

# **City of Jackson Request for Proposals**

## **Waste Tire Recycling Services City of Jackson, Mississippi**

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**September 2022**



City of Jackson  
Department of Public Works  
Jordan Hillman, Acting Director

## **SECTION 1 INTRODUCTION**

### **1.1 Purpose of the Proposal**

City of Jackson (the "City"), is seeking proposals from interested and qualified entities to provide waste tire recycling services (the "Services"). This Request for Proposal ("RFP") is being released to invite interested and qualified entities to prepare and submit proposals in accordance with instructions provided where the successful candidate(s) will be selected and invited to enter into a contractual relationship with the City for the Services outlined in this RFP. In this RFP, the terms proposer and contractor are used interchangeably unless the context indicates otherwise.

### **1.2 Background**

The current agreement for Waste Tire Recycling is with Mississippi Tire Recycling, LLC. The agreement expired January 27, 2022. The following chart provides the tonnage of waste tires collected in 2021:

	<b>Tonnage</b>
<b>January</b>	<b>15.78</b>
<b>February</b>	<b>12.16</b>
<b>March</b>	<b>21.51</b>
<b>April</b>	<b>25.99</b>
<b>May</b>	<b>17.22</b>
<b>June</b>	<b>3.73</b>
<b>July</b>	<b>5.64</b>
<b>August</b>	<b>12.87</b>
<b>September</b>	<b>1.87</b>
<b>October</b>	<b>10.83</b>
<b>November</b>	<b>42.77</b>
<b>December</b>	<b>17</b>
<b>Total Tire Tons</b>	<b>187.37</b>

City of Jackson receives approximately 400 - 475 waste tires per week with an average of 15.6 tons of waste tires per month. Monthly volumes in 2021 ranged from as low as 1.87 tons to 42.77 tons. The Mississippi Legislature passed the Mississippi Waste Tire Law, Miss. Code §17-17-401, et seq., as amended, and the State of Mississippi Waste Tire Transportation and Management Regulations. The Contractor shall commit contractually to provide the specific services in accordance with requirements from the State of Mississippi and the City.

The City of Jackson Solid Waste facility is manned with Landfill Attendants on duty to monitor access to the tire collection point. The attendants will record information about the number of tires and their source. (The conversion factor, as established by the Mississippi Department of Environmental Quality is as follows: car tires - 100 tires/ton; semi-truck tires - 25 tires/ton.) The collection area at the Byram facility will be designated by the City. The Contractor shall monitor the collection area in a timely manner so as to prevent it from becoming a nuisance or hindering the receipt of tires. The City is prohibited from having more than 5,000 tires accumulated at the site. No waste/used tires shall remain on the site for a period exceeding thirty (30) days after arrival at the site. The Contractor shall schedule collections from the site in a timely manner so that at no time are these requirements violated.

### **1.3 Use of Subcontractors**

It is understood that the primary supplier responding to this request for proposal may not have the capacity to undertake all the tasks outlined and in order to fulfill the EBO requirements, a subcontractor may be needed. The successful candidate may develop agreements with subcontractors in order to provide and manage the full scope of services requested by the City. If one or more subcontractors are to be used, the subcontractor must be clearly identified and noted in the proposal when it is submitted. The City must approve any change in the use of subcontractors in advance and in writing. No such approval will be construed as making the City a party to such subcontract, or subjecting the City to liability of any kind to any subcontractor. No subcontractor will under any circumstances relieve the Service Provider of its liability and obligation under any resulting contract. Subcontractors are subject to the same contractual conditions as the Service Provider including all federal, state, and local regulations and ordinances.

### **1.4 Disclaimer**

The City and its advisors have, to the best of their knowledge, represented information and data that are current and applicable to this contract. The City is providing the information contained herein as a courtesy to the Service Provider. The City and its advisors neither guarantee nor warranty that the information contained in this RFP or referenced documents is accurate and complete. The City and its advisors are not and will not be liable for omissions or errors contained in this RFP. It is the Service Provider's responsibility to use this information and verify the same during the proposal, negotiation, and contract implementation periods through its own due diligence.

