

~ Request for Proposals ~

Underwriter

Taxable General Obligation Refunding Bonds

Official Notice Number 6710



**Milwaukee County, Wisconsin
Department of Administrative Services**

March 05, 2012

Proposals Due by Noon Central Daylight Time

March 27, 2012

**Please Label Proposals with Firm's Name and Address
and "Proposal for Underwriter"**

REQUEST FOR PROPOSALS FOR UNDERWRITING SERVICES

Introduction:

The purpose of this Request for Proposals (“RFP”) is to identify qualified firms concerning the issuance of Taxable General Obligation Refunding Bonds for Milwaukee County, Wisconsin. The selected Underwriter will work as part of a financing team with Milwaukee County’s financial advisors (Public Financial Management and Peralta Garcia Solutions) and the County’s co-bond counsels, (Chapman and Cutler, LLP and Emile Banks and Associates, LLC).

On March 19, 2009 Milwaukee County issued \$400 million in two series of notes to fund a portion of its outstanding pension system unfunded actuarial accrued liability. The first series of notes is fully amortized during the years 2010 through 2028. The second series consists of a single \$135 million maturity which matures on December 1, 2013. At the time of the initial financing, the financing plan contemplated that the \$135 million would be refunded with taxable general obligation refunding bonds on December 1, 2013 with the bond maturing in the years 2029 through 2033.

Milwaukee County is considering a number of options as to the timing and structure of the bonds necessary to refund the \$135 million maturity. It is the County’s desire to have an underwriting team in place so that it can proceed with the refunding whenever it determines it is in the County’s best interest to do so.

Description of Milwaukee County:

Milwaukee County serves as a population, economic and financial center of the state of Wisconsin. Milwaukee County is located in southeastern Wisconsin on the Lake Michigan shoreline. The County covers an area of approximately 242 square miles and consists of ten cities and nine villages. The City of Milwaukee, which acts as the County seat, contains approximately 63 percent of the County’s population and 48 percent of its taxable property value. Milwaukee County’s 2011 population estimate is 948,369.

Scope of Services

The county will select a senior manager for financing its Taxable General Obligation Refunding Bonds.

The scope of services to be provided by the senior manager includes, but is not limited to:

- Assisting the County and its financial advisors in developing the optimal plan of finance, including the quantitative analysis needed to support this effort;
- Participating in planning, structuring and executing the refunding described in the introduction of this Request for Proposals;
- Assessing market conditions and their impact on the timing of the refunding;

- Reviewing all disclosure, sale and other relevant financing documents in conjunction with Bond Counsel;
- Assisting in obtaining credit ratings, including preparing presentations, and attending and participating in rating agency meetings;
- Managing the marketing and sale of any bonds issued pursuant to the plan of finance;
- Completing all administrative obligations required to properly close the issue; and
- Attending all required meetings and conference calls.

Proposal Format

Completed proposals should include the following proposal elements:

- Profile of Organization and Summary of Experience and Qualifications in a cover letter (maximum of 2 pages).
- Responses to Questions (maximum of 20 pages).

Profile of Organization and Summary of Experience and Qualifications

A profile of the respondent firm in a cover letter is requested for general background information. The description of the proposer's qualifications will be used in the evaluation of each underwriter proposal. Please include the following information:

1. Describe your firm's relevant experience, organizational structure and size. Describe the firm's scope of operation and areas of concentration.
2. Discuss the location of the office from which the work is to be performed and indicate the number of professional staff employed at that office.
3. Indicate the names and locations of the individuals who will be primarily responsible for providing the requested services.
4. Provide a description of your firm's approach to the plan of finance. Include a discussion of relevant issues related to the timing and structure of the proposed refunding.

Questions

1. Provide a brief description of your firm and its municipal bond and/or public finance department. Provide in tabular form for year ended 2009, 2010, and 2011, the firm's capital and excess net capital. Describe two situations in which the firm's capital was used to underwrite the unsold balance of a municipal bond issue.

