

(b) In addition to each offeror's cost score, cost bonus points shall be awarded as a percentage of the total cost points achievable in the rating process, in addition to each offeror's cost score.

(c) Beginning with the effective date of this final rule, the technical and cost bonus points shall be allocated as follows:

Firm type	Percent technical	Percent cost
MWOLF or MWOLF Consortium	15	10
Joint Venture with at least 40 percent MWOLF legal fees	15	10
Joint Venture with at least 25 percent MWOLF legal fees	10	5
Joint Counsel or Subcontractors with at least 40 percent MWOLF legal fees	10	5
Joint Counsel or Subcontractors with at least 25 percent MWOLF legal fees	5	2.5

(d) All non-MWOLF outside counsels who receive referrals in which fees and expenses are equal to or greater than \$500,000 are required to satisfy the 10 percent MWOLF referral requirement. All MWOLF outside counsels who receive referrals in which fees and expenses are equal to or greater than \$500,000 are required to satisfy the 5 percent MWOLF referral requirement. For non-MWOLF outside counsels requesting technical and cost bonus consideration, this 10 percent is deemed satisfied in cases where referrals are at least 25 percent.

§ 1617.202 Authority to adjust technical and cost bonus points.

(a) The DMWP shall periodically evaluate the RTC's application of bonus points. The review shall determine whether the Corporation is meeting its legislative mandate to ensure the maximum participation possible for MWOLFs and determine if there is a need to increase the bonus points.

(b) The Vice President of the DMWP, with the concurrence of the Chief Executive Officer, has the authority to increase the technical and cost bonus points applicable in evaluating proposals to the extent necessary to ensure the maximum participation for MWOLFs.

Subpart M—General Procedures Applicable to Contractor Suspension and Exclusion, Contract Rescission, and Other Administrative Actions

§ 1617.300 Procedures for MWOBs.

(a) Once any RTC department or office recognizes and/or identifies a problem arising out of an award to a MWOB and alleges issues concerning action that may involve the suspension or the exclusion of a MWOB, the rescission of an award to a MWOB, or any other adverse action against the MWOB, the DMWP shall be notified in writing immediately. This includes emergency asset management and disposition matters arising out of an award to a MWOB.

(b) The DMWP shall have the opportunity to participate in the process, from identification of the alleged problem through resolution, to determine whether adverse or disciplinary action shall be taken against any MWOB as a result of any alleged problem.

(c) By including this § 1617.300, the RTC does not intend to create any right of action in private parties that would not otherwise exist.

§ 1617.301 Procedures for MWOLFs.

(a) Once the Legal Division or any other RTC department or office recognizes and/or identifies a problem arising out of a MWOLF referral which alleges issues concerning actions that may involve the suspension or the exclusion of a MWOLF, the rescission of a referral to a MWOLF, or any other adverse action against the MWOLF, the DMWP shall be notified in writing immediately. This includes emergency litigation matters, arising out of a referral to a MWOLF.

(b) The DMWP shall have the opportunity to participate in all phases of the process, (i.e., from the identification of the alleged problem through the resolution stage) to determine whether adverse or disciplinary action shall be taken against any MWOLF as a result of any alleged problem.

(c) In compliance with the RTC's Procedures Regarding Adverse Actions Affecting Minority- and Women-Owned Law Firms, the DMWP shall be notified immediately when the Legal Division refers a matter subject to said procedures to the Outside Counsel Conflicts Committee or to the Legal Services Committee. The Legal Division, in consultation with the MWP Division, will determine whether the RTC is required to take adverse or disciplinary action against a MWOLF, and, if so, will consult with DMWP regarding the

course of adverse or disciplinary action to be taken.

(d) Nothing in this section precludes the Legal Division from taking an adverse action in an emergency situation.

(e) By including this § 1617.301, the RTC does not intend to create any right of action in private parties that would not otherwise exist.

Subpart N—General Provisions Applicable to Program Compliance

§ 1617.400 Program compliance.

(a)(1) The RTC recognizes that the success of the MWOB and MWOLF programs involves commitment and leadership from senior management. The RTC pledges the continuing involvement of all levels of its staff in ensuring the success of these programs.

(2) Department of Policy, Evaluation and Field Management (DPEFM) staff dedicated to oversight and monitoring shall continuously assess the implementation of RTC policies, procedures, and guidelines for compliance with the goals of FIRREA, the RTC Funding Act of 1991, the RRIA, and the RTCCA to ensure the maximum inclusion of MWOBs and MWOLFs in the management and disposition of assets of failed thrifts. An oversight and evaluation program has been established utilizing a uniform assessment process to assure RTC's adherence to Minority and Women's Programs goals and objectives, including certification requirements and MWOLF contracting plan commitments.

(b) RTC field office shall be visited periodically by the DPEFM staff to:

(1) Review the effectiveness of RTC's efforts to assure the maximum inclusion and participation of MWOBs and MWOLFs in all of its programs and activities;

(2) Determine the effectiveness of the interface of the DMWP field staff with the contract program, sales offices, contractor oversight management, conservatorship, the legal division and administration staff;

(3) Evaluate and assess the results of the MWOB and MWOLF program activities; and

(4) Develop comprehensive performance assessments in accordance with established criteria and make recommendations for program improvements, including specialized technical assistance and training. These oversight and monitoring reviews shall serve, in part, as a basis for the annual performance appraisal of DMWP field managers.

(c) *Monitoring, evaluation and reporting.* The DPEFM shall track,