

# SUBP Substitution Request Process



In accordance with the Minneapolis Code of Ordinances, Chapter 423.100, Small and Underutilized Business Enterprise Program (SUBP) – Post-Award Substitutions:

“A contractor shall not substitute, reduce participation of, or eliminate MBE/WBE subcontractors listed in the documentation provided to the city without the prior written approval of the director. A contractor who substitutes, reduces participation of, or removes a MBE/WBE subcontractor listed in the documentation without prior written approval shall be subject to a fine of up to ten thousand dollars (\$10,000.00) per violation, or any of the penalties identified in section 423.120. The director may promulgate rules, policies, and forms related to this written approval process. (2011-Or-020, § 1, 3-10-11; Ord. No. 2018-065, § 1, 11-2-18)”

With that, the Contract Compliance Division has developed a process for general contractors to follow in the event a minority and/or woman owned business must be substituted on a project. The SUBP MBE/WBE Substitution Request Form shall be completed by the general contractor and submitted to our office for review. No MBE and/or WBE business shall be substituted and/or removed from the project until the general contractor has received written approval from our office to do so. Failure to follow this process may deem the project non-compliant and further actions will be taken.

## STEP BY STEP PROCESS:

- 1) The General Contractor (GC) must notify the MBE/WBE it is seeking to replace with a notice to terminate the subcontract.
- 2) The GC must notify the Contract Compliance Officer (CCO) that they are having Issues with an MBE/WBE that warrants substitution.
- 3) GC must complete and submit:
  - SUBP Substitution Request Form
  - Copy of notice provided to MBE/WBE
  - Any correspondence between the GC and MBE/WBE firm to verify information
- 4) The CCO will be in contact with the GC and MBE/WBE firm for follow up questions.
- 5) The Division determines if good cause exists under Mpls. Code of Ord. 423.100 and will review contract goals to determine if additional Good Faith Efforts (GFE) documentation is required to justify the replacement.
- 6) The Division will notify the GC of an approval or denial of the SUBP Substitution Request Form.

Should you have any questions and/or need assistance with this process, please contact the Compliance Officer assigned to your project or send an e-mail to the [contractcompliance@minneapolismn.gov](mailto:contractcompliance@minneapolismn.gov) mailbox.

## Small & Underutilized Business Program (SUBP) MBE/WBE Substitution Request

Please complete this form prior to **substituting**, **reducing participation**, or **eliminating** an MBE/WBE firm that was committed to<sup>1</sup>. This form is not considered complete until documentation supporting the request is attached, and the Division has approved the request. Failure to receive approval may result in noncompliance action. Please see SUBP substitution process information for more details.

General Contract Information	
Project Name/OP#:	Request Date:
General Contractor:	GC Project Manager:
Email Address:	Phone:
General Contract Amount: \$	

SUBP Contract Information		
<input type="checkbox"/> <u>Substituting</u> MBE/WBE	<input type="checkbox"/> <u>Reducing</u> MBE/WBE	<input type="checkbox"/> <u>Eliminating</u> MBE/WBE
Name of MBE/WBE:	MBE: <input type="checkbox"/>	WBE: <input type="checkbox"/>
Contact Person:	Scope:	
Email:		
Original Contract Amount:	Proposed Contract Amount:	
If Substituting; Proposed Subcontractor:		
Reason(s) for change (use additional sheet if needed):		

**Attached:**     Bidders & Solicitation List     Letter to Terminate     Voluntary Removal Request  
 Contractor Profile Form     Good Faith Efforts     Other: \_\_\_\_\_

**Contractor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

FOR CIVIL RIGHTS DEPARTMENT USE ONLY	
<input type="checkbox"/> Accepted	<input type="checkbox"/> Rejected
Reason(s):	
CCD Director Signature:	Date:

<sup>1</sup> The general contractor must make a good faith effort to replace a MBE/WBE subcontractor who is unable to perform successfully with another MBE/WBE to perform the same amount of work.