

MEMO

TO: Members of the Economic Development Committee
FROM: Jim Owczarski, Legislative Research Analyst
DATE: April 2, 2002
RE: Questions related to the M/W/DBE programs in other communities

The following is in response to your questions related to the M/W/DBE programs (for sake of clarity, DBE henceforth) in other communities. I contacted 15 communities comparable to the City of Milwaukee, receiving responses from 13¹, as well as Milwaukee County. Based on interviews with officials from each of these jurisdictions as well as a review of their respective program descriptions and enabling legislation, I offer the following general findings:

- ◆ **Of the jurisdictions surveyed, only Milwaukee County charges an DBE certification or re-certification fee.** Its fee is \$150, charged both for initial DBE certification and then every 3 years for re-certification.
- ◆ **Nationwide, DBE programs are undergoing significant change due to legal challenges.** Of the 14 jurisdictions considered, 6 have either recently settled or are in the process of litigating challenges to their DBE programs based on a charge that they unfairly discriminate against non-DBE's. At present, the metropolitan government of Nashville-Davidson has no DBE certification process of any kind, despite the findings of a 1992-1996 disparity study, because of legal concerns. The City of Columbus is struggling to reestablish its local DBE program after having it struck down in court and the official to whom I spoke was quite candid in admitting she did not know what, if any, form the program there would take. Likewise, on January 14, 2002, the metropolitan government of Charlotte-Mecklenburg repealed the sex and race components of its DBE program after it was ruled discriminatory. It is currently in the process of trying to draft new DBE code provisions.
- ◆ **Given the origin of most DBE programs as certifying agencies for 49 Code of Federal Regulations (CFR) Part 26 and other federally-mandated DBE contract programs, it is not surprising that most have moved only gradually to supplement their certification role with programs intended to nurture DBE's.**

¹ Indianapolis, Columbus, Austin, Baltimore, Memphis, Boston, Nashville-Davidson, El Paso, Seattle, Denver, Charlotte-Mecklenburg, Cincinnati and Minneapolis.

Most agencies responsible for DBE certification do little more than provide the certification and then act as a clearinghouse or listing agency for contractors interested in connecting with DBE's. This is true whether the DBE agency is responsible for certification to a federal or local program or both. Fewer jurisdictions provide a basic suite of services specifically tailored to the needs of DBE's. These services include:

1. Periodic inspection of requests for proposals submitted for municipal business or under the terms of a DBE program to insure that reasonable efforts have been made to "break down" the work or commodity in question into a size small enough for a DBE to bid. In Baltimore, for example, a recent municipal janitorial contract was broken down into 4 component pieces, one of which eventually went to a WBE and the other an MBE, the latter of which had 100% MBE subcontractor participation.
2. Periodic review of insurance requirements, particularly between general contractors and subcontractors, to insure that they reasonably reflect the risks involved and are not being used to exclude DBE's.
3. Clerical and professional support, such as insuring that DBE's complete necessary regulatory paperwork – including that required for certification – and review of business plans and proposals.
4. The establishment of mentor relationships between established contractors and DBE's.
5. Loan packaging among groups of DBE's.

In fairness, it should be noted that many jurisdictions have small business programs, some of which pre-date the current DBE concept and attendant structure, and which continue to operate separate from a DBE program. That said, of the agencies contacted, the City of Austin stands out as a community which has made a sizeable commitment to the development of DBE's, although within the confines of its existing small business development structure.

- ◆ **There was marked ambivalence towards the notion of DBE's "graduating" from the certification programs to which they belong.** At best, the officials to whom I spoke said it was a case of businesses simply becoming too large, or their owners too wealthy, to comply with DBE standards and being refused re-certification. I received no indication, however, that these officials believed this necessarily equated with the businesses no longer needing to be identified as DBE's. At worst, one official, from the City of Denver, said he felt some businesses, when they leave the DBE list, are suddenly no longer contacted by major contractors for subcontractor work because they provide no competitive advantage to the contractor and the "old boy's network" closes behind the DBE's.

None of the agencies contacted has a graduation process or monitors the progress of a DBE towards graduation.

Particular Cases (In Alphabetical Order)

Austin: As said before, Austin has the most extensive operating DBE development and support system encountered during the preparation of this report. Its DBE program is housed within – but is operationally distinct from -- the City's "Small Business Development Program" which reports directly to the City Manager. Attached, please find information related to the history of the Austin program, its legislative mission as well as its current minority participation goals. The approximately 1,000 certified businesses participating in the program receive not only the more generic services listed earlier, but the City has partnered with the Austin Chamber of Commerce to provide broader outreach, many components of which are conducted at a structure purpose-built for the small business program. I have attached a copy of the February 2002 schedule of classes offered by the program for all eligible small businesses as well as a description of meeting rooms and other facilities available for use by DBE's. These rooms are available for rent at below market rates.

Baltimore: In a somewhat unusual case, Baltimore's DBE certification program operates out of the City's Law Department, the functional equivalent of our own City Attorney's office, which is responsible for tracking the eligibility of DBE's. The actual use and development of DBE's, on the other hand, is left to the "Mayor's Office of Minority Business Development". Two matters bear particular note. First, the City does not accept mutual certification from the State of Maryland (or vice-versa) and the 2 jurisdictions operate separate programs. As a result, contractors interested in participating in both must comply with 2 sets of regulations. Highway grants and other federal contracts require a state certification. Second, the 900 certified businesses in the City program, on the other hand, are eligible for the "Baltimore City Market Area" program which encourages the use of businesses that are both DBE's and located within a certain portion of the Baltimore metropolitan area. More information about this program is attached.

Charlotte-Mecklenburg: Attached, please find information related to the impressive array of resources the City makes available to small business enterprises, particularly through its Business and Entrepreneurial Skills Training (BEST) program, a joint effort between the metropolitan government and Central Piedmont Community College. As was mentioned earlier, however, the government has had to strip the sex and race components from its DBE programs.

