

**City of**   
**Memphis**  
OFFICE OF BUSINESS  
DIVERSITY & COMPLIANCE  
*“ We Mean Business ”*

PROCEDURES OUTLINE FOR  
CITY OF MEMPHIS STAFF

PUBLISHED BY:

THE CITY OF MEMPHIS’  
OFFICE OF BUSINESS DIVERSITY  
AND COMPLIANCE

**Mayor Jim Strickland**

**Joann Massey**

Director of the Office of Business Diversity and Compliance  
Contract Compliance Officer

*Version I: Adopted February 2019*

## Contents

### *A. Forward*

### *B. OBDC Internal Advisory Council (IAC) Purpose Statement*

- 1.0 Project Goal Setting
- 1.1 GSC Meetings
- 1.2 GSC Requirements
- 1.3 Scheduling Your Project's Review
- 2.0 Effect of Project Goaling/SBE Only Designation
- 2.1 Project Participation Plans
- 2.2 Bids under the Sheltered Market
- 2.3 Bid Award and Let Memo
- 3.0 Contract Review and "COO Memo"
- 4.0 Introductory Meetings
- 4.1 Sourcing/Supplier Diversity
- 5.0 Business Development Services
- 5.1 We Mean Business Symposium

*Exhibit A: Goal Setting Committee Meeting Agenda*

*Exhibit B: Interoffice Memo*

*Exhibit C: Project Participation Plan*

*Exhibit D: Let Memo*

*Exhibit E: COO Memo*

**Letter from the Director:**

City leaders are in a unique position to implement innovative practices that can transform their communities and drive better outcomes for their cities. Equitable contracting is one such transformative practice. Mayor Strickland's focus on the engagement of diverse contractors and vendors is beneficial not just for those entrepreneurs, but for our community at large.

Together as a team, that includes each of you, we have made great progress. Mayor Strickland's leadership and commitment to innovative policy and practices has positioned the City of Memphis as a Best Practices model around the nation.

Nationally cities are leveraging the significant dollars that local governments spend on goods, services and construction – estimated at \$1.5 trillion annually in the U.S. – to generate equitable economic opportunity, strengthen communities, and improve procurement options through increased competition.

There is so much more to be done to ensure equitable prosperity and economic justice in our community.

Regards,  
Joann Massey  
Office of Business Diversity & Compliance



**City of Memphis**

**Office of Business Diversity & Compliance**

**Internal Advisory Council (IAC)**

### **Purpose**

*To strengthen collaboration with divisions and ensure support in divisional sourcing efforts, by connecting with division liaisons, supporting procurement equity efforts and promoting diversity and inclusion to the fullest extent possible in City contracting.*

### **Goals**

- ❖ *The IAC will serve as the advocate for the Equal Business Opportunity (EBO) and Sheltered Market programs and foster an environment where participating businesses can fairly compete for contracting opportunities.*
- ❖ *The IAC will be proactive in ensuring the ethical practices and promoting accountability of the EBO and Sheltered Market programs.*
- ❖ *The IAC will demonstrate the best practices model for divisional collaboration to identify and include local SMWBE in City contracting.*

## **1.0 Project Goal Setting**

The Office of Business Diversity and Compliance's ("OBDC") Goal Setting Committee ("GSC") must review all projects which qualify for competitive bidding, regardless of whether the project manager believes there is opportunity for inclusion or whether the project has received an EBO goal or SBE designation in the past. GSC review must occur prior to putting the project out for open bid.

### **1.1 GSC Meetings**

The GSC meets weekly on Fridays at 9:30 a.m. in Room 546 at 125 North Main Street, Memphis, Tennessee 38103.

### **1.2 GSC Requirements**

In order for the GSC to review a project, the project must be on the GSC's weekly agenda (Exhibit A) which is circulated to the attendees the Thursday before the weekly meeting. The weekly agenda is composed by the OBDC and includes all project review requests from the previous week. To review a project, the following must be present and presented:

- a. The division project manager for the project must be in attendance and be prepared to provide a general overview of the project and answer any specific questions concerning the project's scope and/or requirements; and
- b. The division manager for the project shall provide four (4) copies of the "City of Memphis Interoffice Memo" (Exhibit B) with a breakdown of the estimated amount of goods, services, or construction which are planned, as well as any specifications for the project.

Failure to attend the GSC meeting or failing to provide project specifications may result in your project being held over to the next week's meeting.

Projects which are designated "Sole Source", "Single Source", or "SBE" on the weekly agenda will not receive a goal by the GSC and the project manager is not required to attend the weekly meeting.

