



# **MBE/WBE Goals:**

## ***Contract Compliance Instructions***

Jackson County, Missouri  
Compliance Review Office  
415 E. 12<sup>th</sup> Street  
Kansas City, MO 64106  
816-881-3302  
[CRO@jacksongov.org](mailto:CRO@jacksongov.org)





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# Minority/Woman Business Enterprise Program

## ***Overview***

Chapter 6 of the Jackson County Code provides for the establishing of a program to diversify and expand contracting opportunities for Minority and/or Woman Business Enterprises (MBE and/or WBE) desiring to do business with Jackson County, Missouri.

The Compliance Review Office (CRO) reviews projects with a value greater than \$50,000 for the opportunity to assign subcontractor utilization goals. If it is determined there are sufficient MBE and/or WBE contractors, then subcontractor utilization goals are assigned to the contract. **The assigned goals are contractual obligations and will be enforced. It is incumbent upon the general contractor to meet the assigned goals or to fully document its good faith effort to do so.**

The CRO can assist the general contractor with meeting and complying with set goals, or in its good faith effort to do so. To receive credit towards the assigned goal, the prime contractor must subcontract with ***certified*** MBE and/or WBE firms.

- **Accepted Certifications** are those who have standards, policies, and procedures which meet the requirements of strict constitutional scrutiny. Certifications most commonly accepted by the CRO are:
  - City of Kansas City
  - State of Missouri
  - State of Kansas
  - Kansas City Area Transportation Authority

## ***Veteran Business Enterprises (VBE)***

Jackson County encourages and supports Veteran Owned Business Enterprises. If the CRO assigns MBE and/or WBE goals to a contract, the voluntary goal equal to the lesser of the MBE or WBE goal will be established for the Veteran Business Enterprise. *Jackson County Code Sec. 1056*

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# ***Compliance Requirements***

## ***Monthly Payment Reporting on Diversity Compliance Management System***

The prime contractor must report payments made to each of its subcontractors on or before the 15<sup>th</sup> of the following month. The subcontractors, in turn, have an additional month to confirm payments received. This is done through the **Diversity Compliance Management System** powered by B2GNow at: <https://jacksongov.diversitycompliance.com/>

**If you are currently using a B2GNow system with another agency, your same username and password can be used to login. Please verify your vendor profile information to make sure it is accurate.**

If you are new to B2G NOW and/or need training on how to get set up and perform monthly reporting requirements, click on the “Training” link on the home page. From there, you are able to sign up for training sessions. The training session that applies to monthly reporting is “**Contract Compliance Reporting – Vendor Training**”.

### **Next Steps (After training is completed, if needed):**

1. **Prime Contractors** are required to add all subcontractors working on their contracts, both certified and non-certified.
2. For the **1st reporting period**, it is required to enter all *paid-to-date* amounts for each subcontractor. Payments will be reported monthly moving forward. **Required completion date is the 15<sup>th</sup> of the month following Award Notification from the Compliance Review Office.**
3. **Sub-Contractors** will be required to confirm those payments for the reporting period within 30 days of the prime contractor’s deadline.
4. This is an ongoing process, and you will be required to comply with the system audits. Each month, a notification to log in and enter the payments made to their subcontractors will be sent. Subcontractors will then be notified to log in and confirm their payment for that audit period.

**For questions, contact the Compliance Review Office at:**  
[CRO@jacksongov.org](mailto:CRO@jacksongov.org) or 816-881-3302

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## ***Modifications to the Contractor Utilization Plan (CUP)***

Changes to the Contractor Utilization Plan may only be made with prior written approval of the Compliance Review Office.

- Submit a completed ***CUP Modification Request Form*** to the Compliance Review Office at [CRO@jacksongov.org](mailto:CRO@jacksongov.org). **A copy of this form is attached as Appendix A.**
- Upon approval, instructions to update its subcontractors in the Diversity Compliance Management System will be provided to the contractor. **MBE and WBE subcontractors will not be approved without an approved CUP Modification Request Form.**

## ***Contract Closeout: Good Faith Effort***

At the end of the contract, if the assigned MBE and/or WBE goals will not be met for any reason, a fully documented ***Good Faith Effort Form*** must be completed by the contractor and approved by the Compliance Review Office. **A Good Faith Effort Form is attached as Appendix B.**

- **Good Faith Efforts** are actions undertaken by a Contractor to achieve MBE and/or WBE contract goals which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the contract goals. Adequate good faith efforts also mean that a contractor actively and aggressively sought MBE and/or WBE participation. Simply stating goals are too exhaustive is not considered a good faith effort.

