



## APPENDIX J - MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES UTILIZATION

### **THIS PROJECT IS SUBJECT TO SCBE Policy 2010: MINORITY, WOMEN-OWNED AND SMALL BUSINESS ENTERPRISE PARTICIPATION.**

The BIDDER, CONTRACTOR, OR RESPONDENT, shall take affirmative action to ensure that minority-owned and women-owned businesses, which have been certified by the City of Memphis, Memphis and Shelby County Airport Authority, Mid-South Minority Business Council Continuum – Uniform Certification Agency (UCA), Shelby County Government or TriState Minority Supplier Development Council (TSMSSDC) and approved by SCBE are utilized when possible as sources of supplies, equipment, construction, and services for Memphis-Shelby County Schools.

### **MWBE PROJECT SPECIFIC GOAL**

**The BIDDER, CONTRACTOR, OR RESPONDENT, who provides materials, supplies, equipment, professional/ non-professional service, and construction for this project shall attempt to achieve the MWBE participation goal for this project.**

In achieving this established project goal, the **MWBE participation goal of 50 %** is defined as the total dollar value of the subcontracts awarded to certified minority business enterprises (MBE), or certified woman-owned business enterprises (WBE), divided by the total dollar value bid amount. One or more MWBE may be utilized to meet the established goal. The type of work to be performed by the MWBE participant(s) and must be a commercially useful function of the project.

The BIDDER, CONTRACTOR, OR RESPONDENT certifies that the amount of the contract will be performed by certified minority or woman-owned business enterprises. A copy of the non-expired certification will be submitted with bid materials. Eligible MWBEs must be certified by the bid opening date. BIDDER, CONTRACTOR, OR RESPONDENTS are required to complete and submit all of the MWBE Participation Documents including **GOOD FAITH EFFORTS FORM** when MWBE participation goals are not satisfied in the bid response.

### **ELIGIBLE MWBE FIRMS**

**IT IS THE RESPONSIBILITY OF THE BIDDER, CONTRACTOR, OR RESPONDENT, AND THE BIDDER, CONTRACTOR, OR RESPONDENT MUST VERIFY WITH MEMPHIS-SHELBY COUNTY SCHOOLS (CONTACT INFO BELOW) THAT ANY MWBE FIRM(S) UTILIZED TO MEET THE PARTICIPATION GOAL ARE CERTIFIED AS A MWBE FIRM WITHIN SHELBY COUNTY.** A listing of current MWBE certified firms can be found on Memphis-Shelby County Schools Department of Minority & Women-Owned Business Enterprises webpage <http://www.MSCSK12.org/mwbe/>. To find the best results from the **Certified Vendor Directory**, it is recommended to download the entire directory including commodity codes. One or a combination of several MWBEs may be utilized to meet the established project goal. For purposes of this program the MWBE must reside within the Shelby County and possess a Shelby County, Tennessee business license.

### **GOOD FAITH EFFORTS**

If the established project goal in Architecture & Engineering, Construction, Goods, Nonprofessional Services and/or Professional Services participation by MWBE businesses is not achieved, responsive BIDDER, CONTRACTOR, OR RESPONDENT shall provide the required documentation of good faith efforts and the MWBE firms that will be used on the project (see attached *Good Faith Effort form*).

### **MINORITY BUSINESS ENTERPRISE (MBE)**

A business enterprise which is at least 51% owned operated and independently controlled by a person or persons who are minority group members. For these purposes, minority group members are: African Americans, Native Americans, Hispanic Americans, Asian-Pacific Americans, who are United States citizens. The business must be certified by an approved accredited certification agency in order to be counted for purposes of achieving the MWBE participation goals.



**APPENDIX J - MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES UTILIZATION**

**WOMEN BUSINESS ENTERPRISE (WBE)**

A business, which is at least 51% owned, operated and controlled by a female or group of females and who is/are United States citizens. The business must be certified by an approved accredited certification agency in order to be counted for purposes of achieving the MWBE participation goals.

**JOINT VENTURE (JV)**

When a certified MWBE performs as a participant in a joint venture, MSCS will count the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the certified MWBE performs with its own forces toward fulfilling the contract goal, and not more than the percentage of the contract performed by the joint venture.

