

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT (“MOA”) is entered into this 6th day of July, 2023, by and between the Indiana Department of Administration (“IDOA”) Division of Supplier Diversity (“DSD”) and the City of Indianapolis, Office of Minority and Women Business Development (“City”).

WITNESSETH:

WHEREAS, Executive Order 05-11 encourages the IDOA to research efficient partnerships for completing Minority Business Enterprise (“MBE”) and Women Business Enterprise (“WBE”) Certifications; and

WHEREAS, City, is the sole entity that administrates the minority-, women-, veteran-, and disability-owned (“MBE/WBE”) certification program on behalf of the Consolidated City of Indianapolis; and

WHEREAS, with the exception of certain minor requirements, the qualifications for MBE/WBE certification prescribed in 49 CFR 26 are no less stringent than the qualifications for MBE and WBE certification prescribed in 25 IAC 5; and

WHEREAS, IDOA DSD’s acceptance of City’s MBE/WBE certification as evidence of MBE or WBE eligibility will increase the efficiency of IDOA DSD’s MBE/WBE certification process; and;

WHEREAS, City’s acceptance of IDOA’s MBE/WBE certification as evidence of MBE or WBE eligibility will increase the efficiency of City’s MBE/WBE certification process;

NOW, THEREFORE, the parties agree as follows:

1. Upon receipt of a written request by IDOA DSD and consent from the MBE/WBE firm, City will provide documented evidence of current MBE/WBE certification, including proof of ownership by a qualified minority or female and status as a United States citizen if such information is contained in the MBE/WBE certification file, for purposes of establishing MBE/WBE eligibility in accordance with 25 IAC 5. The following provisions govern IDOA DSD’s acceptance of City’s MBE/WBE certification as evidence of MBE/WBE eligibility:
 - a. IDOA DSD may certify any applicant firm as MBE and/or WBE firm if that firm: is a currently certified MBE/WBE, is at least 51% owned by a United States citizen who is a member of a qualified minority group or is female, is headquartered in Indiana, and has documented evidence of a City site visit no older than three years.
 - b. Applicant firms that desire to use City MBE/WBE certification as evidence of MBE/WBE eligibility must provide IDOA DSD with written consent permitting City to share all information in its MBE/WBE file, confidential or otherwise. A

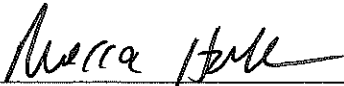
copy of the written consent form is attached hereto and incorporated herein as Exhibit 1.

- c. Upon IDOA DSD's receipt of the applicant consent form, City's MBE/WBE Certification Coordinator will forward both a "Verification of MBE/WBE Certification" form (attached hereto and incorporated herein as Exhibit 2), a copy of the applicant firm's latest onsite report, and verification of U.S. Citizenship.
2. IDOA DSD and City will implement the following procedures to facilitate the MBE/WBE certification process.
 - a. IDOA DSD will edit or supplement its MBE/WBE certification materials to allow an applicant firm to disclose whether it is currently certified in the City of Indianapolis as an MBE/WBE, and if so, instruct the applicant firm to complete a consent form authorizing the City to share the contents of its MBE/WBE certification file excluding financial documents with IDOA DSD for the purpose of determining MBE/WBE eligibility. However, IDOA DSD reserves the right to request the full content of the applicant file, excluding financial documents, if deemed necessary to make a final determination of the eligibility of the applicant.
 - b. In processing MBE/WBE applications, IDOA DSD will forward a request for confirmation of MBE/WBE certification status and a copy of a completed consent form to the MBE/WBE Certification Coordinator in the City. IDOA' DSDs request for confirmation and the applicant consent form may be sent either via hard copy U.S. mail or electronically as the parties agree.
 - c. City will respond to IDOA DSD's request for confirmation of MBE/WBE certification status within five (5) business days of receiving the request and applicant consent. Within that time period, City will provide IDOA DSD with verification of MBE/WBE certification and a copy of the latest onsite report. If City is unable to comply with the 5-day response time, City will notify IDOA DSD of the delay as soon as is practicable.
 - d. City will verify U.S. citizenship or lawfully admitted permanent residence and minority or female status of certified MBE/WBE owner(s) as part of the response when documentation is included as part of the certification file.
 3. City agrees to notify IDOA DSD within 60 calendar days after it makes a change to the certification status of a City certified MBE/WBE firm that is also an IDOA DSD certified MBE/WBE.
 4. City agrees to notify IDOA DSD within a reasonable period of time should a City certified MBE/WBE firm that is also an IDOA DSD certified MBE/WBE firm become the subject of any third-party complaint investigation and/or substantiated complaint.

5. Should IDOA DSD receive a third-party complaint, concerning a firm certified as an MBE/WBE, IDOA DSD agrees to forward the complaint to City within a reasonable period of time. The City agrees to investigate any substantiated complaint as determined in its sole discretion and notify IDOA DSD of the results of the investigation.
6. IDOA DSD retains its right to make all final determinations concerning the MBE/WBE eligibility of all applicant firms, regardless of MBE/WBE certification status.
7. Upon receipt of a written request by City and consent from the MBE/WBE firm, IDOA DSD will provide documented evidence of current MBE/WBE certification, including proof of ownership by a qualified minority or female and status as a United States citizen if such information is contained in the MBE/WBE certification file, for purposes of establishing MBE/ WBE eligibility in accordance with 49 CFR 26. The following provisions govern City's acceptance of IDOA DSD's MBE/WBE certification as evidence of MBE/WBE eligibility:
 - a. City may certify any applicant firm as MBE and/or WBE firm if that firm: is a currently certified MBE/WBE, is at least 51% owned by a United States citizen who is a member of a qualified minority group or is female, is domiciled in Indiana, and has documented evidence of an IDOA site visit no older than three years.
 - b. Applicant firms that desire to use IDOA DSD MBE/WBE certification as evidence of MBE/WBE eligibility must provide City with written consent permitting IDOA DSD to share all information in its MBE/WBE file, confidential or otherwise. A copy of the written consent form is attached hereto and incorporated herein as Exhibit 3.
 - c. Upon City's receipt of the applicant consent form, IDOA's MBE/WBE Certification Manager will forward both an "IDOA Verification of MBE/WBE Certification" form (see Exhibit 2), a copy of the applicant firm's latest onsite report, and verification of U.S. Citizenship to City.
8. City retains its right to make all final determinations concerning the MBE/WBE eligibility of all applicant firms, regardless of MBE/WBE certification status with IDOA DSD.
9. No alteration, modification, or amendment to this MOU is permitted, except by written agreement signed by the parties.
10. This MOU will commence upon the effective date above and shall remain in full force and effect until June 1, 2024. This MOU may be renewed under the same terms and conditions subject to the approval of the Director of the Office of Minority & Women Business Development, the Commissioner of the Department of Administration, and the Director of the State Budget Agency. The term of the renewed MOU shall not extend beyond a given two-year budget period as required by State Budget Agency Financial Management Circular No. 2007-6.


11. This MOU may be terminated by either party for any reason upon thirty (30) days written notice. Such notice shall be delivered by hand or by certified mail.

The parties hereby acknowledge the foregoing as the terms and conditions of their understanding.



Dr. Rebecca Holwerda, Commissioner
Indiana Department of Administration

6/29/23
Date



David O. Fredricks, Director
Office of Minority & Women Business Development
City of Indianapolis

6/29/23
Date

Approved:



Zachary Jackson, Director
Indiana State Budget Agency

7/6/2023
Date