

**PENSION PLAN ATTORNEY
EVENT NO. 5510**

**SECTION II
SCOPE OF WORK**

- 2.0 Broad Description of Project:** The purpose of this event is to solicit and receive proposals from qualified attorneys that can assist the City of Savannah Employees' Retirement Plan Board (Board) in carrying out its fiduciary responsibility in the most efficient and effective manner, including compliance with any and all applicable statutes. Electronic submissions will not be accepted for this proposal.

While specific requirements are provided within the respective service section of this document, the Board's overall objectives for this RFP are to:

- Select a vendor who offers efficient, effective, and timely services and reporting.
- Select a vendor that offers professional services which will support current and future legal needs.
- Utilize services that will improve transparency and legal compliance with applicable local, state and federal statutes.

A. Plan History

The City of Savannah Employees' Retirement Plan (COSERP or plan) was created by the City of Savannah in 1972 as a retirement plan for the employees of the City of Savannah, Georgia (City). Over the years, employees of several other agencies have been allowed to participate in the plan including the Youth Futures Authority, the Metropolitan planning Commission and the Savannah Airport Authority. The plan covers all City employees occupying a permanent position and working a minimum of 20 hours per week. Benefits provided by the plan include retirement benefits, survivor benefits, certain death benefits, and disability benefits. The plan is administered by a pension board comprised of the following members:

- Two citizens appointed by Mayor and Council - Frederick Bailey and "vacant"
- One alderman appointed by Mayor and Council - Alderman Brian Foster
- The City Manager - Roberto Hernandez
- The Chief Financial Officer of the City - David Maxwell

- Three elected employee representatives - Robert Milie - Fire Employee, Matthew Kassees - Police Employee, and Alvin McGrath, Jr.- General Employee

The Board is endowed with such powers as are necessary for the proper administration of the plan including, but not limited to, the following:

1. To prescribe procedures to be followed by participants in filing applications for benefits and for the furnishing of evidence necessary to establish employees' rights to such benefits;
2. To make determinations as to the rights of any participant applying for or receiving retirement benefits, and to afford any such individual dissatisfied with any such determination the right of a hearing thereon;
3. To develop procedures for the establishment of Credited Service of Participants and, after affording participants an opportunity to make objection with respect thereto, to establish such service conclusively in advance of retirement;
4. To select a plan consultant and actuary;
5. To receive periodic (not more often than once a year) actuarial valuations of the plan;
6. To establish a statement of investment policy of the investment of plan assets;
7. To select funding media for the plan's assets, to select an investment advisor, to delegate the responsibility for investment of fund assets to a bank, an insurance company or an investment advisor or to select any combination of these funding media and/or investment facilities and services;
8. To select an investment evaluation advisor whose duties may include providing periodic evaluation of investment advisor performance; providing advice on the plan's investment policy, guidelines, goals and asset allocation; providing assistance for investment advisor searches, when called upon to do so;
9. To obtain from the City, from the institution(s) used as the funding media to the plan, from the plan's investment advisor(s), from the plan consultants and actuaries, and from Participants such information as shall be necessary for the proper administration of the plan.

The Board meets quarterly to discuss plan business and receive information from the investment consultant regarding investment manager performance. Asset managers are invited to address the Board at each quarterly meeting along with the plan's actuary allowing the Board to meet with each of these professionals on an annual

basis. The plan is funded by participant contributions of 6.65% of regular earnings and an actuarially determined employer contribution.

The Board currently contracts with Segal for an annual actuarial review of the plan. This review is primarily designed to determine to what extent the plan is funded in relation to its obligations to its participants and whether or not the plan is being funded in accordance with state law.

B. Investment Management and Accounting Information

The COSERP maintains an investment structure using a variety of investments summarized in the following investment account structure. The Board currently contracts with DeMarche and Associates to act as investment advisor to the plan.