2. In tabular form, please provide the staffing levels for municipal finance for year ended 2009, 2010, and 2011, for investment banking, institutional sales, trading and underwriting and municipal derivatives with totals. Separately, list municipal retail sales personnel including retail liaisons, Wisconsin retail sales persons and other national retail sales persons.
3. Describe your firm's sales and distribution capabilities. (Limit 1 page)
4. In tabular form list and total all taxable general obligation bond issues over \$100 million in which your firm has served as lead manager since January 1, 2010. Please include sale date (most recent first), Issuer, Amount, and an issuer contact and phone number for all transactions in which your firm has served as lead manager.
5. Discuss a recent financing which would be comparable to the County's proposed refunding issue (taxable, general obligation, AA-rated issuer preferably utilizing serial bonds).
6. Provide the names and brief resumes for the lead banker, the supporting banker, quantitative analyst, underwriter, institutional sales manager and retail sales manager and any other members of the team. For the lead banker, please provide three references (name, title, issuer, address, phone number and email address).
7. Discuss your marketing plan for the County's bonds. (limit 2 pages)
8. Indicate the amount of any political contribution to current Milwaukee County officials (as defined in MSRB Rule G37), made by principals of your firm within the last two years.
9. If your firm has a preference, list three law firms that your firm would consider for underwriters' counsel.
10. Provide a fee on a per bond basis for underwriting the transaction, including management fee, average takedown, underwriting fees (risk) and expenses (excluding underwriter's counsel) and gross spread.

Note: The lead underwriter will not receive 100 percent of the bonds. The County will determine allocations to co-managers after proposals are received.

All costs proposals are final and may not be adjusted.

Include all information related to these fees in a separate sealed envelope accompanying this proposal.

Respondents must comply with the Milwaukee County policies to achieve participation of certified Disadvantaged Business Enterprise (DBE¹) firm. Detailed information is provided in the section below regarding compliance.

All documents referenced in the section below are contained in the attachment to this proposal.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS

1. All bidders/proposers shall comply with CFR 49, Parts 23 and 26, and Chapter 42 of the Milwaukee County Ordinances, which require all bidders/proposers to show Good Faith Efforts (GFE) toward achieving the assigned Disadvantaged Business Enterprise (DBE*) goal on all Milwaukee County contracts with a DBE goal. In accordance with Milwaukee County policies and USDOT requirements, the contractor/consultant shall ensure that DBEs have an opportunity to participate on this contract.
2. **DBE Contract Goal**: Contractor/consultant shall utilize DBE firms to a minimum of 17% of the total contract amount, or document the good faith efforts made to meet that goal, on this contract. The DBE participation goal relative to contract award shall be based upon the approved ***Commitment to Contract with DBE (DBE-14)*** form. Contractors/Consultants receiving additional work on the contract, e.g., change orders, addendums, etc., shall be expected to increase DBE participation proportionally.

DURING SOLICITATION PROCESS

3. The Milwaukee County Department of Community Business Development Partners (CBDP) will make the determination as to whether a contractor/consultant has made a good faith effort to achieve the assigned DBE participation goal by doing either of the following:
 - a. Evidencing that it has met the DBE participation goal by submitting with its bid/proposal a signed and notarized ***Commitment to Contract with DBE (DBE-14)*** form documenting sufficient DBE participation; or
 - b. Documenting the good faith efforts made to meet the DBE participation goal, even though it did not succeed in achieving the goal. In this case, the contractor/consultant shall submit the ***Certificate of Good Faith Efforts (DBE-01)*** and all relevant documentation, which will include a signed and notarized ***Commitment to Contract with DBE (DBE-14)*** form documenting the DBE participation achieved toward satisfying the goal, with its bid/proposal. CBDP is prohibited, under 49 CFR, Part 26, from ignoring *bona fide* good faith efforts when making determinations on requests for waiver of the DBE goal requirement, in whole or part. Good faith effort determinations shall be made by CBDP based upon contractor/consultant showing of good faith efforts on a contract-by-contract basis.

* The term "DBE" means small business concerns known as Disadvantaged Business Enterprise (DBE) firms owned at least 51% by socially and economically disadvantaged individuals, and certified by the State of Wisconsin UCP under CFR, 49 Part 26.

