



**POLICY ON  
MINORITY & WOMEN  
OWNED BUSINESS PARTICIPATION ON  
SAINT LOUIS ZOO  
CONTRACTS**

Revised: January 1, 2022

**POLICY ON  
MINORITY AND WOMEN OWNED BUSINESS  
PARTICIPATION ON  
SAINT LOUIS ZOO CONTRACTS**

**SECTION ONE: POLICY**

It is the policy of the Saint Louis Zoo that minority and women-owned businesses, as defined herein, shall have the maximum opportunity to participate in the performance of contracts or sub-contracts of the Zoo. The Zoo shall take all necessary and reasonable steps to ensure that said businesses have the maximum opportunity to compete for and perform under all Zoo contracts. The Zoo or its Contracting Agencies shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts.

The method that the Saint Louis Zoo shall employ to implement this policy is the establishment of a goal of at least 25% Minority Business Enterprise participation and at least 5% Women Business Enterprise participation in contracts and purchases wherein Zoo funds are expended. This goal shall be pursued by the programs described below.

**SECTION TWO: PROGRAM ADMINISTRATION**

1. The Chief Financial Officer for the Saint Louis Zoo shall be charged with the overall responsibility for the administration and enforcement of this Policy on Zoo Minority and Women Owned Business Participation on Saint Louis Zoo Contracts. The Director of Procurement shall be charged with establishing procedures & implementation for the purpose of monitoring the Zoo's overall performance with respect to Minority and Women Business Enterprise participation. The duties and responsibilities of the Director of Procurement shall include:
  - a. Developing and distributing a directory of certified M/WBE businesses.
  - b. Reviewing on a regular basis, the progress of the Zoo toward achieving the goals for the utilization of Minority Business Enterprises and Women Business Enterprises and making an annual report in the first quarter of each year to the Zoo Commission, reporting that progress which has been made, together with recommendations as to such further remedial action that should be taken, if any.
  - c. Monitoring the Zoo throughout the duration of contracts to ensure that all efforts are made to comply with the requirements of this policy.
  - d. Certifying whether or not the requirements of this policy have been satisfied before contracts are signed or countersigned.
  - e. The advertisement for bids, if any, shall appear in the St. Louis Post Dispatch and the St. Louis American no later than 21 days before bids are due on specific contracting opportunities, except where the contracts are awarded on an emergency basis.
  - f. All contract solicitations shall include this M/WBE policy and any other materials required.
2. It shall be the responsibility of each bidder and proposer to adhere to procedures and provisions set forth in this policy:

- a. Each bidder and proposer **must** complete an M/WBE Utilization with Assurance Form and identify therein its commitment, if any, to utilize MBE's and WBE's. **Any failure to complete and sign the M/WBE Utilization Form will result in the bid or proposal being declared nonresponsive and disqualified.** In the response to an invitation to bid or request for proposal, the bidder or proposer shall include the names of Minority and Women Business Enterprises to whom it intends to award subcontracts, if any, the dollar value of the subcontracts and the scope of work to be performed.
- b. It is the bidder's or proposer's responsibilities to ensure all M/WBEs projected for use have been certified by recognized agencies, including local and national minority supplier development councils, women owned business development centers, Local, State, and Federal government agencies, or nationally recognized chamber of commerce prior to bid opening. The Zoo will not accept self-certification or certification in process.
- c. The awardees of a contract must, for the duration of their contract, submit a copy of executed agreements with the M/WBEs being utilized. Awardees will be required to submit M/WBE workforce participation at the end of each calendar fiscal month as well as annually at calendar fiscal year's end.
- d. The prime contract bidder must declare their workforce demographics upfront at time of the time of bid. Workforce, as defined by the Zoo, is the entire labor pool for a single company including professional and labor staff.
- e. The prime contract bidder should break its subcontracts down into discrete items or packages that at least some of the M/WBEs in the relevant area may find economically feasible to perform.
- f. The prime contract bidder should not deny a subcontract to an otherwise qualified and competitive M/WBEs solely because the latter cannot perform an entire package of related items, but the bidder may deny a request to repackage the work where doing so would jeopardize scheduling or increase that bidder's cost of performing the original package by more than 5%.
- g. The Zoo shall use at least part of any pre-bid meeting to encourage prime contractors and M/WBEs to work together, providing an opportunity for all firms to identify themselves and for all M/WBEs to identify the type(s) of work that they perform. The Zoo should also emphasize that it expects all firms to perform a commercially useful function.
- h. The Zoo shall prepare monthly reports concerning its progress in achieving the goals established in this policy.
- i. Change orders whether made individually or in the aggregate, which alter the total dollar value of the original contract must maintain the level of M/WBE participation as established in the original contract. If the Contractor is unable to meet its M/WBE contractual commitment, it must submit documentation of reasons for failure to meet the goals.