Pension Fund Allocation Summary
As of : May 31, 2017

Market Value:

Account	Cash & Income Rcvbl	Bonds	Equity	Real Estate	Total	Percent
INTECH JANUS	\$ 6,243	\$ -	\$ -	\$ -	\$ 6,243	0.00%
STATE STREET			151,933,125		151,933,125	41.10%
SEIX ADVISORS	2,613,371	94,963,692			97,577,062	26.40%
CAPITAL GUARDIAN	1,708		40,673,580		40,675,288	11.00%
STATE STREET	903		39,595,393		39,596,296	10.71%
HEITMAN AMERICA FUND				35,583,908	35,583,908	9.63%
INTERNAL POOLED CASH	4,274,971				4,274,971	1.16%
TOTAL	\$ 6,897,196	\$ 94,963,692	\$ 232,202,098	\$ 35,583,908	\$ 369,646,894	100.00%
Percent	1.87%	25.69%	62.82%	9.63%	100.00%	
Target	1.00%	29.00%	60.00%	10.00%		

2.1 Scope of Services

COSERP is seeking proposals from qualified law firms to provide general legal services for its pension plan. The services requested are listed below:

- Advising the Board on compliance with all applicable federal laws including all qualification issues affecting employee benefits.
- Advising the Board concerning drafting and compliance of plan documents, including state laws, rules, administrative policies, and procedures of the plan administered by the Board.
- Providing specific, written recommendations on amendments to statutes, policies, and procedures to ensure the plan is in full compliance with Internal Revenue Code qualification criteria and constitutional law.
- Preparing and filing plan documents for IRS qualification.
- Negotiating and drafting investment contracts, including contracts for alternative investments (e.g., private equity, real estate investments trusts and other alternative investment vehicles).
- Providing advice, review and drafting services concerning legal documents necessary to consummate investment transactions.
- Providing advice, review and drafting services relating to benefits administration and investment of fund assets.
- Providing sophisticated legal advice on federal tax and, as necessary, international tax matters.

- Presenting legal opinions concerning benefits and investment transactions, including obtaining necessary opinions, letter rulings, and other documents from the Internal Revenue Service or other state or federal regulatory or governing bodies as requested by the Board.
- Assisting in a variety of corporate governance matters including; legal research analysis, advice, and counsel, with respect to corporate and securities laws in connection with corporate governance initiatives.
- Providing legal opinions on fiduciary duties.
- Assisting in the communication of concerns involving pension fund issues to trustees, staff, consultants, advisors and other parties, including testifying before or responding to elected or appointed officials.
- Attending board meetings.
- Representing the Board in complex litigation regarding plan issues.
- Providing legal opinions on benefits based on disability claims.
- Conducting research on current class-action torts on assets that the plan currently or previously possessed.

2.2 Proposal Format

The vendor is expected to provide a response for each requirement listed in the proposal. Failure to respond to any request for information within this RFP may result in rejection of the proposal at the sole discretion of the Board. Proposals shall be submitted in the following format and include the following information:

- Fee proposals per instructions in Section III signed by responsible party.
- Proposed Schedule of Minority and Women owned Business Participation and Non-Discrimination Statement.
- Response to Qualifications per section 2.7 included with this document. Additional information such as agency brochures, resumes, etc. may be submitted as appropriate.
- Response to References per Section 2.12 included with this document.
- The response to this RFP must be complete. Partial or incomplete responses will not be considered.
- Response should be concise, clear, and relevant.
- Submittals must be on standard letter size paper and pages must be numbered.
- Include only the information requested in the RFP submittal.

2.3 Basis of Award

Proposals will be evaluated according to the following criteria and weight:

- Fees (45 points)
- Experience, qualifications and references (50 points)
- Local vendor (within the city limits of Savannah and has a City of Savannah Business Tax Certificate) participation (5 points)

All proposals, received on time, shall be opened and reviewed. The absence of required information may render the proposal non-responsive and may be cause for rejection. The

Board has sole and absolute discretion over whether interviews will be conducted to select firm(s) for contract negotiations. This RFP does not commit the Board to award a contract, to pay any costs incurred in the preparation of the firm's response or to procure or contract for services or supplies. The Board reserves the right to accept or reject any or all response received as a result of this request, to negotiate with all qualified sources or to cancel all or part of this RFP. This RFP does not constitute any form of offer or contract.

