

PART 23: MINORITY AND FEMALE BUSINESS ENTERPRISE PROGRAM
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CITY OF COLUMBIA REGULATIONS
PART 23
MINORITY AND FEMALE BUSINESS ENTERPRISE PROGRAM

It is the policy of the City of Columbia that local Minority and Female Business Enterprises (MBE and FBE) shall be afforded full opportunity to participate in the construction of City projects.

The term "Local Minority and Female Business Enterprise" or "Local MBE and FBE" shall be consistent with the definition as found under Amendment Number 95507 of the Small Business Act of 1978 and must be a business enterprise with its principal office physically located in the City of Columbia Metropolitan statistical area which is licensed pursuant to the City's licensing provisions and expends funds to provide for the expenses of the Government of the City of Columbia. Further information concerning this definition may be obtained from the office of the City's Purchasing Agent.

The City Manager shall suggest a level for local MBE and FBE participation on each specific prime contract involving \$25,000.00 or more. Each bidder or proposer shall make a good faith effort to meet or exceed the suggested level of participation.

Each prime contractor or prime contracts involving \$25,000.00 or more are required to provide a list of all minority contractors contracted and the results of those contacts and document that a good faith effort has been made by the contractor to utilize local Minority and Female Business Enterprises by using the criteria set forth in Resolution R-90-68.

RESOLUTION

Establishing a Minority and Female Business Enterprise Program

WHEREAS, The South Carolina General Assembly has declared that business firms owned and operated by minority persons historically have been restricted from full participation in or free enterprise system to a degree disproportionate to other businesses, and that it is in the state's best interest to assist minority-owned businesses to develop fully as a part of policies and programs which are designed to promote balanced economic and community growth; and

WHEREAS, The City of Columbia recognizes that it has a particular responsibility to promote participation of local Minority Business Enterprises (MBE's) in the Columbia Metropolitan Area in furtherance of the State policy, and to promote participation of local Female Business Enterprises (FBE's); NOW, THEREFORE,

BE IT RESOLVED by the Mayor and Council of The City of Columbia, South Carolina, this 4th day of June, 1986, as follows:

1. Policy. It is the policy of The City of Columbia that local MBE's and FBE's shall be afforded the opportunity to participate fully in the overall procurement process of The City of Columbia.

2. Objectives. The objectives of the MBE & FBE Program are to take specific steps to ensure non-discriminatory results and practices in the future, to involve local MBE's and FBE's fully in the City's procurement process.

3. Applicability. Except as otherwise provided herein, the resolution shall also apply to any federally-assisted activity with subcontracting possibilities.

4. Definitions.

A. "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black (a person having origins in any of the black racial groups of Africa);

(ii) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central of South American, or other Spanish culture or origin, regardless of race);

(iii) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);

(iv) American Indian and Alaskan Native (a person having origins in any of the original peoples of North America).

B. The term "Local Minority Business Enterprise" or "Local MBE" shall be consistent with the definition as found under Amendment Number 95507 of the Small Business Act of 1978 and must be a business enterprise with its principal office physically located in the City of Columbia metropolitan statistically area which is licensed pursuant to the City's licensing

provisions and expends funds to provide for the expense of the Government of The City of Columbia.

(i) A “socially and economically disadvantaged small business” means any small business concern which:

(a) Is at least fifty-one (51%) percent owned and controlled by one or more citizens of the United States who are determined to be socially and economically disadvantaged.

(b) In the case of a concern which is a corporation, fifty-one (51%) percent of all classes of voting stock of such corporation must be owned and controlled by an individual determined to be socially and economically disadvantaged.

(c) In the case of a concern which is a partnership, fifty-one (51%) percent of the partnership interest must be owned by an individual or individuals determined to be socially and economically disadvantaged and whose management and daily business operations are controlled by individuals determined to be socially and economically disadvantaged. Such individuals must be involved in the daily management and operations of the business concerned.