### 3. Bonding and Insurance

The prime contract bidder should be encouraged not to deny a subcontract to an otherwise qualified and competitive, and if necessary, certified M/WBE solely because the latter cannot provide a performance or payment bond for the work, unless the bidder's bonding is contingent upon bonding for all subcontractors.

### 4. Written Policy

Independent and apart from its interest in any one project, the prime contract bidder should have a

written policy stating that it affirmatively supports subcontracting to M/WBEs and that bringing such firms into the mainstream of the involved industry is a priority for that firm. This policy shall be made available to the Zoo upon request.

5. Liaison with M/WBEs

Independent and apart from its interest in any one project, the prime contract bidder should assign a senior official the responsibility of serving as a liaison between the firm and the M/WBEs in the relevant area.

6. Scope Letter

At least five business days before the date on which bids are due, the M/WBEs should also give the prime contract bidder a scope of work letter that defines the items that the M/WBE would like to perform.

### **SECTION THREE: ZOO CONSTRUCTION AND IMPROVEMENT CONTRACTS**

This section shall be applicable to all contracts let for Zoo construction or improvements.

MBE and WBE participation shall be counted in accordance with the following provisions:

1. The Zoo may count MBE or WBE participation only expenditures to MBEs and WBEs that perform commercially useful functions in the execution of a contract. An MBE or WBE is considered to perform a commercially useful function when it is responsible for executing a distinct element of the work and carrying out its responsibilities by actually performing, managing and supervising the work involved. To determine whether a MBE or WBE is performing a commercially useful function, the Zoo will evaluate the amount of work subcontracted, industry practices and other relevant factors.
2. The Zoo may count as a MBE or WBE participation the total dollar value of a contract with a MBE or WBE prime contractor less any amount that is subcontracted to non- MBEs/WBEs (including any persons or firms that are identified as MBE and/or WBE but are not so certified by a certifying authority).
3. The total dollar value of a contract with an enterprise that is owned and controlled by a minority woman will be counted as minority participation.
4. The Zoo may count as MBE or WBE participation a portion of the total dollar value of a contract with a joint venture equal to the percentage of MBE or WBE participation in the joint venture. The joint venture must be certified by a Certifying Authority (as defined below) and the MBE and WBE participation in the joint venture must be responsible for a clearly defined portion of the work to be performed, equal to a share in the ownership, control, management, responsibility, risks and profits of the joint venture.
5. The Zoo may count toward a bidder's MBE and WBE goals expenditures for material and supplies obtained from M/WBE suppliers and manufacturers, provided that the M/WBE assumes the actual and contractual responsibility for the provision of materials and supplies.
  - a. The Zoo may count a bidder's entire expenditure to a M/WBE manufacturer. Manufacturer is defined as an individual or entity that produces goods from raw materials or substantially alters them before resale.
6. The Zoo may count as MBE and WBE participation the entire expenditure to certified MBE or WBE

supplier, when the supplier:

- a. Assumes the actual and contractual responsibility for furnishing the supplies and materials; and
  - b. Is recognized as a distributor by the industry involved in the contracted supplies and materials; and
  - c. Owns or leases a warehouse, yard, building or whatever other facilities are viewed as customary or necessary by the industry; and
  - d. Distributes, delivers and services products with their own staff and/or equipment.
7. The Zoo may count as MBE and WBE participation only those firms that have been certified as MBE's and WBE's by local and national minority supplier development councils, women owned business development centers, Local, State, and Federal government agencies, or nationally recognized chamber of commerce ("Certifying Authority") prior to bid opening. If a firm listed by a bidder in its bid documents has not been so certified as MBE or WBE, the amount of participation it represents will be deducted from the total MBE or WBE participation proposed by the bidder.
  8. Joint ventures or mentor-protégé relationships between prime contractors and subcontractors with local MBE and WBE firms are encouraged.
  9. Representatives of the Zoo or its designee shall make periodic visits to the project site to verify minority and women's business enterprise participation and staffing.
  10. Contracts totaling \$3 million and above include a 3 month paid training program for a minority or woman individual.