## ***Site Visits***

Site Visits will be conducted by CRO staff members or others, as designated by the CRO. Workers may or may not be interviewed. The CRO will verify subcontractors are performing a **Commercially Useful Function**.

- A **Commercially Useful Function** is performed by a contractor or subcontractor when that entity has responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling responsibilities as a Joint Venture partner.
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## ***Violations and Penalties***

### ***Non-Compliance with Chapter 6***

In the event a bidder or contractor has not complied with any provision of Chapter 6 of the Jackson County Code (Chapter 6), the following actions may be taken by the CRO:

- **Withholding of payment:** In the event a bidder or contractor and/or its subcontractor(s) have not complied with Chapter 6, payments to the contractor may be withheld until the deficiency has been corrected.
- **Ineligibility:** No bidder or contractor is eligible for any Jackson County contract as long as it has not complied with any provision of this chapter.
  - In the event a contract is rescinded under the provisions of Chapter 6, the contractor shall not be eligible for any future contract until the cited deficiency has been corrected and the contractor has notified the CRO in writing of the correction. The contractor will be reinstated on determination by the CRO that the deficiency in question has been remedied.

### ***Violations***

The CRO may impose sanctions for any violation of Chapter 6 by any contractor or subcontractor. Violations for which sanctions may be imposed include, but are not limited to the following:

- Providing false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other program requirements or operations or colluded with others to do so.
  - Failing, in bad faith, to fulfill Contract Goals or demonstrate good faith efforts to do so; thereby materially breaching the Contract
  - Failing to comply in good faith with substantive provisions of Chapter 6 of the Jackson County Code
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## ***Sanctions***

Possible sanctions for any of the above may include:

- Withholding of payments
- Termination of the Contract for breach
- Contract penalties
- Debarment of contractor from future County solicitations

## ***Appeals***

Any aggrieved party may appeal to the Legislature . . . in writing, within ten (10) days of written receipt of the CRO's adverse decision. The committee shall follow administrative procedures pursuant to chapter 536 of the Revised Statutes of Missouri in ruling upon the appeal and shall render all decisions on appeal within 60 days after the mailing date of an adverse determination by the CRO.

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### ***Contractor Responsibilities***

- Meet assigned contract goals or demonstrate good faith efforts to do so (Good Faith Effort Form).
- Ensure certified subcontractors will perform a Commercially Useful Function.
- Submit monthly payment reports on the Diversity Compliance Management System (B2Gnow).
- Seek approval from the CRO regarding modifications to its Contractor Utilization Plan (CUP Modification Form).
- Request assistance from the CRO if contractor anticipates a shortfall to the contracted goals, or needs to add or substitute subcontractors.
- Demonstrate faith efforts have been made to achieve goals if, at the end of the contract, goals have not been met. (Good Faith Effort Form).

### ***CRO Responsibilities***

- Establish contract goals.
  - Assist contractors in locating certified MBEs and WBEs.
  - Evaluate achievement of goals and monitor contractor compliance with Chapter 6 of the Jackson County Code.
  - Review and accept or deny requests by contractors to modify the Contractor Utilization Plan.
  - Review and accept or reject Good Faith Effort Forms submitted by contractors, either prior to contract award or at contract completion.
  - Perform site visits to determine commercially useful function.
  - Assess penalties and/or sanctions as necessary.
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# OFFICE OF THE COUNTY AUDITOR JACKSON COUNTY, MISSOURI

COMPLIANCE REVIEW OFFICE  
415 E 12TH STREET, 2ND FLOOR  
KANSAS CITY, MISSOURI 64106

(816) 881-3302  
FAX (816) 881-3340  
CRO@JACKSONGOV.ORG  
WWW.JACKSONGOV.ORG

## Contractor Utilization Plan Modification Request

Any modifications to a Contractor Utilization Plan must first be approved by the Compliance Review Office. Please complete form and submit to: [CRO@jacksongov.org](mailto:CRO@jacksongov.org).