2.4 Copies: One (1) unbound, printed and signed original, nine (9) identical, printed copies, and one (1) electronic copy (submitted on a removable hardware device) of the proposal and supporting documents must be submitted in response to the RFP. All responses must relate to the specifications as outlined.

2.5 Contacts: Proposers must submit proposals in accordance with the instructions contained in this RFP. All requested information must be submitted with the proposal. Instructions for preparation and submission of proposals are contained in this package. All questions regarding this request for proposal should be submitted in writing and emailed to the person listed on the summary event page.

2.6 Minority/Woman Business Enterprise Goals: The City of Savannah has not established an M/WBE goal for this project; however, M/WBE participation is encouraged wherever possible.

2.7 Qualifications

Qualifications submittals must meet the requirements of this section to be considered. Minimum eligibility requirements:

- A) The individual(s) assigned to COSERP as lead attorney(s) must have a minimum of five years of qualified legal experience to help advise pension plan trustees in the following areas: employees' benefits, tax matters, federal, state and local legislative and regulatory issues, federal and state litigation, investment transactions, fiduciary responsibility, corporate governance and conflicts of law affecting pension plan systems.
- B) The firm must have provided legal services to other public retirement systems or corporate pension plans which are approximately the size of COSERP, representing them in the wide range of legal areas stated above.

2.8. Background, Organization and Commitment

1. How long has the firm been in business, size of the firm, the average number of clients within the firm's portfolio and firm's primary area(s) of expertise?
2. How many years has the firm been providing legal services in the area of Public Sector Pension funds in the state of Georgia?
3. How many Public Sector Pension funds are your firm currently providing legal services to on pension-related issues?
4. Identify the location of the primary office that will provide services for the plan.

5. Provide a brief summary (general description) of your firm's practice in the subject matter areas covered by the RFP, including the size and scope of the practice and any other resources of your firm which are relevant to your practice in those areas.
6. Provide a listing of any representation by the law firm or individual attorney in which the City was a party to within the last five (5) years.
7. Identify any known relationship, either business or personal, which you or any member of your firm has with any COSERP Board member, investment consultant, investment manager or key employee. If aware of none, state "none."
8. Identify any relationship, either business or personal, which you or a member of your firm has with a person known to you to have substantial business dealings with the COSERP.
9. State whether you or any firm attorney proposed to provide services for this engagement has ever had a formal grievance or complaint lodged against him or her pursuant to the applicable disciplinary rules, or has ever been sued for malpractice, or has ever had any civil or criminal regulatory enforcement action taken in connection with any type of legal representation, and where any such attorneys have been sued individually with respect to any type of personal investment or other personal or business involvement concerning any underwriter or issuer of securities, investment adviser, investment company, securities broker-dealer, insurer, real estate transaction or a lending institution.
10. Describe the relevant special services your firm provides, particularly those that may not be offered by other law firms that would benefit the Board.
11. Within the past three years, have there been any significant developments in your firm, such as changes in ownership or restructuring? Do you anticipate any significant changes in the future? If yes, describe.
12. What is your firm's policy as to continuing legal education for its attorneys?
13. Describe the on-line services, publications and other resources maintained by your firm dealing with public pension plans, including subscription services and periodicals. Will any of these resources be available to the Board and staff?
14. How does your firm identify and manage conflicts of interest?
15. Describe your firm's backup procedures in the event one or more attorneys assigned to COSERP leaves the firm. Identify the key attorney who will be the primary contact and lead counsel in providing services to COSERP, whose continuing status as such is an essential element of this contract.
16. Has any pension plan represented by your firm been engaged in litigation during the past three years, other than collection proceedings brought on behalf of the plan? If so, without disclosing any information that is not a matter of public record, describe the nature and cause of the proceedings, the course of the litigation and the outcome if completed.
17. Has your firm been asked to commence legal proceedings against a fund-client's

sponsoring local or state governmental entity for which your firm was also rendering legal services? If so, what steps and procedures did your firm employ?