Memphis: Memphis is one of 2 communities (Minneapolis being the other) that contracts out its certification program to a third party. The Uniform Certification Agency (information about which is attached) was created in 1994 under the aegis of the Mid-South Minority Business Council. Funding for the program (for which there is no fee to DBE's) is provided by the Memphis and Shelby County Airport Authority, the Tennessee Valley Authority and Memphis Light, Gas and Water. As the attached pages indicate, the

agency provides few services other than certification and acting as a clearinghouse for certified DBE's.

Nashville-Davidson: As was mentioned earlier, the metropolitan government of Nashville-Davidson, at present, has no DBE certification process. Instead, the staff of the "Division of Minority and Small Business Assistance", a part of the Finance Department is reviewing not only the 1992-1996 disparity study, but the government's entire purchasing process to prepare recommendations to the metropolitan council some time within the next 6 to 9 months. Given the present legal climate, however, the official to whom I spoke said she was unsure when or even if the government would recommend a sex or race component to any DBE certification program.

Should you have further questions, please feel free to contact me at your convenience. I am at extension x2299.

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Department of Small and Minority Business Resources (DSMBR)

Quick Look

[Minority participation goals](#) | [What is an M/WBE?](#) | [How does one become M/WBE certified?](#) | [How long is M/WBE certification valid?](#) | [What are the advantages of M/WBE certification?](#) | [Need more information on the M/WBE program?](#) | [Minority Vendor Database, information and download service](#) | [Weekly Purchasing Notices](#) | [Compliance Section](#) | [Greater Austin Chamber of Commerce](#) | [Businesses Invest in Growth \(BiG\)](#) | [M/WBE Advisory Board Agenda](#) | [M/WBE Procurement Program Ordinance](#) | [M/WBE Procurement Program Rules](#)

[Download Certification Application](#)

[Download Re-Certification Application](#)

[Download DBE Application and Personal Network Statement](#)

Minority Participation Goals

On February 19, 1987, the Austin City Council passed an ordinance establishing the Minority- and Women-Owned Business Enterprise (M/WBE) Procurement Program. The City Council approved major amendments to that ordinance on July 13, 1995. The program, which is administered by the City Department of Small and Minority Business Resources (SMBR), established procurement goals for the City departments that target minority- and women-owned business enterprises.

The ordinance encourages minorities' and women's participation in City contracts by establishing special procurement goals for each group as listed below. Goals for MBE and WBE participation differ from contract to contract, based on the type of contract, the availability of MBEs and WBEs to perform the functions of the contract, and other factors. Minority goals may be either aggregate MBE goals or race-specific goals.

	Construction	Commodities	Professional Services	Nonprofessional Services
African-American	2.6%	0.3%	1.1%	2.5%
Hispanic	20.4%	2.5%	5.9%	9.9%
Native/Asian-American	0.8%	0.7%	1.7%	1.7%
MBE	23.8%	3.5%	8.6%	14.1%
WBE	8.4%	6.2%	18.2%	15.0%

[Go back to top](#)

What is a M/WBE?

To qualify as a Minority- or Women-Owned Business Enterprise (M/WBE), you must be certified by the Department of Small and Minority Business Resources as a sole proprietorship, partnership, corporation, joint venture or any other business entity that is

owned, managed and operated by a minority or woman, and which performs a commercially useful function.

Note: Firms located outside the State of Texas can ONLY apply for DBE certification.

[Go back to top](#)

How does one become M/WBE certified?

Applications for Certification can be obtained from the Department of Small and Minority Business Resources or the Purchasing Office Vendor Registration. The Department of Small and Minority Business Resources conducts certification workshops monthly. The workshops are designed to provide applicants with information on the M/WBE procurement program and guidelines, including certification forms, evaluation criteria, and the City's procurement process. For a schedule of certification workshops contact the Department of Small and Minority Business Resources at (512) 974-7600

[Go back to top](#)

How long is M/WBE certification valid?

Certification is valid three calendar year from the initial date of certification. Once certified by the City, vendors are sent applications for recertification approximately two months prior to the expiration of the certification. Applications should be returned within thirty days to ensure that certification remains effective.

[Go back to top](#)

What are the advantages of M/WBE certification?

Certification does not guarantee the award of City contracts to M/WBE vendors, but it does assist them in gaining visibility within the City's contract/procurement process. Once certified, M/WBE vendors are included on a citywide database that details the products and services they provide by commodity code. This database is also available to prime contractors who are seeking to subcontract with City-certified M/WBE vendors.

[Go back to top](#)

Need more information?

For more information on the City of Austin M/WBE procurement program and certification process, please contact or visit the:

Department of Small and Minority Business Resources (DSMBR)
4100 Ed Bluestein Blvd.
Austin, Texas 78721-2390
Phone: (512) 974-7600 and Fax: (512) 974-7601
<http://www.ci.austin.tx.us/snbr>

Office hours are Monday through Friday, 8 a.m. to 5 p.m.

Content Coordinator: S.C. Nugent, CCA

Options





This Month

Next Month

Date	Class Title	Sponsored By
2/5/02	How to Bring Prospects to Your Web Site	TxCWBE
2/5/02	On-Line Plan Room Orientation	SBDP
2/6/02	Certification Workshop	DSMBR
2/6/02	Information Session on SBA 8(a) Certification	TxCWBE
2/7/02	Childcare Workshop	BiG
2/7/02	Starting Your Business	TxCWBE
2/12/02	How to Write a Business Plan	TxCWBE
2/13/02	Starting Your Business	TxCWBE
2/13/02	On-Line Plan Room Orientation	SBDP
2/14/02	Creating Your Marketing Plan	TxCWBE
2/19/02	On-Line Plan Room Orientation	SBDP
2/20/02	Shoestring Marketing	TxCWBE
2/21/02	Doing Business On-Line	TxCWBE
2/23/02	TXDCA - Childcare Workshop	BiG
2/24/02	TXDCA - Childcare Workshop	BiG
2/26/02	How to Write a Business Plan	TxCWBE
2/27/02	Home-Based Business Basics	TxCWBE
2/28/02	OOPS! An Accident.. What Do We Do?	SBDP
2/28/02	OOPS! An Accident.. What Do We Do?	SBDP
2/28/02	M/WBE Certification Made Simple	TxCWBE

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(512) 974-7800

Schedules are subject to change without notice. Please call the sponsoring organization for current schedules



Austin City Connection -The Official Web site of the City of Austin
Contact Us: Maria.Alonso@ci.austin.tx.us or 512-974-3536.

