



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

January 26, 2011

CITY OF MILWAUKEE
2011 JAN 26 PM 11:33
RONALD D. LEONHARDT
CITY CLERK

Mr. Ronald D. Leonhardt
City Clerk
City Hall, Room 205
Milwaukee, WI 53202

Dear Mr. Leonhardt:

Enclosed is a copy of the duplicate original of the Emerging Business Enterprise Agreement for the Lynden Hill Project Lease Agreement between Keep Greater Milwaukee Beautiful, Inc. and the Redevelopment Authority of the City of Milwaukee, Contract No. 11-004(RA).

Please insert this agreement into Common Council Resolution File No.100870, approved December 21, 2010.

Sincerely,

Scott Stange
RACM Compliance Officer

Enclosure

**EMERGING BUSINESS ENTERPRISE AGREEMENT
FOR THE
LYNDEN HILL PROJECT**

**DUPLICATE
ORIGINAL**

THIS EMERGING BUSINESS ENTERPRISE AGREEMENT is entered into by and between the CITY OF MILWAUKEE, a Wisconsin municipal corporation, (hereinafter the "CITY"), and Keep Greater Milwaukee Beautiful, Inc., a Wisconsin non-stock corporation (hereinafter "DEVELOPER"), and the Redevelopment Authority of the City of Milwaukee, (hereinafter "RACM").

WHEREAS, DEVELOPER, CITY and RACM have entered into a Lease for Lynden Hill, the property at 1255 North 22nd Street, which may include future improvements to the property (the "Project").

WHEREAS, DEVELOPER acknowledges that the CITY and RACM have established policies regarding the utilization of Emerging Business Enterprise ("EBE") consistent with Chapter 360 of the Milwaukee Code of Ordinances.

WHEREAS, DEVELOPER acknowledges that the sale of property by the CITY is conditioned upon the DEVELOPER and its agents agreeing to use best efforts to attain a minimum 18% EBE participation in the construction of the Project.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, **IT IS AGREED:**

I. DEFINITIONS

- A. The EBE is a small business concern that is owned, operated and controlled by one or more individuals who are at a disadvantage, as defined in Chapter 360 of the Milwaukee Code of Ordinances. The individuals must have day-to-day operational and managerial control, interest in capital, financial risks and earnings commensurate with the percentage of their ownership. EBEs are certified as such by the City of Milwaukee Certification Program. **Note: businesses that were certified under the old name of Disadvantaged Business Enterprise ("DBE") will continue to qualify for the program.**
- B. JOINT VENTURE is an association of two (2) or more persons or businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and/or knowledge.

II. EMERGING BUSINESS ENTERPRISE PROGRAM

- A. DEVELOPER agrees to report to the CITY's Emerging Business Enterprise Program (EBEP) Manager regarding its utilization of EBEs in its contracting activities for the Project work performed by DEVELOPER. DEVELOPER agrees to:
 - (1) Provide a list of all categories of work on the Project with budget allowances, for which bids will be solicited and highlight those categories, based upon DEVELOPER's knowledge and experience, which are conducive to EBE participation, prior to bids being solicited. (See Attachment: Exhibit A)
 - (2) Submit an EBE Monthly Report to CITY's EOEP Office the 20th of each month on the form attached as Exhibit B.
- B. DEVELOPER and its agents, in developing and constructing the Project, agree to make best efforts to utilize EBEs, as defined in Chapter 360, Milwaukee Code of Ordinances, for a minimum 25% of the total Project costs deemed eligible pursuant to EBE guidelines:
 - (1) Demonstrable efforts, when exercised by DEVELOPER in conjunction with the Project, is defined as DEVELOPER completing the following activities, as appropriate:

- AD1146
- 11-10-17
- a. Advertise in general circulation and trade association media, as well as in community newspapers regarding contracting and subcontracting opportunities. Advertising in the Daily Reporter and two other publications shall be the minimum acceptable level of performance (Exhibit C).
 - b. Provide interested EBEs and the agencies listed in Exhibit D, with adequate information about Project plans, specifications, and contract/subcontract requirements at least two weeks prior to the contract bidding process. DEVELOPER shall document Community Agency Contacts by completing the Contact Sheet attached as Exhibit D1 and submitting the completed Contact Sheet to EBEP prior to commencement of bidding.
 - c. Conduct pre-bid conferences and a pre-bid walk-through two (2) weeks in advance of the contract bid date, as appropriate.
 - d. Provide written notice to all pertinent construction trades and professional services EBEs listed in the current City of Milwaukee Directory, soliciting their services in sufficient time (at least 2 weeks) to allow those businesses to participate effectively in the contract bidding process. To identify EBEs for the Project, utilize the current *Official City of Milwaukee EBE Directory* published by the City of Milwaukee Emerging Business Enterprise Program. The directory can be accessed on-line at: www.milwaukee.gov

Follow-up with EBEs who show an interest in the Project during the initial solicitation process (See Exhibit E - EBE Solicitation Form).

- e. Negotiate in "good faith" with interested EBEs, not rejecting EBE bids as unqualified or too high without sound reasons based on a thorough review of the bid submitted and maintain documentation to support the rejection of any EBE bid. Bids that are not cost effective, and/or time prohibitive will be considered "rejectable" bids. (See Exhibit F - Bid Rejection Form).
 - f. Utilize the services available from the City of Milwaukee Office of Emerging Business Enterprises in identifying EBEs available to perform the work.
 - g. Include in Project bid documents and advertisements an explanation of Project goals for EBE participation to prospective contractors and subcontractors.
 - h. Use best efforts to facilitate the following:
 - i) Joint ventures, limited partnerships or other business relationships intended to increase EBEs' areas of expertise, bonding capacity, credit limits, etc.
 - ii) Training Relationships
 - iii) Mentor/protege Agreements
- C. If the DEVELOPER completes the aforementioned activities and demonstrates "good cause" for not meeting the 18% goal for EBE participation, it shall be deemed that the DEVELOPER has acted in "good faith" to achieve the requirement.
- D. If the DEVELOPER meets or exceeds the 18% EBE requirement in conjunction with said Project, it shall be deemed that the DEVELOPER has achieved or exceeded RACM and the CITY's EBE goal, for the purposes of fulfilling the terms of this Agreement.
- E. Contract or subcontract amounts awarded to EBE suppliers, that do not manufacture products they supply, may only be counted for up to 20% of the 18% EBE participation goal.

IN WITNESS WHEREOF, the parties have executed this EBE Agreement as of this 11th day of January, 2011.

**REDEVELOPMENT AUTHORITY
OF THE CITY OF MILWAUKEE**

William J. Schwartz
By: ~~Louis A. Smith~~ William J. Schwartz
Co-Chair

David P. Misky
By: David P. Misky
Assistant Executive Director/Secretary

CITY OF MILWAUKEE

Tom Barrett
By: Tom Barrett
Mayor

Ronell Conhardt
By: Ronell Conhardt
City Clerk

COUNTERSIGNED:

Michael J. Dan
By: Michael J. Dan
DEPUTY City Comptroller TO

**KEEP GREATER MILWAUKEE BEAUTIFUL,
INC., DEVELOPER**

Joe Wilson
By: Joe Wilson, Executive Director

08-13-04
1031-2004-763:84045

EXHIBIT A
CATEGORIES OF WORK
(Use Exhibit A Excel Spreadsheet)

DEPUTY

EXHIBIT B
DEPARTMENT OF ADMINISTRATION
EMERGING BUSINESS ENTERPRISE PROGRAM

EBE MONTHLY REPORT

(1) Report for the Month of _____ (Final: yes ___ no ___)

(2) Prime Contractor/Firm _____

(3) Full Address & Phone Number: _____

(4) Description of service performed and/or material supplied _____

(5) Purchase Order /Contract # _____ (6) Project Number _____

(7) Start Date: _____ (8) Prime Contractors Total \$: _____

(9) Completion Date: _____ (10) Prime Contractor YTD \$: _____

(11) EBE % goal _____ and \$ goal _____

List all EBE subcontractor firm(s) utilized in connection with the above contract, either as service performed and/or supplier for the month. This form shall be signed and returned. **If this represents the final report, be sure to indicate at the top of form.**

NAME OF EBE FIRM(s)	SERVICE PERFORMED/ MATERIAL SUPPLIED	AMOUNT PAID FOR THE MONTH	TOTAL \$ PAID Y-T-D
TOTAL PAID TO EBE(s)			

I/we hereby certify that I/we have read the above and approved this information to be precise and confirmed.

