

**SUBJECT: Minority, Women, and Disadvantaged Business Owned Enterprises (“MWDBE”)
Subconsultant Utilization Selection Program**

POLICY

PURPOSE

The purpose of this policy and procedure is to establish a process to identify and team with qualified and responsible MWDBE firms to form the best team possible for project pursuits while also meeting the MWDBE requirements/goals for Federal, State and locally funded projects.

POLICY

It is the policy of ATANE not to discriminate on the basis of race, creed, gender, national origin, ethnicity, gender or any other category protected under applicable law.

SCOPE

It is a goal of ATANE to establish, and continually grow, a pool of qualified and certified MWDBE subconsultants who can provide commercially useful services as subconsultants and partners. This pool will be comprised of firms that are qualified to provide the services identified and certified in the appropriate MWDBE categories as required for the specific agency/government entity in order to meet contract goals. ATANE’s Project Manager is responsible for maintaining and managing compliance with the MWDBE contract goals at the project level.

MWBE Identification and Solicitation:

Entities seeking to do business with ATANE should call (212) 747-1997 to request that prequalification forms be sent to them. In addition, ATANE may periodically send invitations to subconsultants or to pre-qualify in various publications, industry events and social media platforms. Further, many government entities maintain lists of pre-qualified MWDBE consultants which may serve as a resource for ATANE to identify potential MWDBE subconsultants.

MWDBE subconsultant selection is an ongoing process whereby ATANE shall identify, solicit and evaluate the capabilities and certifications of MWBE subconsultants. Current pre-qualified subconsultants must update their application on an annual basis. It should however be noted that any significant change should be reported to ATANE as soon as practical. All communications and updates should be made to Marketing1@ataneconsulting.com as well as to the Project Manager.

Further, it is expected that to remain qualified that all subconsultants must keep their MWDBE certifications and licenses current and must provide copies to ATANE Marketing. ATANE’s contracts contain the following language toward that end: *Subconsultant warrants that it is a certified MWBE under the owner/client’s MWBE program. Subconsultant further agrees that ATANE shall have the right to terminate the agreement for services for cause, without penalty or liability, if subconsultant’s certifications are not current or valid.*

ATANE’s superior quality services require adherence to the best standards of business conduct. ATANE strives to maintain the highest level of honesty and candor in its activities including observance with the

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spirit and letter of the law. In this regard all subconsultants must agree to follow these principles by adhering to the [ATANE Vendor Code of Ethics](#).

The prequalification application requests information in the following categories: services, certifications, licenses, project experience, safety history, insurance, claims/loss history, financial capacity, and business ethics. Upon completion of the application, the information is submitted to the ATANE Marketing Department which initiates and monitors the approval process. Marketing, Insurance, Legal, Compliance, Safety, and Finance review the initial application. A subconsultant may be approved, conditionally approved or rejected.

It is the policy of ATANE not to reject MWDBE applicants without sound reasoning based upon a thorough investigation of their capabilities and certifications. ATANE will accept updated or additional information at any time to qualify any applicant that falls short of the requirements.

All subconsultant information shall be maintained on the marketing drive at [Y:\01.NY1-WallStreet\GENERAL\PreQual Subs](#) and sorted alphabetically by applicant’s name. Approvals shall be recorded in Deltek under the Client tab by name of the subconsultant.

MWDBE Participation Plan:

It is the custom and practice of ATANE to identify the MWDBE requirements at the Request for Proposal (RFP) stage by familiarizing itself with the MWDBE requirements and to put together a team of qualified and certified MWDBEs responsive to the scope of services sought in the RFP in order to develop a winning proposal. It is during the proposal stage that the department manager and/or project manager determines the level of work that the MWDBE will be performing in accordance with its qualifications and certifications. This plan is memorialized in the MWDBE Participation Plan (“Plan”) that is submitted with the proposal to the client. The format of the Plan varies with the client.

It is also the responsibility of the proponent of the proposal to inform the MWBE subconsultant of the scope, specifications and the specific insurance requirements of the pursuit.