18. In regards to the digital data management, does your firm have a dedicated data security management plan? Without divulging proprietary information, is this provided by a third-party or conducted internally? Does your firm conduct regular scheduled security audits and backups?

2.9 Administration and Staff Information

1. Principal Attorney: Identify the principle attorney by name and give the year such attorney became licensed to practice law in Georgia. State their number of years of experience with Georgia public sector pension plans and non-Georgia public sector pension plans.
2. Indicate the number of Georgia municipalities and public sector pension plans for which the principal attorney has primary client responsibility.
3. Identify other attorneys employed by the law firm who will assist in providing legal services to the plan and the number of years of experience representing public sector pension plans.
4. Provide a very brief summary describing the education, legal or investment experience, recent speaking engagements and a list of significant, relevant publications of the attorneys proposed to work as lead attorney(s).
5. Include a firm organization chart, which clearly delineates communication/reporting relationships among the legal staff, the subcontractors (if any), and their assigned tasks in relation to your proposed legal services.

2.10 Previous clients

Identify all public sector clients who have terminated their working relationship with you in the past three years and a brief statement of your understanding of their reasons for doing so. Provide each such client's in-house counsel's (or, if none, CEO's) name, address and telephone number.

2.11 Fees

Provide a detailed proposal regarding the expenses involved including any retainer, hourly rates of personnel providing these services, required expense and other cost involved. Proposals may include an hourly rate of all personnel providing these services or yearly retainer charge or both. Also indicate any expenses for which you would seek reimbursement, including travel expenses.

2.12 References

Subject to the consent of clients as required by applicable ethics rules, provide a listing of representative clients. Responses may, with the consent of the clients, include names, email address, and phone number of specific references.

- At least three (3) of the references must be clients who have been assisted by the principal attorney who will be assigned to the COSERP.
- For each reference listed, include the name of the government entity, the contract person at the government entity, telephone number and email address.

2.13 Negotiation: The City reserves the right to negotiate with the selected proposer the exact terms and conditions of the contract. The proposer's obligation to indemnify the City under this Section shall not be limited in any way by the agreed-upon contract price or to the scope and amount of coverage provided by any insurance maintained by the proposer including, without limitation to, the insurance required to be maintained by the proposer.

2.14 Acknowledgement of Addenda: Vendor is responsible for determining and acknowledging any addenda issued in connection with this RFP. Addenda must be acknowledged in order for proposals to be considered.

2.15 Non-communication Clause: Those intending to respond to this event, their employees, agents, and attorneys, shall not make contact with City Council members, or with City staff outside of the Purchasing Department regarding this event during the bidding process and evaluation phase.

2.16 Insurance Requirements

Describe the levels of coverage for each of the following:

- **Comprehensive General Liability**

Contractor shall carry comprehensive general liability on an occurrence form with no “x, c or u” exclusions with the following minimum limits:

- Each occurrence - \$1,000,000
- Damage to Rented Premises - \$50,000
- Medical Expense - \$5,000
- Personal & Adv Injury - \$1,000,000
- General Aggregate - \$2,000,000
- Products – Completed Ops. Aggregate - \$2,000,000

General aggregate shall apply on a per project basis

Contractor will provide a Certificate of Insurance reflecting required coverage.

A waiver of subrogation endorsement to the policy in favor of the City shall also be provided and attached to the certificate

A (30) day notice of cancellation in favor of the City must be endorsed to policy and attached to the certificate

- **Commercial Automobile Liability**

The automobile policy must include coverage for owned, non-owned and hired automobiles

- Minimum limits are \$1,000,000
- Contractor will provide a Certificate of Insurance reflecting required coverage.
- A waiver of subrogation endorsement to the policy in favor of the City shall also be provided and attached to the certificate
- A (30) day notice of cancellation in favor of the City must be endorsed to policy and attached to the certificate

- **Workers Compensation**

Contractor shall carry a workers compensation policy including all statutory coverage required by Georgia state law

Minimum employer's liability limits:

- \$500,000 each accident
- \$500,000 each employee (disease)
- \$500,000 policy limit (disease)

Contractor will provide a Certificate of Insurance reflecting required coverage.

