

**Exhibit 4**

**MBE/WBE Submission Instructions and Forms**

**CITY OF ST. LOUIS  
M/WBE PARTICIPATION**

**1. Policy.** Under the Mayor's Executive Order #28 as amended, it is the policy of the City of St. Louis that the effects of identified discrimination against minority business enterprises and women business enterprises within its jurisdiction shall be eradicated as part of the overall City business and economic development strategy. The method that the City shall employ to implement that policy is the establishment of a goal of at least 25% minority business enterprise participation and 5% women business enterprise participation, as defined in the Mayor's Executive Order #28 as amended, in contracts and purchases wherein city funds are expended. Consequently, the requirements of the Mayor's Executive Order #28 and the directives developed by the City of St. Louis to ensure compliance with the Mayor's Executive Order #28 apply to Agreements issued by the City of St. Louis.

**2. M/WBE Obligation.** The Consultant agrees to take all reasonable steps necessary to ensure that Minority and Women Business enterprises (M/WBE), as defined in the Mayor's Executive Order #28, have a maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with city funds provided under this Agreement. The Consultant shall not discriminate on the basis of race, religion, color, national origin, or sex in the award and performance of contracts financed in whole or in part by the City of St. Louis. The Consultant shall utilize the services of banks in the community, which are owned and controlled by minorities and women when feasible and beneficial.

**3. Failure to Comply with M/WBE Requirements.** The Consultant is hereby advised that failure to carry out the requirements as set forth above may constitute a breach of contract and may result in rejection of the proposal, termination of the contract; a deduction from the contract fund due or may become due to the consultant; or other such remedy as the City of St. Louis deems appropriate.

**4. Eligibility of M/WBE's.** A current directory containing the names of firms that have been certified as eligible to participate as M/WBE's on City contracts can be obtained from the St. Louis Airport Authority DBE Office. Firms certified subsequent to the printing of this directory may be utilized on the project only if their certification is active at the time of the proposal submittal. Consultants should contact the DBE Program Office, (314)551-5000 to verify the current status of a firm's certification. The M/W/DBE Directory is accessible on the internet at [www.mwdbe.org](http://www.mwdbe.org).

**5. Counting M/WBE Utilization.** M/WBE utilization will be counted on the following basis:

- a) The total value of sub-consulting arrangements for services awarded to the M/WBE provided the M/WBE performs a commercially useful function.
- b) That portion of the dollar value of a joint venture equal to the percentage of ownership and control of the M/WBE partner in the joint venture may be counted.
- c) Participation of MBE and WBE firms located outside the St. Louis Metropolitan Statistical Area (SMSA) shall not count towards the goals established by the Mayor's Executive Order #28.

**6. Contract Documentation.** The Consultant will submit the M/WBE Utilization Plan as part of and in the same format as the proposed agreement. The information will include, but not be limited to, a definitive statement of the services to be provided by the M/WBE sub-Consultants, products and schedules, M/WBE outreach goals and estimated man-months, labor budget and expense costs.

**7. Agreement Compliance.**

a) If the Agreement is approved on less than 25% M/WBE utilization, such approval will not relieve the Consultant of the responsibility to continue good faith efforts to maximize participation of M/WBE's throughout the term of the Agreement. The Consultant shall submit a request to sublet prior to any subcontracting of additional work items. The Consultant will be required to document good faith efforts to utilize M/WBE Consultants prior to entering into an agreement with a non-M/WBE.

b) When the Agreement is approved on M/WBE utilization is excess of the goal, the Consultant will be required to achieve the percentage stated in the M/WBE utilization plan included in the Agreement regardless of the stated 25% and 5% minimum overall goal in the Agreement.

c) The Consultant shall enter into subcontracts or written agreements with the M/WBE identified in the Agreement Utilization Plan for the kind and amount of services specified. The Consultant shall submit copies of subcontracts or agreements with the M/WBE to SLAA DBE office upon request. The Consultant shall submit a Certification of Agreed M/WBE Utilization for each M/WBE sub-consultant identified in the Agreement with the City prior to the start of work.