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Options



Rooms	Equipment	Rates
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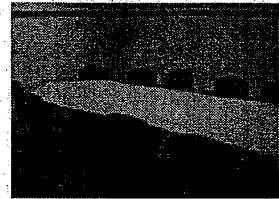
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Business Conference Room

Conference room seating for 12 people. Room comes equipped with a telephone for conference calls and a flip chart for data scribing.



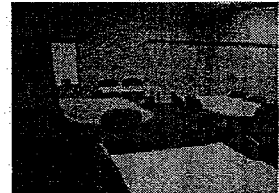
Training Room 1

Large training room designed for large groups. Seating for 50-95 people.



Training Room 2

Small training rooms designed for 25-30 people. Each room is equipped with a flip chart for data scribing.



PC Lab

PC Lab with 10 student computers and one instructor computer. Lab is equipped with permanent ceiling mounted LCD projector for instructor led application training.



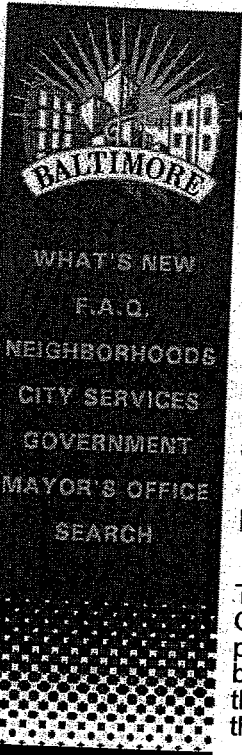
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Contact Us: Maria.Alonso@ci.austin.tx.us or 512-974-3536

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Law Department

MINORITY & WOMEN'S BUSINESS OPPORTUNITY OFFICE

Thomas B. Corey, Chief

Policy Statement

It is the policy of the City of Baltimore to promote equal business opportunity in the City's contracting process by encouraging full and equitable participation by minority and women's business enterprises in the provision of goods and services to the City on a contractual basis.

Mission Statement

The mission of the Minority and Women's Business Opportunity Office is to mitigate the effects of past and present discrimination against minority and women-owned business in the City's contracting process, while assuring that high quality goods and services are obtained through the competitive bidding process.

Functions and Duties of Office

The Minority and Women's Business Opportunity Office (MWBOO) is responsible for administering Article 5, Subtitle 28 of the Baltimore City Code (2000 Edition). Specific duties include:

- Certification of Minority Business Enterprises and Women's Business Enterprises
- Maintaining a directory of certified business enterprises
- Investigating alleged violations of Article 5, Subtitle 28
- Certifying compliance with Article 5, Subtitle 28 before contracts are submitted to the Board of Estimates for award
- Setting MBE and WBE participation goals on each City contract
- Establishing annual goals for MBE and WBE participation in each area of contracting and procurement

The online resource for identifying Minority and Women contractors and vendors currently certified by the City of Baltimore.

Additional Resources

[Department of Public Works Contracts Bureau of Purchases Online Bidder Registration](#)

[DPW Prequalification Directory](#)

Related Documents

[CITY OF BALTIMORE Article 5, Subtitle 28 of the Baltimore City Code \(2000 Edition\). Minority and Women's Business Enterprise *](#)

MBEs and WBEs

A Minority Business Enterprise or "MBE" is a business that is owned, operated, and controlled by one or more minority group members who have at least 51% ownership, and is located in the Baltimore City Market Area. A minority is defined under Article 5, Subtitle 28 to include members of the following groups: African American, Hispanic American, Asian American, or Native American.

A Women's Business Enterprise or "WBE" is a business owned, operated and controlled by one or more women who have 51% ownership, and is located in the Baltimore City Market Area.

MBE/WBE
Certification
Application *

MBE/WBE
Certification
Renewal Form *

*Acrobat Reader
Required



Certification Process

Certification is the process by which a business is determined to be a bona fide Minority Business Enterprise or Women's Business Enterprise by the Minority and Women's Business Opportunity Office. There is no application fee.

Criteria

- Independently owned and operated business
- In operation 12 months before applying for certification
- Minority or women-owned for at least 12 months before applying for certification
- Have an operating office in the Baltimore City Market Area

Baltimore City Market Area

Baltimore City Market Area means the following geographic regions of Maryland for the following business categories:

Construction Contracts	Service Contracts	Architectural and Engineering Contracts
Baltimore City	Baltimore City	Baltimore City
Baltimore County	Baltimore County	Baltimore County
Howard County	Anne Arundel County	Anne Arundel County
Commodity Contracts		
Baltimore City	Howard County	
Baltimore County	Montgomery County	
Anne Arundel County	Prince George's County	

Certification vs. Pre-qualification

Pre-qualification and certification are different processes. Pre-qualification is the process by which the City's Office of Boards and Commissions (the "Office") determines the work capacity of a contractor. Through an analysis of a contractor's basic financial information, the Office assigns a base capacity rating. The pre-qualification and work capacity rating provide the City some assurances that the contractor has the experience and resources to perform the requirements of a contract. To obtain a pre-qualification application, call the Office of Board's and Commissions at 410.396.6883. Certification, as noted above, is the process by which a business is determined to be a minority-owned or woman-owned business. The Minority and Women's Business Opportunity Office certify firms as an MBE or WBE.