MEMPHIS-SHELBY COUNTY SCHOOLS SUPPLIER DIVERSITY PROGRAM DOCUMENTATION OVERVIEW		
Form	Submission Requirements	Required Form
<p><b>M/WBE Subcontractor Project Plan and Subcontractor Supplier Utilization Plan</b></p> <p>List total percentage and dollar amount of such participation by M/WBE subcontractors and suppliers the Vendor will use on the project</p>	<p>Due with bid/proposal</p>	<p>Form A</p>
<p><b>Letter of Intent to Perform as a Subcontractor or Subconsultant</b></p> <p>Identifies M/WBE participation that will be used on the project</p> <p><b>Form B</b> is signed by the M/WBE</p>	<p>Due with bid/proposal, IF the BIDDER, CONTRACTOR, OR RESPONDENT, has identified M/WBE participation that will be used on the project</p> <p>Must match firms listed on <b>Form A</b></p>	<p>Form B</p>
<p><b>Listing of Good Faith Efforts (GFE)</b></p> <p>Indicate the actions you undertook to recruit and solicit minority vendors, subcontractors, vendors, or suppliers for this project and/or other aspects of the company's business</p> <p>Submit evidence of the BIDDER, CONTRACTOR, OR RESPONDENT's intent to comply with MBE, WBE or SBE Program goals and procedures including documentation for #1 - #15 of the GFE Affidavit</p>	<p>Due with bid/proposal, IF the BIDDER, CONTRACTOR, OR RESPONDENT fails to achieve the MWBE established project goal</p>	<p>Affidavit</p>
<p><b>MWBE GOOD FAITH EFFORT DOCUMENTATION LIST ALL CERTIFIED MWBE FIRMS NOTIFIED</b></p> <p>Submit FORM C with Good Faith Effort Affidavit along with other supporting documents</p>	<p>Due with bid/proposal, IF the BIDDER, CONTRACTOR, OR RESPONDENT fails to achieve the M/WBE established project goal</p>	<p>Form C</p>

**Request for verification must be submitted to the Memphis- Shelby County Schools, Department of Minority & Women-Owned Business Enterprises listed below:**

Joyce Douglas, MWBE Manager  
 Memphis- Shelby County Schools  
 Department of Minority & Women-Owned Business Enterprises  
 3030 Jackson Avenue, 5<sup>th</sup> Floor, Ste. 33  
 Memphis, TN 38112  
 Phone: (901) 416-4737  
 Email: [douglasja@MSCSk12.org](mailto:douglasja@MSCSk12.org)

(SUBMIT AFFIDAVIT WITH BID)

**MWBE GOOD FAITH EFFORT DOCUMENTATION**

Note: Completion of this form is not required if established goals are met or exceeded.

BIDDER, CONTRACTOR, OR RESPONDENT: \_\_\_\_\_

Project Title: \_\_\_\_\_ Project Number: \_\_\_\_\_

This document is to be completed if the BIDDER, CONTRACTOR, OR RESPONDENT fails to achieve the Minority and Women-Owned Business Enterprise (M/WBE) established goals for the project. The BIDDER, CONTRACTOR, OR RESPONDENT must, at the time of response, submit a Good Faith Efforts statement accompanied by the appropriate documentation justifying its submitted M/WBE percentage.

Criteria listed below are excerpted from the Memphis-Shelby County Schools M/WBE Program Administrative Procedures Manual. A response is required to address each cited paragraph. Failure to provide documentation (evidence) as outlined in the criteria listed below may deem a bid or proposal non-responsive and not further considered for review.

Additional pages may be added as necessary.

1. Attendance at pre-bid meeting, if held:  Yes,  No,  Not Held;
2. Followed up with M/WBEs that attended and the pre-bid or pre-proposal meetings to discuss subcontracting and supplier opportunities and contacted M/WBEs listed in the MSCS online directory;
3. Notification of Subcontracting Opportunities: BIDDER, CONTRACTOR, OR RESPONDENT must provide to MSCS copies of solicitations for quotes sent to MSCS – M/WBE listed firms in the online directory. Please attach list of all firms notified, detail when and how they were notified (*form attached*);
4. M/WBE Contact: A detailed statement of the efforts made by the contractor up to 10 days before the bid opening to solicit MWBEs through written notices that describe the categories of work for which bid documents can be reviewed, representative of the Prime BIDDER, CONTRACTOR, OR RESPONDENT to contact, and location, date and time when quotes must be received;
5. Made Project Documents Available: Made the pertinent construction plans, specifications, and requirements available for review by prospective M/WBEs at the time of MWBE contact but no less than 10 days before the bid due date;
6. Identified and designated portions of the work to be performed by M/WBEs to increase the likelihood of meeting the Contract Goals (including where appropriate breaking down the contract into reasonably sized subcontracts to ensure participation);
7. Engaged with M/WBE Support Organizations: Worked with MWBE Support Organizations within the 12-month period before bid opening provided training or facilitated workshops sponsored by the MWBE Support Organization;
8. Bonding or Insurance Assistance: Aided in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors or sub-consultants;
9. Negotiate in Good Faith: Negotiated in good faith with interested M/WBEs and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing. Provide the names of the M/WBE businesses and email addresses;