d) The Consultant shall keep each M/WBE sub-consultant informed of the project progress schedule and allow each M/WBE adequate time to schedule work and otherwise prepare for subcontract work.

e) At any point during the project when it appears that the scheduled amount of M/WBE utilization may not be achieved, the Consultant shall provide evidence demonstrating how the goal will be met.

f) If the Consultant fails to achieve the scheduled M/WBE utilization, the Consultant shall demonstrate to the City's satisfaction that said failure was due to reasons such as elimination of items contracted to the M/WBE and that good faith efforts were made to obtain the scheduled Agreement utilization.

**8. Substitution of M/WBE Consultants After Award.**

a) The Consultant shall conform to the agreed upon amounts of M/WBE utilization.

b) Services designated as being performed by M/WBE sub-consultants in the Agreement shall be performed by the designated M/WBE or a City approved substitute. Approval must be in writing.

c) A M/WBE may not assign portions of its service agreement without the written approval of the City.

**9. Good Faith Efforts.** If any agreement is submitted without the minimum goal utilization levels of M/WBE sub-consultants, the Consultant shall document and submit justification as to why the agreed level of utilization will not be met and demonstrate the good faith efforts taken to attain it, including but not limited to the following:

Efforts made to select portions of the work proposed to be performed by M/WBE's in order to increase the likelihood of achieving the stated goal, including where appropriate, but not limited to, breaking down projects into economically feasible units to facilitate M/WBE participation. Selections of portions of work are required to at least equal the goal for M/WBE utilization specified in the Agreement.

The demonstration of good faith efforts by the Consultant must in the end prove the Consultant has actively and aggressively sought to utilize M/WBE's.

The information provided will be evaluated to determine if the Consultant has been responsible. All the information provided must be accurate and complete in every detail. The Consultant's attainment of the M/WBE goals or demonstrations of good faith effort will determine the award of the agreement. Documentation of initial good faith efforts is to be submitted with the Agreement.

**10. Record Keeping Requirements.** The Consultant shall keep such records as are necessary for the City to determine compliance with the M/WBE contract obligations. These records shall include the names of sub-consultants, including M/WBE's, copies of sub-consulting agreements; the type of work being performed; documentation such as canceled checks and paid invoices verifying payment for work, services and procurement and documentation of correspondence, verbal contracts, telephone calls and other efforts to obtain services of M/WBE's. When requested, the Consultant shall submit all subcontracts and other financial transactions executed with the M/WBE in such form, manner and content as prescribed by the City. The City reserves the rights to audit, investigate, monitor and/or review actions, statements and documents submitted by any contractor, subcontractor or M/WBE.

**11. Reporting Requirements.** The Consultant shall submit monthly reports on M/WBE involvement. At the conclusion of each billing period, the Consultant shall submit the Consultant Monthly DBE Utilization Report to the City to verify actual payments to the M/WBE for the previous month's reporting period. These reports are required regardless of whether or not M/WBE activity has occurred in the monthly reporting period.

Upon completion of all M/WBE participation and prior to final payment, the Consultant shall submit the M/WBE Utilization Final Report to the City detailing all M/WBE subcontract payments and a completed Certification of Actual M/WBE Utilization for each M/WBE sub-consultant utilized. When the actual amount paid to an M/WBE is less than the award amount, a complete explanation of the differences is required. If the agreement is not met, documentation supporting good faith efforts shall be submitted. Failure to submit the required reports will result in the withholding of partial payments to the Consultant until the reports are submitted. All

payments due sub-consultants which affect Agreement goal attainment, including retainage, shall be paid by the Consultant before the City releases the contract/retainage bond. The City reserves the right to conduct an audit of M/WBE participation prior to processing the final estimate and at any time during the work.

**CITY OF ST. LOUIS**  
**M/WBE INDEX AND SUBMISSION INSTRUCTIONS**

Submit all reports to the authority's designated Project Manager.