How To Apply

Download an application and return it with the applicable documents to the address below. The Certification Application requires the Adobe Acrobat Reader that can be downloaded free from the Internet.

Contacting the Minority and Women's Business Opportunity Office

City Hall, Room 101
100 N. Holliday Street
Baltimore, Maryland 21202
(410) 396-4355
E-Mail the office

MBE/WBE Directory

The MBE/WBE Directory lists certified businesses in alphabetical order and by services. The MWBOO expressly disclaims liability for errors and omissions in the contents of this directory. Information in this directory should be verified with the MWBOO at (410) 396-4355.

Municipal Organization Chart

Text Version

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Webmaster

Revised: January 08, 2002



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Upcoming Classes

Business Development Courses

The Small Business Center at CPCC is a member of the Small Business Center Network (SBCN) comprised of 58 centers throughout North Carolina. The objective of the SBCN is to increase the success rate and the number of viable small businesses in North Carolina by providing high quality, readily accessible assistance to prospective and existing small business owners and their employees.

Business & Entrepreneurial Skills Training Program:

Central Piedmont Community College is now accepting applications for the Business and Entrepreneurial Skills Training (BEST) Program. BEST is designed to give business owners the skills necessary to grow their business. The nine-month program consists of:

- Unique individualized assessment and customized delivery of on-site consulting
- Workshops covering all aspects of business
- Mentoring with graduates of the program
- Practical information that can be applied immediately
- Networking with small business owners

This community-based public/private partnership is funded by the community and taught by business leaders in the city. In order to be eligible to participate in the BEST Program you must:

- Have been in business one year or more
- Be full time in the business
- Keep financial records of some sort
- Be located in Mecklenburg County

For more information call: 704-330-4561.

Upcoming Classes

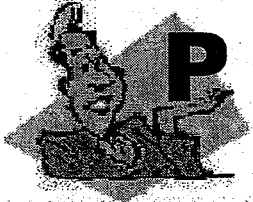
The Small Business Center at Central Piedmont Community College provides these free library seminars. All seminars take place from 6:30 - 8:30 p.m. (unless indicated).

For more information and to register call 704-330-4673.

Date/Location	Classes Available
Monday, March 4, 2002 University City Regional Library 301 W.T. Harris Boulevard	Communications and Power for Women - Denise Ryan, FireStar Tired of not getting what you want? Feel that you are perceived as a whiner rather than a winner? Learn how others see you and learn to be more effective at work and in your personal life. Learn 15 powerful communication tactics.
Wednesday, March 13, 2002 Morrison Regional Library 7015 Morrison Boulevard	Accessing Capital for your Small Business - Padam Dhakad, Dhakad Associates LLC Where is the money? what options are best for your business? What are the financial challenges that will affect you as a small business owner?
Thursday, March 14, 2002 Beatties Ford Road Library 2412 Beatties Ford Road	Making Record Keeping Easier with Quickbooks Pro 2000 - Brian Huber, Glieverman, Spears, Shephard & Meneker, CPA Learn how this software can automatae the accounting and financial reporting functions of your company and how the reports generated can help you manage your financial goals.
Monday, March 18, 2002 University City Regional Library 301 East W.T. Harris Boulevard	How to Start A Business - Larry Siglar, Business Start-Up Ready to make the leap into small business ownership but don't know where to start? Find the help you need here.
Wednesday, March 20, 2002 University City Regional Library 301 West W.T.Harris Boulevard	Free Money from the Government - April Gonzales, Small Business Administration
Wednesday, March 27, 2002 Morrison Regional Library 7015 Morrison Boulevard	Location, Location, Location - Jay Neal, Neal Properties Where should I put my business? This session will cover topics such as how much space you'll need, type of space, leasing vs. buying, negotiating and image.
Monday, April 1, 2002 University City Regional Library 301 East W.T. Harris Boulevard	Marking Record Keeping Easier with Quickbooks Pro 2000 - Brian Huber, Glieverman, Spears, Shephard & Meneker, CPA Learn how this software can automate the accounting and financial reporting functions of your company and how the reports generated can help you manage your financial goals.

Bid List
Certification Information

MARKET YOUR BUSINESS WITH THE PRINCIPLES OF



Now, more than ever, is the time to think about giving your bottom line a boost! You may want to rethink your overall marketing scheme with the following pointers in mind.

Plan your strategy- good marketing does not just happen. A good marketing plan starts with the customer in mind. Who is your customer? Once you answer this question, you will be able to determine how to approach that particular customer. For instance, if you plan to advertise in a magazine, think about the end user of that publication. Is it likely to be someone who will benefit from your product or service? If not, look for other ways to promote your business.

Position your product or service by differentiating yourself from the competition. Ask yourself, what makes you different from your competition and why should a potential customer choose you instead? Focus your marketing efforts and dollars on only those who buy the product or service your company provides.

Take a **Personal Interest** in your clients - People do business with people! Focus on building positive relationships.

Mind Your **Personal Professional Image**- Build and maintain a wardrobe that projects the professional image you desire. Be mindful of personal grooming and clothing.

Maintain a **Positive Demeanor & Business Attitude**- Don't complain about issues unrelated to the customer. Also refrain from speaking negatively about your competition. Your focus should not be on what the competition "can't do," but on what you "can do" for the customer.

Make sure your **Printed materials** are professional - Remember your business card and brochure often speak for you and your business. Be sure to hand out printed items that reflect the image you want your potential clients to see. Use cohesive papers, colors and typestyles for a pulled-together look. Place your name and (or logo) on each printed piece.

Persevere-don't give up on potential clients who don't seem interested at first. Send follow up letters, cards, promo items etc. Keep your name in front of them in creative ways, but remember not to be pushy! Building a positive, ongoing relationship with a potential client will pay dividends. If that person cannot use your product or service, they may recommend you

EVENTS, MEETINGS & WORKSHOPS

Metrolina Minority Contractors Association - first Saturday of every month (*March 2, 2002*) at 418 West Trade Street from 9:00 a.m. to Noon. For more information call 704-332-5746.

