



METRO NASHVILLE GOVERNMENT



PROCUREMENT NON-DISCRIMINATION PROGRAM

*"Creating
Opportunities"*



OBJECTIVES OF THE TRAINING

When we're done, we hope you:

- Feel aware and informed about the Procurement Non-discrimination Program;
- Have a basic understanding of what it does and doesn't accomplish;
- Know what you should do to prepare to participate;
- Have your questions answered.

PROCUREMENT NON-DISCRIMINATION PROGRAM

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WHAT IS THE PROCUREMENT NON-DISCRIMINATION PROGRAM (PNP)?

- A procurement based program designed to increase purchases from minorities and women
- Authorized by BL-2008-161
 - Presented by Mayor Dean, adopted by the Metro Council and signed into law by the Mayor.
- Objectives—To:
 - Promote equal opportunity
 - Promote accountability
 - Ensure that the City doesn't passively participate in private discrimination

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WHAT ARE THE EFFECTS, WHAT DOES IT DO?

- Promotes opportunities
 - Supports Equal Opportunity;
 - Encourages full and open competition;
- Stimulates economic development
- Promotes Accountability
 - Encourages accountable procurement processes
 - Requires demonstration of outreach efforts from prime contractors

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WHAT IT DOESN'T DO

- IT DOES NOT CREATE GOALS
 - No mandatory goal setting or achievement
- IT DOES NOT CREATE SET-ASIDES
- It does not GUARANTEE contracts or subcontracts
- It does not replace or change the existing small business program
 - PNP is based on ethnicity and gender of firms, not size
 - PNP and the Small Business Programs are separate programs

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WHAT IT DOESN'T DO

- DOES NOT INCLUDE THE FOLLOWING ENTITIES:
 - Metropolitan Development and Housing Authority (MDHA)
 - Metro Transit Authority (MTA)
 - Metro Nashville Airport Authority (MNAA)
 - Metro Nashville Public Schools (MNPS)
 - Nashville Electric Service (NES)

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WHICH PURCHASES ARE AFFECTED?

- **CONSTRUCTION**
 - All new and renovation construction related to all buildings owned by Metro
- **PROFESSIONAL SERVICES**
 - All services which requires a license or certificate, ie accounting, architecture, engineering
- **NON-PROFESSIONAL SERVICES**
 - Janitorial, printing, security, non-construction repairs, etc.

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HOW DOES THE PURCHASING PROCESS CHANGE?

- Benchmarks are set for procurements
 - What are Benchmarks???
 - Not Goals—rather a mark of the MWBE availability in the marketplace
 - Goals are mandated participation levels that must be met
 - Benchmarks are availability percentages that the City will seek to meet
 - Benchmarks are established only for those procurements where availability exists

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HOW DOES THE PURCHASING PROCESS CHANGE? Cont'd

- New bid requirements for prime contractors
 - Required to reach out to potential MWBE partners
 - New bid forms are required to demonstrate to Metro how they've reached out and with what result
 - If efforts are insufficient, proposers may be deemed non-responsive.

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WHAT ARE GOOD FAITH EFFORTS?

- WHAT ARE SUFFICIENT EFFORTS? (Good Faith Efforts)
 - Prime Contractor efforts to ensure non-discrimination in the contracting process
- Acceptable measures are defined in the Ordinance
 - Reaching out to MWBE's
 - Detailing reasons for rejection if not used
 - Making personal contact with MWBEs and firms that serve them
 - Advertising; newspaper, web, etc.
 - Providing specifications timely
 - ETC

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WHAT ARE GOOD FAITH EFFORTS? CONT'D

- Efforts will be reviewed by the BAO and verified
 - Not just submission of paper with no follow up
- BAO will work with Primes to achieve participation where Good Faith Efforts fall short
- Our objective is to achieve participation and to fully understand and approve when it cannot be achieved

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HOW ARE THE SMALL BUSINESS PROGRAM AND THE PNP DIFFERENT ?