<b>FORM</b>	<b>WHEN TO SUBMIT</b>
M/WBE UTILIZATION STATEMENT	With Bid Proposal
SUBCONTRACTOR LIST	With Bid Proposal
M/WBE UTILIZATION PLAN	Within 48 Hours of Bid Opening
NOTICE OF INTENT TO PERFORM AS A SUBCONTRACTOR AND/OR MATERIAL SUPPLIER	At Pre-Award Conference All subcontractors and material suppliers should complete this form.
CONTRACTOR'S GOOD FAITH EFFORTS REPORT AND STATEMENT	At Pre-Award Conference Required if M/WBE goals are not met
COPIES OF M/WBE SUBCONTRACTS	Upon execution of a contract with the City, the Contractor shall provide fully executed copies of all M/WBE subcontractors.
RECORD OF PAYMENTS TO SUBCONTRACTORS, MATERIAL SUPPLIERS AND OTHER VENDORS REPORT	The 15th of the month for the month preceding. (Example: January's report should be submitted by February 15th.)
SUBCONTRACTOR OR SUPPLIER SUBSTITUTION FORM	Prior to substituting a subcontractor or supplier. Approval from the City is required prior to substitution.
FINAL RECORD OF PAYMENTS REPORT	Within 15 days after the completion of all work items to be performed under the contract.

**CITY OF ST. LOUIS  
M/WBE UTILIZATION PLAN**

**CONTRACTING AGENCY:** \_\_\_\_\_

**PROJECT GOAL:** 25% MBE; 5% WBE

**PROJECT NAME:** \_\_\_\_\_

**NAME OF PRIME CONTRACTOR:** \_\_\_\_\_

The prime contractor shall utilize and require all subcontractors to utilize the maximum number of certified minority/women business enterprises possible and will purchase materials and supplies from minority/women business enterprises to the maximum extent feasible, and to this end, the prime contractor will inform each subcontractor of this requirement, The prime contractor shall utilize the services and/or supplies to be provided by the following certified minority/women business enterprises in the execution of this contract.

FIRM NAME ADDRESS PHONE NUMBER CONTACT PERSON	CERTIFYING AGENCY CERTIFICATION DATE CATEGORY CERTIFICATION NO.	WORK TO BE PERFORMED	M/WBE PERCENT

\_\_\_\_\_  
**PRIME CONTRACTOR AUTHORIZED SIGNATURE**

\_\_\_\_\_  
**DATE**

Letting No. \_\_\_\_\_

**CITY OF ST. LOUIS  
MBE/WBE UTILIZATION STATEMENT**

**Policy:** It is the policy of the City of St. Louis that minority and women-owned businesses, as defined in the Mayor's Executive Order of July 24, 1997, shall have an opportunity to participate in the performance of contracts utilizing City funds, in whole or in part. Consequently, the requirements of the aforementioned Executive Order apply to this contract.

