

Governing Regulations:

The federal requirements for Minority/Women's Business Enterprise and Small Business in Rural Areas that apply to the Metropolitan Council's involvement in the State Revolving Fund Program are included in the following regulations:

40 C.F.R. Sections 35.3145 (d) - Application to other Federal Authorities, M/WBE Requirements

Executive Orders No. 11625, 12138 and 12432 - Promoting the use of M/WBEs

Section 129 of Public Law 100-590 - Small Business Administration Reauthorization and Amendment Act of 1988

Regulations detailed in the EPA's Cross-Cutting Federal Authorities - Clean Water Act State Revolving Fund Program and Safe Drinking Water Act State Revolving Fund Program

Mandated Actions:

1. Accept, as part of the loan application a fair share statement proposing a "fair share" target percentage for MBE, WBE, and SBRA participation in the project as assigned by PFA.
2. Take all necessary steps to assure that MBE, WBE, and SBRA business enterprises are used when possible. Affirmative steps shall include:
 - a) Including qualified MBEs, WBEs, and SBRA on solicitation lists;
 - b) Assuring that MBEs, WBEs, and SBRA are solicited whenever they are potential sources;
 - c) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of MBEs, WBEs, and SBRA;
 - d) Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by MBEs, WBEs, and SBRA;
 - e) Using the services and assistance of the Small Business Administration and the Minority Business Development Agency, U.S. Department of Commerce, as appropriate; and
 - f) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps in paragraphs a) through e).
3. Review the documentation of actions taken by its consulting firm and low bidder to solicit MBEs, WBE's, and SBRA and to determine whether they are in conformance with the above affirmative steps.
4. Submit to the PFA a quarterly level of MBE and WBE utilization report.

Goal Setting

The Environmental Protection Agency and the Public Facilities Authority set the PFA program goals.

In assigning the "fair share" target percentage PFA utilizes a) state disparity study across the State of Minnesota and b) past history of target goal achievement by funded agencies. The target goals are reviewed and confirmed by the EPA.