



APPENDIX L – SMALL BUSINESS ENTERPRISES UTILIZATION

THIS PROJECT IS SUBJECT TO SCBE Policy 2010: SUPPLIER DIVERSITY POLICY

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

SBE 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 SBE participation goal for this project.

In achieving this established project goal, the **SBE participation goal of 18 %** is defined as the total dollar value of the subcontracts awarded to certified small business enterprise (SBE) divided by the total dollar value bid amount. One or more SBE may be utilized to meet the established goal. The type of work to be performed by the SBE participant(s) 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 small business enterprises. A copy of the non-expired certificate will be submitted with bid materials. Eligible SBEs must be certified by the bid opening date. BIDDER, CONTRACTOR, OR RESPONDENTS are required to complete and submit all of the SBE participation documents including **GOOD FAITH EFFORTS FORM** when SBE participation goals are not satisfied in the bid response.

ELIGIBLE SBE 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 SBE FIRM(S) UTILIZED TO MEET THE PARTICIPATION GOAL ARE CERTIFIED AS A SBE FIRM WITHIN SHELBY COUNTY. A listing of current SBE certified firms can be found on Memphis-Shelby County Schools Office of Economic Opportunity webpage <http://www.scsk12.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 SBEs may be utilized to meet the established project goal.

Residency and Location Requirements: For purposes of Memphis-Shelby County Schools, an eligible business owner shall provide proof of being a resident of Shelby County for at least six months prior to the time of application for SBE registration and have a physical business address located within the county and have continuously maintained the physical address for at least six months prior to the time of application. In addition, the business shall be authorized to do business under the laws of the state and eligible to do business in Shelby County, Tennessee. An exemption to Shelby County residency requirement will be granted by the Administrator of the SBE Program to those eligible SBE owners who have operated the qualifying business within Shelby County for a minimum of two years and employ a minimum of three employees who are residents of Shelby County.

GOOD FAITH EFFORTS

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



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Small Business Enterprise. A business that meets the federal small business size standards and is independently owned and operated, organized for profit, and not dominant in its field. The size threshold designated by SBA standards is based on an industry-by-industry basis. (See 13 CFR 121). Small business size standards matched to industry NAICS codes are published by the Small Business Administration and are available at <http://www.sba.gov/content/table-small-business-size-standards>.

For purposes of Memphis-Shelby County Schools, an eligible business owner shall provide proof of being a resident of Shelby County for at least six months prior to the time of application for SBE registration and have a physical business address located within the county, and have continuously maintained the physical address for at least six months prior to the time of application. In addition, the business shall be authorized to do business under the laws of the state and eligible to do business in Shelby County, Tennessee.

An exemption to Shelby County residency requirement will be granted by the Administrator of the SBE Program to those eligible SBE owners who have operated the qualifying business within Shelby County for a minimum of two years and employ a minimum of three employees who are residents of Shelby County.

JOINT VENTURE (JV)

When a certified SBE 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 SBE 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 SMALL BUSINESS ENTERPRISE PROGRAM DOCUMENTATION OVERVIEW		
Form	Submission Requirements	Required Form
<p>SBE Subcontractor Project Plan and Subcontractor Supplier Utilization Plan</p> <p>List total percentage and dollar amount of such participation by SBE subcontractors and suppliers the Vendor will use on the project</p>	<p>Due with bid/proposal</p>	<p>Form A</p>
<p>Letter of Intent to Perform as a Subcontractor or Subconsultant</p> <p>Identifies SBE participation that will be used on the project</p> <p>Form B is signed by the SBE</p>	<p>Due with bid/proposal, IF the BIDDER, CONTRACTOR, OR RESPONDENT has identified SBE participation that will be used on the project</p> <p>Must match firms listed on Form A</p>	<p>Form B</p>
<p>Listing of Good Faith Efforts (GFE)</p> <p>Indicate the actions you undertook to recruit and solicit SBE 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 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 SBE established project goal</p>	<p>Affidavit</p>
<p>SBE GOOD FAITH EFFORT DOCUMENTATION LIST ALL CERTIFIED SBE FIRMS NOTIFIED</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 SBE established project goal</p>	<p>Form C</p>

Request for verification must be submitted to the MSCS - Office of Economic Opportunity listed below:

Alexandria Baker-Williams, Office of Economic Opportunity
 Memphis- Shelby County Schools
 3030 Jackson Avenue, 5th Floor, Memphis, TN 38112
 Phone: (901) 416-4737; Email: bakeran@scsk12.org



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**(SUBMIT WITH BID) FORM - A
OFFICE OF ECONOMIC OPPORTUNITY 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 SBE 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 SBE certified firms can be found on Memphis-Shelby County Schools-Office of Economic Opportunity webpage <http://www.scsk12.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 SBEs may be utilized to meet the established project goal. List all SBE 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 SBE-owner must reside within Shelby County and possess a Shelby County, TN business license. An exemption to Shelby County residency requirement will be granted by the Administrator of the SBE Program to those eligible SBE owners who have operated the qualifying business within Shelby County for a minimum of two years and employ a minimum of three employees who are residents of Shelby County.