**Project and Bid Identification:**

Contracting Agency: \_\_\_\_\_

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

Letting Number: \_\_\_\_\_ Date: \_\_\_\_\_

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

Total Dollar Amount of Prime Contract: \$ \_\_\_\_\_

Total Dollar Amount of Proposed MBE: \$ \_\_\_\_\_ Percent MBE \_\_\_\_\_

Total Dollar Amount of Proposed WBE: \$ \_\_\_\_\_ Percent WBE \_\_\_\_\_

**Obligation:** The undersigned certifies that (s)he has read, understands and agrees to be bound by the bid specifications, including the accompanying exhibits and other items and conditions of the request for proposals regarding minority and women business enterprise utilization. The undersigned further certifies that (s)he is legally authorized by the respondent to make the statements and representations in the M/WBE Forms and Exhibits and that said statements and representations are true and correct to the best of his/her knowledge and belief. The undersigned will enter into formal agreements with the minority/women business enterprises listed in the Subcontractor List, which are deemed by the City to be legitimate and responsible. The undersigned understands that if any of the statements and representations are made by the respondent knowing them to be false, or if there is a failure of the successful respondent to implement any of the stated agreements, intentions, objectives, goals and commitments set forth herein without prior approval of the City, then in any such events, the contractor's act or failure to act, as the case may be, shall constitute a material breach of the contract, entitling the City to terminate the contract for default. The right to so terminate shall be in addition to, and not in lieu of, any other rights and remedies the City may have for other defaults under the contract. Additionally, the contractor may be subject to the penalties cited in Section Twelve of the Mayor's Executive Order #44.

**Assurance:** I, acting as an officer of the undersigned bidder or joint venture bidders, hereby assure the City that on this project my company will (check one):

- Meet or exceed contract award goals and provide participation as shown above.
- Fail to meet contract award goals but will demonstrate that good faith efforts were made to meet the goals and my company will provide participation as shown above.

Name of Prime Contractor(s): \_\_\_\_\_

\_\_\_\_\_  
Prime Contractor Authorized Signature Title Date




CONTRACT BID TOTAL \$ 0.00

TOTAL AMOUNT OF MBE PARTICIPATION: \_\_\_\_\_  
 PERCENT MBE PARTICIPATION: \_\_\_\_\_  
 TOTAL AMOUNT OF WBE PARTICIPATION: \_\_\_\_\_  
 PERCENT WBE PARTICIPATION: \_\_\_\_\_

In considering all levels of subcontracting on City contracts the following categories of Bid Item(s) or Work and Trade have been suggested by various private and governmental organizations and professional groups involved in commercial and industrial construction: air conditioning, final clean-up, caulking, ceilings, conduit, concrete, cement, cabinets, doors, drainage, drilling, drywall, asphalt, carpentry, communications, electrical, equipment rental, excavating, elevators, earthwork, decorators, fencing, flooring, automatic sprinklers, foundations, brick masonry, pile caps, pile driving, sewers, stone masonry, insulation, tile setting and terrazzo, lathing and plastering, asbestos, painting, security guard service, sign painting, painting, insurance and bonding, photographers, plumbing, paving, grading, landscaping, toilet partitions, siding, roof decking, flooring, paperhangers, sky lights, steel erections, re-bars, sheet metal, movable partitions, ornamental iron, glazing, accessories suppliers, exterminators, millwork, wall covering, advertisers, data programmers, wrecking and demolition, sodding, construction and design consultants, hauling, financing institutions, public movers, specialties, carpeting, piping, heating, and sanitary and safety facilities.

**Note: On attached sheets, provide the complete mailing address, telephone number, contact person and title for each firm listed on this and previous pages. Additionally, provide the City Business License Number and Federal Identification Number for each.**

\_\_\_\_\_  
 Name of Firm

\_\_\_\_\_  
 Signature and Date

**CITY OF ST. LOUIS**  
**NOTICE OF INTENT TO PERFORM AS A SUBCONTRACTOR**  
**AND/OR MATERIAL SUPPLIER**

**NAME OF PROJECT:** \_\_\_\_\_

**LETTING NUMBER:** \_\_\_\_\_

**PART I**

(NOTE: Pursuant to the City's policies, M/WBE firms participating in the City's M/WBE Program must have "current" certification status with the City or the Missouri Regional Certification prior to bid opening. The M/WBE certification of any firm is effective for two (2) years from the date of written notification of certification. Firms not certified by the City or the Missouri Regional Certification cannot be counted towards the City's M/WBE goals on this project. Firms certified by the U.S. Small Business Administration (SBA) must attach a copy of a the firm's 8(a) program approval letter from the SBA)

1. TO: \_\_\_\_\_  
(Name of Contractor)

2. The undersigned intends to perform work in connection with the above project as (check one):

  

an individual / sole proprietorship  
a corporation

  

a partnership  
a joint venture

3. The undersigned (check applicable statements):

has been certified by the St. Louis Airport Authority (SLAA)  
(Certification # \_\_\_\_\_)

has been certified as a DBE by the Missouri Regional Certification Committee.  
(Certification # \_\_\_\_\_)

has a current 8(a) status with the U.S. Small Business Administration.

4. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both).

and at the following price \$\_\_\_\_\_. With respect to the proposed subcontract described above \_\_\_\_\_% of the dollar value of such subcontract will be sublet and/or awarded to non-M/WBE subcontractors.

**PART II: SUBCONTRACTOR PARTICIPATION**

4b	Name of Firm Receiving Subcontract	Work to Be Performed	Amount of Subcontract

Total amount to be subcontracted out by M/WBE \$ 0.00

\_\_\_\_\_  
(Name of General Contractor) BY: \_\_\_\_\_ PHONE: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Signature of Authorized Representative)

\_\_\_\_\_  
(Name of M/WBE Firm) BY: \_\_\_\_\_ PHONE: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Signature of Authorized Representative)

**CITY OF ST. LOUIS  
CONTRACTOR'S GOOD FAITH EFFORTS REPORT**

CONTRACTING AGENCY: \_\_\_\_\_  
 PROJECT NAME: \_\_\_\_\_  
 PRIME CONTRACTOR: \_\_\_\_\_

In addition to the minority or women-owned business enterprises listed and proposed for utilization on this contract, the following minority and women-owned business enterprises were also contacted regarding this contract. However, the prime contractor is unable to utilize these firms for the reasons listed below:

FIRM NAME ADDRESS, PHONE # CONTACT PERSON	BID ITEM(S) OF WORK TO BE PERFORMED AND/OR MATERIALS SUPPLIED	BID AMOUNTS	DATE AND METHOD OF SOLICITATION	COMMENTS: REASONS REJECTED

\_\_\_\_\_ Title \_\_\_\_\_ Date

Note: Attach additional sheets if necessary.



**CITY OF ST. LOUIS  
CONTRACTOR'S GOOD FAITH EFFORTS STATEMENT**

In accordance with the Mayor's Executive Order of July 24, 1997, please indicate those efforts you made to regarding the utilization of minority and/or women-owned business enterprises (M/WBEs) on this contract.

	YES	NO
Attended the pre-bid conference held on this contract.	<input type="checkbox"/>	<input type="checkbox"/>
Selected portions of work proposed to be performed by M/WBEs in order to increase the likelihood of meeting the participation goals.	<input type="checkbox"/>	<input type="checkbox"/>
Solicited individuals M/WBEs by written notification at least fourteen (14) calendar days prior to bid opening to participate in the contract as subcontractor, regular dealer, manufacturer, consultant, or service agency for specific items or type of work.	<input type="checkbox"/>	<input type="checkbox"/>
Followed up the initial solicitation of interest by contacting M/WBE firms to determine whether or not said firms will submit a bid.	<input type="checkbox"/>	<input type="checkbox"/>
Provided interested M/WBE firms with adequate information regarding plans, specifications and requirements for bidding on City-financed construction.	<input type="checkbox"/>	<input type="checkbox"/>
Negotiated in good faith with M/WBE firms. Firms shall not be disqualified without sound reasons based upon a thorough investigation of their capabilities.	<input type="checkbox"/>	<input type="checkbox"/>
Made efforts to negotiate with M/WBE firms for specific items of work.	<input type="checkbox"/>	<input type="checkbox"/>
Made efforts to assist M/WBE firms that requested assistance in obtaining bonding, insurance, or lines of credit required to participate in the contract.	<input type="checkbox"/>	<input type="checkbox"/>
Advertised in general circulation media, trade association publication(s), M/WBE-focused media for M/WBEs and areas of interest for this contract.	<input type="checkbox"/>	<input type="checkbox"/>
Name of Publications(s):		
1. Date: 3. Date:		
2. Date: 4. Date:		
Notified, in writing, organizations which provide assistance in the recruitment and placement of M/WBE firms of the types of work, supplies or services considered on this contract. List the organizations, contractors' groups, local, state and federal disadvantaged business assistance offices and other organizations that were contacted for assistance in achieving the participation of M/WBE firms on this contract. Please note the name of the person contacted and the date of contact.	<input type="checkbox"/>	<input type="checkbox"/>
Organization: Contact Person: Date of Contact:		
Organization: Contact Person: Date of Contact:		
Organization: Contact Person: Date of Contact:		

