



City of Seattle

WMBE Inclusion Plan – Consultant Contracts

(SMC CH. 20.42) ***This is a Mandatory Form***

Contract Number and Title	
Consultant Name	
Consultant Contact Info.	(Name, Phone, e-mail)
Original Submittal Date	
Revision Version Number	
Revision Version Date	

You may add pages or separate pages into a more readable format.

The Seattle Municipal Code (SMC) and the Mayor’s Executive Order direct inclusion of women and minority firms in City contracting. This form must be completed in full as part of your solicitation response. Failure to submit the form may result in rejection of your solicitation as non-responsive and your firm rejected from consideration. The information must be consistent with team assignments elsewhere in your solicitation response. During negotiations before contract execution, the City may negotiate scope and teaming; a revised WMBE Inclusion Plan is likely appropriate and becomes the contractually binding version. Carefully read all instructions embedded and on the back of this form. In any event, this form is required for all consultant contracts above \$305,000. If you are responding to a Request for Proposal or a Request for Qualifications above \$305,000 in value, this form will be required with your submittal. If you are working directly with the department and it is not through a formal solicitation process, you will still have a deadline for submittal before the contract is awarded.

1. Aspirational WMBE Goals

In the box below, state the aspirational WMBE goals you intend to achieve for this contract including all phases and amendments. While the goals are aspirational, good faith efforts to develop and achieve goals are mandatory. Goals developed in good faith are considered attainable with good faith efforts. A contract amendment may require revisiting this WMBE Inclusion Plan to consider changes that may affect WMBE utilization (see Instructions). WMBE primes can include self-performance in goals below. Do not provide a range. If you identify Core Work commitments on page 2, this percentage must be no less than the Core Work commitments.

Estimated percentage of the total contract value to Women Owned firms <i>(Firms that are Women Owned and Minority Owned are denoted in the MBE category line below)</i>	%
Estimated percentage of the total contract value to Minority Owned firms	%
Overall Contract Aspirational WMBE Goal	%

Your WMBE Team. Carefully read Instructions on the back of this form. Requests for proposals or consultant work often include core work that is fundamental to contract performance and proposed value-added discretionary work. Add rows or space as needed.

WMBE Signature: This requires the WMBE sign the Plan or you can simply attach an email to evidence their concurrence. This ensures WMBE firms understand (1) they are listed on your plan, (2) they are in core or non-core work and implications of that; (3) whether the individual or resume is critical to their participation; and (4) they are aware of risks given scope changes made by the City.

Core Work. Identify WMBE firms you selected who agreed to perform core disciplines or functions on your team. WMBE firms listed here must be integrated into your team and on your organizational chart (if one is submitted in your solicitation response). The percentage you name below is the minimum share of total contract value. All WMBE firms named are to be aware of their role and anticipated compensation. Reasons for a Prime to replace the WMBE firms performing Core Work as key personnel under the contract and their intended share of such work is restricted by a list of acceptable reasons and City approval (see instructions). The City will preserve WMBE utilization in Core Work for these WMBE firms to the extent practicable.

Name of WMBE Firm	Identify as Women (W) or Minority (M)	Minimum value to this WMBE firm out of the total spend	Describe tasks and which project phase each task is within	If WMBE firm utilization depends upon a particular resume, list those individuals below	Signature of WMBE Firm
		%			
		%			
		%			
		%			
Aspirational Goal (page 1)	%	% TOTAL			

Non-Core Work (Value-Added Functions). Identify work that is value-added and/or not part of the core scope required by the City solicitation.

Name of WMBE firm	Identify as Women (W) or Minority (M)	Describe task and which project phase each task is within.	If WMBE firm utilization depends upon a particular resume, list those individuals below	Signature of WMBE Firm

Past Performance

Using whatever space you need to fully do so, describe the strategic model you have for integrating WMBE firms, which evidences likely success in doing so for this contract including how you intend to engage WMBE firms. Please identify at least 3 projects of a similar nature as this project by name including name of owner and for each and as to each, list the percentages of utilization of WMBE firms based on total value of the contract and the total final amount of the contract including all amendments. State the total that was spent.

Inclusion Strategies

Using whatever space you need below to do so, answer each of the following.

- A. Describe the partnership you have with the WMBE firms on your team, whether you teamed in the past, how substantive their role is, and whether they are decision-makers and leaders on your team.
- B. Describe strategies you use to assure consideration of WMBE firms for team assignments not yet made or that result from contract or team changes.
- C. A City objective is to strengthen WMBE firm's capabilities and experience, making them increasingly competitive. Describe specific strategies your team will employ to achieve this goal. Do not limit your response to formal mentoring programs.

INSTRUCTIONS

Complete and submit this WMBE Inclusion Plan within your submittal. The City evaluates and scores your Plan during selection.