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 SBE% _____

Code SBE Certified Small Business Enterprise

SBE Prime Bidder/Contractor/Respondent: Submission as a Prime MSCS Certified SBE will count toward the SBE goal.
THIS FORM MUST BE SUBMITTED WITH THE BID OR THE BID WILL BE CONSIDERED NON-CONFORMING.



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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 SBE Vendor: _____

The undersigned intends to perform work in connection with the above project as: ____ Small Business Enterprise

The SBE status of the undersigned is certified by the City of Memphis, Mid-South Minority Business Council Continuum’s Uniform Certification Agency or Shelby County Government.

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 SBE vendor: _____

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

Date Name of Certified SBE Company

Title of Authorized Officer Phone Number Email Address

(Signature)

For purposes of this program the SBE-owner must reside within Shelby County and possess a Shelby County, TN business license.
An exemption to Shelby County residency requirement will be granted by the Administrator of the SBE Program to those eligible SBE owners who have operated the qualifying business within Shelby County for a minimum of two years and employ a minimum of three employees who are residents of Shelby County.

Due with bid/proposal, IF the bidder/contractor/respondent has identified SBE participation that will be used on the project.



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FORM – C

SBE GOOD FAITH EFFORT DOCUMENTATION – ALL CERTIFIED SBE FIRMS NOTIFIED

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

List all certified SBE 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 SBE firms were invited to submit a proposal.

SBE 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>(Please indicate why suitable or not suitable for work)</i>
<input type="checkbox"/> SBE			Phone# Email Fax#	_____ _____		
<input type="checkbox"/> SBE			Phone# Email Fax#	_____ _____		
<input type="checkbox"/> SBE			Phone# Email Fax#	_____ _____		
<input type="checkbox"/> SBE			Phone# Email Fax#	_____ _____		
<input type="checkbox"/> SBE			Phone# Email Fax#	_____ _____		

Print Name: _____ **Email Address:** _____

Phone: _____

Authorized Signature: _____

Date: _____



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(SUBMIT AFFIDAVIT WITH BID) SBE 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 Small Business Enterprise (SBE) 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 SBE percentage.

The criteria listed below are excerpted from the Memphis-Shelby County Schools SBE 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 SBEs that attended and the pre-bid or pre-proposal meetings to discuss subcontracting and supplier opportunities and contacted SBEs 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 – SBE listed firms in the online directory. Please attach list of all firms notified, detail when and how they were notified (*form attached*);
4. SBE Contact: A detailed statement of the efforts made by the contractor up to 10 days before the bid opening to solicit SBEs 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 SBEs at the time of SBE contact but no less than 10 days before the bid due date;
6. Identified and designated portions of the work to be performed by SBEs 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 SBE Support Organizations: Worked with SBE Support Organizations within the 12-month period before bid opening provided training or facilitated workshops sponsored by the SBE 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;



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- 9. Negotiate in Good Faith: Negotiated in good faith with interested SBEs and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a small business based on lack of qualification should have the reasons documented in writing. Provide the names of the SBE businesses and email addresses;
- 10. Financial Assistance: Aided an otherwise qualified SBE 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 SBEs in obtaining the same unit pricing with the BIDDER, CONTRACTOR, OR RESPONDENT's suppliers in order to help the SBEs in establishing credit;
- 11. Joint Ventures: Negotiated joint venture and partnership arrangements with SBEs in order to increase opportunities for SBE participation when possible;
- 12. Quick Pay Agreements: Provided quick pay agreements and policies to enable SBE to meet cash-flow;
- 13. SBE 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 SBEs on non-School Board contracts. BIDDER, CONTRACTOR, OR RESPONDENT must list, document and submit for each non-School Board contract the SBE subcontractors: (a) the name of the project and parties to the contract; (b) the name of the SBEs the BIDDER, CONTRACTOR, OR RESPONDENT paid on the project; (c) the amount the BIDDER, CONTRACTOR, OR RESPONDENT paid each SBE during such period. The SBE firm must be certified and registered at the time of the MSCS bid or proposal receipt.
- 14. BIDDER, CONTRACTOR, OR RESPONDENT notified MSCS Office of Economic Opportunity mwbe@scsk12.org concerning difficulties with the established project SBE 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 _____



REMINDER

MEMPHIS-SHELBY COUNTY SCHOOLS SMALL BUSINESS ENTERPRISE PROGRAM DOCUMENTATION OVERVIEW

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