Firm Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_  
 Prime Contractor's Authorized Signature \_\_\_\_\_

**CITY OF ST. LOUIS**  
**M/WBE SUBSTITUTION FORM**

CONTRACTING AGENCY: \_\_\_\_\_  
PROJECT NAME: \_\_\_\_\_  
NAME OF PRIME CONTRACTOR: \_\_\_\_\_  
TOTAL CONTRACT AMOUNT: \_\_\_\_\_

In accordance with the City of St. Louis' Minority/Women Business Participation Program, when adding, changing or deleting subcontractors or suppliers on City projects, the City of St. Louis Substitution Form shall be used. All changes to the original list of approved subcontractors or suppliers shall be submitted to the contracting agency and SLAA DBE Office for review and written approval prior to the use of any substitute contractor and/or supplier on a City project. Contractors shall make a good faith effort to replace M/WBE subcontractors or suppliers unable to perform on the project with another certified M/WBE firm.

1. Is the subcontractor/supplier being replaced a M/WBE? YES  NO
2. Type of work to be performed/material to be supplied: \_\_\_\_\_
3. Dollar Amount: \_\_\_\_\_
4. Name of the subcontractor/supplier being replaced: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Telephone No. \_\_\_\_\_
5. Percent of work/material that was completed /supplied by the subcontractor/supplier \_\_\_\_\_
6. Amount paid to the subcontractor/supplier (if any): \_\_\_\_\_
7. The reason the subcontractor/supplier is being replaced is stated as follows:  
\_\_\_\_\_  
\_\_\_\_\_
8. Document the efforts made to replace or add a M/WBE to perform the work/supply the required materials:  
\_\_\_\_\_  
\_\_\_\_\_
9. Name of substitute subcontractor/supplier: \_\_\_\_\_  
Address: \_\_\_\_\_ Federal ID: \_\_\_\_\_  
M/WBE: Yes  No  Contact Person: \_\_\_\_\_ Telephone No. \_\_\_\_\_

This form should be completed and submitted to the contracting agency when a subcontractor or supplier is being added, deleted or changed. The same criterion used for establishing good faith efforts in maximizing the participation of M/WBEs prior to awarding this contract will also apply to the substitution of M/WBE subcontractors or suppliers during the performance of the contract.

**CITY OF ST. LOUIS  
FINAL RECORD OF PAYMENTS REPORT**

PROJECT NAME: \_\_\_\_\_ M/WBE GOAL: 25% MBE; 5% WBE

CONTRACT NUMBER: \_\_\_\_\_ FINAL CONTRACT AMOUNT: \_\_\_\_\_  
(Including Change Orders to Date)

The Final Record of Payments Report is completed by the contractor and submitted to the contracting agency and SLAA upon completion of the project. The report should reflect all activity, regardless of tier, on the project. If the M/WBE goal was not met, the contractor shall submit documentation supporting good faith efforts.

SUBCONTRACTOR OR SUPPLIER	MBE or WBE	WORK PERFORMED	TOTAL DOLLAR AMOUNT PAID TO SUBCONTRACTOR OR SUPPLIER

This certifies that \$ \_\_\_\_\_ 0.00 has been paid to M/WBE Subcontractors or Suppliers as stated above.

By: \_\_\_\_\_ Name of Contractor

Per: \_\_\_\_\_ Authorized Signature

Subscribed and sworn to, before me, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

Notary Public: \_\_\_\_\_ My commission expires: \_\_\_\_\_