The Plan must reflect responsible good faith efforts for successful inclusion of WMBE firms. The City may clarify or request information during evaluation. The City may negotiate with the highest ranked Consultant to improve the Plan or accommodate changes necessary to meet City business needs. The agreed-upon Plan becomes material to the contract. Thereafter, changes require City approval as described below.

Definitions:

- Aspirational Goals: Total percentage anticipated by the Prime to spend with WMBE firm(s) out of the total contract spend including all amendments and phases. The Total Aspirational Goal reflects serious intent the Consultant can reasonably and realistically achieve given good faith efforts in determining and pursuing the goal.
- Core Work: Base scope of work, functions and disciplines that the Consultant Team must perform given the description of intended scope of work given by the City.
- Non -Core Work: Work that has potential for being added to the contract scope, but not necessarily dictated or required by the City's solicitation. This work is more vulnerable to budget constraints, negotiations over scope, and/or phased decisions.
- Total Contract Spend: The full dollar value of the contract as negotiated and amended, including all work and expenses.
- WMBE: WMBE firms are State certified or self-identified (at least 51% woman or minority owned per SMC 20.42). A WMBE shall self-register at:
<http://www.seattle.gov/html/business/contracting.htm>

Scoring Criteria

Points are awarded for good faith responses that evidence:

- Responsible, sincere good faith efforts to develop aspirational goals that are meaningful.
- WMBE firms integrated into your team and within core work
- WMBE firms integrated within value-added work opportunities
- Evidence of effective mentoring, training, or capacity-building.
- Strategies that assure WMBE utilization in all likely phases.
- Evidence of strong past performance using effective models.

Expectations

1. Consultants are encouraged to provide meaningful aspirational goals that are similar or better than past performance on similar work. Consultants can seek guidance from departments and also refer to the City utilization reports: <http://www.seattle.gov/purchasing/wmbereports.htm>.
2. Consultants of all tiers are responsible to understand that contract value, scopes and teams are subject to negotiations and changes initiated by the City. This includes such decisions as launching or aborting phased work, negotiations that reduce budget, changes to create efficiencies, or changes to improve project expertise in City opinion. All consultants should expect that changes to their project role may result, up to and including completely removing a firm from the project. City Project Managers commit to preserve the role and value of all WMBE firms on the team, yet will still make changes as needed in the City interests.
3. Specific expertise for a project as provided by individuals named to the team is also subject to City approval. The expert often needs to be someone who has expertise, experience, and/or even past relationships that create a strong confidence for the City. It is common for individuals to be named onto the team either to fulfill a role or because of their individual resume. The Plan expects the consultant to identify any individuals that are compelling because of their resume, so there is clear understanding for the WMBE firm that the resume (i.e. individual expert) is critical and substitutions place the role of the WMBE firm at risk.
4. Any consultant shall have an opportunity to propose a substitute if the named individual withdraws from the project. Such substitutes could be rejected, and the Consultant in turn may lose the associated scope of work.

Modifications

The City Project Manager, Prime Consultant and Department WMBE Advisor will consider changes to scope or teams made during the early negotiations before contract execution, and also any amendments made during the contract performance. Whenever there is an amendment, changes to goals or WMBE firm utilization will require a fully executed WMBE Amendment Request and are permitted only if one of the following conditions occurs. If replacement of a WMBE firm is approved by the Department, the Consultant must use good faith efforts to recruit another WMBE.

- City negotiates and/or must remove, the scope of work from the contract
- Named Expert for the WMBE firm withdraws and a replacement expert is unavailable or unapproved
- Failure of Subconsultant to execute a written contract after a reasonable period of time
- Bankruptcy of Subconsultant
- Subconsultant cannot perform the work because they are debarred, not properly licensed, or in some other way is ineligible to work.
- Failure of Subconsultant to comply with a requirement of law applicable to subcontracting
- Death or disability of Subconsultant (if Subconsultant is an individual)
- Dissolution (if a corporation or partnership)
- Failure to perform under previous contracts
- Failure or refusal to perform the work
- For other causes when approved by CPCS.

Reporting and Performance

1. The City will expect regularly reporting, as specified through the contract, to ensure compliance to the plan.
2. The City will evaluate Consultant's performance and will again evaluate at project close-out. Upon project close-out, any aspect of the Consultant performance, including that for social equity and WMBE, could be found deficient. If it is found deficient, a report shall be issued by the City. Some deficiencies may qualify for debarment. Performance may also be considered by the City to assess Consultant responsibility for future projects. To maintain a positive rating, the Consultant must demonstrate:
 - a. Substantial attainment of the aspirational goal. Failure to substantially attain the goal may evidence a failure in good faith to develop or pursue the goal that was submitted to the City as reasonable;
 - b. Timely and accurate reporting;
 - c. Guaranteed payment to sub consultants in accordance to contract provisions;
 - d. Few or well-managed disputes;
 - e. Robust utilization and meaningful partnership with WMBE firms on your team.

