



Rules of
Office of Administration
Division 10—Commissioner of Administration
Chapter 17—Office of Equal Opportunity

Title	Page
1 CSR 10-17.010 Definitions	3
1 CSR 10-17.040 Minority/Women’s Business Enterprise Certification	3
1 CSR 10-17.050 Minority and Women’s Business Enterprise Participation in Procurement Process.....	7



Title 1—OFFICE OF ADMINISTRATION

Division 10—Commissioner of Administration

Chapter 17—Office of Equal Opportunity

1 CSR 10-17.010 Definitions

PURPOSE: This rule defines terms related to the state of Missouri's Minority and Women's Business Enterprise Program, established by the Office of Administration and administered by the Office of Equal Opportunity.

(1) For purposes of the state of Missouri's Minority and Women's Business Enterprise Program, established by the Office of Administration and administered by the Office of Equal Opportunity, the following definitions apply:

(A) Certification or certified—A determination made after an applicant has met the eligibility requirements to be qualified as a Minority Business Enterprise (MBE) or a Women's Business Enterprise (WBE) by the Office of Administration, Office of Equal Opportunity (OEO);

(B) Commissioner—The commissioner of the Office of Administration;

(C) Compliance—When a firm has met the requirements of these regulations, the applicable statutes, and the Minority and/or Women's Business Enterprise (M/WBE) provisions of its state contract;

(D) Contract—A legally-binding relationship obligating a contractor, subcontractor, or supplier to furnish goods or services and the buyer to pay for them. For the purposes of these regulations, leases and subcontracts may be considered contracts;

(E) Contractor—A firm that has a contract directly with the state of Missouri;

(F) Firm—A person or business lawfully existing under the laws of the state of Missouri or its state of origin, including but not limited to a sole proprietorship, corporation, partnership, limited partnership, joint venture, limited liability company (LLC), or professional corporation;

(G) Minority—Any individual who is a citizen or lawfully-admitted permanent resident of the United States and who is a member of any of the following groups:

1. Black Americans—Includes persons having origins in any of the black racial groups of Africa;

2. Hispanic Americans—Includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

3. Native Americans—Includes persons

who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

4. Asian-Pacific Americans—Includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Mariana Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;

5. Asian-Indian Americans—Includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka; or

6. Any additional groups whose members are designated as socially and economically disadvantaged by the U.S. Small Business Administration (SBA), at such time as the SBA designation becomes effective;

(H) Minority Business Enterprise (MBE)—The definition in section 37.020.1(3), RSMo, will be applied;

(I) Noncompliance—Failure by the contractor, subcontractor, or supplier to achieve the goals of M/WBE participation set forth in the contract;

(J) OA—The state of Missouri's Office of Administration;

(K) Out-of-state applicant—Any applicant whose principal place of business is located outside Missouri. Such applicants must be certified by their home state. Certification by another state does not guarantee certification by OEO;

(L) Principal place of business—Where the individuals who manage the day-to-day operations and make executive decisions for the firm are located and where its records are kept;

(M) Rapid response applicant—Any applicant whose principal place of business is in Missouri and who possesses a current M/WBE certification from another certifying entity. Rapid response applicants may receive certification from OEO through a memorandum of understanding. Less documentation is needed than for a standard/initial applicant, and an on-site review is not required. Certification by another certifying entity does not guarantee certification by OEO;

(N) Subcontractor—A firm that does not have a contract directly with the state of Missouri but instead contracts a portion of the work of a state contract from the contractor or another subcontractor;

(O) Standard/initial applicant—Any applicant whose principal place of business is in Missouri and who does not currently hold any other M/WBE certifications. OEO may

perform an on-site review at the applicant's place of business after reviewing the application and documentation; and

(P) Women's Business Enterprise (WBE)—The definition in section 37.020.1(6), RSMo, will be applied.

AUTHORITY: sections 34.050 and 37.020, RSMo 2000. Original rule filed June 1, 2011, effective Nov. 30, 2011.*

**Original authority: 34.050, RSMo 1939, amended 1945, 1993, 1995 and 37.020, RSMo 1990.*

1 CSR 10-17.040 Minority/Women's Business Enterprise Certification

PURPOSE: This rule establishes a program by which Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) may be certified by the Office of Equal Opportunity (OEO).