#### **SECTION FOUR: SERVICE CONTRACTS**

1. It shall be the goal of each Contracting Agency where anticipated service contracts, including professional service contracts, for any year exceed the sum of \$25,000 in the aggregate that 25% of the aggregate value of contracts awarded each fiscal year be let with MBEs and that 5% of the aggregate value of contracts awarded each fiscal year be let with WBEs.
2. All requests for services, including professional services, shall require proposers to make every good faith effort to utilize M/WBE firms as subcontractors and suppliers whenever possible.
3. Joint ventures or mentor-protégé relationships between prime contractors and subcontractors with local M/WBE firms are encouraged.
4. Participation of M/WBE firms located within the Zoo Museum District is preferred (City of St. Louis and St. Louis County, Missouri).

#### **SECTION FIVE: SUPPLY CONTRACTS**

1. The goal of the Zoo is that 25% of the value of all contracts let and purchases made by the Zoo shall be let or made with MBEs and that 5% of the value of all contracts let and purchases made by the Zoo shall be made with WBEs.
2. All contracts let by the Zoo for the purchase or lease of materials, equipment, supplies, commodities or services, the estimated cost of which exceeds \$10,000, shall be subject to this goal.
3. Joint ventures or mentor-protégé relationships between prime contractors/distributors, subcontractors, and materials suppliers with local M/WBE firms are encouraged.
4. Participation of M/WBE firms located within the Zoo Museum District (ZMD) is preferred.

**SECTION SIX: ARCHITECTURE, ENGINEERING, & SURVEYOR CONTRACTS**

1. It shall be the goal of each Contracting Agency where anticipated Architecture, Engineering & Surveyor contracts for any year exceed the sum of \$25,000 in the aggregate that 25% of the aggregate value of contracts awarded each fiscal year be let with MBEs and that 5% of the aggregate value of contracts awarded each fiscal year be let with WBEs.
2. All requests for such services, including professional services, shall require proposers to make every good faith effort to utilize minority business enterprises and women’s business enterprises as subcontractors and suppliers whenever possible.
3. Joint ventures or mentor-protégé relationships between prime contractors and subcontractors with local M/WBE firms are encouraged.
4. Participation of M/WBE firms located within the Zoo Museum District is preferred (City of St. Louis and St. Louis County, Missouri).

**SECTION SEVEN: QUALIFICATION BASED SELECTION CONTRACTS**

1. The submitter is to submit a supplemental form containing actual M/WBE information as project scope is known with work order.
2. It is a requirement that the Zoo subsequently consents to such supplemental M/WBE information before moving forward with the proposed contract.

**At contract completion, the Zoo shall obtain final documentation of M/WBE participation. The Zoo must have complete and acceptable documentation as determined by the Zoo of amounts paid to all project M/ WBE subcontractors on file before the final payment is made to the prime contractor/ organization.**

Dated: \_\_\_\_\_

Saint Louis Zoo: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor/ Representative: \_\_\_\_\_

Organization: \_\_\_\_\_

**SAINT LOUIS ZOO**  
**MBE/WBE UTILIZATION STATEMENT**

**Policy:** It is the policy of the Saint Louis Zoo, that minority and women-owned businesses, as defined in the foregoing document, shall have the maximum opportunity to participate in the performance of contracts or sub-contracts of the Zoo. The Zoo shall take all necessary and reasonable steps to ensure that said businesses have the maximum opportunity to compete for and perform under all Zoo contracts. The Zoo shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts.