- 10. Financial Assistance: Aided an otherwise qualified M/WBE in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted M/WBEs in obtaining the same unit pricing with the BIDDER, CONTRACTOR, OR RESPONDENT'S suppliers in order to help the M/WBEs in establishing credit;
- 11. Joint Ventures: Negotiated joint venture and partnership arrangements with M/WBEs in order to increase opportunities for M/WBE participation when possible;
- 12. Quick Pay Agreements: Provided quick pay agreements and policies to enable M/WBE to meet cash-flow;
- 13. M/WBE Participation on Non-MSCS Contracts: The BIDDER, CONTRACTOR, OR RESPONDENT must submit documentation that during the eighteen (18) month period before bid opening, the BIDDER, CONTRACTOR OR RESPONDENT paid M/WBEs on non-School Board contracts. BIDDER, CONTRACTOR, OR RESPONDENT must list, document and submit for each non-School Board contract the MWBE subcontractors: (a) the name of the project and parties to the contract; (b) the name of the MWBEs the BIDDER, CONTRACTOR, OR RESPONDENT paid on the project; (c) the amount the BIDDER, CONTRACTOR, OR RESPONDENT paid each MWBE during such period. The MWBE firm must be certified and registered at the time of the MSCS bid or proposal receipt.
- 14. BIDDER, CONTRACTOR, OR RESPONDENT notified MSCS MWBE Office at [mwbe@MSCSk12.org](mailto:mwbe@MSCSk12.org) concerning difficulties with the established project MWBE goal (**must attach copy of notification**).  **Yes** or  **No**

15. Other good faith efforts:

\_\_\_\_\_

\_\_\_\_\_

Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

State of Tennessee

County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Notary Public

My commission expires \_\_\_\_\_

**MWBE GOOD FAITH EFFORT DOCUMENTATION – ALL CERTIFIED MWBE FIRMS NOTIFIED – FORM C**

**Note:** Completion of this form is not required if established project goals are met or exceeded.

List all certified MWBE firms notified. Indicate in detail when and how they were notified as well as the results of your efforts. Submit additional sheets, if necessary.

**Bidder/Contractor/Respondent Name:** \_\_\_\_\_

**Project Title:** \_\_\_\_\_

The following certified MBE and/or WBE firms were invited to submit a proposal.

MWBE Type of Goal	Certified Firm Name Address, Phone No. and Email	Certified Firm Contact Person	Methods of Contact	Prime Contact Date	Certified Firm Response	Results of Contact <i>(indicate why suitable or not suitable for work)</i>
<input type="checkbox"/> MBE <input type="checkbox"/> WBE			Phone# Email Fax#	_____ _____		
<input type="checkbox"/> MBE <input type="checkbox"/> WBE			Phone# Email Fax#	_____ _____		
<input type="checkbox"/> MBE <input type="checkbox"/> WBE			Phone# Email Fax#	_____ _____		
<input type="checkbox"/> MBE <input type="checkbox"/> WBE			Phone# Email Fax#	_____ _____		
<input type="checkbox"/> MBE <input type="checkbox"/> WBE			Phone# Email Fax#	_____ _____		
<input type="checkbox"/> MBE <input type="checkbox"/> WBE			Phone# Email Fax#	_____ _____		

**Print Name:** \_\_\_\_\_ **Email Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**MEMPHIS-SHELBY COUNTY SCHOOLS**  
**FORM B - LETTER OF INTENT TO**  
**PERFORM AS A SUBCONTRACTOR OR SUBCONSULTANT**  
*(PROVIDE MATERIALS, SUPPLIES, and/or SERVICES)*

Project Name: \_\_\_\_\_ Project/Bid # \_\_\_\_\_

Name of Prime Bidder, Contractor, or Respondent: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip Code

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Certified MBE or WBE Vendor: \_\_\_\_\_

The undersigned intends to perform work in connection with the above project as:

\_\_\_\_ Minority Business Enterprise \_\_\_\_ Woman Business Enterprise

The MWBE status of the undersigned is certified by the City of Memphis, Memphis and Shelby County Airport Authority, Mid-South Minority Business Council Continuum – Uniform Certification Agency (UCA), Shelby County Government or TriState Minority Supplier Development Council (TSMSSDC) and approved by Memphis-Shelby County Schools.

Our firm is certified by \_\_\_\_\_

Certification number is \_\_\_\_\_ Expiration date \_\_\_\_\_

The undersigned is prepared to perform the following described work or provide materials/supplies in connection with the above project (*specify in detail particular work items, materials or services to be performed or provided*):

Description of work to be performed by certified MBE or WBE vendor:

\_\_\_\_\_  
\_\_\_\_\_

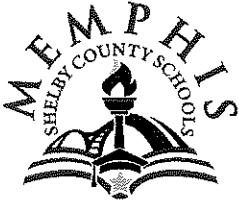
Subcontracting at any tier must be reported and is subject to all MWBE compliance requirements. This form shall be used for MWBE subcontracting at any level.

