

City of St. Louis Park Diversity, Equity and Inclusion Policy Use Guide

Introduction to the Diversity, Equity and Inclusion Policy

This policy promotes the inclusion of under-represented persons and businesses in development projects receiving public financing from the City of St. Louis Park (“city”) or its economic development authority (“EDA”) to meet the city council’s strategic priority of being a leader in racial equity and inclusion in order to create a more just and inclusive community for all.

The policy applies to new construction, renovation or reconstruction of commercial, industrial, multifamily rental or for-sale housing, and mixed-use development projects that receive \$200,000 or more in financial assistance from the city or EDA. The specific goals are designed to promote equal access and wealth building opportunities for historically minoritized communities, including women; Black, Indigenous and People of Color (BIPOC); and Asian American and Pacific Islander (AAPI) individuals and businesses. This guide is designed to assist owners/developers and their agents with planning and maintaining compliance with the local goals associated with the provision of local funds.

It is the responsibility of the city to monitor the quarterly compliance of diversity, equity and inclusion goals pertaining to marketing, outreach and employment requirements for contracting and purchasing relating to the project receiving local funds.

This guide will be made available to the owner/developer at project financial closing and will be posted on the city’s website. The city, in its sole discretion, may delegate its compliance reporting and monitoring responsibilities to a third party. DEI Policy-assisted properties will have quarterly compliance reviews on the dates specified in this guide, starting the first quarter after financial closing until six months after project completion.

Chapter 1 – Overview

The following is an overview of the Diversity, Equity and Inclusion Policy.

1.01 Applicability

Projects receiving financial assistance from the city, or its EDA trigger the women and BIPOC/AAPI business organizations, business enterprises, workforce and peripheral enterprise requirements and performance goals described in this guide.

The owner/developer must take all necessary affirmative steps to ensure that it and its contractors use BIPOC/AAPI and women business organizations, business enterprises, workforce and peripheral enterprises, when possible, in accordance with this Guide, for all development projects that receive \$200,000 or more in financial assistance from the city/EDA and includes:

- New construction, renovation, or reconstruction of commercial developments
- New construction, renovation, or reconstruction of Industrial developments
- New construction, renovation, or reconstruction of multi-family rental or for-sale housing developments
- New construction, renovation, or reconstruction of mixed-use developments

The owner/developer must comply with the Diversity, Equity and Inclusion Policy in effect at the time of the application date of planning and zoning applications and/or a signed preliminary development agreement. If building permits have not been issued within two years of application approvals or the building permits have expired or been canceled, the project must comply with updates to this policy. The city council may grant an extension of time beyond two years if a written request for a time extension is submitted to staff and approved by the city council and/or economic development authority. Requests for extension of time must be submitted to staff in writing before the contract termination date.

1.02 Statutory and Regulatory Authorities

Projects funded through any local, state, or federal sources shall comply with any marketing and outreach requirements guided by state and federal regulations in addition to the City of St. Louis Park Diversity, Equity and Inclusion Policy.

1.03 Definitions

- A. *Financial assistance*: The Diversity, Equity and Inclusion Policy applies to all new and renovated commercial, industrial, and multifamily residential buildings receiving city and/or EDA financial assistance.

Financial assistance is defined as funds derived from the city and/or its EDA and includes, but is not limited to, the following:

- a. City of St. Louis Park funds
- b. Community development block grant (CDBG)
- c. Housing rehabilitation funds
- d. Revenue bonds (private activity bonds are negotiable)

- e. Tax increment financing (TIF)
 - f. Tax abatement
 - g. Housing Authority (HA) funds
 - h. Affordable housing trust fund (AHTF)
 - i. Land write-downs
 - j. St. Louis Park Economic Development Authority grants and loans
- B. *Business organization*: the developer's business organization, including subsidiaries and parent company
- C. *Business enterprises*: the contractor(s) and sub-contractor(s) hired by or on behalf-of the developer for the project
- D. *Historically minoritized communities*: Women; Black, indigenous and People of Color (BIPOC); and Asian American and Pacific Islander (AAPI) individuals and communities
- E. *Peripheral enterprise(s)*: Consultants and other businesses hired by the developer, or with whom the developer has a relationship with, in conjunction with the project. This includes, but is not limited to, attorneys, financial consultants, financial institutions, suppliers, accountants, etc.
- F. *Project*: the development project as defined in the redevelopment contract between the EDA and the developer
- G. *Workforce*: employees of contractor(s) and sub-contractor(s) working on the project

1.04 Responsibilities

City of St. Louis Park

- Notify the owner/developer of the Diversity, Equity and Inclusion Policy participation goals and objectives along with where to find this guide on the City of St. Louis Park's website
- Provide this guide and all appendices to the owner/developer at the initial concept review meeting
- Monitor the quarterly performance of owner/developer with respect to BIPOC/AAPI and women-owned participation goal objectives and requirements

Owner/developer and contractor/subcontractors

- Provide the city's Diversity, Equity and Inclusion Policy, this guide and all appendices to prospective contractors/subcontractors before bidding
- Comply with policy objectives and requirements in their operations and in the operations of their contractors/subcontractors
- Implement procedures designed to notify BIPOC/AAPI and women-owned businesses about contracting opportunities generated by the assistance
- Document steps taken to comply with participation goals, the results of actions taken and impediments using the contracts and procurement report (Appendix A)

- Provide proof of CERT or MnUCP DBE certification¹ to the city of all BIPOC/AAPI and women-owned businesses.
- On a quarterly basis, complete the quarterly compliance report (Appendix B) that detail responsibilities for completion of each required form.