Current Process



New Process (Effective 8/12/08)

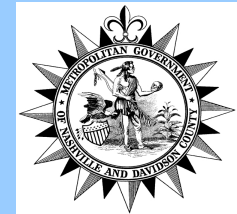


Good Faith Effort Required for Proposal to be **Responsive**

Failure to use MWBE without approved substitution may be a **Material Breach of Contract**

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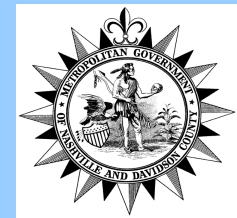
HOW WILL PNP AND THE SMALL BUSINESS PROGRAM WORK IN THE PROCUREMENT PROCESS?

- Demonstration of compliance with the PNP is a prerequisite to be evaluated in the procurement process
- In order to be reviewed by the evaluation committee or to be awarded a low cost bid, PNP compliance must be demonstrated
- Small business participation is an evaluation criterion and occurs after PNP compliance has been reviewed

FOR EXAMPLE:

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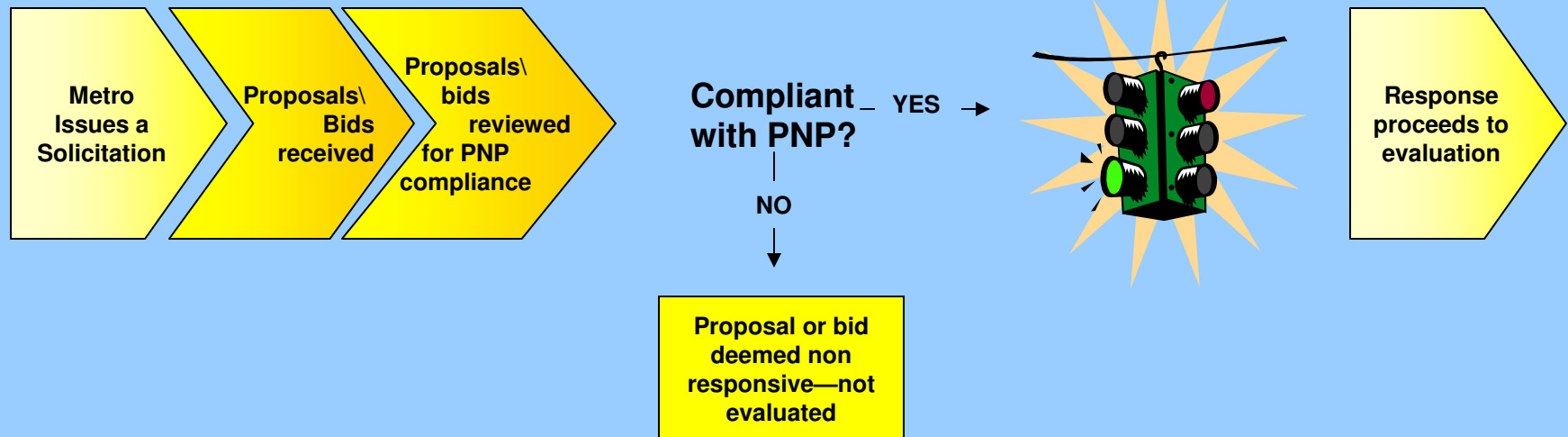
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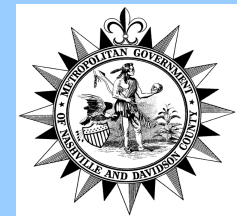
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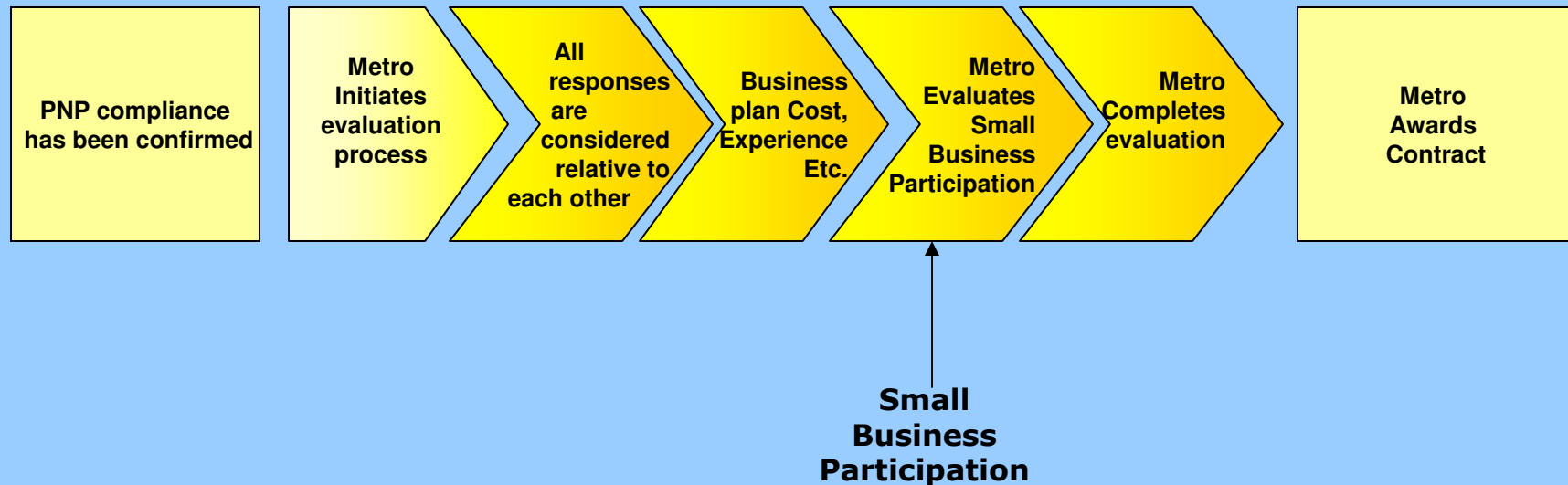
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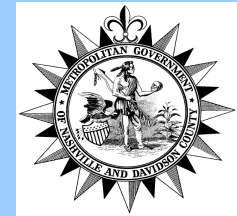
HOW DO PNP AND SMALL BUSINESS WORK IN THE PROCUREMENT PROCESS ?