A waiver of subrogation endorsement to the policy in favor of the City shall also be provided and attached to the certificate

A (30) day notice of cancellation in favor of the City must be endorsed to policy and attached to the certificate

- **Umbrella/Excess Liability**

Contractor shall carry an umbrella/excess liability policy which must follow form over underlying policies: general liability, auto liability and employer's liability.

Minimum limits:

- \$1,000,000 per occurrence
- \$1,000,000 aggregate

Contractor will provide a Certificate of Insurance reflecting required coverage.

Waiver of subrogation endorsement to the policy in favor of the City shall also be provided and attached to the certificate

A (30) day notice of cancellation in favor of the City must be endorsed to policy and attached to the certificate

- **General**

All insurance shall be placed with Georgia admitted carriers with a current Best's rating of A (minus), X, or better

Any modifications to specifications must be approved by the City

- **Professional Liability**

Limits: Per Claim & Aggregate Limit: \$2,000,000

Required Endorsements and Certificate of Insurance:

- This policy provides a Waiver of Subrogation endorsement in favor of Mayor and Aldermen of the City of Savannah its agents and / or employees and must be attached to the Certificate of Insurance.
- This policy provides a thirty (30) day cancellation endorsement in favor of Mayor and Aldermen of the City of Savannah its agents and / or employees and must be attached to the Certificate of Insurance.
- Not applicable for Non-Payment of Premium (The City of Savannah must be notified if the insurance firm is cancelling coverage)
- No exclusions for either ongoing and / or completed projects / operations.
- The City of Savannah will accept the purchase of a 36 month Extended Reporting in the of Professional Liability policy cancellation.

SECTION III
FEE PROPOSAL

ALL PROPOSERS MUST BE REGISTERED SUPPLIERS ON THE CITY'S WEBSITE TO BE AWARDED AN EVENT. REGISTER AT WWW.SAVANNAHGA.GOV. ELECTRONIC SUBMISSIONS WILL NOT BE ACCEPTED. PROPOSALS MUST BE SUBMITTED ON THIS FORM.

ADDENDA ACKNOWLEDGEMENT

My signature below confirms my receipt of all addenda issued for this proposal.

Signature

Date

***This acknowledgement is separate from my signature on the fee proposal form. My signature on the fee proposal form will not be deemed as an acknowledgement of addenda.**

I have read and understand the requirements of this request for proposal RFP Event # 5510 and agree to provide the required services in accordance with this proposal and all attachments, exhibits, etc. The proposed fee shall provide for all labor material and equipment to provide the services as outlined. The fee for providing the required service shall be as follows:

- Monthly retainer that shall include all professional fees, travel, materials, equipment and any other miscellaneous expenses involved in preparing for and attending quarterly board meetings at the client's location. These meetings are generally held on the first Monday of each quarter (February, May, August and November) and last approximately 4 hours. This retainer should also include occasional phone calls and correspondence with the client regarding pending matters.

Monthly retainer amount \$ _____ x 12 = annual fee \$ _____

- Hourly rate for additional services as requested by the client not covered by the monthly retainer detailed above:

Hourly billable rate \$ _____ x 100 (estimated billable hours) = \$ _____

GRAND TOTAL \$ _____

SUBMITTED BY: _____

PROPOSER: _____

SIGNED: _____

NAME (PRINT): _____

ADDRESS: _____

CITY/STATE: _____ ZIP _____

TELEPHONE: (_____) _____
Area Code

FAX: (_____) _____
Area Code

**INDICATE MINORITY OWNERSHIP STATUS OF PROPOSER (FOR STATISTICAL PURPOSES ONLY):
CHECK ONE:**

NON-MINORITY OWNED
 AFRICAN AMERICAN
 HISPANIC
 WOMAN (non-minority)