(1) Any firm desiring to obtain certification as a Minority Business Enterprise (MBE) or Women's Business Enterprise (WBE) shall submit an application and required documentation to Office of Equal Opportunity (OEO). There are three (3) methods of certification—initial/standard, rapid response, and out-of-state.

(2) All applicants are required to submit documentation necessary to determine eligibility for certification. Such documentation may include, but is not limited to: shareholder meeting minutes, bylaws, board meeting minutes, partnership agreements, tax returns, and joint venture agreements.

(3) Every applicant seeking certification has the burden of demonstrating to OEO, by a preponderance of the evidence, that it meets the requirements of section 37.020, RSMo, and these regulations.

(4) Initial/standard certifications are effective for three (3) years. Rapid response and out-of-state certifications are based on the certification from other certifying entities and are effective until the expiration date that appears on the certificate provided to OEO. Joint venture certifications are effective for either one (1) year or the term of the joint venture.

(5) Out-of-State Certifications. OEO will not conduct on-site reviews outside the state of Missouri; certification determinations for out-of-state applicants will be made based upon a desk audit of the application and all submitted documentation. Out-of-state applicants may only be certified by OEO if their home state allows Missouri-based minority- and women-owned firms to certify there. All



currently certified out-of-state firms who might be affected by this rule will be allowed to maintain certification unless upon expiration they do not complete the renewal process or fail to meet other standards of ownership and control required by these regulations.

(6) If an applicant is approved for certification, a letter of approval and a certificate will be mailed to the Minority and/or Women's Business Enterprise (M/WBE).

(7) Firms certified by OEO must notify OEO of any changes that may affect their eligibility for continued certification under section 37.020, RSMo, and these regulations.

(8) Applicants denied certification will be notified in writing of the reasons for denial. Reasons may include but are not limited to: incomplete or inaccurate application, failure to provide requested information, failure to meet certification standards, or failure to cooperate during the certification process. If OEO denies certification, an applicant has twenty-one (21) calendar days from the date of the denial letter to appeal in writing to the commissioner. The appeal shall clearly state why the denial is alleged to be in error. Information that was requested but not provided before the denial will not be considered in an appeal. The commissioner's decision shall be final. Applicants denied certification are ineligible to reapply for one hundred eighty (180) days from the date of the denial letter.

(9) Third parties who have reason to believe that an applicant has been wrongly denied or granted certification as an M/WBE or joint venture may file a third-party challenge with OEO. Challenges by third parties are not considered appeals.

(A) The third-party challenge must be submitted in writing with supporting documentation in sufficient detail to support the allegations. OEO may require additional documentation from the challenger.

(B) The third-party challenge must contain the name, address, telephone number, and signature of the challenger.

(C) Third-party challenges will not be considered confidential.

(D) The M/WBE or applicant will be notified in writing that a challenge has been filed.

(E) OEO will investigate the challenge and issue a written decision.

(10) OEO will be guided by the following standards when evaluating applicants for certification:

(A) In determining whether an applicant meets the requirements of section 37.020, RSMo, and these regulations, OEO will con-

sider all information in its possession;

(B) OEO will evaluate an applicant based on current circumstances and will not deny certification solely because an applicant was not owned or controlled by a minority or woman at some time in the past;

(C) OEO may authorize a one (1)-year provisional certification in certain circumstances, such as to allow time for a minority or woman to transition from being an employee to a business owner or to review tax information that is not available for a new firm at the time of application;

(D) An applicant will not be denied certification solely because it is a newly-formed firm; and

(E) OEO may decline rather than deny certification when one (1) or more questions are identified during the preview for certification. Applicants declined certification will be notified in writing and may respond with additional documentation or clarification within the time frame stated in the notice.

(11) Each year, OEO will send an annual update form to each firm certified under this program. Each firm must complete and return the form to OEO. OEO may revoke the certification of a firm that fails to complete and return the form. Information provided in the annual update form helps ensure that OEO's Directory of Certified M/WBEs remains accurate. It also provides verification that ownership and control have remained the same. If changes have taken place, the M/WBE must provide information and/or documentation to substantiate that it continues to meet the requirements of these regulations.