¹ 1 Each BIPOC/AAPI, and women-owned business must be certified by the Minnesota Department of Administration under the CERT or MnUCP BDE program (<https://sbcp.mn.gov/>).

Chapter 2 – Requirements

2.01 Participation goals

The City of St. Louis Park Diversity, Equity, and Inclusion Policy establishes individual goals for BIPOC/AAPI and women-owned businesses. Participation goals will be applied to the developer’s project as a whole and pertain to the total amount of construction, related contracts, number of employees, and hours worked on the project.

The developer will be required to use reasonable and good faith efforts, to meet these business enterprise, workforce, and peripheral enterprise participation goals for women and Black, indigenous and People of Color (BIPOC)/AAPI in conjunction with construction, renovation, or reconstruction of the development.

Participation goals	Women	BIPOC/AAPI
Business organization	10%	13%
Business enterprises	6%	13%
Workforce	20%	32%
Peripheral enterprises	6%	13%

2.02 Affirmatively marketing to BIPOC/AAPI and women-owned Business

Enterprises and peripheral enterprises

Developer must use reasonable and good faith efforts to cause its contractors/subcontractors to provide certain information and resources to prospective contractors/subcontractors before bidding; to implement procedures designed to notify women and BIPOC/AAPI about contracting opportunities; to document steps taken to comply with participation goals and the results of actions taken; and to provide compliance report(s).

Developer/owner and contractors/subcontractors should maintain evidence of efforts made to demonstrate proof of BIPOC/AAPI and women-owned businesses involvement in the project. Efforts to include BIPOC/AAPI and women-owned businesses must allow for sufficient time to effectively participate in the bidding and/or application process. Good faith efforts to achieve success may be demonstrated by providing documentation detailing outreach plans and activities, including affirmative steps defined in federal regulations at 2 CFR §200.321:

1. Placing qualified women and BIPOC/AAPI business enterprises and peripheral enterprises on solicitation lists;
2. Ensuring that women and BIPOC/AAPI business enterprises and peripheral enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when they are economically feasible, into smaller tasks or quantities to permit maximum participation by women and BIPOC/AAPI business enterprises and peripheral enterprises;
4. Establishing delivery schedules, where the requirement permits, that encourage participation by women and minority business enterprises and peripheral enterprises;

5. Using the services and assistance, as appropriate, of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above in 1-5

A listing of current Minnesota certified BIPOC/AAPI and women-owned businesses can be found on the [Minnesota Department of Administration](#) website.

Chapter 3 – Performance and compliance

3.01 Compliance summary

To demonstrate compliance with St. Louis Park’s Diversity, Equity and Inclusion Policy, developers must identify jobs bid and indicate those bid by BIPOC, AAPI, and women-owned business using the city’s contracts and procurement report. The contracts and procurement report is a data collection tool to be included in bidding documents. All contractors and sub-contractors providing bids must complete this form. The city may request additional documentation, if necessary, to ensure compliance with this obligation.

3.02 Reporting deadlines

The city will monitor DEI goals by reviewing the quarterly compliance report on a quarterly basis and will analyze the compliance information submitted by the developer/owner.

The developer/owner is required to provide written reports to the city via the quarterly compliance report to the redevelopment administrator on a quarterly basis from the date the development agreement is entered into until six months after the project receives its certificate of occupancy from the city. The reports shall be provided on the following dates each year:

- Jan. 1
- April 1
- July 1
- Oct. 1

3.03 Quarterly compliance report

The developer/owner shall submit the quarterly reports via the quarterly compliance report. This report is found online and is also attached to this policy guide. The compliance report includes the following information:

1. List of the business organization and any parent company or subsidiaries total employees and the percentage of employees that self-report as women or BIPOC/AAPI employees.
2. Total number of construction-related business enterprises (e.g., general contractor, subcontractors) with:
 - a. percentage of women-owned enterprises
 - b. percentage of BIPOC/AAPI-owned enterprises
 - c. percentage of total development dollars paid to women-owned enterprises
 - d. percentage of total development dollars paid to BIPOC/AAPI-owned enterprises
3. Total number of construction workforce employees with:
 - a. percentage of women construction workforce employees
 - b. percentage of BIPOC/AAPI construction workforce employees

- c. percentage of total construction hours women construction workforce employees worked
 - d. percentage of total construction hours BIPOC/AAPI construction workforce employees worked
4. List of peripheral enterprises with self-reported total number of employees, percentage of women and percentage of BIPOC/AAPI employees
 5. Summary of efforts made to reach participation goals and ongoing efforts to reach and/or maintain participation goals
 6. The developer shall submit the quarterly compliance report via email or hard copy to the city's redevelopment administrator (see Section 5.01).