### **1.3 Scheduling Your Project's Review**

To trigger a review of your project during a weekly GSC meeting, provide the following information via e-mail to [bdinfo@gmail.com](mailto:bdinfo@gmail.com) please copy Marcina Egedegbe at [marcina.egedegbe@memphistn.gov](mailto:marcina.egedegbe@memphistn.gov). On or before the Friday preceding the GSC meeting at which you are seeking review:

- a. Complete "City of Memphis Interoffice Memo" (located on the COM Intranet) with a breakdown of the estimated amount of goods, services, or construction which are planned;

- b. A copy of any and all specifications for the project; and
- c. Any and all restrictions or specialized requirements for the project which may affect a vendor's ability to complete the project.

Projects which are submitting after Friday will be rolled over and reviewed at the next available GSC meeting, except where exigent circumstances exist.

## **2.0 Effect of Project Goaling/SBE Only Designation**

Projects which receive an EBO goal must be placed out to bid with information advertising the project's EBO goal. In order for a bidder to be considered the lowest and best bid, the vendor must:

- a. Submit a project participation plan (Exhibit C) which meets or exceeds the EBO goal on the project; or
- b. Submit evidence of a "Good Faith Effort" to meet the EBO goal that was nonetheless unobtainable despite their efforts.

Projects which are designated "SBE ONLY" are to be bid out under the City's "Sheltered Market Program". Projects bid out under this program must only be offered to vendors who are registered and certified as "Small Business Enterprises" with the OBDC. Prior to bidding out an "SBE ONLY" project, the division should contact the OBDC for a list of SBE vendors who are able to perform the services required or provide the good needed.

## **2.1 Project Participation Plans**

Bidders who submit a project participation plan in order to submit a conforming bid must still meet certain criteria. The vendors with whom the bidder plans to subcontract which are listed on the Plan must be registered and certified with the OBDC as a Woman-Owned Business Enterprise (WBE) or Minority-Owned Business Enterprise (MBE) at the time the bids were opened.

This information will be verified by the OBDC prior to the award of a bid. Division personnel can also verify this information at [www.buy901.net](http://www.buy901.net).

## **2.2 Bids under the Sheltered Market**

Prior to an award of a bid advertised under the Sheltered Market Program, the division should verify with the OBDC that the lowest and best bidder possessed an active certification at the time the bids were opened.

Division personnel can also verify this information at [www.buy901.net](http://www.buy901.net).

## **2.3 Bid Award and LetMemo**

Prior to announcing the winning bid for a project, the person responsible for evaluating the bid should contact the OBDC and communicate their intent to award as well as:

- a. The business name of the apparent lowest and best bidder;
- b. Whether the project contained an EBO goal; and
- c. If the Project contained an EBO goal, a copy of the Project Participation Plan submitted by the lowest and best bidder; or
- d. Whether the project was “SBE ONLY”.

If the project contained an EBO goal, the OBDC will verify the information in the Project Participation Plan and generate a “Let Memo” (Exhibit D) which will either recommend that the Division proceed with the bid award as planned, or communicate that the Project Participation Plan contains disqualifying information and that the next lowest and best bidder should be evaluated.

If the project was designated “SBE ONLY”, the OBDC will verify that the apparent lowest and best bidder was registered and certified SBE at the time the bids were opened and either recommend that the Division proceed with the bid award as planned, or communicate that the apparent lowest and best bidder did not qualify at the time bids were opened and that the next lowest and best bidder should be evaluated.

### **3.0 Contract Review and “COO Memo”**

After a project bid is awarded and a contract is prepared for execution, the contract packet will be circulated for approval. The OBDC will receive all contract packets for review of any EBO/SBE participation. The contract packet shall contain, in addition to all other necessary documents, a “COO Memo” (Exhibit E). That Memo will contain the general contract terms including, a “Statement of Opportunity”, “Division Action”, “EBO Participation” and “COO Action”. The OBDC will primarily review the information in the “EBO Participation” clause. The clause shall contain:

- a. Whether the project received an EBO goal or if it was designated “SBE ONLY”;
- b. If it was designated “SBE ONLY” the name of the registered and certified SBE firm who was awarded the project;
- c. If it received an EBO goal, the percentage amount of the goal;
- d. The business name(s) of the MWBE vendors with whom the prime contractor will subcontract to meet the EBO goal and the percentage of the project for which each vendor is responsible.
- e. If the project did not receive an EBO goal and was not designated “SBE ONLY”, then a short explanation should be provided as to why there is no MWBE participation on the project.

After the OBDC reviews and verifies the information contained in the COO Memo, the OBDC shall stamp and sign the Memo and included “B&C” form.

## **4.0 Introductory Meetings**

In an effort to increase opportunities for small, minority and women owned businesses within city contracting the Office of Business Diversity and Compliance periodically schedules introductory meetings for qualified, willing and ready companies with division personal. OBDC staff will coordinate and host meetings with division decision makers and certified registered vendors. There will also be follow-up discussions and tracking of outcomes.