4. Contractor/Consultant shall submit with its bid/proposal, the completed *Subcontractor/Subconsultant/Supplier Information Sheet (DBE-02)* and signed and notarized *Commitment to Contract with DBE (DBE-14)* forms. In the event the contractor/consultant is not successful in meeting the DBE goal, a complete *Certificate of Good Faith Efforts (DBE-01)* and all relevant documentation shall be submitted with the bid/proposal in addition to the aforementioned forms.
5. The efforts employed by the contractor/consultant should be those that one could reasonably expect to be taken if the contractor/consultant were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE participation contract goal. (49 CFR, §26.53, and Appendix A to 49 CFR, Part 26, provide guidance regarding GFE).
6. In the event CBDP determines that the contractor/consultant has failed to meet the GFE requirements, the contractor/consultant is entitled to appeal this determination. The provisions of 49 CFR, §26.53(d), apply to such an appeal. A request for administrative reconsideration must be sent within three (3) days of receiving written notice of the failure to meet the GFE requirement. The request should be sent to:

Milwaukee County – City Campus
CBDP, Room 830
2711 West Wells Street
Milwaukee, WI 53208

7. Listing a DBE on the *Commitment to Contract with DBE (DBE-14)* form shall constitute a written representation and commitment that the contractor/consultant has communicated and negotiated directly with the DBE firm(s) listed, and that it will use the listed firm(s). If awarded the contract, the contractor/consultant will enter into a contract agreement with the DBE firm(s) listed on the *Commitment to Contract with DBE (DBE-14)* form for the work and price set forth thereon. This agreement must be submitted to CBDP within seven (7) days from receipt of the *Notice to Proceed*.
8. Contractors/Consultants should note that for the purpose of determining compliance with the DBE requirements of this contract, only DBEs certified by the State of Wisconsin Unified Certification Program (UCP) prior to the bid/proposal submission deadline will be counted towards the satisfaction of the assigned DBE goal. If a bidder/proposer wishes to utilize a DBE firm certified in another state for credit on this contract, the bidder/proposer shall include a copy of DBE certification from the home state along with its good faith efforts documentation upon submission of bid/proposal as a matter of responsiveness. If you need clarification or assistance related to certified DBE firms, contact CBDP at (414) 278-4747.
9. When evaluating a contractor/consultant's proposed DBE commitment, Milwaukee County reserves the right to request any documentation from both the contractor/consultant and any listed DBE firms. If the information requested is not submitted by the contractor/consultant within the time specified for such submission, Milwaukee County may determine the contractor/consultant to be non-responsive and thereby remove them from further consideration for contract award.

FOLLOWING CONTRACT AWARD

10. The contractor/consultant shall prepare and submit accurate and timely forms and reports on DBE utilization after contract award. These shall include, but not be limited to ***DBE Utilization Report (DBE-16)*** forms, and other forms as directed. Failure to submit forms and reports with requests for payment will result in denial of payment, or other sanctions deemed appropriate by the County, including those listed under Section (11), below.

11. When evaluating the performance of this contract after execution, Milwaukee County reserves the right to conduct compliance reviews and request, both from the contractor/consultant and the DBE firm(s), documentation necessary to verify actual level of DBE participation. If the contractor/consultant is not in compliance with these specifications, CBDP will notify the contractor/consultant in writing of the corrective action that will bring the contractor/consultant into compliance. If the contractor/consultant fails or refuses to take corrective action as directed, Milwaukee County may take one or more of the actions listed below:
 - a. Terminate or cancel the contract, in whole or in part;
 - b. Remove the contractor/consultant from the list of qualified contractors/consultants and refuse to accept future bids/proposals for a period not to exceed three (3) years;
 - c. Impose other appropriate sanctions, including withholding any retainage or other contract payments due which are sufficient to cover the unmet portion of the DBE contract commitment, where the failure to meet the DBE contract commitment is the result of a finding by CBDP of less than adequate good faith efforts on the part of the contractor/consultant; and/or
 - d. If the contractor/consultant has completed its contract, and the DBE contract commitment was not met due to an absence of good faith on the part of the contractor/consultant as determined under 49 CFR, Part 26, the parties agree that the proper measure of damages for such non-compliance shall be the dollar amount of the unmet portion of the DBE contract commitment. The County may in such case retain any unpaid contract amounts and retainage otherwise due the contractor/consultant, up to the amount of the unmet DBE contract commitment. If insufficient funds remain in the contract account to compensate the County up to that amount, Milwaukee County may bring suit to recover damages up to the amount of the unmet commitment, including interest at the rate of 12% annually, plus the County's costs, expenses and actual attorney's fees incurred in the collection action.

