

**MINORITY BUSINESS ENTERPRISE, WOMEN BUSINESS ENTERPRISE
AND EMERGING SMALL BUSINESS (MWESB)
SUPPLEMENTAL ASPIRATIONAL CONTRACT PROVISIONS**

01.0 Policies and Actions:

It is the policy of the Oregon Department of Transportation (ODOT) that Contractors shall take reasonable steps to ensure that Minority Business Enterprises (MBE), Women Business Enterprises (WBE) and Emerging Small Businesses (ESB) have the opportunity to participate on ODOT projects.

The ODOT adopted Aspirational Targets to include MBE, WBE and ESB (collectively referred to as MWESB) firms. The Aspirational Target for the project is listed on a sheet titled "Assigned MWESB Aspirational Targets" immediately following these supplemental aspirational contract provisions.

02.0 Abbreviations and Definitions:

Aspirational Target - A target of intended utilization of any combination of MBE, WBE or ESB firms that a contractor has no contractual obligation to meet.

Minority Business Enterprise, Women Business Enterprise, and Emerging Small Business, (MWESB) Eligibility - A firm is eligible to participate as a Minority Business Enterprise, Women Business Enterprise or Emerging Small Business if it meets the criteria as established by Office of Minority Women and Emerging Small Business in the State of Oregon. A firm will no longer be able to participate as MWESB on current or future contracts when it receives notification of decertification, denial of recertification, or notice of graduation by the certifying agency.

Aspirational MWESB Participation Target - A numerical percentage of a project which represents an evaluation of the types of work involved compared to the availability of MBE, WBE and ESB firms, and expresses the degree of involvement by those firms which could be expected without having a negative impact on non-certified firms.

ODOT - Oregon Department of Transportation

OMWESB - The Office of Minority, Women and Emerging Small Business, which is authorized to certify MWESB firms.

03.0 Termination and Substitution of MWESB:

The Contractor shall notify the Agency in writing and confer with Agency before terminating or replacing an MWESB that has a signed contract with the Contractor.

04.0 Contractor Payments to Subcontractors and Suppliers:

(a) MWESB Related Records - The Contractor shall maintain records of all subcontracts or other agreements entered into with MWESB firms and records of materials purchased from MWESB suppliers. Such records shall show the name and business address of each MWESB subcontractor or vendor and the total dollar amount actually paid to each MWESB subcontractor or vendor.

(b) Prompt Payment and Release of Retainage - The Contractor shall pay each subcontractor for satisfactory performance of its contract no later than ten Calendar Days from receipt of each payment the Contractor receives from the ODOT. The Contractor shall also return retainage payments to each subcontractor within ten Calendar Days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Engineer. This policy applies to both MWESB and non-MWESB contractors. See 00195.50(d).

(c) Paid Summary Reports - The Contractor shall submit a "Paid Summary Report" (Form 734-2882) to the Engineer certifying payments made to all of the following:

- All subcontractors
- MWESB suppliers and service providers with estimated total payments for the Project over \$10,000.
- MWESB suppliers and service providers the Contractor is counting towards the aspirational target.

The Contractor shall submit the completed and signed Paid Summary Report to the Engineer within 20 days of receipt of payment from the Agency for each month in which payments were made to each subcontractor, each MWESB supplier being used to meet the aspirational target, and each MWESB supplier or service provider with estimated total payments for the Project over \$10,000. At the completion of the project, the Contractor shall submit Form 734-2882 recapping the total amounts paid to each subcontractor, each MWESB supplier being used to meet the aspirational target, and each MWESB supplier or service provider with estimated total payments for the Project over \$10,000. The Contractor shall require each subcontractor at every tier to comply with the requirement to submit Form 734-2882 within 20 days of receipt of payment from its controlling contractor and provide a recap of the total amounts paid at the completion of the project or completion of their Work. Forms shall be submitted to an email address provided to the Contractor at the Preconstruction Conference.

The participation of a MWESB subcontractor will not be credited towards the prime Contractor's MWESB achievements, or the overall Aspirational Target, until the amount being counted toward the target, and any retainage held by the prime Contractor has been paid to the MWESB.

05.0 Further Information:

The Minority Business Enterprise, Women Business Enterprise and Emerging Small Business (MWESB) Supplemental Aspirational Contract Provisions shall be incorporated into and attached to all agreements and all contracts.

For further information concerning Minority, Women and Emerging Small Business participation, contact:

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Salem, OR 97301
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Fax: 503-986-6382