C. The term “Local Female Business Enterprise” or “Local FBE” shall mean a business enterprise with its principal office physically located in the City of Columbia metropolitan statistical area, which is licensed pursuant to the City’s licensing provisions, which expends funds to provide for the expense of the Government of The City of Columbia, and which is at least fifty-one (51%) percent owned and controlled by one or more citizens of the United States who are female.

5. Discrimination Prohibited. No person shall be excluded from participation in, denied the benefits of, or otherwise discriminated against in connection with the award and performance of any City of Columbia or federally-assisted contract on the grounds of race, color, national origin, or sex.

6. Local MBE & FBE Liaison Officer. The City Manager shall designate a Local MBE & FBE Liaison Officer who shall administer the Local MBE & FBE Program. The Local MBE & FBE Liaison Officer shall be responsible for developing, managing, and implementing the Local MBE & FBE Program on a day-to-day basis; for carrying out technical assistance activities for disseminating information on available business opportunities so that Local MBE’s and FBE’s are provided an equitable opportunity to bid on all procurements; and such other responsibilities as are set forth in this resolution.

7. Procedures to Ensure that Local MBE’s and FBE’s Have an Equitable Opportunity to Compete for Contracts and Subcontracts. The City shall use the following techniques to facilitate MBE and FBE participation in contracting activities:

a. Arrange bid solicitations, time for the submission of bids and bid specifications so as to include the participation of local MBE’s and FBE’s at no loss to the City.

~~b. All prime contractors on procurements costing \$25,000.00 or more will be required to complete a certification listing all minority contractors contacted and results thereof.~~

~~e. All bid specifications will require prime contractors to make reasonable efforts to utilize local MBE's and FBE's.~~

d. The City, to the extent economically and legally feasible, will break down larger contracts into smaller contracts to include the participation of small business.

e. The City will seek local MBE and FBE participation from major suppliers and Contractors by encouraging meaningful participation in minority-majority cooperative efforts by providing specifications in a timely manner to local MBE's and FBE's, majority Contractors and business associations, and by restricted competitive negotiations where appropriate and allowable.

f. The City will provide technical assistance to Local MBE's and FBE's.

g. The City will hold periodically seminars or workshops to acquaint the business community with the requirements and scope of its procurement activities. These sessions will be coordinated with organizations that are familiar with the willing to reduce problems experienced by Local MBE's and FBE's.

h. The City will utilize local minority owned banks wherever feasible.

i. The City will maintain accurate records of the participation of MBE's and FBE's.

j. It is the intent of this policy to aid local MBE's and FBE's and such businesses in the Columbia Metropolitan statistical area as meet the definitions of MBE's and FBE's and that they shall be afforded full opportunity to participate in procurement through the goals and procedures established herein, provided that the integrity of the bidding procedures and process of awarding contracts to the low acceptable bidders is maintained.

8. Directory. The city shall have available resources, including directories or lists, to facilitate in the identification of MBE's and FBE's with capabilities available to bidders in their efforts to meet the Local MBE & FBE requirements.

~~9. Procurement Goals. Specific procurement goals shall be developed by the City Manager with the recommendation of the Local MBE and FBE Liaison Officer and reported to City Council for consideration and approval annually.~~

~~10. Contract Goals. The City Manager shall establish contract goals for local MBE participation on each specific prime contract involving \$25,000.00 or more with which the bidder or proposer must make a good faith effort to meet or exceed or demonstrate that it could not meet.~~

11. Records and Reports. The Local MBE & FBE Liaison Officer shall maintain such records and provide such reports quarterly to the City Manager to ensure full compliance with the Local MBE & FBE Program.

12. Complaints. Any complaint received by the City of Columbia concerning the Local MBE & FBE Program will be investigated by the Local MBE & FBE Liaison Officer and resolution of same included in periodic reports.

13. Additional Rules and Regulations. The Local MBE & FBE Liaison Officer may, with the approval of the City Manager, promulgate additional rules and regulations not inconsistent with this resolution or any Federal or State Law, regulation or grant requirement.