(12) OEO will send a Recertification Application to a certified firm one (1) month before the expiration date of the certification. This application must be completed and returned to OEO before the expiration date. Recertification will be determined by information submitted on the renewal form, tax returns, and any documented changes regarding ownership or control. Recertification is not guaranteed. If the recertification application is not submitted before the expiration date, the firm will be removed from the active list of certified M/WBE vendors. To become recertified after the expiration date of the original certification, the applicant must submit the renewal form with an explanation for the delay. If one (1) year or more has passed, a complete new application will be required.

(13) Revocation of Certification.

(A) OEO may revoke a firm's certification for reasons including, but not limited to, the

following:

1. The firm does not meet the requirements of section 37.020, RSMo, and these regulations;

2. The firm's certification with OEO is based on certification by another entity, and that entity has revoked the firm's certification; or

3. The firm has falsified or intentionally misrepresented information to OEO.

(14) OEO will use the following standards in determining ownership:

(A) The contribution of capital or expertise by the minorities or women shall be real and substantial. Examples of insufficient contributions include: a promise to contribute capital, participation as employee rather than a manager, or an unsecured note payable to the firm or an owner who is not a minority or woman. Debt instruments from financial institutions or other organizations that lend funds in the normal course of their business would not render a firm ineligible, even if the debtor's ownership interest is security for the loan;

(B) Securities held in trust, or by a guardian for a minor, shall not be considered as held by a minority or woman in determining the ownership or control of a corporation. However, securities or assets held in trust are considered as held by a minority or a woman for purposes of determining ownership of the firm if—

1. The beneficial owner of securities or assets held in trust is a minority or a woman, and the trustee is the same or another such individual; or

2. The beneficial owner of a trust is a minority or a woman who, rather than the trustee, exercises effective control over the management, policy-making, and daily activities of the trust.

3. Assets held in a revocable living trust may be counted only if the same minority and/or woman is the sole grantor, beneficiary, and trustee;

(C) In determining ownership of a firm, assets or interests acquired in the following ways will be considered held by a minority or woman:

1. From a final property settlement or court order in a divorce or legal separation, provided that no term or condition of the agreement or divorce decree is inconsistent with these regulations; or

2. Through inheritance, or otherwise because of the death of the former owner;

(D) Expertise of a minority or woman applicant may be regarded as a contribution toward ownership if the woman has a significant financial investment in the firm and if the expertise is—



1. In a specialized field;
2. In areas critical to the firm's operations;
3. Indispensable to the firm's potential success;
4. Specific to the type of work the firm performs; and
5. Documented in the records of the firm. These records must clearly show the contribution of expertise and its value to the firm;

(E) Ownership and control of the enterprise by the minorities or women must be real, substantial, and continuing. The minorities or women shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with ownership;

(F) The applicant must show that ownership has not been acquired as a gift or by transfer without adequate consideration from a non-minority or male, within one (1) year before application. Thereafter, it is presumed that ownership is not held by the minority or woman if received from a non-minority or male who—

1. Continues to be involved in the same firm for which the applicant is seeking certification or is an affiliate of that firm;
2. Continues to be involved in the same or similar line of business; or
3. Is engaged in an ongoing business relationship with the firm, or an affiliate of the firm, for which the individual is seeking certification;

(G) To overcome the presumption in subsection (14)(F), the minority or woman must clearly demonstrate to OEO that—

1. The gift or transfer to the minority or woman was made for reasons other than obtaining certification; and
2. The minority or woman actually controls the management, policy, and daily operations of the firm, notwithstanding the continuing participation of a non-minority or male who provided the gift or transfer;

(H) When marital assets (other than the assets of the firm in question), held jointly or as community property by both spouses, are used to acquire the ownership interest asserted by a minority or woman spouse, OEO will deem the ownership interest in the firm to have been acquired by the minority or woman with his or her own individual resources, provided that the other spouse irrevocably renounces and transfers all rights in the ownership interest in the manner sanctioned by the laws of the state of Missouri. A copy of the document legally transferring and renouncing the non-minority or female spouse's rights in the jointly-held or community assets used to acquire an ownership interest in the firm must be included with the

firm's application; and

(I) A contribution of capital may be real and substantial even though financing agreements, contracts for the purchase or sale of real estate or personal property, bank signature cards, and the like, require the co-signature of a spouse who is not a minority or a woman.