## **2. INSTRUCTIONS TO PROPOSERS**

### **2.1 GENERAL**

One (1) bound original and five (5) bound copies of the proposal, labeled accordingly and including the required EBO Plan, as well as one unbound signed original EBO Plan, shall be submitted in a sealed envelope or box marked "Proposal for Waste Tire Recycling Services". The original and copies of the proposal shall be indexed with tabs as requested in Section 2.6 Proposal Contents.

Electronic proposals **MUST** be submitted at [www.centralbidding.com](http://www.centralbidding.com). For any questions relating to the electronic bidding process, please call Central Bidding at 225-810-4814.

**All proposals (both electronic and physical hard copies) must be received no later than 3:30 p.m. Central Daylight Time, on September 27, 2022. All physical hard copies shall be submitted to the attention of:**

If by hand delivery: City of Jackson  
Office of the Municipal Clerk  
219 South President Street  
Jackson, Mississippi 39201

If by mail: City of Jackson  
Office of the Municipal Clerk  
Post Office Box 17  
Jackson, MS 39205-0017

The City intends to use responses to this RFP to shortlist qualified Service Providers for oral presentations before the City's evaluation panel.

## 2.2 QUALIFICATION WITHDRAWAL PROCEDURE

RFPs may be withdrawn up until the date and time set above for opening of proposal. Any proposal not so withdrawn shall, upon opening, constitute an irrevocable offer for a period of ninety (90) days to provide the services set forth in the proposal or until one of the proposals has been accepted and a contract has been executed between the City and the successful proposer.

## 2.3 RESERVATION OF CITY RIGHTS

- A. **Award of professional services contracts for this project is subject to the availability of funding.**
- B. The City reserves the right to request clarification of information submitted and to request additional information of one (1) or more proposals.
- C. The City reserves the right to negotiate the Agreement/Contract for the project with the next most qualified finalist if the successful finalist does not agree to the terms of an Agreement/Contract after submission of an Agreement to such proposer. The City reserves the right to negotiate all elements of work that comprise the selected proposal.
- D. The City reserves the right, after opening the proposals, or at any other point during the selection process, to reject any or all proposals, modify or postpone the proposed project, evaluate any alternatives offered, or accept the proposal that, in the City's sole judgment, is in its best interest.
- E. The City reserves the right to terminate the Agreement/Contract if the Consultant Service Provider fails to begin to perform the work described herein within ten (10) days after the City giving the Consultant/ Service Provider a written notice to proceed.

## 2.4 REQUESTS FOR INFORMATION

The City specifically requests that any contact concerning this RFP be made exclusively with the **Solid Waste Manager Lakesha Weathers at [lweathers@jacksonms.gov](mailto:lweathers@jacksonms.gov)**. Failure to honor this request will be negatively viewed in the selection process and may result in the disqualification of the proposer. Any questions related to this solicitation are to be submitted in writing by **September 30, 2022 at 12:00 PM, CST** to receive a response by **October 7, 2022, 2022**. Responses to all questions received will be issued in the form of an Addendum to this RFP.

## 2.5 PROPOSAL CONTENT

The Proposer must provide documentation of water tire management and recycling experience.

## **2.5. 1 TECHNICAL PROPOSAL:**

- Provide proof of a minimum of two (2) years of experience in waste tire recycling.
- Provide sufficient, competent and skilled staff, with experience in performing the Services
- Proposers should provide a properly permitted collection/transfer facility for the public to deliver waste tires. The City has final approval on the site.
- Proposers should submit a description of the collection, labor required, state regulations, and all other factors, local and otherwise, which would, effect prosecution and completion of the work covered by this proposal.
- Provide a plan that would detail how to minimize the environmental impact resulting in the reuse of the waste tires.
- Proposers should provide a list of equipment that will be used during the collection process including all fire prevention, safety, personal protective equipment and other supplies or equipment.
- Proposers should describe procedures to minimize the risk of injury to protect workers and participants at the City of Jackson Rubbish Site.
- Proposers should provide a description of methods used for waste tire recycling and provide information regarding the parts of the tire that may not be recyclable.
- Proposers should provide a description of training to be provided to City personnel.
- Proposers should provide a list of all transporters and the recycling/disposal facilities which may be used in the performance of this collection program.
- Proposers should provide documentation of required insurance coverage.
- Proposers shall be responsible for all applicable licenses in the state of Mississippi to transport waste tires. They shall meet all standards applicable to transporters of hazardous waste found in local, state, or federal regulations.
- Proposers should provide documentation of waste tire management, analysis, collection, treatment, disposal, recycling, and transportation.

