

**Commercial Non-Discrimination and Columbia Disadvantaged Business Enterprise  
(CDBE) Utilization Policy  
(Last Revised: November, 2016)**

1. Commercial Non-Discrimination Policy. It is the policy of the City of Columbia to prohibit and discourage commercial discrimination on the basis of race, gender, religion, national origin, ethnicity, sexual orientation, age, disability or any other form of unlawful discrimination in any City procurement or contract.

2. CDBE Policy. It is the policy of the City of Columbia that DBEs shall be afforded the opportunity to participate fully in its overall procurement process. Objectives. The objectives of the CDBE Policy are to: (a) take specific steps to ensure non-discriminatory results and practices in the future and (b) fully involve CDBEs in the City's procurement process.

3. Applicability. Except as otherwise provided herein or prohibited by federal or state law, this policy shall also apply to any federally-assisted activity with subcontracting possibilities.

4. Columbia Disadvantaged Business Enterprise defined.

a. A Columbia Disadvantaged Business Enterprise (CDBE) is defined as (1) a certified business (2) that has an office in the Columbia-Orangeburg-Newberry Metropolitan Statistical Area for one year; and (3) is a socially and/or economically disadvantaged business.

b. Certified Business: Any businesses having the following certifications shall qualify as certified under the City of Columbia DBE Utilization Policy upon submission and verification of such certification:

- i. Historically Underutilized Business Zone (HUBZone) – *Small Business Administration*
- ii. Woman Owned Business Enterprise (WOBE) - *Small Business Administration*
- iii. 8(a) Business Development Program - *Small Business Administration*
- iv. DBE Program – *SC Department of Transportation*
- v. Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)– *Small Business Administration*
- vi. Minority Business Enterprise (MBE) – *SC Office of Small and Minority Business Contracting and Certification*
- vii. Women Business Enterprise (WBE) – *Women's Business Enterprise National Council BENC*
- viii. Minority Business Enterprise (MBE) – *National Minority Supplier Diversity Council*

c. Columbia-Orangeburg-Newberry Metropolitan Statistical Area includes the following counties: Calhoun, Fairfield, Kershaw, Lexington, Newberry, Orangeburg, Richland, and Saluda.

d. Socially and/or Economically Disadvantaged Individuals.

- i. Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities.
  - ii. Economically disadvantaged individuals are those whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities.
- e. A Socially and/or economically disadvantaged enterprise is any business concern that:
  - i. 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/or economically disadvantaged.
  - ii. In the case of a concern that 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/or economically disadvantaged.
  - iii. In the case of a concern which is a partnership, fifty-one (51%) of the partnership interest must be owned by an individual or individuals determined to be socially and/or economically disadvantaged and whose management and daily business operations are controlled by individuals determined to be socially and/or economically disadvantaged. Such individuals must be involved in the daily management and operations of the business concerned.
- f. Minority and women-owned businesses are presumed socially disadvantaged. “Minority” means a person who is a citizen or lawful permanent resident of the United States and who is:
  - (a) Black (a person having origins in any of the black racial groups of Africa);
  - (b) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
  - (c) 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); and/or,
  - (d) American Indian and Alaskan Native (a person having origins in any of the original peoples of North America).

5. Responsible Department. The City Manager shall designate the Office of Business Opportunities (OBO) to administer this policy. OBO shall be responsible for developing, managing and implementing the CDBE Utilization Policy and such other responsibilities as set forth in this policy.