14. Local MBE & FBE Program Period. This Local MBE & FBE Program shall be effective for the remainder of the current fiscal year and shall continue for subsequent fiscal years unless amended or rescinded by the council. The council shall annually review the Local MBE & FBE Program including, but not limited to, its overall goals.

This resolution shall be in full force and effect immediately upon passage thereof.

Requested by:

R-86-10 s/ _____

_____ s/ _____
MAYOR

Approved by:

_____ s/ _____
City Manager

ATTEST:

Approved as to form:

_____ s/ _____
City Attorney

_____ s/ _____
City Clerk

Introduced June 4, 1986

Final Reading June 4, 1986

RESOLUTION

Amending Resolution \$-86-10 Relating to Minority and Female Business Enterprise Program

Whereas, the United State Supreme Court has rendered a decision which affects certain provisions of Resolution R-86-10 adopted on June 4, 1986, and it appears that modifications are necessary to preserve the validity of permissible concepts therein, NOW, THEREFORE,

BE IT RESOLVED by the Mayor and Council this 2nd day of August, 1989, that Resolution R-86-10 adopted on June 4, 1986, is hereby amended as follows:

1. Section 7b. is amended to read:

“All prime contractors on procurements costing \$25,000.00 or more will be requested to provide a list of all minority contractors contacted and result thereof.”

2. Section 7c. is amended to read:

“Suggested bid specifications will request prime contractors to make reasonable efforts to utilize local MBE’s and FBE’s.”

3. Section 9. Procurement Goals. Is amended to read:

“Suggested levels of MBE and FBE participation shall be developed by the City Manager and reported to City Council.”

4. Section 10. Contract Goals. is amended to read:

“The City Manager shall suggest contract goals for local MBE participation on each prime contract involving \$25,000.00 or more and the bidders shall be encouraged to make a good faith effort to meet or exceed the suggested goals.”

Requested by:

s/ _____

Approved by:

s/ _____

s/ _____

City Manager

ATTEST:

Approved as to form:

s/ _____

City Attorney

s/ _____

City Clerk

Introduced _____

Final Reading _____

RESOLUTION

Amending Resolution R-86-10 Relating to Minority and Female Business Enterprise Program

BE IT RESOLVED by the Mayor and Council this 19th day of December, 1990, that Resolution R-86-10 adopted on June 4, 1986, is hereby amended as follows:

Section 7c. is amended to read:

All bid specifications will require prime contractors to make good faith efforts to utilize local MBE's and FBE's.

Good faith efforts can be demonstrated by the following:

- (1) Attending pre-solicitation or pre-bid meetings that are scheduled by the City to inform M/FBE's of contracting, subcontracting and supply opportunities.
- (2) Advertising in general circulation, trade association, and minority-focus media concerning subcontracting opportunities.
- (3) Providing written notice to a reasonable number of specific M/FBE's that their interest in the contract is being solicited, in sufficient time to allow the M/FBE's to participate.
- (4) Following up initial solicitations of interest by contacting M/FBE's to determine with certainty whether the M/FBE's are interested.
- (5) Identifying and selecting portions of the work to be performed by M/FBE's in order to increase the likelihood of M/FBE participation (including, where appropriate, breaking down contracts into economically feasible units to facilitate M/FBE participation).
- (6) Providing interested M/FBE's with equal access to specifications, plans, and requirements of the contract.
- (7) Negotiating fairly with interested M/FBE's, not rejecting F/FBE's as unqualified without sound reasons based on a thorough investigation of their capabilities.
- (8) Using the services of available minority community organizations, minority contractors' groups, local, state and federal minority business assistance offices, and other organizations that provide assistance in the recruitment and placement of M/FBE's.
- (9) Assisting interested M/FBE's in obtaining bonding, lines of credit or insurance required by the apparent low bidder.

Requested by:

Approved by:

MAYOR

City Manager

ATTEST:

Approved as to form:

City Attorney

City Clerk

Introduced December 19, 1990

Final Reading December 19, 1990