### **4.1 Sourcing/Supplier Diversity**

The Office of Business Diversity and Compliance's ("OBDC") supplier diversity programming is an economic development tool that encourages the growth of diverse businesses. Diverse businesses typically encounter barriers that challenge their start-up and sustainability, such as access to capital and networking opportunities, so effective supplier diversity strategies can alleviate these pain points.

## **5.0 Business Development Services**

The Office of Business Diversity and Compliance's ("OBDC") manages the Entrepreneurs Success Network Center located inside of the Universal Life Building 480 MLK Blvd. The ESNC houses services such as technical assistance, micro-loan program, workshops, contractor certification, WSMBE certification and other resources. The Black Business Association, Tennessee Small Business Development Center (TSBDC), Memphis Area Minority Contractors Association (MAMCA) and a portal for the 800 Initiative.

### **5.1 We Mean Business Symposium**

The Office of Business Diversity and Compliance's ("OBDC") on behalf of the City of Memphis coordinates an annual exhibition and symposium for all small, minority and women owned businesses in the Memphis Statistical Area (MSA). This symposium includes an informational session that is a presentation by City of Memphis divisions, quasi-governmental agencies and other public and private partners. There is also a luncheon and a segment titled A Seat at the Table which entails business owners being given the opportunity to engage one on one with decision makers.



**City of Memphis  
Business  
Diversity &  
Compliance**

**Goal Setting Meeting**

Office of Business Diversity & Compliance Room 546  
Conference Room  
February 8, 2019  
9:30 a.m. to 10:30 a.m.

**PROJECTS FOR REVIEW**

**Professional Services:**

- |   |     |                  |
|---|-----|------------------|
| ○ HR Consulting                                       |     | LeQuice Cooper   |
| ○ Combination Truck services for M.C. Stiles Plant    | SBE | Joseph Schmittou |
| ○ Fletcher Creek 12A Flood Control Study- Amendment 1 | SBE | Mark McGuire     |
| ○ Storm Water Bridge Repairs III                      | SBE | Mark McGuire     |

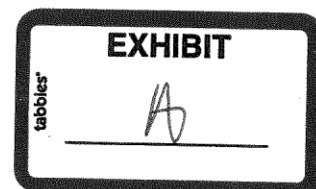
**Architecture & Engineering:**

**Engineering – Construction:**

- |   |     |              |
|---|-----|--------------|
| ○ Misc Park Improvements- Orange Mound Park |     | Mike Flowers |
| ○ Community Center Paving                   | SBE | Mike Flowers |
| ○ Community Center Playgorund Repairs       |     | Mike Flowers |

**Goods Supplies & Non-Professional Services:**

- |  |     |                            |
|--|-----|----------------------------|
| ○ FY19 OCU Vehicle Purchase 2 Vehicles     |     | Christopher Kee            |
| ○ FY19 OCU Tactical Gear Purchase          |     | Christopher Kee            |
| ○ Contract for Louver / Damper Replacement | SBE | Alan Meadors / Fred Barnes |
| ○ Contract for Roof Replacement            | SBE | Alan Meadors / Fred Barnes |
| ○ Pistol Team Ammunition                   |     | Brandy Jackson             |



**Note:** Per agreement between the Director of Business, Diversity & Compliance and the Purchasing Agent, projects marked (SBE) will remain in the Sheltered Market Program and the project representatives are not required to attend. A signed copy of the memo will be forwarded to the project representative.

**CITY OF MEMPHIS**  
**INTEROFFICE MEMO**  
**ENGINEERING - CONSTRUCTION**

To: Office of Business Diversity & Compliance  
 From: Mike Flowers  
 Division: Parks and Neighborhoods  
 Project Name: Misc. Park Improvements - Orange Mound Park  
 Project No.: PK07122  
 Date: 02/01/19  
 Subject: **EBO Goals**

**BID DATE:** March 1, 2019 Estimated

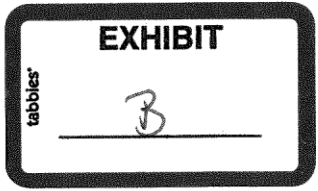
<u>DIVISION</u>	<u>NAME</u>	<u>ESTIMATED</u>		<u>FIRMS</u>	<u>FIRMS</u>
		<u>AMOUNT</u>	<u>PERCENT</u>	<u>M</u>	<u>W</u>
1	GENERAL	8,000.00	6.30%		
2	SITWORK	8,000.00	6.30%		
3	CONCRETE	60,000.00	47.24%		
4	MASONRY	0.00	0.00%		
5	METALS	0.00	0.00%		
6	WOOD/PLASTICS	0.00	0.00%		
7	THERMAL	8,000.00	6.30%		
8	DOORS/WINDOWS	0.00	0.00%		
9	FINISHES	0.00	0.00%		
10	SPECIALITIES	30,000.00	23.62%		
11	EQUIPMENT	0.00	0.00%		
12	FURNISHINGS	13,000.00	10.24%		
13	SPECIAL CONST.	0.00	0.00%		
14	CONVEYING SYSTEMS	0.00	0.00%		
15	MECHANICAL	0.00	0.00%		
16	ELECTRICAL	0.00	0.00%		
TOTAL ESTIMATE		\$127,000.00			