(15) OEO will use the following standards in determining control:

(A) The minority or women owners must have the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on matters of management, policy, and operations. There can be no restrictions upon the minority or woman's discretion;

(B) Only independent firms are eligible for certification. A firm is independent if its viability does not depend on its relationship with another firm or firms. In determining whether a firm is independent, OEO will consider the firm's relationships with non-M/WBEs in areas such as personnel, facilities, equipment, and financial and bonding support and other resources. OEO must consider whether a present or recent employer/employee relationship between minority or women owners of the applicant and any non-M/WBE firms or persons associated with those firms compromise the independence of the applicant;

(C) There can be no restrictions through corporate charters, by-laws, contracts, or any other formal or informal devices (e.g., cumulative voting rights, voting powers attached to different classes of stock, employment contracts, requirements for concurrence by non-minority or non-female partners, conditions precedent or subsequent, executor agreements, voting trusts, restrictions on or assignments of voting rights) that prevent the minority or woman, without the cooperation or vote of any non-minority or male, from making any business decision of the firm. This does not preclude a spousal co-signature on documents;

(D) A minority or woman must hold the highest official position in the firm (e.g., chief executive officer or president). Board meeting minutes must be provided to verify the results of the most recent officer election, if applicable;

(E) In a corporation, the minority or women owners must control the board of directors. Shareholder meeting minutes and by-laws must be provided to verify who is elected to the board and establish who controls it. In a partnership, one or more of the minority or women owners must serve as general partners, with control over all part-

nership decisions. A written partnership agreement must be provided. In a limited liability corporation (LLC), the minority or women owners must be the managing members. The operating agreement must be provided to OEO;

(F) Certification will not be denied solely because non-minorities or males may be involved with a firm as owners, managers, employees, stockholders, officers, or directors. Non-minorities or males must not, however, have or exercise the power to control the firm, or be disproportionately responsible for the daily operations of the firm;

(G) The minority or women owners must have an overall understanding of, and managerial and technical competence or experience directly related to, the type of business in which the firm is engaged and the firm's operations. The minority or women owners must have the ability to evaluate information presented by other participants in the firm's activities and be able to use this information to make independent decisions concerning the firm's daily operations, management, and policymaking. Generally, expertise limited to office management, administration, or book-keeping functions unrelated to the principal business activities of the firm is insufficient to demonstrate competency of the business's area of expertise and control over its daily operations;

(H) If state or local law requires the business to maintain a particular license or other credential in order to own or operate a certain type of firm, then the minority or women owners who exercise majority control of that type of business must possess the required license or credential. If state or local law does not require those persons to have such a license or credential in order to own or operate such a firm, OEO will not deny certification solely on the grounds that the minority or women owners lack such license or credential. However, OEO will consider the absence of the license or credential as one (1) factor in determining whether the minority or women owners actually exercise daily control over the firm;

(I) OEO will consider the difference in remuneration between the minority or women owners and other participants in the firm in determining whether to certify a firm. Such consideration shall be in the context of the duties of the persons involved, normal industry practices, the firm's practices and policies concerning the reinvestment of income, and any other explanations for the difference offered by the firm. Based upon the evidence, OEO will make a determination about whether a firm is controlled by its minority or women owners, even though that owner's



remuneration may be lower than other participants in the firm. In a case where a non-minority or male owner has formerly controlled the firm, and a minority or a female owner now controls it, OEO may consider the difference between the remuneration of the former and current controller of the firm as a factor in determining who exercises true control over the firm, particularly when the non-minority or male owner remains involved with the firm and continues to receive greater compensation than the minority or female owner;

(J) In order to be viewed as controlling a firm, a minority or female owner cannot engage in outside employment or other business interests that could conflict with the management of the firm or prevent them from devoting sufficient time and attention to the affairs of the firm to control its daily activities. For example, absentee ownership of a firm and part-time work in a full-time firm are viewed as not exercising effective daily control over the firm;

(K) Minority or women owners may control a firm even though one (1) or more of the individual's immediate family members (who themselves are not minorities or women) participate in the firm as a manager, employee, owner, or in some other capacity. OEO will consider how much control the minority or women owners exercise as compared to other persons involved in the business, without regard to whether those other persons are immediate family members;

(L) If OEO cannot determine that the minority or woman owner versus the family as a whole actually controls the firm, then the minority or female owners have failed to meet their burden of proof concerning control, even though they may participate significantly in the firm's activities;