SBA - 8A Certification workshop held the third Tuesday of every month (*March 19, 2002*) at 9:00 a.m. at 200 N. College Street, Suite A-2000 (International Trade Center, 2nd Floor). For more information call 704-344-6590.

Opportunities 2002 - Monday, March 11, 2002 from 8:00 am to 5:30 pm. Grove Park Inn Resort & Spa, 290 Macon Avenue, Asheville, NC 2880. Topics will include Basics in Federal Government Contracting, state & local contracting opportunities, E-commerce strategies and more! See over 60 government agencies and prime contractors. For additional information call the Small Business and Technology Development Center (SBTDC) at 800-333-1512 or register online at www.sbdte.org/opportunities/conference/htm. Registration Fee of \$40 per person includes lunch and coffee breaks.

"Marketing on the Internet" - April 17, 2002 from 8:30 am to 1:00 pm. Central Piedmont Community College Small Business Center (West Campus Auditorium). Experts answer questions you need to know when considering using the internet as a marketing tool. Topics: How to choose a domain name, how to increase traffic to your site, and more. For more information please call 714-330-4673 or 704-330-4223. Seminar registration code is SBX7500-01. \$79 registration fee includes lunch.

IRS Tax Workshop for Small Business - Tuesday, March 5 - 9:00 AM - 4:30 PM - Special Seminar - at CPCC South Campus. Please call 704-330-4673 to register.

to others who can.

Proactive Service - anticipate and respond to your customer's needs in advance.

As you review your marketing strategies, keep these basic principles in mind. And remember that your main objective is to be perceived in a positive light. Perception is half the battle!

Business Development Courses

The Small Business Center at Central Piedmont Community College
announces the free library seminars beginning in March 2002.

University City Regional Library - 301 East WT Harris Boulevard

COMMUNICATION AND POWER FOR WOMEN - Monday, March 4

Tired of not getting what you want? Feel that you are perceived as a whiner rather than a winner? Learn how others see you and how to be more effective at work and in your personal life. Learn 15 powerful communication tactics.

Denise Ryan, FireStar

HOW TO START A BUSINESS - Monday, March 18

Ready to make the leap into small business ownership but don't know where to start? Find the help you need here.

Larry Siglar, Business Start-Up

FREE MONEY FROM THE GOVERNMENT? - Wednesday, March 20

Demystifying Small Business Financing. Discover real-world

April Gonzales, Small Business Administration

MAKING RECORDKEEPING EASIER WITH QUICKBOOKS PRO 2000 - Monday, April 1

Learn how this software can automate the accounting and financial reporting functions of your company and how the reports generated can help you manage your financial goals.

Brian Huber, Glievement, Spears, Shephard and Meneker, CPA

Beatties Ford Road Library-2412 Beatties Ford Road

MAKING RECORDKEEPING EASIER WITH QUICKBOOKS PRO 2000 - Thursday, March 14

Brian Huber, Glievement, Spears, Shephard and Meneker, CPA

Morrison Regional Library-7015 Morrison Boulevard

ACCESSING CAPITAL FOR YOUR SMALL BUSINESS - Wednesday, March 13

Where is the money? What options are best for my business? What are the financial challenges that will affect me as a small business owner? *Padam Dhakad, Dhakad Associates LLC*

LOCATION, LOCATION, LOCATION - Wednesday, March 27

Where should I put my business? This session will cover topics as how much space you'll need, type of space, leasing vs. buying, negotiating and image. *Jay Neal, Neal Properties*

All free library seminars at CPCC take place from 6:30 to 8:30 p.m., unless otherwise noted.
For further information or to register contact the Small Business Center at 704330-4673.

Liz Mills, Inc.

Small Business Development Training Schedule

"Residential Cost Estimating" - 3/21, 3/28, 4/04

"Bid Preparation-Getting the Job Without Getting Taken" - 3/16

\$99/session All seminars held at
5838 Monroe Road, Charlotte NC 28212
6:00 PM - 9:00 PM

Call Mr. Connie Branch at 704-566-9696 for further information.
You may also notify via email at Lizmills@lzdine.com

"HOW TO DO BUSINESS WITH THE CITY OF CHARLOTTE WORKSHOP"

Wednesday-March 20, 2002

3:00 pm - 5:30 pm

@

Morrison Regional Library
7015 Morrison Boulevard

Insights on how the City of Charlotte procures and
other beneficial resources for small businesses.

Limited Seating Available
Call 704-336-4178 to reserve your seat!



Minority Women Business Development

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- News/Info
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- Feedback

January 16, 2002

Legal Challenge Forces City to Terminate Program Aimed at Providing Contracting Opportunities for Minority- and Women-Owned Firms

Charlotte City Council voted Monday night to end the race- and gender-based components of the City's Minority and Women-Owned Business Development (MWBD) program in the face of a lawsuit filed Tuesday, January 8, 2002, by United Construction Inc. The lawsuit challenges the constitutionality of the City's MWBD program and seeks damages for the City's rejection of United's bid for a City contract.

Charlotte's MWBD program began in 1983 and has been revised several times over the years. It is designed as a goal-based, good faith efforts program, not a "quota" or "set aside" program. It was developed with input from non-minority and minority contractors and operated with the support and cooperation of the contractor community. More than 900 firms are certified for participation in the MWBD program. During 2001, the City Council awarded contracts totaling nearly \$337 million of which more than \$44 million has been committed to minority and women-owned businesses.

Court decisions in recent years have required minority contracting programs to meet very stringent legal tests, even goal-based, good-faith-effort programs like Charlotte's. In fact, no city that has actually gone to trial in recent years has been able to withstand the level of scrutiny the courts have required to defend a program against legal challenge.