**RECOMMENDED TOTAL COMBINED M/WBE GOAL OF: 48%**

APPROVED: [Signature] Date: 2/8/19  
 Joann Massey, Director, Office of Business Diversity & Compliance or Designee

APPROVED: [Signature] Date: 2-8-19  
 City Engineer or Designee

APPROVED: [Signature] Date: 2/8/2019  
 Bruce McMullen, Chief Legal Officer/City Attorney or Designee  
George W. Graham



BD&C VERSION 2011B – CHANGE 4 (2-19-16)

SECTION 00430 - CITY OF MEMPHIS EQUAL BUSINESS OPPORTUNITY PROGRAM COMPLIANCE FORM

PROJECT TITLE: Orange Mound Community Services Center Pool HVAC Retrofit & Roof Repair

THE COMBINED M/WBE GOAL OF 20%

The following sections must be completed by bidder. A certified subcontractor or supplier is defined as a firm from the list of certified firms provided on the City of Memphis web site.

Affordable Construction Services, Inc  
Bidder's Name

Section A - If the bidder is a certified firm, so indicate here with a check mark.

\_\_\_\_\_ MBE \_\_\_\_\_ WBE

Section B - Identify below those certified firms that will be employed as subcontractors or suppliers on this project. By submitting this bid, the bidder commits to the use of the firms listed below.

\$ \_\_\_\_\_ = Show the dollar value of the subcontract to be awarded to this firm

% \_\_\_\_\_ = Show the percentage this subcontract is of your base bid

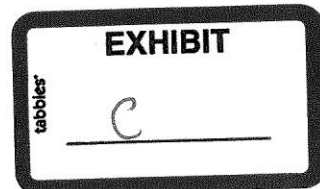
M/WBE = Show by inserting an M or W whether the subcontractor is an MBE or WBE

\$	%	M/WBE	CERTIFIED SUBCONTR. NAME, ADDRESS, TEL. #
_____	_____	<u>N/A</u>	<u>Memphis Pools ← Pool Contractor</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____


\$ \_\_\_\_\_ % \_\_\_\_\_ = Total MBE

\$ \_\_\_\_\_ % \_\_\_\_\_ = Total WBE

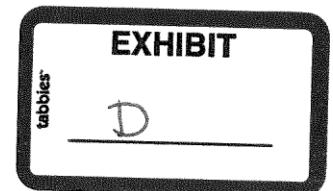
**THIS FORM MUST BE SUBMITTED WITH THE BID OR THE BID WILL BE CONSIDERED NON-CONFORMING.**



**City of**   
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*" We Mean Business "*

**To:** JANET PREJEAN  
**From:** Joann L. Massey, Director Business Diversity & Compliance   
**Date:** February 7, 2019  
**Subject:** ADA CURB RAMP INSTALLATIONS – GROUP 58  
PROJECT NO.: PW19202

Based on the bid tabulation form, the Business Diversity & Compliance agrees with the recommendation of **PRECISE CONCRETE, LLC** as the apparent best complying bid. The minority goal was set at 100% SBE. If there are further questions, please do not hesitate to call me at (901) 636-6210.





TENNESSEE

JIM STRICKLAND  
MAYOR

DIVISION OF PARKS & NEIGHBORHOODS  
MARIA MUNOZ-BLANCO

From: Maria Munoz-Blanco Director, Parks and Neighborhoods Division *mm*  
To: Jim Strickland, Mayor  
Via: Doug McGowen, Chief Operation Officer  
DATE: February 6, 2019  
SUBJECT: Premier Lawnsapes, Inc. Contract Bid Award

Brief/Memo

**1. Statement of Opportunity**

The Division of Parks and Neighborhoods Park Maintenance maintains the grounds of Mitchell, Charles Powell and Whitehaven community centers and Goodwill Homes. In order to elevate the appearance of these properties and more efficiently utilize personnel and equipment, the Division has taken the opportunity to work with a local lawn care contractor for the turf maintenance of these community centers and senior center.

**2. Prior Parks Action**

This contract was bid through the City's Purchasing Division to SBE companies. Parks reviewed all submittals and Premier Lawnsapes, Inc. is the lowest and best bid.

**3. EBO Participation**

The City's EBO goal setting committee assigned a 100% SBE goal to this RFP. Premier Lawnsapes Inc. is a certified MBE and SBE.

**4. COO Action**

The COO is requested to approve Purchasing to accept the bid and award the contract to Premier Lawnsapes, Inc for RFQ #39166.