3.04 Contracts and procurement report

The developer/owner shall submit new and procurement report each quarter. This report is found online and is also attached to this policy guide. The compliance report includes the following information:

- Development name
- Development address
- Contractor's name and title
- An explanation of efforts used to award contracts to BIPOC/AAPI and women-owned businesses
- An explanation of efforts to provide procurement preference for BIPOC/AAPI and women-owned businesses

The developer shall submit the quarterly contracts and procurement report via email or hard copy to the city's redevelopment administrator (see Section 5.01).

3.05 – Certifications

The developer will be required to provide documentation that each BIPOC/AAPI and women-owned business is certified by the Minnesota Department of Administration <https://sbcp.mn.gov/>, for the Minnesota Unified Certification Program (MnUCP) or the Central Certification (CERT) Program.

The developer shall submit all certifications for women and BIPOC/AAPI businesses via email or hard copy to the city's redevelopment administrator (see Section 5.01).

Chapter 4 – Summary report diversity, equity and inclusion efforts

4.01 Written report

The developer will be required to provide final written documentation to the EDA/city council providing a summary of all efforts made to hire women and BIPOC/AAPI business enterprises, workforce and peripheral enterprises throughout the project's construction and six months after project completion. The report should also explain any changes the business organization made internally to hire more women and BIPOC/AAPI employees to meet the DEI goals. This report should include:

- Summary of all business organization changes to hire more internal women and BIPOC/AAPI employees to meet the DEI goal
- Summary of all marketing and outreach activities to hire women and BIPOC/AAPI business enterprises, workforce and peripheral enterprises
- Summary of hiring goals and whether the goals were met or not. If goals were not met, provide a written explanation as to why

The developer shall submit the written report via email or hard copy to the city's redevelopment administrator (see Section 5.01).

4.02 Oral report

The developer may be required to formally discuss its DEI efforts with the city council/EDA, explaining why goals were or were not met.

Chapter 5 – Quarterly submittal information

5.01 Submittal contact information

The developer shall submit the quarterly compliance report, contracts and procurement report, all certifications for women and BIPOC/AAPI businesses, and the final written report via email or hard copy to the city's redevelopment administrator as specified below.

Jennifer Monson
Redevelopment Administrator
5005 Minnetonka Blvd.
St. Louis Park, MN 55416
jmonson@stlouisparkmn.org

Appendix A – Contracts and procurement report

City of St. Louis Park Diversity Equity and Inclusion Policy contracts and procurement report

The financing package the City of St. Louis Park/Economic Development Authority has provided for your development, requires you to adhere to the city's Diversity Equity and Inclusion Policy and track and report on marketing, outreach, and hiring participation activities with regards to women and BIPOC/AAPI business organizations, business enterprises, workforce, and peripheral enterprises. The City of St. Louis Park will monitor you for compliance with the policy. It is important for you to understand your obligations as the owner of the property.

Document in the space below what marketing, outreach and hiring activities you provided for the project, and attach supporting documentation to this report.

Development name: _____

Development address: _____

Contractor's name and title: _____

Explain efforts to award contracts to BIPOC/AAPI and women-owned businesses:

Explain efforts to provide procurement preference for BIPOC/AAPI and women-owned businesses:

I certify that the information provided in this Contracts and Procurements Report is true, correct and accurate.

Signature: _____ Date: _____

Appendix B – Quarterly Compliance Report

City of St. Louis Park Diversity, Equity, and Inclusion Policy Quarterly Compliance Report

Fill out the [Quarterly Compliance Report](#).

Instructions:

1. Insert the date and development name.
2. Provide employment details related to the business organization on the corresponding business organization sheet.
3. Fill out the applicable blank (white) fields in the Business Enterprises & Workforce sheet.
4. This will auto populate the summary information on the first page.
5. Provide a list of peripheral enterprises on the corresponding sheet and include total employees and the number of employees that self-report as women or BIPOC/AAPI.
 - a. This information should be for the total project, not just for the reporting quarter.
6. All reported women and BIPOC/AAPI business enterprises shall be certified through CERT or MnUCP DBE (<https://sbcp.mn.gov/>). Provide proof of certification.
7. Document steps taken to comply with participation goals, the results of actions taken and impediments using the Contracts and Procurement Report
8. Provide a written narrative explaining successes and difficulties in meeting goals.
9. Provide contact information of person filling out this form and certify that the information is true, correct and accurate.

Appendix C – Quarterly compliance report checklist

- Contracts and procurement report
- Quarterly compliance report
- Certification of women or BIPOC/AAPI businesses