**Obligation:** The contractor/ organization agrees to ensure that minority and/or women-owned businesses have the maximum opportunity to participate in the performance of contracts or subcontracts financed in whole or in part with Zoo funds. The contractor/ organization shall take all necessary and reasonable steps to ensure that said businesses have the maximum opportunity to compete for and perform under this contract. The contractor/ organization shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts.

**Project and Bid Identification**

Complete the following information concerning the Project and Bid:

Project Name: \_\_\_\_\_

Total Bid: \$ \_\_\_\_\_

Contract M/WBE Goal: 25% MBE and 5% WBE Participation

Dollar amount of proposed MBE: \$ \_\_\_\_\_

Dollar amount of proposed WBE: \$ \_\_\_\_\_

**Workforce Demographic Declaration**

Define your employee demographics for minority & women. Workforce, as defined by the Zoo, is the entire labor pool for a single company including professional and labor staff.

Minority \_\_\_\_\_ %

Women \_\_\_\_\_ %

**ASSURANCE**

I, acting in my capacity as an officer of the undersigned bidder or bidders if a joint venture, hereby assure the Saint Louis Zoo that on this project my company will: (check one)

\_\_\_\_\_ Meet or exceed contract award goals and will provide participation as follows:

Minority- Owned Business Commitment \_\_\_\_\_ Percent

Women-Owned Business Commitment \_\_\_\_\_ Percent

\_\_\_\_\_ Does not meet contract award goals but will demonstrate that good faith efforts were made to meet the goals and that my company will provide participation as follows:

Minority- Owned Business Commitment \_\_\_\_\_ Percent

Women-Owned Business Commitment \_\_\_\_\_ Percent

**Certification Status** (if declared, certification must be attached)

\_\_\_\_\_ MBE \_\_\_\_\_ WBE \_\_\_\_\_ Other \_\_\_\_\_ Not Applicable

\_\_\_\_\_  
Name of Company

\_\_\_\_\_  
By

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR/ SUBCONTRACTOR/ ORGANIZATION TO CIVIL OR CRIMINAL PROSECUTION.



## **DEFINITIONS**

For purposes of this policy, the following terms have the meanings indicated below:

**Certification:** The process by which the Saint Louis Zoo determines a person, firm or legal entity to be a bona fide MBE or WBE through a certifying agency. Recognized agencies, include local and national minority supplier development councils, women owned business development centers, Local, State, and Federal government agencies, or nationally recognized chamber of commerce.

**Contracting Agency:** Any Agency or Department making a contract on behalf of the Saint Louis Zoo.

**Good Faith Effort:** all actions taken by a bidder or prime contractor consistent with the requirements, rules and procedures established by the Saint Louis Zoo to engage M/WBEs toward meeting the goals for minority and women business enterprise utilization.

**Disadvantaged Minority Business Enterprise (DBE):** a sole proprietorship, partnership or corporation owned, operated and controlled by disadvantaged group members who have at least 51% ownership. The disadvantaged group member(s) must have day-to-day operational and managerial control and an interest in capital and earnings commensurate with his or her percentage of ownership.

**M/WBE:** Minority and Women Own Business Enterprise

**M/WBE Utilization Plan:** the form detailing the goods and services to be provided by the prime contractor by each M/WBE list to meet the M/WBE goals. This form must be submitted at bid opening by each bidder and included the names(s) of all the M/WBE subcontractors to be utilized in the contract, certification information, the items of work to be performed and their percentage of the bid amount.

**Minority Business Enterprise (MBE):** a sole proprietorship, partnership or corporation owned, operated and controlled by minority group members who have at least 51% ownership. The minority group member(s) must have day-to-day operational and managerial control and an interest in capital and earnings commensurate with his or her percentage of ownership.

**Minority Group Member(s):** persons legally residing in the United States who are African American, Asian-American, Native-American or Hispanic-American.

**Women's Business Enterprise (WBE):** a sole proprietorship, partnership or corporation owned, operated and controlled by a women or women who have at least 51% ownership. The women or women must have day to day operational and managerial control and an interest in capital and earnings commensurate with her or their percentage of ownership.

**Workforce:** the entire labor pool for a single company including professional and labor staff.

**Workforce Participation:** a form submitted by the contractor or agency on a monthly & year-end basis declaring workforce participation based on pay application/ invoice statements.