that the Consultant believes are reasonably achievable. Note: such voluntary aspirational goals shall not represent a utilization requirement that would be a condition of contracting; instead such voluntary aspirational goals shall be considered a presentation of the Affirmative Efforts the Consultant shall make and the voluntary aspirational goals that the Consultant proposes to be reasonably achievable. The City will not approve or reject an Outreach Plan based upon the voluntary subcontracting goals established for women and minority businesses.
  4. The Affirmative Efforts the Consultant will make to solicit from qualified, available, and capable Women and Minority Businesses to perform such work, and,
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5. Document any other Affirmative Efforts the Consultant will make to encourage participation by qualified, available, and capable Women and Minority Businesses.

See the Consultant Outreach Plan for a definition of active solicitation, a check list of affirmative effort activities and resources that may be of assistance in identifying minority and women owned firms.

***Please use additional sheets if necessary to complete this plan.***

To meet the affirmative efforts requirements of SMC Ch. 20.42, the Consultant shall respond to the questions listed below. The City will evaluate the information to determine the Consultant's compliance with the affirmative efforts requirements of the Contract. The City reserves the right to request additional information. The information provided will become a part of the Contract.

The completed form(s) shall be submitted as part of the Consultant's Proposal.

<b>Project Number (if given)/ Project Name:</b>	
<b>Consultant's Company Name:</b>	
<b>Consultant's Mailing Address:</b>	
<b>Consultant's Phone #:</b>	
<b>Consultant's e-Mail:</b>	

**PART A: AFFIRMATIVE EFFORTS FOR WOMEN AND MINORITY EMPLOYMENT**

1) The Consultant shall provide a statement demonstrating its affirmative efforts to solicit the employment of women and minorities for participation on this Contract.

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2) The Consultant shall indicate employment goals for women and minorities that it believes to be reasonably achievable for this Contract. Such goals shall not represent a utilization requirement that would be a condition of contracting, but instead shall be considered a presentation of the affirmative efforts that the Consultant shall make and the goals that the Consultant proposes to be reasonably achievable.

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**Consultant Established Employment Aspirational Goals:**

Goal for minorities	Goal for women

Other Employment related Affirmative Efforts Information:

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**PART B: AFFIRMATIVE EFFORTS FOR WOMEN AND MINORITY SUBCONTRACTING:**

Examples of Affirmative Efforts (as specified in the Project Manual)

The City encourages the utilization of WMBEs in all City contracts. The City encourages the following practices to open competitive opportunities for WMBEs:

Affirmative Efforts may include the use of solicitation lists, advertisements in publications directed to minority communities, breaking down total requirements into smaller tasks or quantities where economically feasible, making other useful schedule or requirements modifications that are likely to assist small or WMBE businesses to compete, targeted recruitment efforts, and using the services of available minority community and public organizations to perform outreach.

- 1) The Consultant shall provide evidence of its affirmative efforts to solicit qualified, available, and capable women and minority businesses for participation on this Contract. (Attach additional sheets if necessary)

Name of Firm WMBE Firm Solicited	WMBE Status *	State W/MBE Cert. # *	Capacity Sub-consultant, Supplier	Description of Proposed Work	Contract w/ Firm Y/N	Optional-List dollar amount of participation

\* - Identify the firm as a self-identified/certified firm (i.e., the firm meets the 51% minority ownership criteria). Alternatively, you may list the firm's WMBE certification number (certified through Washington State Office of Minority and Women Business Enterprise.)

Other Affirmative Efforts Activities:

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2) The Consultant shall provide information on the affirmative efforts it will perform with respect to women and minority businesses for participation on this Contract. Include the following information:

a. The commercially useful subcontracting opportunities available or expected within the contract:

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b. The Affirmative Efforts the Consultant shall perform to encourage participation by qualified, available, and capable Women and Minority Businesses to perform such work:

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c. The Affirmative Efforts the Consultant will make to solicit and attempt to achieve such subcontracting opportunities on this Contract.

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- d. Goals for such participation that reflect the levels of participation that the Consultant believes are reasonably attainable on this Contract. Note: Such goals shall not represent a utilization requirement that would be a condition of contracting, instead shall be considered a presentation of the affirmative efforts that the Consultant shall make and the goals that the Consultant proposes to be reasonably achievable.

Consultant Established Subcontracting Aspirational Goals:

<b>Subcontracting Opportunities Total Percent</b>	<b>Goal for Minority-owned businesses</b>	<b>Goal for Women-owned businesses</b>

Other relevant information regarding Aspirational Goals:

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- e. Past experience at achieving such participation levels on prior contracts or other evidence of the likelihood of the Consultant at achieving the proposed Affirmative Efforts.

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**PART C: SIGNATURE AND CERTIFICATION OF INFORMATION**

The undersigned certifies that the information and data contained herein is correct and complete.

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**Signature of Authorized Representative**

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**Printed Name of Authorized Representative**

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**Title**

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**Date**

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