



Commission Policy

Subject: Procurement Practices, Small/Veteran, Women, to Ensure Competition and Minority-owned Business Enterprise Participation, Apprentice Utilization, and Local Participation <u>Resilient Workforce</u>	Index: 1-78.01
Authority: Statute: Resolution: 90-055-6(17) a-n, 88-073-5, 00-028-2, 00-222-12, 02-136-7, 14-053-5; 20-171-11; 24-170-12; 25-167-12; 25-167-25	Page: 1 of 6 Issued: 10/25/79 Last Revised: 12/16/2024 Effective: 12/16/2024 <u>15/2025</u>

Policy Purpose: This policy outlines the District’s legal obligation to competitive procurement²; its commitment to ~~disadvantaged business participation, growing~~ local ~~businesses and~~ workforce ~~participation, apprentice utilization, and local office preference in procurements~~²; and directing practices to achieve these goals.

I. Definitions

A. ~~Apprentice~~

~~A person who has entered into an apprenticeship agreement governed by Wis. Stats. 106.01, Apprentice, Employment and Equal Rights Programs.~~

B. ~~Construction~~

~~Either new construction, renovation, rehabilitation, demolition, or repair work on any project contracted for by the District.~~

H. ~~Procurement Practices~~

~~All purchases, including procurement of professional services and construction contracts, shall be made or authorized by the Procurement Department in a cost-efficient professional manner in accordance with accepted governmental purchasing practice, procedure, and law. The Procurement Department shall consider the needs of the requesting department in making the procurement.~~

~~Procurement practices and cost saving techniques shall be employed that will provide for active solicitation and continuing evaluation of competitive bidding consistent with governing state law.~~

A. ~~III. Small/Veteran, Women, and Minority-owned Business Enterprise~~ Solicitation of Bids

~~The District shall use a public solicitation of bids consistent with Wis. Stat. §200.47 and §66.0901 for all work done and all purchases of supplies and materials, unless a valid statutory or common law exemption exists such as emergency, verified sole source, or Professional Service (defined below). The District may utilize bids obtained by other government agencies, such as the State of Wisconsin (“State”), where permitted by those agencies.~~



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B. Request for Proposals

Professional Services above the statutory public bidding threshold shall be procured using a competitive Request for Proposals process incorporating qualitative elements such as expertise, availability, and project approach combined with price. "Professional Services" means services the value of which is substantially measured by the professional competence of the vendor performing them, and which are not susceptible to realistic competition by cost of services alone. The services provided must be materially enhanced by the specific expertise, abilities, qualifications, and experience of the vendor who will provide the service. Because of the uniqueness of the services, selection of a service provider based solely upon price alone will not work. Examples of Professional Services includes accounting, engineering, and legal services. Exceptions to the requirement for a competitive Request for Proposals process may be granted by the Procurement Department according to criteria set forth in District Administrative Policy.

C. Solicitation of Quotes

The District shall solicit competitive quotes for procurements below the statutory public bidding threshold targeting Small Business Enterprise (SBE) firms when possible. Additional procurement guidance shall be provided by the Procurement Department through Administrative Policies and Procedures.

III. Small Business Participation

It shall be the policy of the Milwaukee Metropolitan Sewerage District to ensure that all significant procurement activity, including the procurement of ~~professional services~~ Professional Services and construction contracts, ~~includes the solicitation~~ requires participation of ~~Small/Veteran, Women, and Minority-owned Business Enterprises (SWMBE), SBE firms,~~ as further defined and outlined in administrative policies ~~intended to implement this policy.~~ SWMBE businesses. SBE firms shall be allowed the maximum feasible opportunity to compete on all District contracts, regardless of the source of funding. ~~The Executive Director shall ensure that SWMBE businesses are afforded maximum feasible business opportunities with the District and that good faith efforts are undertaken to use these firms. Such opportunities and good faith efforts undertaken shall be documented as an integral part of normal business activity. In addition, this policy shall be implemented when soliciting vendors or contractors using any and all procurement methods. Specifications shall be developed that will reasonably assure~~



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~~maximum participation of SWMBE businesses and an optimum balance between the quality of goods and services to be procured proportionate to the price paid. The award of bids to vendors or contractors shall take into consideration the extent of SWMBE involvement to complete the contract.~~

~~This policy's goals related to SWMBE involvement shall be achieved through the utilization of those firms certified through certification or registration programs of the state or those counties in which the District is located or the certification program of any other public or private certification agency that meets the requirements outlined in the applicable administrative policies. Any SWMBE business that has professed an interest in contracting with the District shall be encouraged to apply for certification or registration as appropriate.~~

~~In the event of failure to meet an SBE participation requirement, the contractor shall be given an opportunity to demonstrate that every good faith effort to meet this commitment has been made. Such noncompliance by a contractor shall be taken into consideration by the Executive Director in determining whether a contractor can comply with this policy and can be a qualified responsible bidder. If a contractor or subcontractor fails to comply with this policy, the Executive Director may withhold payments on the contract; may terminate, suspend, or cancel the contract in whole or in part; may consider the contractor nonresponsive for future contracts; and may pursue any other remedy available to the District.~~

~~Where State or federal funding sources require alternative practices to include designated categories of businesses, the District shall follow the requirements of those State or federal funding programs.~~

The Executive Director is empowered and directed, as the Executive Director deems necessary, to create and amend contract documents that provide adequate notice of these requirements to bidders and proposers; to encourage and inform ~~SWMBE businesses~~SBE firms as to contracting opportunities; to make administration of this policy a standard against which evaluation of job performance will occur for all staff who must deal with bidders, proposers, ~~and successful contractors in the course of executing their contractual obligations regarding implementation of~~



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~~SWMBE businesses~~; to develop and implement administrative policies and procedures consistent with Commission policy; and to otherwise encourage conformance with this policy.