ASIAN AMERICAN
 AMERICAN INDIAN
 OTHER MINORITY Describe_____

NON-DISCRIMINATION STATEMENT

The bidder certifies that:

- (1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, national origin, or gender in connection with any bid submitted to the City of Savannah or the performance of any contract resulting therefrom;
- (2) That it is and shall be the policy of this company to provide equal opportunity to all business persons seeking to contract or otherwise interested in contracting with this company, including those companies owned and controlled by racial minorities, cultural minorities, and women;
- (3) In connection herewith, we acknowledge and warrant that this company has been made aware of, understands and agrees to take affirmative action to provide such companies with the maximum practicable opportunities to do business with this company;
- (4) That this promise of non-discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption;
- (5) That the promises of non-discrimination as made and set forth herein shall be and are hereby deemed to be made as part of and incorporated by reference into any contract or portion thereof which this company may hereafter obtain and;
- (6) That the failure of this company to satisfactorily discharge any of the promises of non-discrimination as made and set forth herein shall constitute a material breach of contract entitling the City of Savannah to declare the contract in default and to exercise any and all applicable rights and remedies including but not limited to cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

Signature

Title

PROPOSED SCHEDULE OF M/WBE PARTICIPATION

All M/WBEs listed **must be certified as a minority-owned or women-owned business** by the City of Savannah or a federally-recognized or state-level certifying agency (such as USDOT, State DOT, SBA 8(a) or GMSDC) that utilizes certification standards comparable to the City of Savannah **prior** to the due date of this bid. **Other business certifications that do not specify majority woman or minority ownership may not be substituted. Proof of M/WBE certification from the certifying agency is required to accompany the bid.** A firm that has submitted an application for M/WBE certification but has not been certified is not qualified as a certified M/WBE and will not be recognized as such during the City's evaluation process. To expedite verification, provide accurate phone numbers for all M/WBEs listed and ensure firms understand contact will be made following bid submittal.

Name of Proposer: _____

Event No. 5510

Project Title: _____

NOTE: Unless certified through the City of Savannah M/WBE Program, proof of M/WBE certification must be attached for all firms listed.

Name of M/WBE Participant	Name of Majority Owner	Telephone	Address (City, State)	Type of Work Sub-Contracted	Estimated Sub-contract Value	MBE or WBE	Certified ? (Y or N)	Certifying Agency? (City of Sav. or Other)
					%			
					%			
					%			
					%			
					%			
					%			

MBE Participation Value: _____ % WBE Participation Value: _____ % M/WBE Participation Value: _____ %

The undersigned will enter into a formal agreement with the M/WBE Subcontractors/Proposers identified herein for work listed in this schedule, conditioned upon executing a contract with the Mayor and Aldermen of the City of Savannah. The Prime's subcontractor that subcontracts work must enter into a formal agreement with the tier subcontractor identified herein for work listed in this schedule. The Prime may count toward the goal any tier of M/WBE subcontractors and/or suppliers that will be utilized in the contract work. However, when an M/WBE subcontracts part of the work, the value of the subcontracted work may **only** be counted toward the goal **if the tier subcontractor is an M/WBE**. Any work an M/WBE firm subcontracts to a non-M/WBE firm **will not count toward the M/WBE goal**. It is the responsibility of the Prime contractor to advise all M/WBEs of this requirement and to ensure compliance by subcontractors.

Joint Venture Disclosure

If the prime bidder is a joint venture, describe the nature of the joint venture, the level of work and the financial participation to be provided by the Minority/Female joint venture firm in the space provided below.

Joint Venture Firms	Level of Work	Financial Participation

Printed name (company officer or representative): _____

Signature: _____ Date: _____

Title: _____ Email: _____

Telephone: _____ Fax: _____

The Minority/Women Owned Business Office is available to assist with identifying certified M/WBEs. Contact the M/WBE Office at (912) 652-3582. The City of Savannah's certified M/WBE registry is posted on its website @ www.savannahga.gov.