6. Policies to Ensure that CDBE's have an Equitable Opportunity to Compete for Contracts and Subcontracts. The City shall use the following techniques to facilitate CDBE utilization in contracting activities:

a. Arrange bid solicitations and times for the submission of bids/bid specifications to ensure equitable participation.

b. Break down larger contracts into smaller contracts to include the participation of smaller business to the extent economically and legally feasible.

c. Provide specifications in a timely manner to CDBEs, majority contractors and business associations.

d. Provide technical assistance to CDBEs.

e. Hold seminars or workshops to acquaint the business community with the requirements and scope of City procurement activities. These sessions will be coordinated with organizations that are familiar with and willing to reduce problems experienced by CDBEs.

f. Utilize local minority owned banks wherever feasible.

g. Maintain accurate records of the utilization of CDBEs.

h. Aid such businesses in the Columbia-Orangeburg-Newberry Metropolitan Statistical Area that meet the definitions of DBE and ensure 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.

i. Impose the following requirements for Prime Contractors of the City on procurements that have CDBE Utilization goals:

A. All prime contractors bidding on procurements estimated at \$200,000 or more will be required to provide a complete listing of all subcontractors.

B. All prime contractors bidding on procurements estimated at \$200,000.00 or more will be required to complete a certification listing all CDBE or certified contractors contacted and results thereof.

C. All bid specifications will require prime contractors to make good faith efforts to utilize CDBEs. Good faith efforts can be demonstrated by the following:

- (1) Attending pre-solicitation meetings, pre-bid meetings and outreach events that are scheduled by the City to inform CDBEs of contracting, subcontracting, and supply opportunities.
- (2) Advertising in general circulation, trade association, and/or small minority women business enterprise (SMWBE) focused media outlets concerning subcontracting opportunities.
- (3) Providing written notice to a reasonable number of relevant CDBEs that their interest in the contract is being solicited, in sufficient time to allow the CDBEs to participate.
- (4) Following up with initial solicitations of interest by contacting CDBEs to determine with certainty whether they are interested.
- (5) Identifying and selecting portions of the work to be performed by CDBEs in order to increase the likelihood of CDBE participation (including, where appropriate, breaking down contracts into economically feasible units).
- (6) Providing interested CDBEs with equal access to specifications, plans, and requirements of the contract.
- (7) Negotiating fairly with interested CDBEs (not rejecting CDBEs as unqualified without sound reasons based on a thorough investigation of their capabilities).
- (8) Using the services of available SMWBE community organizations, majority contractors groups, local, state and federal SMWBE business assistance offices, and other organizations that provide assistance in the recruitment and placement of SMWBEs.
- (9) Assisting interested CDBE and certified enterprises in obtaining bonding, lines of credit or insurance.
- (10) Utilizing certified businesses as defined under Sec.4b of this policy that have not had an office in the Columbia-Orangeburg-Newberry Metropolitan Statistical Area for one year prior to submitting response.

7. Directory. The City shall have available resources, including directories and/or lists, to facilitate in the identification of CDBEs with capabilities needed in the performance of City contracts. The City shall make such resources available to bidders in their efforts to meet the DBE requirements.

8. Overall City Procurement Goals. The City Manager, based on the City's methodology of calculating procurement goals, shall recommend suggested levels of CDBE utilization to City Council for consideration and approval annually.

9. Contract Goals. The City Manager also has the authority to determine contract goals for CDBE participation on any prime contract estimated at \$200,000.00 or more. Bidders or proposers must make a good faith effort to meet the stated goal, or demonstrate why the goal was not met.

10. Records and Reports. The OBO shall maintain such records and provide such reports quarterly to the City Manager and City Council to ensure full compliance with the CDBE Program.

11. Complaints. Any complaint received by the City concerning the CDBE Policy will be investigated by OBO, or designee(s) of the City Manager, and reported to the City Manager with a recommendation for resolution. This information shall be included in quarterly reports to City Council.

12. Additional Rules and Regulations. The City may, with the approval of the City Manager, promulgate additional rules and regulations not inconsistent with this policy or any Federal or State law, regulation or grant requirement, as needed

13. CDBE Policy Period. This CDBE Policy shall be effective for the remainder of the current fiscal year and shall continue for four (4) subsequent fiscal years unless extended or rescinded by City Council. The council shall annually review the CDBE Utilization Policy and its overall goals. This policy shall be in full force and effect immediately upon passage thereof.

14. Severability Clause. In the event any provision or part of this policy is found to be invalid or unenforceable, only that particular provision or part so found, and not the entire policy will be inoperative.