\_\_\_\_\_  
Date Name of Certified MWBE Company

\_\_\_\_\_  
Title of Authorized Officer Phone Number Email Address

\_\_\_\_\_  
(Signature)

For purposes of this program the MWBE must reside within the Shelby County and possess a Shelby County, Tennessee business license. Due with bid/proposal, IF the bidder/contractor/respondent has identified MBE or WBE participation that will be used on the project.



# MEMPHIS-SHELBY COUNTY SCHOOLS SUPPLIER DIVERSITY PROGRAM DOCUMENTATION OVERVIEW

MEMPHIS-SHELBY COUNTY SCHOOLS SUPPLIER DIVERSITY PROGRAM DOCUMENTATION OVERVIEW		
Form	Submission Requirements	Required Form
<p style="text-align: center;"><b>M/WBE Subcontractor Project Plan and Subcontractor Supplier Utilization Plan</b></p> <p>List percentage and total dollar amount of such participation by M/WBE subcontractors and suppliers the Vendor will use on the project</p>	<p>Due with bid/proposal</p>	<p>Form A</p>
<p><b>Letter of Intent to Perform as a Subcontractor or Subconsultant</b></p> <p>Identifies M/WBE participation that will be used on the project</p> <p style="text-align: center;"><b>Form B</b> is signed by the M/WBE</p>	<p>Due with bid/proposal, IF the BIDDER, CONTRACTOR, OR RESPONDENT, has identified M/WBE participation that will be used on the project</p> <p style="text-align: center;">Must match firms listed on <b>Form A</b></p>	<p>Form B</p>
<p style="text-align: center;"><b>Listing of Good Faith Efforts (GFE)</b></p> <p>Indicate the actions you undertook to recruit and solicit minority vendors, subcontractors, vendors or suppliers for this project and/or other aspects of the company's business</p> <p>Submit evidence of the BIDDER, CONTRACTOR, OR RESPONDENT's intent to comply with MBE, WBE or SBE Program goals and procedures including documentation for #1 - #15 of the GFE Affidavit</p>	<p>Due with bid/proposal, IF the BIDDER, CONTRACTOR, OR RESPONDENT, fails to achieve the MWBE established project goal</p>	<p>Affidavit</p>
<p style="text-align: center;"><b>MWBE GOOD FAITH EFFORT DOCUMENTATION LIST ALL CERTIFIED MWBE FIRMS NOTIFIED</b></p> <p>Submit FORM C with Good Faith Effort Affidavit along with other supporting documents (evidence)</p>	<p>Due with bid/proposal, IF the BIDDER, CONTRACTOR, OR RESPONDENT, fails to achieve the MWBE established project goal</p>	<p>Form C</p>

For purposes of this program the MWBE must reside within Shelby County and possess a Shelby County, Tennessee business license.

(SUBMIT WITH BID) FORM -A

**MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (MWBE) SUBCONTRACTOR  
PROJECT PLAN & SUBCONTRACTOR/SUPPLIER UTILIZATION**

I, \_\_\_\_\_, do hereby certify that on this project,  
(Name of Bidder/Contractor or Respondent)

we will expend a minimum of \_\_\_\_\_% of the total dollar amount of the contract with the following MWBE as subcontractors, vendors and/or suppliers.

**Project Title:** \_\_\_\_\_ **Bid/RFP#:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

The following sections must be completed by bidder/contractor or respondent. A listing of current MWBE certified firms can be found on Memphis-Shelby County Schools-Department of Minority & Women-Owned Business Enterprises webpage <http://www.MSCSk12.org/mwbe/>. To find the best results from the Certified Vendor Directory, it is recommended to download the entire directory including commodity codes. One or a combination of several MWBEs may be utilized to meet the established project goal. List all MWBE subcontractors/suppliers, including lower tiers, to be used on this project. In accordance with Shelby County Board of Education Policy 2010, the undersigned will enter into a formal agreement for work on this project. Submit additional sheets if necessary. For purposes of this program the MWBE must reside within Shelby County and possess a Shelby County, Tennessee business license.

Name of Certified Sub-contractor/ Supplier	Address and Phone Number	MSCS Vendor #	Type of Work to be Performed	Ownership of Business (see code below)	Dollar (\$) Value of Work & Scope of Work	Percentage of Total Bid Amount

**Total MBE%** \_\_\_\_\_

**Total WBE%** \_\_\_\_\_

**Code:** MBE – Certified Minority Business Enterprise

WBE – Certified Woman-Owned Business Enterprise

**MWBE Prime Bidder/Contractor/Respondent:** Submission as a Prime MSCS Certified MBE or WBE will count toward the MWBE goal.

**THIS FORM MUST BE SUBMITTED WITH THE BID OR THE BID WILL BE CONSIDERED NON-CONFORMING.**