Developing a Strong M/WBE Participation plan

Key facts every bidder/proposer needs to know prior to developing their M/WBE Participation plan:

1. All bidders/proposers must submit a "Proposed Schedule of M/WBE Participation" which identifies the minority and/or woman-owned companies that have agreed to participate in the project if awarded. All companies listed on the form must be certified as either minority-owned and controlled or woman-owned and controlled. The City does not accept a company's "self-identification" as minority or woman-owned.
2. **Proof** of M/WBE certification from the certifying agency is required to accompany the bid; and certification must have been completed by the City of Savannah, a federally-recognized or a state-level certifying agency (USDOT, State DOT, SBA 8(a) or GMSDC) utilizing certification standards comparable to the City of Savannah.
3. The certification must have been approved prior to the due date of this bid. A firm that has submitted an application for certification but has not been certified will not be counted toward the M/WBE goal.
4. The M/WBE Office **will be contacting all M/WBE firms** included in the bidder's M/WBE plan to confirm each: a) was contacted by the bidder/proposer; b) performs the type of work listed; and c) agreed to participate.
5. To expedite the verification process, bidders/proposers need to: provide accurate phone numbers for all M/WBEs listed; ensure M/WBEs know to expect to be contacted by phone and email; request M/WBEs be accessible during the critical period before bid-opening; and advise M/WBEs that City staff **must** receive the M/WBE's confirmation that the firm agreed to participate in the bid/proposal in order for the prime contractor to receive credit toward their proposed M/WBE participation goals.
6. If a proposed M/WBE cannot be confirmed as certified, performing the type of work described or agreeing to participate, the bidder/proposer will be notified and given a pre-determined period to submit a correction. If an M/WBE still cannot be confirmed or replaced, the proposed percentage of participation associated with the unverified M/WBE firm will **not be counted** and **will be deducted** from the overall proposed M/WBE goal.
7. Any tier of M/WBE subcontractors or suppliers that will be utilized in the contract work may count toward the MBE and WBE goal **as long as the tier subcontractors/suppliers are certified M/WBEs**. Work that an M/WBE subcontracts to a non-M/WBE firm does **not** count toward the M/WBE goal.
8. M/WBEs must perform a "**commercially useful function**" which is the provision of real and actual work or products, or performing a distinct element of work for which the business has the skills, qualifications and expertise, and the responsibility for the actual management and supervision of the work contracted.
9. Per the *Proposed Schedule of M/WBE Participation* "the undersigned (bidder/proposer) will enter into a formal agreement with the M/WBE Subcontractors/Proposers identified herein for work listed in this schedule, conditioned upon executing a contract with the Mayor and Aldermen of the City of Savannah." **This signed commitment is taken seriously by the City**, so do not list M/WBEs you do not plan to utilize. Any proposed changes must be pre-approved by the M/WBE Office, be based on legitimate business-related reasons, and still meet the M/WBE participation goals per the City's contract.
10. A bidder who is a certified M/WBE may count toward the goal the portion of work or services on a City contract that is actually performed by the M/WBE, including: the cost of supplies/materials purchased or equipment leased for contract work, fees for bona fide services such as professional or technical services, or for providing bonds or insurance specifically required for the performance of a City contract.
11. If awarded the contract, the MWBE Office **will be reviewing your company's subcontracts, invoices and payment records** to substantiate the completion of work and payment of M/WBEs. If the prime contractor is an M/WBE that is being included in its M/WBE goal, the prime contractor must maintain records **that will be inspected** to prove the portion of work performed, cost of work, and payments to the prime company.
12. Most bids for goods and materials do not have specific MWBE goals established for the contract. If no goals are include in the scope of work or General Specifications, you are not required to submit MWBE participation but ~~encouraged~~ do so when the opportunity is available. The City maintains this information for statistical purposes only and it is not reflected in the award decision.