"First, the Council has instructed City Attorney Mac McCarley to address the issue of United's claim for damages directly with United's attorneys," said Mayor Pat McCrory. "Second, we take very seriously the challenge to our MWBD program. Our program is consistent with what other cities have done and has served this community well for the 18 years it's been in place. Our attorneys have done a thorough review of current case law in the area and it appears that the legal ground for such programs has shifted. It is for this reason that the Council voted to terminate the existing MWBD program effective immediately except for those race and gender neutral outreach, education and support features."

In additional action, the Council voted to:

- Direct the City Manager to plan and initiate a public process to develop a replacement program that will meet the community's needs and withstand legal challenge
- Direct the City Manager to schedule a public hearing for February 4th at which time the Council will seek public comment on developing a program for going forward
- Authorize the City Manager to reject all bids in outstanding procurements where: (1) bids have been opened but not awarded, and (2) MWBD Program may impact outcome
- Direct City staff to comply with certain mandatory requirements of the State's Minority Business

Participation statute

- Direct City staff to continue to comply with Federal DBE requirements

"Given current case law requirements, we determined we do not have sufficient evidence that would meet the court's strenuous tests for sustaining our current MWBD program," said City Attorney Mac McCarley. "It was on that basis that we recommended to the City Council the course of action it ultimately took. I also advised Council to continue to implement mandatory federal Disadvantaged Business Enterprise and State minority participation and good faith effort requirements. It is my opinion that the City is not responsible for justifying or defending the programs and policies of the federal and State governments."

The City seeks to initiate a public process similar to the one it used in revising the conditional rezoning requirements. "Our goal in initiating a public process is to develop a program that meets the needs of our community and meets today's legal requirements," said Mayor McCrory. "Just as we have done with other important public policy changes, we will engage stakeholders in this community to help craft the right program. That process will start with the public hearing." While details of the public process have yet to be determined, it will begin with the public hearing set for February 4th.

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MECKLENBURG COUNTY

For more information on the County's MWBE Program visit www.co.mecklenburg.nc.us/coeng/mwbe/mwbemain.htm. **New Address: 915 East 4th Street, Suite 200, Charlotte, NC 28204.** Contact: Teresa McDow, MWBE Program Administrator @ 704-336-6186, mcdowth@co.mecklenburg.nc.us



CHARLOTTE-MECKLENBURG SCHOOLS

For more information on Charlotte - Mecklenburg Schools Capital Improvements Construction Projects/BOVIS Projects-3301 Stafford Drive, Charlotte, NC 28208. Please see contact below:

Rosalyn S. Funderburk
704-343-4878
rosalyn.funderburk@cms.k12.nc.us

Mike High
704-343-4888
m.high@cms.k12.nc.us

Iliana Nieves
704-343-5125
iliana.nieves@cms.k12.nc.us

Robin Slade
704-343-4493
robin.slade@cms.k12.nc.us

MWBD Process Continued from page 1...

Many of you may be wondering what led to the changes of the Minority & Women Business Development Program. In order to provide you with a clearer understanding of why the race and gender-based components of the program were terminated, we will take a look at the historical and legal ramifications leading up to that decision.

HISTORICAL OVERVIEW:

Charlotte's original MWBD Program began on October 24, 1983. In 1989, the U.S. Supreme Court laid the constitutional framework for minority and women business utilization plans in *Croson vs. City of Richmond*. The court established that local government race/gender-conscious contracting programs are subject to "strict scrutiny" under the Equal Protection Clause of the U.S. Constitution. Strict Scrutiny is the most exacting equal protection standard recognized by law. In order to survive "strict scrutiny" analysis, a race/gender conscious program must (1) be justified by a "compelling governmental interest; and (2) be "narrowly tailored" to accomplish that purpose.

COMPELLING GOVERNMENTAL INTEREST:

Courts have recognized that eliminating the effects of past discrimination is a compelling government interest. Proof of past discrimination is shown through documentation of gross statistical disparity between the numbers of minorities contracted compared to the number of those that were ready, willing, and able to contract. This is typically accomplished through a "disparity study."

NARROWLY TAILORING:

In order to be narrowly tailored, a program must be carefully targeted to remedy the proven past discrimination as identified in a recent disparity and no more. Narrow tailoring requires consideration of race-neutral measures as a means to remedy past discrimination before invoking race-conscious measures. It also requires programs to be of a limited duration (i.e. no longer than is necessary to remedy the past discrimination).

ANALYSIS OF CHARLOTTE'S MWBD PROGRAM:

You can now retrieve a list of certified MWBE firms from the City's website.

www.ci.charlotte.nc.us/cibss/mwbd

To find out about State opportunities and some City projects visit the State of NC's Interactive Purchasing System (IPS) at:

www.ips.state.nc.us/ips/pubmain.asp

City - County on Call
704-336-8600

You can hear recorded messages on a variety of City and County government services. Receive timely information via fax machine or computer modem. This service is available 24 hours a day.

We Want to Hear From You!

Is there something you'd like to see in this newsletter? Send your suggestions/comments to City of Charlotte, MWBD Office, 600 East 4th St., 9th floor, Charlotte, NC 28202, or e-mail lmjones@ci.charlotte.nc.us

Listed below is the schedule of upcoming opportunities for the City of Charlotte and Mecklenburg County. The dates are as accurate as possible, but they are subject to change. Contact persons are listed to answer questions and provide any information you may need concerning these opportunities.