~~For purchases under \$20,000 for which competitive bidding is not required by statute, the Executive Director shall on an equitable basis solicit quotations from SWMBE businesses to encourage the development and growth of these firms.~~

On an annual basis, the Executive Director shall recommend participation goals for ~~SWMBE businesses~~ SBE firms based on the prior year's participation percentages, availability of such firms, and any other relevant information available. The Executive Director ~~is directed to develop administrative policies and procedures to implement the spirit and intent of this policy~~ has the ability to set participation requirements on an individual procurement basis to account for the nature of the work to be performed.

IV. Local Workforce Participation on District Construction Projects

It is the District's policy to promote the utilization of local workers to maximize the economic impact of the District's annual operating and capital spending.

The Executive Director shall implement local worker requirements via administrative policy and procedure. The Executive Director may require that no contract or subcontract be awarded unless the bidder agrees to an acceptable level of local workforce participation.

A contractor and each subcontractor shall provide every opportunity possible to enable local workforce participation. Reasonable exemptions and modifications to and from all requirements of this policy may be made with respect to any specific contract when special circumstances indicate that local workforce requirements may be impractical or unworkable.

The District's local worker requirement shall be waived if it causes a current employee of any prime or subcontractor to suffer adverse conditions of employment or if it is proven by the contractor to be impracticable to comply with the requirement on a particular contract.



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In the event of failure to meet the participation requirement, the contractor shall be given an opportunity to demonstrate that every good faith effort to meet this commitment has been made. Such noncompliance by a contractor or subcontractor shall be taken into consideration by the Executive Director in determining whether a contractor or subcontractor can comply with this policy and can be a qualified responsible bidder. If the Contractor or subcontractor fails to comply with this policy, the Executive Director may withhold payments on the contract; terminate, suspend or cancel the contract in whole or in part; consider the contractor nonresponsive for future contracts; and/or any other remedy available to the District.

V. Apprentice Utilization on District Construction Projects

It is the District's policy to promote the utilization of apprentices and ensure the development of an adequate workforce for the completion of the District's work. The Executive Director may require that no contract or subcontract shall be awarded unless the bidder agrees to utilization of apprentices in skilled trades that have been determined as having apprentice applicability by the State of Wisconsin. The Executive Director shall implement apprentice utilization requirements via administrative policy and procedure.

The contractor and each subcontractor shall provide every opportunity possible to enable the apprentice to become a skilled craftsperson, and apprentices shall be assigned journeyman mentors to help develop their skills. The contractor and each subcontractor will provide proof that they employ apprentices appropriate for the nature of work being performed and in accordance with the maximum ratio of apprentices to journeymen. Such apprentices shall be properly indentured under ~~Section Wis. Stat. § 106.01, Wis. Stats.~~

Reasonable exemptions from and modifications to all requirements of this policy may be made to any specific contract or subcontract when special circumstances indicate that an apprenticeship requirement may be impractical or unworkable.

In the event of failure to meet the apprentice utilization requirement, the contractor shall be given an opportunity to demonstrate that every good faith effort to meet this commitment has been made. The District may evaluate whether the contractor exceeded local workforce requirements on the project, exceeded local workforce or apprentice requirements on other District projects, or



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employs target area workers and apprentices on non-MMSD projects. Such noncompliance by the contractor or subcontractor shall be taken into consideration by the Executive Director in determining whether such contractor or subcontractor can comply with this policy and is therefore a qualified responsible bidder.

If the contractor or subcontractor fails to comply with this policy, the Executive Director may take one or more of the following actions: withhold payments on the contract; withhold release of retainage, terminate, suspend, or cancel the contract in whole or in part; consider the contractor to be nonresponsive for future contracts; add additional local workforce or apprenticeship requirements for other contracts between contractor and the District; or any other remedy available to the District.

VI. Local Office Preference for Professional Services Procurements

It is the District's policy to ensure that proposal evaluation criteria give appropriate credit to a business located within the District's sewer service area to maximize the economic impact of the District's annual operating and capital spending. The Executive Director shall structure District procurement to encourage and reward local office preference on professional service contracts.

The Executive Director shall implement the local office preference via administrative policies and procedures. Local office preference shall be waived if it conflicts with federal or State financial assistance requirements or if specialized services are unavailable from local firms. Federal procurement requirements shall be harmonized with the local office preference criteria to protect the paramount interest of District taxpayers in the capture of federal funds.

VII. Reporting

The Commission shall receive quarterly updates on the status and outcomes of ~~the~~this policy.