Aspirational WMBE Goals

1. Failure to achieve the Total Aspirational Goal is not a material breach; however, substantial variance below the Total Aspirational Goal may indicate failure to conduct a good faith effort developing the Goal or in strategies to fulfill the Goal.
2. Discretionary self-performed work by a Consultant who is a WMBE can be tabulated as part of the Aspirational Goal and Core Work.
3. Enter a Total WMBE Aspirational Goal on page 1. If the Proposer does not indicate a WBE and MBE goal and only gives a total, the City may seek the separate percentages after evaluation and rely upon the total for scoring. If Consultants provide a WBE and MBE goal, but not a total, the City will calculate the total.
4. A decision to self-perform does not substitute for good-faith efforts to include WMBE participation.
5. Do not provide a range. If you do, then the City will use the lower number in the range from which to score.
6. The total percentage provided as an Aspirational Goal must be equal to or greater than the Core Work percentages. If not, then the Core Work percentage total shall prevail for purposes of scoring, and the Aspirational WMBE Goal will be adjusted to equal the total of core work percentages.

WMBE Team

Upon review and scoring, as well as during any negotiations or changes, the City may shift WMBE work between Core to Non-Core (or reverse) as appropriate in the City opinion given the scope intended for the contract.

The WMBE is to sign the form, to show that they are aware of the proposed role, that a fundamental agreement between the Prime and the WMBE firm is in place, any key personnel listed on the form are subject to City approval before they can be replaced on the project.



The Addendum – WMBE Impact Authorization form,
on the following page, will be required during contract performance
if a change is necessary to the plan.

ADDENDUM- WMBE IMPACT AUTHORIZATION

A proposed WMBE Inclusion Plan is subject to negotiations and acceptance. The Prime commits to use any WMBE firm named on the Plan, absent a City-directed change or reason below. The City will preserve proposed WMBE utilization to the full extent practicable given business needs. Once the Plan is agreed upon, it is updated accordingly and is contractually binding. The Plan shall be changed by Addendum to stay current.

The party initiating a change submits this Form with an Addendum and attaches a revised WMBE Inclusion Plan.

- WMBE Firms within the Plan may expect to be retained on the project team; removal is permitted only for the limited reasons listed below.
- The Aspirational Goal applies to the entire contract unless greater or lesser goals are approved.

Attach evidence (documents, statement of agreement, etc), obtain signatures, and retain documents in contract file.

PROJECT INFORMATION	
Title - Contract Number	
Addendum Number	
Prime Consultant – Representative’s Name	
Requestor Name	

Remove a WMBE Firm: If a change may result in removing a WMBE firm, provide the reason, attach documentation, attach a proposed revised WMBE Plan, and obtain signatures below.	
WMBE Firm being Removed	
Percentage Value on the adopted Plan	
Dollar amount of work completed if any	\$

Reason for Removal (check all that apply).

- City negotiates, removes and/or reassigns the scope
- Named individual for the WMBE firm withdraws and a replacement is unavailable or unapproved
- Failure of Subconsultant to execute a contract after a reasonable period of time
- Bankruptcy of Subconsultant
- Subconsultant cannot perform the work because they are debarred, not properly licensed, or in some other way is ineligible to work.
- Failure of Sub to comply with a requirement of law applicable to Subconsultant
- The death or disability of Subconsultant (if an individual)
- Dissolution (if a corporation or partnership)
- Failure to perform under previous contracts
- Failure or refusal to perform the work

Reduce WMBE scope: To significantly change the scope for a WMBE firm, specify the cause, attach narrative, attach a proposed revised WMBE Plan, and obtain signatures or emails to evidence concurrence below.	
WMBE Firm affected by change	
Percentage Value on Inclusion Plan	
Proposed Percentage Value	

Reason for Change (check all that apply).

- City negotiates and/or removes the scope from the contract
- Named individual for the WMBE firm withdraws and a replacement is unavailable or unapproved

Remove a Firm - Signatures	Printed Name	Signature	Date
<input type="checkbox"/> Any signatory can check this box to discuss this change with the City before concurrence.			
Prime Consultant			
City Project Manager			
WMBE Firm			
Department WMBE Advisor			

Revise the Aspirational Goal: If you seek an increase or decrease in the aspirational goal named on the current adopted WMBE Inclusion Plan, fill out this segment, attach appropriate narrative, provide a proposed WMBE Inclusion Plan, and seek signatures for approval below.

<i>Revise the Aspirational Goal</i>	
Current Aspirational Goal	
Proposed Goal as share of entire contract value.	

Reason for Modification.

If a reduction, attach narrative to identify the drivers that merit revising the Aspirational Goal. Describe why a reduction is the only solution. The City shall not approve a change for circumstances within the Consultant control or that could have reasonably mitigated through good faith efforts.

Revise the Goal - Signatures	Printed Name	Agree/Deny	Signature	Date
Prime Consultant				
City Project Manager				
Department WMBE Advisor				

CC:
 Project Manager
 Department WMBE Advisor