12. Contractor/Consultant shall be credited for expenditures to DBE firms toward the requirements, if the entire identified scope of work has a commercially useful function in the actual work of the contract and is performed directly by the listed DBE firm. CBDP, through the application of 49 CFR, §26.55(c), will be responsible for the determination and evaluation of whether or not the firm is performing a commercially useful function on this project.

13. Contractor/consultant is required to notify CBDP if its DBE contractor(s) will further subcontract out work on this project. Work will be credited based on actual participation by DBE firms.

14. Contractor/Consultant must maintain DBE participation and performance logs. If the DBE firm(s) cannot perform, or if the contractor/consultant has a problem in meeting the DBE goal, or any other problem relative to the DBE goal requirement, the contractor/consultant shall immediately contact CDBP at (414) 278-5248. If needed, contractor/consultant must submit a written request for substitution, including the reason for the request and the log, to its DBE contractor and forward a copy to CDBP. Approval must be obtained from CDBP prior to making substitutions. Any difference in the cost occasioned by such substitution shall be borne by the contractor/consultant.
15. **Requests For Payment:** A *DBE Utilization Report (DBE-16)* form shall be submitted with each payment request by the contractor/consultant after contract award. This report must cover the period covered by the request for payment being submitted. This report must be submitted even if no DBE activity took place during the period being reported. The County Project Manager/Administrator will reject requests for payment that are not in compliance with this section.
16. **Final Payment Verification.** The contractor/consultant shall submit the *Contract Close-Out DBE Payment Certification (DBE-18)* and the final *DBE Utilization Report (DBE-16)* along with its final request for payment. The County Project Manager/Administrator will not process the final request for payment if these required reports are not included.
17. Milwaukee County reserves the right to waive any of these specifications when it is in the best interest of the County and with the concurrence of CDBP.

Evaluation of Proposals:

Proposals will be evaluated by a review panel.

Terms and Conditions:

The County has the right to reject any and all proposals; to disqualify any proposals not meeting the Request for Proposal due dates; to disqualify any proposals not following Request for Proposal communication procedures; and to disqualify any proposals not responsive to the criteria specified for evaluation. The County has the right to take into consideration the abstract and the formal content of the proposal. The County will not be liable for any costs incurred by proposers prior to the issuance of an agreement nor will pre-agreement costs be authorized to any firm. The County reserves the right to request clarification of submitted information and to request additional information from applicants.

Prior to making a final decision, the County reserves the right to negotiate with the recommended firm(s) any terms and conditions which may be different from those originally proposed or required by this RFP.

The County will not be liable for any costs incurred by proposers in the preparation or production of the proposal nor will pre-agreement costs be authorized to any proposer. All proposals and materials submitted in conjunction with the proposals will become the property of the County.

All contracts will be reviewed and approved, in writing, by the County's Risk Manager for financial responsibility and liability management, including appropriate insurance provisions and modification in indemnity agreements.

If there is a discrepancy between this RFP and the contract, the language of the contract will rule.

Contents of Proposal:

All attachments, additional pages, addenda or explanation supplied by the vendor in the submission package will be considered as part of the RFP response. The material will be evaluated as part of the vendor's response to the RFP and will eventually be incorporated as part of the terms and conditions of the successful proposer's contract with Milwaukee County.

Milwaukee County Contact Person

Questions about request for proposal requirements should be directed to Pamela Bryant, Capital Finance Manager at (414) 278-4396 or pbryant@milcnty.com.