(M) If a firm was formerly owned and controlled by a non-minority or male who still remains involved in the firm, then the minority or women owners seeking certification must show that—

1. The transfer of ownership and/or control to the minority or women owners was not made solely to obtain certification; and

2. The minority or women owners actually control the management, policy, and daily operations of the firm, notwithstanding the continuing participation of a non-minority or male who formerly owned and/or controlled the firm;

(N) In determining whether a firm is actually controlled by its minority or women owners, OEO will consider whether the firm owns equipment necessary to perform its work. Lack of control by a minority or woman owner will not be found solely

because a firm leases, rather than owns such equipment, if leasing equipment is a normal industry practice, and the lease is not with a contractor or other party that compromises the independence of the firm;

(O) Lack of control by a minority or woman owner will not be found solely because a firm leases employees so long as the minority or women owners maintain an employer-employee relationship with the leased employees and are responsible for hiring, firing, training, assigning, and otherwise controlling the leased employees;

(P) A firm operating under a franchise or license agreement may be controlled by a minority or woman even though the franchise or license arrangement imposes restraints relating to standardized quality, advertising, accounting format, and the like, so long as the firm has the right to profit from its efforts, bears the risk of loss commensurate with ownership, and meets all other requirements of section 37.020, RSMo, and these regulations. Factors that indicate a lack of control by the minority or woman owner include common management or excessive restrictions on the sale or transfer of the franchise interest or license; and

(Q) In order for a partnership to be deemed controlled by a minority or a woman, any non-minority or male partners must be incapable of, without the specific written authorization of the minority or female partners, contractually binding the partnership. A written partnership agreement is necessary to establish both ownership and control.

(16) An applicant that is not owned by minorities or women, but is instead owned by another firm, even though that firm is a certified M/WBE, is ineligible to be certified as an M/WBE except as provided below.

If the minority or women owners own and control the applicant firm through a parent or holding company, established for tax, capitalization, or other purposes consistent with industry practices, and the parent or holding company, in turn, owns and controls an operating subsidiary, OEO may certify the subsidiary if it otherwise meets all requirements of these regulations. In this situation, the individual owners and operators of the parent or holding company are deemed to control the subsidiary through the parent or holding company.

OEO may certify such a subsidiary as an M/WBE if and only if the subsidiary is fifty-one percent (51%) cumulatively owned by a minority or a woman. The following examples illustrate how the provision for cumulative ownership works:

Example 1: A minority or a woman owns one hundred percent (100%) of a holding company which in turn has a wholly-owned subsidiary. The subsidiary may be certified as an M/WBE, if it meets all other requirements of these regulations.

Example 2: A minority or woman owns one hundred percent (100%) of a holding company which, in turn, owns fifty-one percent (51%) of a subsidiary. The subsidiary may be certified, if it meets all other requirements of these regulations.

Example 3: A minority or woman owns eighty percent (80%) of a holding company which in turn, owns seventy percent (70%) of a subsidiary. In this case, the cumulative ownership of the subsidiary by a minority or a woman is fifty-six percent (56%) (80% of 70% = 56%). This is more than the fifty-one percent (51%) threshold, so it may be certified as an M/WBE, if it meets all other requirements of these regulations.

Example 4: A minority or a woman owns sixty percent (60%) of the holding company, which, in turn, owns fifty-one percent (51%) of a subsidiary. In this case, the cumulative ownership would be thirty-one percent (31%) (60% of 51% = 31%). This is less than the required fifty-one (51%) threshold, so it cannot be certified as an M/WBE.

Example 5: Someone other than the minority or women owners of the parent or holding company controls the subsidiary. Even though the subsidiary is owned by minorities or women, through the holding or parent company, it cannot be certified as an M/WBE because it does not meet the control requirement.

(17) Joint Venture. As required by section 37.020.1(3)(b), RSMo, in order to qualify for joint venture certification, at least fifty-one percent (51%) of the ownership interest in the joint venture must be held by minorities, and the management and daily business operations of the joint venture must be controlled by one (1) or more of the minorities who own it. OEO may require a joint venture applicant to submit documentation including but not limited to a copy of the joint venture agreement and a copy of the certification issued to the M/WBE participant in the joint venture. Any changes proposed in the joint venture agreement must be filed with and approved by OEO prior to the implementation of the changes in order to maintain certification. Failure to comply may result in revocation of the joint venture certification.

