

# EQUAL BUSINESS OPPORTUNITY (EBO) PROGRAM OVERVIEW

Increasing contracting opportunities for minority and women-owned businesses is a high priority for the Downtown Memphis Commission (DMC). **All projects that request support from the DMC must meet the requirements of our Equal Business Opportunity (EBO) Program.**

Our goal is to provide an equal opportunity for minority and women-owned business enterprises (MWBEs) to bid on all eligible aspects of a project, including contracting and sub-contracting opportunities. The EBO program requires that you reach out proactively to MWBE's and hold a fair and open bidding process.

## HOW TO MEET THE EBO PROGRAM REQUIREMENTS

If your project requests an incentive or financial support from the DMC, meeting the requirements of the EBO program will involve two main components:

1. You must demonstrate a **best-faith effort** to be inclusive when selecting companies to hire in executing the project and performing the necessary work. This process will usually start by meeting with DMC staff in a pre-application conference to discuss the project and identify opportunities for proactive outreach to MWBE companies.
2. You should strive to exceed the DMC's **minimum goal of 25% MWBE participation** in the total hard and soft costs associated with the project. Hard costs include things like new construction, renovation, or demolition. Soft costs cover professional services including design and architecture, engineering, and similar work. DMC will periodically reevaluate our minimum goal and work continuously to increase that average every year to the point where it reflects the makeup of our community.

## THINGS TO KEEP IN MIND

- Please note that the DMC's EBO program does not require that an applicant select an unqualified firm or pay more in order to receive the same services. The EBO program simply requires that a fair and open process is used so that MWBE firms have an equal chance of being selected.
- The size, scope, and complexity of each project must be taken into consideration when developing the specific outreach and inclusion plan for a project. Each applicant will work with the DMC staff to craft a specific Outreach and Inclusion Plan based on their project scope.
- Failure to follow the EBO program will result in the incentive being canceled.
- Compliance with the Equal Business Opportunity (EBO) program is the responsibility of the incentive applicant. You must ensure that the general contractor adheres to the steps outlined in your Outreach & Inclusion Plan.

Please see the back page of this handout for examples of action steps that may be included in your Outreach & Inclusion Plan.

# THE EBO PROCESS: STEP BY STEP GUIDE

Although every project is unique and will follow its own Outreach & Inclusion Plan, the following chart identifies steps typically involved in meeting the DMC's EBO requirements. The specific steps required for each applicant will be heavily influenced by the size, scope of work, and development costs associated with the project.

## DEVELOPMENT COSTS:



STEP 1	<p><b>Meet with DMC staff</b> to discuss your project and requirements of the Equal Business Opportunity (EBO) Program.</p> <p>Submit an <b>Outreach and Inclusion Plan</b> to DMC staff describing the steps you will take to meet the EBO requirements. This plan is typically submitted prior to requesting incentive approval at the Board meeting. DMC's goal is a minimum of 25% MWBE participation in the project development costs.</p>		
	<p>Use the <b>City of Memphis Business Diversity &amp; Compliance Registry</b> and the resources at the <b>Shelby County Office of Equal Opportunity Compliance</b> to identify qualified general contractors and tradespeople to perform your proposed scope of work.</p>		
STEP 2	<p>Meet and coordinate with <b>minority-owned business assistance organizations</b> such as the Memphis Area Minority Contractors Association (MAMCA) and the Mid-South Minority Business Council Continuum (MMBC) to make their members aware of your project and any contracting and sub-contracting opportunities.</p>		
STEP 3	<p>Contact a minimum of <b>3 certified MWBE businesses for each trade</b> or type of work involved in the project using the firms identified in steps 2 and 3 above. Provide a fair opportunity for each business to submit a bid.</p> <p>Document your outreach efforts and the submitted bids. <b>Use Form titled "Proposed Utilization Plan" to submit your proposed service providers to DMC staff for review and approval.</b></p>	<p>Contact a <b>minimum of 3 certified MWBE general contractors</b> using the firms identified in steps 2 &amp; 3 above. Provide a fair opportunity for each business to submit a bid.</p> <p>Depending upon the size and scope of your project, staff may require that you advertise and host a <b>pre-bid conference</b> to allow general contractors and subcontractors an opportunity to ask questions and learn more about the job opportunity.</p>	<p>Discuss with DMC staff the potential for MWBE firms to competitively bid on the general contracting work. If the project scope &amp; need does not match the current capabilities of MWBE general contractors, look for opportunities to connect smaller MWBE firms with larger firms in <b>joint ventures or collaborative partnerships</b> for general contracting work on larger projects.</p> <p>After a general contractor is selected, advertise and host a pre-bid conference to allow subcontractors an opportunity to ask questions and learn more about the job opportunity. Coordinate the pre-bid conference with <b>minority-owned business assistance organizations</b>.</p> <p>Contact a minimum of <b>3 certified MWBE businesses for each trade</b> or type of work involved in the project. Provide a fair opportunity for each firm to submit a bid.</p>
	<p>After work has started, submit monthly updates to DMC staff detailing the project status and MWBE involvement at each major phase of the project.</p>	<p>Contact a minimum of <b>3 certified MWBE businesses for each trade</b> or type of subcontractor needed. Provide a fair opportunity for each firm to submit a bid.</p> <p>Document your outreach efforts and the submitted bids. <b>Use Form titled "Proposed Utilization Plan" to submit your proposed service providers to DMC staff for review and approval.</b></p> <p>After work has started, submit <b>monthly updates</b> to DMC staff detailing the project status and MWBE involvement at each major phase of the project.</p>	
STEP 4	<p>Discuss with DMC staff the potential for MWBE firms to competitively bid on the general contracting work. If the project scope &amp; need does not match the current capabilities of MWBE general contractors, look for opportunities to connect smaller MWBE firms with larger firms in <b>joint ventures or collaborative partnerships</b> for general contracting work on larger projects.</p> <p>After a general contractor is selected, advertise and host a pre-bid conference to allow subcontractors an opportunity to ask questions and learn more about the job opportunity. Coordinate the pre-bid conference with <b>minority-owned business assistance organizations</b>.</p> <p>Contact a minimum of <b>3 certified MWBE businesses for each trade</b> or type of work involved in the project. Provide a fair opportunity for each firm to submit a bid.</p> <p>Document your outreach efforts and the submitted bids. <b>Use Form titled "Proposed Utilization Plan" to submit your proposed service providers to DMC staff for review and approval.</b></p> <p>After work has started, submit <b>monthly updates</b> to DMC staff detailing the project status and MWBE involvement at each major phase of the project.</p>		
STEP 5	<p>Discuss with DMC staff the potential for MWBE firms to competitively bid on the general contracting work. If the project scope &amp; need does not match the current capabilities of MWBE general contractors, look for opportunities to connect smaller MWBE firms with larger firms in <b>joint ventures or collaborative partnerships</b> for general contracting work on larger projects.</p> <p>After a general contractor is selected, advertise and host a pre-bid conference to allow subcontractors an opportunity to ask questions and learn more about the job opportunity. Coordinate the pre-bid conference with <b>minority-owned business assistance organizations</b>.</p> <p>Contact a minimum of <b>3 certified MWBE businesses for each trade</b> or type of work involved in the project. Provide a fair opportunity for each firm to submit a bid.</p> <p>Document your outreach efforts and the submitted bids. <b>Use Form titled "Proposed Utilization Plan" to submit your proposed service providers to DMC staff for review and approval.</b></p> <p>After work has started, submit <b>monthly updates</b> to DMC staff detailing the project status and MWBE involvement at each major phase of the project.</p>		