Please do not contact members of the County Board of Supervisors, the County Executive or any other County representatives or employees between January 1, 2012 and the end of the RFP process (signed contract). If you do contact a Milwaukee County representative during this time period, your response should identify, in writing, the name of the party you contacted and the content of the communication. Please also notify Ms. Bryant, in writing, if you contact anyone after your firm's submission. All communications will be posted on the Milwaukee County Department of Administrative Services web site.

Changes in request for Proposal:

If it becomes necessary to revise any part of this RFP or otherwise provide additional information to potential bidders, an addendum will be posted on the County's website.

Proposal Process Timeline and Due Date

Please Label Proposals with Firm's Name and Address and "Proposal for Underwriter". Seven (7) sealed copies of the proposal for underwriter shall be submitted. Five (5) copies must be received in the Office of the County Clerk, no later than noon, Central Daylight Time on March 27, 2012. The other two (2) copies of the proposal should be sent to the County's financial advisor as follows:

Please include all information required by Question 10, (relating to fees), in a separate sealed envelope.

Five Copies of Proposal to:

Two Copies of Proposal to:

Patrick Farley, Director
Department of Administration
C/O Milwaukee County Clerk's Office
Courthouse, Room 105
901 North Ninth Street
Milwaukee, Wisconsin 53233

Mr. David Anderson
Public Financial Management
115 South 84th Street
Suite 315
Milwaukee, WI 53214

Proposals will be evaluated by the review panel. Interviews may be held with select firms. The anticipated schedule of events is shown below:

Action	Date
Request for Proposals Issued	March 05, 2012
Proposals Due to County	March 27, 2012
Recommendation to Finance and Audit Committee	May, 2012
Recommendation to County Board	May, 2012

Disadvantaged Business Enterprise Documents

DBE-20: Bid/Proposal Submission Disadvantaged Business Enterprise (DBE) Requirements Checklist

DBE-14: Commitment to Contract with DBE

DBE-02: Subcontractor/Subconsultant/Supplier Information Sheet

DBE-01: Certificate of Good Faith Efforts

DBE-16: Disadvantaged Business Enterprise (DBE) Utilization Report

DBE-18: Contract Close-Out DBE Payment Certification



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

Bid/Proposal Submission Disadvantaged Business Enterprise (DBE) Requirements Checklist

- **Submit with the bid/proposal** the Subcontractor/Subconsultant/Supplier Information Sheet (DBE-02), and the Commitment to Contract with DBE (DBE-14); or, if the goal is not attained, a Certificate of Good Faith Efforts (DBE-01) and all relevant documentation for Good Faith Effort determination.
- DBE utilization credited towards satisfying the desired level of DBE participation on this project is calculated using the following criteria, and is further described in 49 CFR, §26.55:
 - One hundred percent (**100%**) of expenditures to DBE firms if all of the identified scope of work has a **commercially useful function in the actual work of the contract** and is performed directly by the listed certified DBE firm. A DBE firm cannot subcontract work to non-DBE firms and must perform the work with its own forces to be considered as performing a commercially useful function. CBDP will determine whether or not the firm is performing a commercially useful function.
 - One hundred (**100%**) percent for **all work performed by the DBE contractor with its own forces**. If a DBE further subcontracts a portion of its work to another firm, the value of the subcontracted work will only be credited if performed by another DBE firm. The prime contractor/consultant will be given credit for the cost of materials and supplies obtained by the DBE for their work on the contract. The prime contractor/consultant will also be given credit for the cost of leasing equipment, provided the DBE contractor does not lease the equipment from the prime contractor or its affiliates.
 - One hundred percent (**100%**) of the **expenditures to DBE manufacturers**. A DBE manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises goods from raw materials, or substantially alters the materials or supplies obtained by their firm.
 - Sixty percent (**60%**) of the **expenditures for materials or supplies purchased from a certified DBE regular dealer**, i.e., business that sells from regular inventory or stock on-hand. Brokers are not regular dealers.
 - One hundred percent (**100%**) for the **fees or commissions charged for assistance in the procurement of materials and supplies, i.e., brokered deals**. A prime contractor/consultant shall also be credited with one hundred (**100%**) percent for **fees or transportation charges for the delivery of materials or supplies by a DBE to a job site**, provided that the County determines that the fee is reasonable and not excessive as compared with fees customarily allowed for similar services. The cost of the materials and supplies will not be credited.
 - DBE credit will be given based on actual payments to DBEs for their services on this contract.
- In calculating the bid/proposal, **prime contractors/consultants must demonstrate that they have secured actual costs from DBEs for contracting work in anticipation of contract award.**
- Listing a DBE on the Commitment to Contract with DBE (DBE-14) form shall constitute a written representation and commitment that the prime contractor has communicated and negotiated directly with the DBE firm(s) listed, and that it will use the listed firm(s). When awarded the contract, the prime contractor/consultant will enter into a contract agreement with the DBE firm(s) listed on the Commitment to Contract with DBE (DBE-14) form for the work and price set forth thereon. This agreement must be submitted to CBDP within seven (7) days from receipt of the Notice to Proceed.
- **Only DBEs that are certified, i.e., listed on the Wisconsin Uniform Certification Program (UCP) Directory, prior to the bid/proposal submission deadline will be counted towards satisfying the desired level of DBE participation on this project.** WI UCP Directory = www.county.milwaukee.gov/cbdp – click on “Certified Vendor List” on the left side of the page, click on “WisDOT Unified Certification Program Directory of Certified DBEs” link. **For further assistance please use the contact information listed below.**