## **2.5.2 COST PROPOSAL**

**Please note: Proposers must propose on all five tire collection services. The proposer prices are for all types of tires, including those with rims.**

1. Providing for the collection, removal, transportation, disposal, and recycling of tires from the City's Solid Waste Facility in Byram, I-55 South Frontage Road, once every thirty (30) days or within forty-eight (48) hours of a request by the Solid Waste Division for a pick-up:

Per Ton Price \_\_\_\_\_ (\$ \_\_\_\_\_ )

2. Supplying a collection trailer as requested for periodic one day (usually a Saturday) "Used Tire Collection Day" and also the transporting, disposal and recycling of the tires from this event (2-3 times a year):

Per Ton Price \_\_\_\_\_ (\$ \_\_\_\_\_ )

3. Removing, transporting, disposing of, and recycling of tires from selected waste tire abatement sites or from designated locations (50 or more tires) upon direction from the Solid Waste Division (approximately 10 times a year):

Per Ton Price \_\_\_\_\_ (\$ \_\_\_\_\_ )

4. Providing disposal and recycling services for tires brought to the Contractor by the Solid Waste Division:

Per Ton Price \_\_\_\_\_ (\$ \_\_\_\_\_ )

5. Removing, transporting, disposing of, and recycling of an estimated number of tires from City facilities upon City notification to Contractor:

Per Ton Price \_\_\_\_\_ (\$ \_\_\_\_\_ ).

Add cost for the pilot program (section 3.1.3)

## SECTION 3. SCOPE OF WORK

### 3.1 GENERAL INFORMATION

The Contractor shall be responsible for locating and contracting with a recycling facility or facilities. The facility or facilities may or may not be owned and operated by the Contractor. The Contractor shall inform the City of the recycling facility or facilities to be used and provide documentation of the applicable Waste Tire Recycling Processing Facility Permit or Authorization. Special consideration will be given to any proposal that accomplishes a recycling goal for waste tires. The Contractor shall provide the City with a copy of each tire hauling manifest form within seven (7) working days of hauling the tires from the site to a recycling processing or (if needed) disposal facility.

#### 3.1.1 ESTIMATED VOLUME OF INCOMING TIRES

Waste Tire Collection Sites	Number Tons per Month	

	Passenger & Light Truck	Heavy Duty Truck tires
City of Jackson Class I Rubbish Facility	156.51	
City of Jackson Fire Garage	12.72	6

These listed quantities in this Exhibit are estimates only and do not constitute guaranteed tonnages. The Contractor agrees to faithfully perform and complete the work contemplated by this contract within the requested time schedule from the date of issuance by the City of any instructions and strictly in accordance with said plans and specifications and other contract documents and requirements of the City.

The Contractor shall comply with all local, state and federal laws and regulations pertaining to the contract work.

The City agrees to pay and the Contractor agrees to accept the unit prices set forth in the bid documents as full compensation for the performance of all work contemplated under this Contract, as well as all losses or damages, if any, arising out of the nature of this work, and any and all other unforeseen difficulties that may be encountered in the prosecution of the same, the Contractor assuming all risks of every kind and description in the performance of this Contract.

The CONTRACTOR agrees to make good faith efforts to meet the goals of this agreement by making available opportunities for MBEs (AABEs, HBEs, and ABEs) and FBEs for utilization in the work set forth.

The Contractor shall remove, transport, process, dispose of, and recycle the tires in accordance with the Mississippi Waste Tire Law, Miss. Code Ann. §17-17-401, et seq., as amended, and the State of Mississippi Waste Tire Transportation and Management Regulations.