(12) Report Prepared By: _____
(Name) (Title) (Phone Number)

(13) Authorized Signature: _____
(Name) (Title) (Phone Number)

(14) Date _____

Note: This form should be submitted no later than the 20th of every month to Emerging Business Enterprise Program, 200 East Wells Street, Room 606, Milwaukee, WI or fax to (414) 286-8752, Attn: Ossie Kendrix

**EXHIBIT C
EBE MARKETING PLAN**

PUBLICATIONS/ADVERTISING CONTACTS

Milwaukee Times
(Published weekly)
2216 North King Drive
Milwaukee, WI 53212
Tele. No: (414) 263-5088
Fax: (414) 263-4445
Contacted _____yes _____no
Contact Person _____
Date and Time _____

The Milwaukee Courier
(Published weekly)
2431 West Hopkins Street
Milwaukee, WI 53206
Tele No: (414) 449-4860
Fax: (414) 449-4872
Contacted _____yes _____no
Contact Person _____
Date and Time _____

Milwaukee Community Journal, Inc.
(Published twice weekly)
3612 North King Drive
Milwaukee, WI 53212
Tele No: (414) 265-5300
Fax: (414) 265-1536
Contacted _____yes _____no
Contact Person _____
Date and Time _____

Daily Reporter
(Published daily M-F)
704 West Wisconsin Avenue
Milwaukee, WI 53233
Tele No: (414) 276-0273
Fax: (414) 276-8057
Contacted _____yes _____no
Contact Person _____
Date and Time _____

**EXHIBIT D
EBE MARKETING PLAN**

COMMUNITY AGENCY CONTACTS

National Association of Minority Contractors

3100 West Concordia Ave
Milwaukee, WI 53216
(414) 449-0837

The Milwaukee Urban League

435 West North Avenue
Milwaukee, WI 53212
(414) 374-5850

African American Chamber-Commerce

6203 West Capitol Dr
Milwaukee, WI 53216
(414) 462-9450

Hispanic Chamber of Commerce of Wisconsin

816 West. National Ave.
Milwaukee, WI 53204
(414) 643-6963

Wisconsin Minority Business Opportunity Center

1915 North Dr. Martin Luther King Jr. Drive, Suite 213-F
Milwaukee, WI 53212
(414) 372-3773

Hmong Wisconsin Chamber of Commerce

3616 West National Avenue. Suite 99
Milwaukee, WI 53215
(414)649-8331

Lao Family Community Inc.

2331 West Vieau Place Milwaukee, WI 53204
414-385-3380

EXHIBIT D1
Emerging Business Enterprise (EBE)
Contact Sheet

Name of Agency	Address of Agency	Contact Person	Date of Contact	Time of Contact

**EXHIBIT E
EMERGING BUSINESS ENTERPRISE (EBE)
SOLICITATION FORM**

Name & Address of EBE Firm _____

Name of Individual Contacted _____ Phone Number _____

Type of Work _____ Date and Time of Contact _____

Quotation or Proposal Received _____

REMARKS: THESE SHOULD INCLUDE ANY FOLLOW UP ACTIONS. IN THE EVENT THAT THE EMERGING BUSINESS ENTERPRISE WILL NOT BE UTILIZED, INCLUDE AN EXPLANATION OF THE REASON (s) WHY THE FIRM WILL NOT BE USED. FOR EXAMPLE: IF THE ONLY REASON FOR NON-UTILIZATION WAS PRICE, THE EXPLANATION SHOULD REFLECT WHAT STEPS WERE TAKEN TO REACH A COMPETITIVE PRICE LEVEL.

REMARKS:

EXHIBIT F
Emerging Business Enterprise (EBE)
Rejection of Bid Form

Name and Address of EBE firm	Type of Work	Bid Submitted by EBE	Actual Bid Award	Reasons for bid rejection	Approved By
1					
2					
3					
4					
5					
6					
7					
8					