Mildred Hyde-Demoze/mydedemoze@milwcnty.com/414.278.5037



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

COMMITMENT TO CONTRACT WITH DBE

PROJECT No.: _____ PROJECT TITLE: _____

TOTAL CONTRACT AMOUNT \$ _____

DBE Goal: _____

A	V	Name & Address of DBE (*)	Scope of Work Detailed Description	DBE Contract Amount	% of Total Contract

[* Separate commitment form must be completed for each DBE firm]

Bidder/Proposer Commitment

I certify that the DBE firm listed quoted the identified service(s) and cost(s), and acknowledge having contact, and receipt of confirmation, on partnering, pricing and delivery from DBE firm listed herein. Our firm _____ (Phone No. _____) intends to enter into contract with the DBE firm listed, for the service(s) and amount(s) specified if awarded this contract. A copy of the contract between our firm and that of the named DBE will be submitted directly to CBDP within seven (7) days from receipt of Notice to Proceed on this contract. The information on this form is true and accurate to the best of my knowledge. I further understand that falsification, fraudulent statement, or misrepresentation will result in appropriate sanctions under applicable Local, State or Federal laws.

Signature of Authorized Representative

Name & Title of Authorized Representative

Date

Subscribed and sworn to before me this _____ day of _____, 20 _____

Signature of Notary Public

State of _____ . My Commission expires _____.

[SEAL]

* Only firms certified as DBEs (within qualifying NAICS codes) by the State of Wisconsin UCP *prior to bid/proposal opening* shall be credited on this contract

DBE Affirmation

- I acknowledge and accept this commitment to contract with my firm for the service(s) and dollar amount(s) specified herein, as put forth by _____.
- I understand and accept that this commitment is for service(s) to be rendered in completion of the Milwaukee County project specified herein.

Signature of Authorized DBE Representative

Name & Title of Authorized DBE Representative

Date

FOR CBDP USE ONLY: (A) \$ _____
(V) \$ _____

Total % _____

CBDP APPROVAL:

Signature

Date



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

COMMITMENT TO CONTRACT WITH DBE

ADDITIONAL INFORMATION/REQUIREMENTS:

1. This form is to be completed by the bidder/proposer (Bidder/Proposer Commitment section) and the intended DBE contractor (DBE Affirmation section) for inclusion in the bid/proposal submission.
2. The Directory of Certified DBE firms eligible for credit toward the satisfaction of this project's DBE goal will be found at the following link, and can be searched by Name and/or NAICS code.
<https://app.mylcm.com/wisdot/Reports/WisDotUCPDirectory.aspx>
3. **ALLOWANCES:** During the course of this project you will be using portions of the allowance, which was initially deducted from your contract when you figured out your DBE requirement. As the allowance is used on the project, it is to be added back into the total contract price. An exception would be if the allowance being used is such that the DBE(s) cannot handle any portion of the work, the total contract amount should remain the same. In this case, it is necessary for the prime contractor/consultant to contact CBDP immediately by phone and provide the dollar amount involved and the reasoning for DBEs not being utilized. In addition, a follow-up letter documenting the information is required.
4. **CHANGE ORDERS:** Any prime contractor/consultant receiving additional work on the contract, e.g., change orders, addendums, etc., is required to increase the amount of DBE participation proportionally. Any time you receive additional work of any type, the prime contractor/consultant is required to contact CBDP.
5. **WRITTEN CONTRACTS WITH DBEs:** CBDP requires that prime contractors/consultants enter into contract with the DBE(s) specifying the work to be completed and the dollar amount as indicated in this form. A copy of this contract must be submitted ***By executing the above affidavit, your company is certifying, under oath, that you have had contact with the named DBE firm(s), that the DBE firm(s) will be hired, and that the DBE firm(s) will participate to the extent indicated in performance of the contract. VIOLATION OF THE TERMS OF THIS AFFIDAVIT IS GROUNDS FOR TERMINATION OF YOUR CONTRACT.***
6. **SUBSTITUTIONS, DBEs FURTHER SUBCONTRACTING WORK, TRUCKING FIRMS:** The prime contractor/consultant must submit written notification of desire for substitution to the DBE affected, and forward a copy to CBDP, specifying the reason for the request. Any DBE so notified has five (5) business days to provide written objection/acceptance to the prime making the notification. The "right to correct" must be afforded any DBE objecting to substitution/termination for less than good cause as determined by CBDP (Refer to 49 CFR §26.53). **Approval must be obtained from CBDP prior to making any substitutions.** DBE contractors are also required to notify and obtain approval from CBDP when further subcontracting out work on this project. In the case of DBE trucking firms, credit will be given for trucks leased from other DBE firms; however, if the DBE leases trucks from non-DBE firms, only the commission or fee will be counted for DBE crediting.
7. **REQUESTS FOR PAYMENT:** Contractor/Consultant must indicate on the Continuation Sheet the work being performed by DBEs by either a) placing the word "DBE" behind the work item or b) breaking out the work done by DBEs at the end of the report. Prime contractor/consultant shall notify DBEs of the date on which they must submit their invoices for payment.
8. **DBE UTILIZATION REPORTS:** A DBE Utilization Report (DBE-16) must be submitted with each request for payment for the period's activity, even if no activity takes place during the period being reported. **Payments will be withheld from all prime contractors/consultants not in compliance.**

If you have any questions or concerns related to Milwaukee County's DBE Program, please contact
Mark Phillips / mark.phillips@milwcnty.com / 414.278.5104



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

CERTIFICATE OF GOOD FAITH EFFORTS

The intent of this certification is to document the good faith efforts implemented by the contract bidder/proposer in soliciting and utilizing DBE firms to meet DBE participation requirements. This certificate will assist Milwaukee County in determining whether the contract bidder/proposer has implemented comprehensive good faith efforts.

Failure to demonstrate good faith efforts to meet the assigned DBE participation requirements to the satisfaction of Milwaukee County could result in the rejection of the bid/proposal.

I, _____, do hereby acknowledge that I am the _____ of _____, who has been identified as a bidder/proposer on the following Milwaukee County Project:

Project No.	Project Title	Total Contract Amount	DBE Percentage	
			Goal	Pledged

Provide a brief summary on why you believe your firm is unable to meet the DBE participation goals on this project (Attach additional pages if necessary.)

I hereby certify that I have utilized comprehensive good faith efforts to solicit and utilize DBE firms to meet the DBE participation requirements of this contract, as demonstrated by my responses to the following questions:

A. Identifying Contractible Work Items

Bidder/Proposer is encouraged to select portions of work to be contracted in a manner that will increase the likelihood of meeting DBE goals. In selecting work to be contracted, bidder/proposer will consider, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation.

1. Which portion(s) or section(s) of the contract, in terms of the nature of work, was/were selected to be contracted to DBE firms (or broken down into economically feasible units to facilitate DBE participation)?