Prime Contractor: \_\_\_\_\_

Project Number: \_\_\_\_\_

I hereby request the following modification (check all that apply):

**1. \_\_\_\_ Substitution of certified firm currently listed on Contractor Utilization Plan:**

Name of New Firm	Certification	Scope	Contract Amount
Currently listed Firm	Certification	Scope	Contract Amount

**2. \_\_\_\_ Addition of certified firm for scope of work not previously listed on the Contractor Utilization Plan:**

Name of New Firm	Certification	Scope	Contract Amount

Bidder/Contractor states that a substitution or addition of firm is necessary because:

**I certify that all answers and information herein contained are true to the best of my knowledge and further acknowledge that my request may or may not be approved by the Compliance Review Office.**

Submitted and prepared submitted by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

*For Office Use Only*

\_\_\_\_\_ Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Initials

*Harry S. Truman, Presiding Judge 1927-1934*

**APPENDIX A**





## OFFICE OF THE COUNTY AUDITOR

### COMPLIANCE REVIEW OFFICE

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#### GENERAL CONTRACTOR GOOD FAITH EFFORTS CHECKLIST

General Contractor: \_\_\_\_\_ Project: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

When required by the Compliance Review Office (CRO), the General Contractor must complete this checklist within the time frame provided. Check one or more of the following, documentation evidencing each checked item must be provided.

1. \_\_\_\_\_ Requested in writing, assistance of the Compliance Review Office with respect to efforts to promote the utilization of MBE/WBEs and acted upon the CRO's recommendations. Other appropriate organizations may be used to identify qualified M/WBE's. (County Code Section 645.6)
2. \_\_\_\_\_ Solicited in writing proposals from certified MBE/WBEs in sufficient time to allow MBE and WBE firms to participate effectively (in any event no later than 15 calendar days prior to the utilization of any Vendor or Construction Services for each project, setting forth in sufficient detail a description of the Project, identification of the vendor or contractor, the amount and scope of work to be performed, and the time frame of performance, so that meaningful proposals may be submitted sufficiently in advance to be considered prior to awarding contracts. (County Code Section 645.1)
3. \_\_\_\_\_ Advertised in Minority/Women's Trade Association Newsletters and/or minority owned media in sufficient time to allow MBE and WBE firms to participate effectively (in any event no later than at least 15 calendar days prior to the utilization of any Vendor or Construction Services for each Project, identifying specific opportunities at least equal to the Utilization Goal for MBE/WBE utilization specified for the contract and maintained a log or copies of such ads showing the date of publication and identifying the publication. (County Code Section 645.1)
4. \_\_\_\_\_ Adequately segmented the work in the bid or request for proposal documents or any other communication or publication intended to solicit Vendors or Construction Services for the Project to be subcontracted to the extent consistent with the size and capability of MBE/WBE firms so that reasonable subcontracting opportunities exist. (County Code Section 645.2)
5. \_\_\_\_\_ Notified in writing Minority/Women Contractor Associations, community organizations, Contractors' groups, government sponsored Minority and women business assistance offices and other appropriate organizations to provide assistance in the recruitment and placement of M/WBE firms. Notification to these organizations should occur at least 15 calendar days prior to the unitization of vendors or Construction services for each Project to include the availability of specific opportunities, at least equal to the Utilization Goals given to M/WBE as provided in the Jackson County Code Section 645.6.
6. \_\_\_\_\_ Conferred with qualified, certified MBE's and WBE's and explained the work for which their bids or proposals were solicited.
7. \_\_\_\_\_ The bidder has made efforts to assist M/WBE's with bonding, insurance or line of credit, where appropriate. (County Code Section 645.4)
8. \_\_\_\_\_ Assisted M/WBE contractors in obtaining necessary equipment, supplies, and materials, where appropriate. (County Code Section 645.5)

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**APPENDIX B**

9. \_\_\_\_\_ Made telephone calls to MBE/WBE contractors or vendors and log, including date, time, name of person talked to, and subject of discussion. (County Code Section 645.3)
10. \_\_\_\_\_ Conducted good faith negotiations, as determined by the CRO, with those MBE/WBE firms from whom proposals were received in an effort to reach a mutually acceptable agreement. (County Code Section 645.3)

Documentation in support thereof may include:

- a. Copies of solicitation letters
- b. Bid price of MBE/WBE
- c. Bid price of non-MBE/WBE bidder
- d. Reason for non-selection of the MBE/WBE bidder.

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Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary Public

(Attach official seal if applicable)

Please submit Checklist and attached documentation by required deadline to: [CRO@jacksongov.org](mailto:CRO@jacksongov.org) .

Compliance Review Office  
Jackson County Auditor's Office  
415 East 12th Street, 2<sup>nd</sup> Floor  
Kansas City, Missouri 64108  
Ph. 816-881-3302  
Fax: 816-881-1223

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