Small business participation is an evaluation criterion, PNP is not. Evaluation occurs after PNP compliance has already been reviewed and confirmed.



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WHAT'S IN IT FOR YOU?

A WORLD OF OPPORTUNITY

- Opportunity to participate and be included in contracts
- Opportunity to develop meaningful business relationships
- Opportunity to grow your business

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HOW WILL IT BE ENFORCED?

- The Enforcement Process for the PNP involves the following:
 - The Office of Minority and Women Business Assistance (BAO) established to administer the Program and will be charged with:
 - reviewing proposed MWBE participation levels
 - reviewing Prime Contractors efforts to include MWBEs
 - making formal recommendations to the Purchasing Agent regarding proposers' non-responsiveness to program requirements.
 - monitoring the achievement of the proposed participation in the performance of the contract.

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HOW WILL IT BE ENFORCED?

- The Enforcement Process for the PNP involves the following—cont'd
 - The Purchasing Agent has authority to
 - Deem vendors non responsive
 - Suspend or debar for repeated non-compliance.

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WHAT SHOULD YOU DO NOW TO PREPARE?

- Make sure you are registered as a MWBE with Metro to do business
 - Online registration on SMARTRAC at Metro's Website: Nashville.gov—
 - OR
 - <https://smartrac.nashville.gov/newvendorlogin.aspx>

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WHAT SHOULD YOU DO NOW TO PREPARE?

- Get Certified if you're not already
 - MBE Certification from the Tennessee Minority Supplier Development Council (TMSDC)
 - MBE or WBE Certification from the Governors Office of Diversity Business Enterprise (GoDBE)
 - 8(a) Certification from the US Small Business Administration (SBA)
 - Federal Disadvantaged Business Enterprise Certification (DBE)
 - TDOT, Airport Authority, Metro Transit Authority

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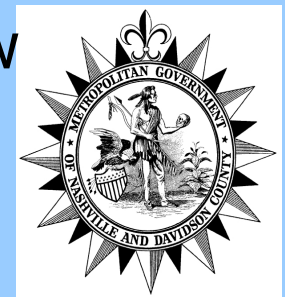


WHAT SHOULD YOU DO NOW TO PREPARE?

- Provide Metro with proof of your M/WBE Certification
- Network with potential prime partners
 - Develop relationships now
 - Contact us for help in identifying potential contractors
- Sharpen your marketing tools
 - Be ready to let potential partners know who you are and what you do

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Q & A

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