AUTHORITY: section 37.023, RSMo 2000. This rule originally filed as 1 CSR 40-1.080. Original rule filed Oct. 20, 1997, effective*



May 30, 1998. Amended: Filed March 24, 2000, effective Oct. 30, 2000. Amended: Filed June 1, 2011, effective Nov. 30, 2011.

*Original authority: 37.023, RSMo 1995.

1 CSR 10-17.050 Minority and Women's Business Enterprise Participation in Procurement Process

PURPOSE: This rule establishes a program to encourage and facilitate the utilization of Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) (collectively, M/WBEs) by assuring that they have the maximum opportunity to participate in procurements financed in whole or in part with state funds.

(1) The Office of Equal Opportunity (OEO) will provide assistance to Minority and Women's Business Enterprises (M/WBEs). Assistance provided may include but is not limited to: workshops, bid history and pricing abstracts, minority vendor registration, access to state agency procurement staff, inclusion in the M/WBE online directory, and notification of bid opportunities to promote increased participation.

(2) By collaborating with the Divisions of Purchasing and Materials Management (DPMM) and Facilities Management, Design and Construction (FMDC) within the Office of Administration, OEO will encourage participation in the procurement process and fairness in consideration of bids and proposals submitted by M/WBEs. Programs and procedures designed by OEO to accomplish these objectives may include: providing diversity training for state procurement personnel; identifying minority and women personnel to serve on evaluation committees; closely reviewing the requirements for bonding; notifying M/WBEs of procurement opportunities online; referring M/WBEs to agencies that may provide specialized training or assist with financing and bonding issues; and actively collaborating with executive branch agencies.

(3) OEO will compile and maintain a directory of certified M/WBEs. The directory will include contact information for M/WBEs and information regarding the products and services they offer. The directory will be available online to bidders, contractors, and the public.

(4) OEO will establish M/WBE participation goals and programs in accordance with section 37.020, RSMo; any successor or similar statutes; executive orders based upon a study

to determine the availability of qualified M/WBEs; and any other pertinent information. OEO will periodically review M/WBE participation goals and programs to determine whether existing programs should be continued or revised and whether new programs should be implemented.

(5) By collaborating with DPMM, FMDC, and executive branch agencies, OEO may recommend M/WBE subcontracting goals to the agencies. To assist in achievement of those goals, OEO may also recommend to agencies solicitations in which M/WBE subcontracting requirements may be appropriate; recommend that qualified M/WBEs be included on solicitation lists; and, when feasible, recommend structuring contracts to maximize potential M/WBE participation.

(6) The following expenditures may be counted toward meeting established M/WBE goals in a contract financed in whole or in part with state funds:

(A) The total dollar value of a contract awarded to an M/WBE;

(B) The total dollars paid by a prime contractor to an M/WBE for supplies and materials provided to the state in fulfillment of the contract;

(C) That portion of the total dollar value subcontracted to a certified joint venture by a prime contractor equal to the percentage of the ownership and control of the M/WBE partner in the joint venture; and

(D) Only expenditures to M/WBEs that perform a commercially useful function related to the delivery of the supplies required by the contract.

(7) The total dollar value of a purchase procured from an M/WBE may be counted toward meeting established M/WBE goals in procurements under twenty-five thousand dollars (\$25,000) financed in whole or in part with state funds.

(8) After the contract is established, OEO may monitor the activity of the contractor to assure compliance with the M/WBE utilization stipulated in the contract.

(9) Contractors that fail to comply with the M/WBE utilization stipulated in their contracts may be considered in breach of contract and may be subject to the remedies in the contract and as otherwise allowable by law.

(10) OEO shall maintain statistics and issue periodic reports about M/WBE participation.

AUTHORITY: sections 34.050 and 37.020,

RSMo 2000. This rule originally filed as 1 CSR 40-1.070. Original rule filed Oct. 20, 1997, effective May 30, 1998. Amended: Filed March 24, 2000, effective Oct. 30, 2000. Amended: Filed June 1, 2011, effective Nov. 30, 2011.*

**Original authority: 34.050, RSMo 1939, amended 1945, 1973, 1995 and 37.020, RSMo 1990.*