B. Notifying DBE Firms of Contracting Opportunities

2. In the table below, indicate which firms received written notification of work items to be subcontracted. In the appropriate space, also indicate when firms received subsequent telephone solicitations. Please attach additional page(s) so that all companies contacted are listed. (Attach photocopies of all written solicitations to DBE firms to this certificate.)

Company Contacted	Date of Written Notification	DBE (Yes/No)	Date of Follow-up Telephone Call

3. Identify publications in which announcements or notifications were placed and published, if any. (Attach copies of proof of each announcement or notification.)

Published Announcement/Publication (please describe)	Date

4. Identify DBE associations or organizations that received written notifications, including dates of all notifications. Provide name of person and date of follow-up call. If no follow-up calls made, explain why not. (Attach copies of letters sent as proof of notification.)

DBE Association/Organization	Date of Notification	Contact Person	Date of Follow-Up Call

5. Were the services of Milwaukee County's Community Business Development Partners Department (CBDP) used to assist in the recruitment of DBE firms?

Yes _____ No _____

Contact was made by: Telephone _____ Correspondence _____

Date contacted: _____ Person Contacted: _____

C. Providing DBEs With Assistance

6. Explain any efforts undertaken to provide DBE firms with adequate information about project scope of work and requirements of the contract:

7. Describe any efforts undertaken to assist interested DBE firms in obtaining lines of credit or insurance required by Milwaukee County and/or the contractor/consultant:

8. Describe any other efforts initiated to provide special assistance to DBE firms interested in participating in the project.

D. Soliciting Proposal/Quotes From Interested DBE Firms

Bidder/Proposer must solicit quotes in good faith with interested DBE firms. Quotes, proposals and/or bids, from interested DBE firms shall not be rejected without sound justification.

9. Indicate in the table below which DBE firms submitted quotes on the contract. Also, if any DBE quotes were rejected, provide a brief explanation as to why. Please attach additional pages(s) if necessary.

Name/Address/Contact Person of DBE Firm	Work Quoted and Explanation for Rejecting Quotes

10. Other comments you want Milwaukee County to consider:

NOTE: The information requested as set forth above is the minimum information required by Milwaukee County's Community Business Development Partners Department (CBDP) and CBDP may request the contractor/consultant to submit information on certain other actions taken to secure DBE participation in an effort to meet the contract goal.

AFFIDAVIT

STATE OF WISCONSIN)

) ss

COUNTY OF _____)

The undersigned, having been first duly sworn, affirms that the information given in the above certificate is true and correct to the best of his/her knowledge and belief.

Signed: _____

Authorized Representative

Subscribed and sworn to before me:

This _____ day of _____, 20 ____.

Notary Public

My commission expires _____, 20 ____.



COMMUNITY BUSINESS DEVELOPMENT PARTNERS
MILWAUKEE COUNTY

CONTRACT CLOSE-OUT
DBE PAYMENT CERTIFICATION

Prime Contractor/Consultant must attach this form to the request for final payment in order to receive payment.

County Department Issuing Contract/Project: _____

Prime Contractor/Consultant: _____

DBE Firm: _____

Project No.: _____ Project Name: _____

Complete Section A if full payment has been made.

Complete Section B if full payment will be made upon receipt of final payment from Milwaukee County.

***SECTION (A) DBE FIRM COMPLETES IF FINAL PAYMENT HAS BEEN RECEIVED**

I hereby certify that our firm received \$_____ total payment for work on the above referenced Milwaukee County project or contract.

Date _____, 20____

***SECTION (B) BOTH PRIME CONTRACTOR/CONSULTANT AND DBE FIRM COMPLETE IF FULL PAYMENT HAS NOT BEEN MADE TO DBE FIRM AND A BALANCE REMAINS TO BE PAID.**

I hereby certify that our firm has paid to date a total of \$_____ and will pay the balance of \$_____ to _____ upon receipt of payment from Milwaukee County for work on the above referenced project or contract.

Date: _____, 20____

(Prime Contractor/Consultant Signature)

(Print Name & Title)

(DBE Contractor/Consultant Signature)

(Print Name & Title)