Project Name	Pre-Bid and Bid Dates	Scope of Services	Estimated Cost
Aviation Department Gred Hart Ph: 704-359-4000 ghart@ci.charlotte.nc.us			
Satellite 1 Parking Lot Expansion	March/April (Formal-MM)	Grading, Curb & Gutter, Asphalt	<\$100,000
Corporate Hangar	March/April (Formal-KC)	RFQ to Select A & E Design Firm	<\$25,000
Master Plan/Far Part 150 Land Acquisition Program	On-Going (Informal-DDH)	Residential Demolition	<\$ 25,000 per address
Master Plan/Far Part 150 Land Acquisition Program	On-Going (Informal-DDH)	Residential Asbestos Removal	<\$ 25,000 per address
Engineering & Property Management Rachel Etnslein Ph: 704-336-2230 retnslein@ci.charlotte.nc.us			
Various Sidewalk Projects Contact: Ben Jivers BJivers@ci.charlotte.nc.us	Pre-Bid and Bid Dates Request for Qualifications Submit by 03-05-02 at noon	Scopes of Services	Estimated Cost
Fire Station #4	Pre-Bid: 03-07-02 at 10:00 am Bid: 03-12-02 at 3:00 pm	Structural & Masonry Improvements	\$ 60,000
I-77/277 Guardrail Weed Control	Pre-Bid: 03-05-02 at 10:00 am Bid: 03-14-02 at 3:00 pm	Mowing and spraying to control weeds	\$ 90,000
Morgan Street Neighborhood Improvements & Morgan Street Storm Drainage Improvements Project Number: 512-00-088 / 671-66-704 Contact: Gary J. King 704-336-2047	Bid: 03-14-02 at 2:00 pm	Construction of concrete gutter, sidewalk, storm drainage and waterline improvements. Traffic control, erosion control, grading, channel grading and bank stabilization, pre-cast concrete box culvert and pipe construction, drainage structures, rip rap placement, asphalt pavement repair, driveway construction, concrete curb and gutter, fence replacement, utility adjustments and relocations, seeding and mulching in accordance with the plans and specifications	\$1,900,000
Charlotte Vehicle Operations Center	Pre-Bid: 03-19-02 at 10:00 am Bid: 03-28-02 at 3:00 pm	No description provided	\$ 425,000
Prosperity Church Road Widening, Phase 1	Bid: 03-19-02	Includes, but not limited to, paving, grading, storm drainage, concrete curb and gutter, sidewalk construction, and utility adjustments	\$2,980,000
Charlotte Mecklenburg Utilities Edward Mobley Ph: 704-391-5178 emobley@ci.charlotte.nc.us	No Opportunities Reported for March.		

www.ci.charlotte.nc.us/cibss/mwbd

Listed below is the schedule of upcoming opportunities for the City of Charlotte and Mecklenburg County. The dates are as accurate as possible, but they are subject to change. Contact persons are listed to answer questions and provide any information you may need concerning these opportunities.

Project	Pre-Bid and Bid Dates	Scope of Service	Estimated Cost
CHS Mike High Ph: 704-343-4888 Project Mgr: Brian Hamford	Bid: March 7, 2002 Single prime only, 3:00 pm This project may be bid multi-prime. If so, this date will be moved out.	This project consists of architectural interior uplift of a newly constructed library including cabinets, casework, carpet, tile paint drywall, interior doors, toilet accessories, projection equipment, and other items. The project also requires Electrical, Plumbing, and Mechanical trades.	Project Range: \$1.0-1.1 million
Dilworth Elementary	April-May	TBA	TBA
Smith K-8 Elementary	April-May	TBA	TBA
W.G. Holden Construction Co., Inc Chip Gause Ph: 704-388-1488			
Project Highland School of Technology	Pre-Bid and Bid Dates Bid: 01/14/02 5:00pm	Scope of Service Addition and renovation of existing school. Trades include: site work, masonry; concrete, metals, roofing, millwork, doors, finishes and specialties; plumbing, mechanical and electrical. Allowances for: brick, door hardware, interior and exterior signage.	Estimated Cost \$1m
Contract Administration Marcy Funtke 704-339-5924 mfuntke@ci.charlotte.nc.us			
Project Name Temporary Staffing Services	Pre-Bid and Bid Dates RFP release will be late March 2002	Scope of Service Under development	Estimated Cost TBD
Laptop Maintenance		RFP is available on the Internet www.ips.state.nc.us bid# 268-2002-138	

www.ci.charlotte.nc.us/cibss/mwbd



Resources on the Web

Listed are websites that may be helpful in your search for contract opportunities, business assistance, vendor registration, or information on trade organizations.

**City of Charlotte-
Minority/Women owned Business
Development**
www.ci.charlotte.nc.us/cibss/mwbd

**Mecklenburg County-
Minority/Women owned Business
Enterprise Program**
[www.co.mecklenburg.nc.us/coeng/mwbe/
mwbe.htm](http://www.co.mecklenburg.nc.us/coeng/mwbe/mwbe.htm)

**City/County -
Procurement Services**
www.ci.charlotte.nc.us/cibss/bss

**City of Charlotte-
Neighborhood Development**
www.charneck.nc.us/cindev

State of NC Interactive Purchasing System
www.ips.state.nc.us/ips/pubmain.asp

**Office for Historically Underutilized
Businesses (HUB)**
www.doa.state.nc.us/hub

**Central Piedmont Community College Corp-
rate and Continuing Education**
www.cpcctraining.org

**SBA Procurement
Marketing and Access
Network (ProNet)**
www.pro-net.sba.gov

Catalog of Federal Domestic Assistance
www.cfda.gov

**Minority Business
Development Agency**
www.mdba.gov

Charlotte Chamber
www.charlottechamber.com

**Federal Government Business
Opportunities**
www.eps.gov

**Department of Defense
Central Contractors Registration**
www.ccr.com

State of North Carolina
www.ncgov.com

**Department of Defense- Office Small and Dis-
advantaged Business Utilization**
www.acq.osd.mil

**US Department of Transportation- Office Small
and Disadvantaged Business Utilization**
osdbuweb.dot.gov

**Small Business
Administration**
www.sba.gov

The Federal Marketplace
www.fedmarket.com

**U.S. Department of Health and Human Ser-
vices - Grants Net**
www.hhs.gov/grantsnet

**Carolinas Minority Supplier Development
Council (CMSDC)**
www.carolinasmsdc.net

**MWBD
ADVISORY
COMMITTEE**

CHIP HAMMONDS
CHAIR

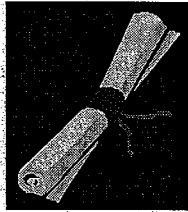
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MINORITY & WOMAN-OWNED CERTIFICATION



Certification is available to all qualified MWBD companies

The City of Charlotte provides free certification to all MWBD vendors who are seeking to do business with the City of Charlotte. Certification is not required for bid activity or contract award. Certification is required, however, for participation in the City's MWBD Program.