MWDBE Capabilities:

In addition to the pre-qualification application, MWDBE capabilities may be assessed by the project manager using the following additional criteria:

- a. The type and scope of services the subconsultant intends to provide.
- b. Subconsultant’s experience in performing the type of services it wishes to propose.
- c. Experience with the Client and subconsultant’s rating with the Client.
- d. Are the services to be performed the subconsultant’s usual type of work?
- e. Are the services unique or specialized?
- f. How will the subconsultant’s costs effect the overall proposal? Are the proposed costs of the services unreasonable or excessive for the services?
- g. Who are subconsultant’s staff (resumes) and what are the individual’s availability to perform the services on the pursuit?

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- h. If applicable, does subconsultant have equipment, technology and other resources available to perform the work and if not, how does it intend to obtain the necessary resources?
- i. Subconsultant’s current workload, including other contracts subconsultant will be performing concurrently with this project.
- j. Will the subconsultant perform the work with its own staff?
- k. Subconsultant’s intention to subcontract any of the work to a non-MWDBE. Know what percentage of the work the subconsultant intends to self-perform so that the “commercially useful function” percentages are satisfied.
- l. If applicable, information on the subconsultant’s bonding capacity, including “Total Program” and “Largest Single Project.”
- m. Experience working with the subconsultant may be considered.
- n. References of subconsultants from other prime consultants and/or Clients for which they have worked.
- o. Ability to meet the insurance requirements of the Client.
- p. Whether the subconsultant enhances the specific Quality Based Selection (QBS) criteria of the Client.

Assistance to MWDBEs:

ATANE is sensitive to the struggles that MWDBEs can encounter in the industry. One of the challenges of many MWDBE subconsultants is the inability to purchase insurance with adequate limits that are compliant with Client contractual requirements. ATANE will, where reasonable, work with MWDBEs to reduce Client insurance limit requirements with Client approval.

Good Faith Efforts:

Upon award of the project, ATANE makes its best good faith efforts to comply with the goals established in the Plan. It is the Project Manager’s responsibility to ensure that the goals are met for the individual contract and to fulfill the periodic reporting requirements of the Client in a timely manner. The Project Manager must also become familiar with the documentation requirements of the public entity, in the event that ATANE must show its good faith efforts to attain the goals were unsuccessful.

Good Faith Documentation:

The following documentation must be maintained at a minimum to show good faith effort:

All emails and correspondence made in reference to the work being performed by the MWDBE including, but not limited to, requests for staffing for the particular scope of work the MWDBE agreed to perform with its own staff. In this regard, telephone conversations must be memorialized.

Documentation of any hurdles that develop during the course of the project that may have precluded the use of the MWDBE including, but not limited, to the unavailability of the proposed MWDBE staff member and the reason for his/her unavailability and MWBE efforts to provide the staff, nonperformance issues, unanticipated elimination and/or reduction in scope by the Client, etc.

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All communications made with the Client representative concerning the MWDBE Participation Plan and its progress.

In the event that the contract is an “on-call” contract, special attention should be made to the MWDBE participation plan to ensure compliance with the MWDBE goals over the life of the contract. Similarly, if a **change order** is issued, compliance with the MWDBE goals must be addressed with the Client.

DEFINITIONS

Client: Public or Private entity that is contracting the services for the project for which ATANE is providing its professional services

MWDBE: A Minority, Women and/or Disadvantaged Business Enterprise or any other category of firm certified by a particular public entity of a status as disadvantaged who may then participate in the entity’s program designed to maximize opportunities for those certified firms to compete for and perform contracts for the public in accordance with applicable law.

On-Call Contract: A term contract for professional services where distinct and multiple task orders may be issued for a specific scope and price

Participation Plan: The MWDBE Plan established by ATANE during the proposal phase, designed to meet the MWBE requirements of the contract.

Quality Based Selection (“QBS”): The selection process used by a public entity to award professional service contracts whereby unique criteria is used by the Client to measure the best proposal that will serve the Client’s interests for the services sought. Such criteria may include but is not limited to the project experience of the proposed team, qualifications and experience of the individual team members proposed, technical approach, etc. Upon identification of the highest ranked firm, negotiations on pricing ensue.

RFP: Request for Proposal for professional services published by client.

REFERENCES

Subconsultant Pre-qualification Questionnaire:
ATANE Vendor Code of Ethics

INTERPRETATION

Requests for interpretation of this Policy and Procedure shall be forwarded to the Marketing Department.

Revision Tracking:

October 2018
March 2019
May 2020