The MWBD certification process is designed to verify ownership, control, and management responsibilities to assure that possible benefits of the MWBD Program are available to minority and women business owners interested in improving their competitive status with City contracts.

MWBD firms wishing to become certified with the City of Charlotte must be owned and operated at a minimum of 51% by a minority or woman. This owner must also be in control of day-to-day operations of the business. Minority group status is defined as African, Asian,

Hispanic, or Native Americans.

Certification is valid for one year from date certified. Renewal applications should be completed 45 days prior to the certification expiration date.

**TO APPLY FOR CITY
MWBD CERTIFICATION,
PLEASE CONTACT:**

Contract Compliance, Inc.
6047 Nations Ford Rd
Suite 206
Charlotte, NC 28217
Ph: 704.332.5460
Fax: 704.332.5461
ccicharlotte@aol.com

**CITY OF CHARLOTTE
MWBD Program Office
600 E. 4th St, 9th Floor
Charlotte, NC 28202**

Visit our website at: www.ci.charlotte.nc.us/cibss/mwbd



[Home](#)

[What's New?](#)

[How Do I
Become a
Member?](#)

[Uniform
Certification
Agency](#)

[Bulletin Board](#)

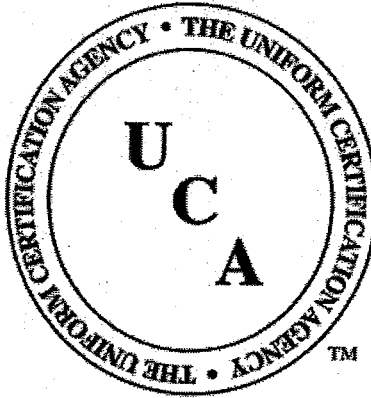
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Directors](#)

[Certification
Application](#)

[Go to the
MMBC/UCA
Business
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[Dun &
Bradstreet](#)

Uniform Certification Agency



[What is the Uniform Certification Agency?](#)
[Mission of the Uniform Certification Agency](#)
[What is Certification?](#)
[How to Apply for Certification](#)
[Benefits of UCA Certification](#)
[Services Provided to Members](#)
[Certification Application](#)

What is the Uniform Certification Agency?

The Uniform Certification Agency is a subsidiary and the certifying body of the MMBC. They are separately incorporated but function in tandem to provide a spectrum of services to both the minority business and the purchasing community - for more information contact them at (901) 678-4768, [or send an e-mail to the UCA.](#)

The Uniform Certification Agency (UCA) was formed in 1994 under the auspices of the Mid-South Minority Business Council. Initial funding was provided by the Memphis and Shelby County Airport Authority (MSCAA), the Tennessee Valley Authority (TVA) and the Memphis Light, Gas and Water (MLGW). The UCA was formed to reduce the time and paperwork required for minorities and women to become certified; and to reduce the cost and burden of certification for participating agencies. Certification through the UCA is accepted by participating agencies. For a list of participating agencies, contact the UCA at (901) 678-4768.

Mission of the UCA

The Uniform Certification Agency is a private, nonprofit organization whose mission is to certify minority, women, and disadvantaged business enterprises.

What is Certification?

Certification is a qualifying process that ensures the corporate buyer that an individual business is truly minority owned and controlled.

Certification is important for three reasons:

1. It helps to weed out "false front" operations taking advantage of loopholes in the law.
2. It totally eliminates the need to have your buyers screen suppliers to determine minority ownership and control.
3. It complies with federal regulations which require the provision of subcontracting opportunity for minority-owned business under Public Law and other executive orders.

The certification process requires a thorough investigation of a company's operations including, but not limited to: financial statements, by-laws, charter, stock certificates, lease agreements, salaries of owners, number of employees, licenses/authorities, etc.

Each applicant undergoes a personal interview with a member of the Uniform Certification Agency's (a subsidiary of the MMBC) staff and may receive a site visit. Minority firms certified under guidelines developed jointly by the MMBC and UCA in accordance with federal regulations (49 CFR).

Rejection of a supplier for certification does not necessarily mean the business is not minority/woman owned and controlled. Failure of a business to become certified means the applicant has failed to meet the criteria established by the UCA, its Board of Directors and federal regulations (49 CFR).

How to Apply for Certification

To receive an application form from the UCA please call (901) 678-4768, or send an e-mail requesting an application. The completed application must be notarized and submitted with other requested documentation as outlined in the application. The certification process takes approximately 60 days after receipt of all information.

Benefits of UCA Certification

- Certification through the UCA provides your company immediate access to state, local and federal governments, as well as major corporations.
- UCA is a one-stop shop for certification. UCA certification is accepted by participating agencies and most local and state agencies.
- Certification assures governments and/or corporations that those purchasing dollars earmarked

for minority or woman owned businesses indeed go to minority or woman owned businesses.

Services Provided to Members

- The Uniform Certification Agency provides a Minority Business Directory and a Woman Business Directory to major corporations and governmental agencies nationwide. This electronic directory outlines detailed information on certified minority and woman owned businesses across the country, and is updated daily.
- Certified business owners will have access to bid and proposal requests from local, state, and federal agencies as well as major corporations.
- Management and technical assistance is also provided to certified business owners via on-line and by appointment. Seminars and workshops provide information and critical thinking for the growth and development of small businesses.
- Buyers/purchasing agents can immediately expand their database of qualified suppliers by accessing the UCA database.

This information is available on-line and in hard copy format.

To apply for certification, contact the UCA at (901) 678-4768, fax (901) 678-2450 or send an e-mail to the UCA, or