**3.1.2 The Contractor shall provide a permitted collection/transfer facility, as follows:**

1. Provide a properly permitted collection/transfer facility for the public to deliver waste tires. The City has final approval on the site.
2. The Contractor shall comply with the hours of operation to be determined by the City.
3. Provide proper shelter for operation staff.
4. Provide adequate staff for supervising the facility.
5. List positions and responsibilities of staff.
6. The waste tires must be removed from the collection/transfer facility within forty-eight (48) hours.
7. Adhere to the procedures of the State of Mississippi Department of Environmental Quality (MDEQ). The City shall inform the selected Contractor of the City's expectations.
8. Provide ability to collect all the City's whole wastes tires at the facility and provide verified documentation and written proof to the satisfaction of the City.
9. The Contractor cannot otherwise dispose of, or temporarily or permanently store at any location other than the designated collection/transferring facility, any waste tires collected without prior written permission from the City.

**3.1.3 Pilot Program for Rubberized Asphalt**

Demonstrating the effectiveness of rubberized asphalt technologies and evaluating the performance of the asphalt overlays in comparison to other methods of resurfacing is one of the Public Works Department's goals. In addition to its value in rehabilitating existing pavements and recycling of waste tires, we would like to demonstrate the benefits of the rubberized asphalt, such as reducing traffic noise at the tire/pavement interface. The life cycle costs of paving materials containing asphalt rubber binders will be evaluated.

The Contractor will provide "crumb rubber", which will be added to asphalt cement. The test section will consist of approximately 1,000 tons of 2-inch asphalt overlay placed in the same single lane of the roadway. This section of roadway and the nature, temperature, and viscosity of the asphalt will be monitored.

### **3.2 TERM**

The term of this contract will be for three (3) years with an option of two (2) one-(1) year extensions at the option of the City. The contract will automatically extend after the third year contract term expires unless the City notifies the Contractor of its intent to terminate this contract within 30 days of the beginning of the contract extension. The second option will automatically begin after the end of the first extension term under the same conditions.

### **3.3 INSURANCE**

The Contractor will be required to carry the types and amounts of insurance named in the Contract Documents for the full life of the contract with the City of Jackson listed as an additional insured with minimum limits.

## **SECTION 4 PROPOSAL EVALUATION CRITERIA**

### **4.1 REVIEW COMMITTEE**

A review committee consisting of individuals selected by the City will receive and review all proposals submitted. The City, in its sole judgment, will decide if a proposal is viable.

### **4.2 EVALUATION SCHEDULE**

<b>RFP Released for Advertisement</b>	<b>September 15, 2022</b>
<b>Proposals Due</b>	<b>October 11, 2022</b>
<b>Oral Presentations</b>	<b>October 19, 2022</b>
<b>Final Selection</b>	<b>October 24, 2022</b>

### **4.3 PROPOSAL EVALUATION FACTORS**

It is the City intent to evaluate the proposals based on technical merit and price and to choose the Service Provider whose proposal provides the best value to the City. The City reserves the right to waive any



irregularities, reject any and/or all proposals, in whole or in part, when, in the City opinion, such rejection is in the best interests of the City.

#### **4.3.1 Selection Criteria**

Selection of Consultant/ Service Provider for contract/agreement negotiation will be based on an objective evaluation of the following criteria:

- A. Service Provider's ability to implement waste management methods that include recycling and reuse, and conversion (20%)
- B. Service Provider's experience, qualifications and references as demonstrated in similar engagements (15%)
- C. Service Provider compliance with federal and state policies (20%)
- D. EBO Plan and commitment to exceeding MBE and FBE participation goals (10%)
- E. Cost proposal (35%)

#### **4.3.2 Oral Presentations**

Following the evaluation of the proposals, the City's Evaluation Team may request the top ranking firms(s) to make an oral presentation and/or be interviewed. If a determination is made that presentations are necessary, the requested Service Providers will be contacted to arrange a mutually acceptable date and time that will be promulgated by the Contract Administrator.

#### **4.3.3 Negotiations**

Following any presentations, the finalist(s) shall be re-evaluated. Should it become necessary, the Contract Administrator shall negotiate with the Service Provider whose proposal is determined to be most advantageous to the City. If negotiations with the highest ranking Service Provider fail, negotiations shall be initiated with the next highest ranking Service Provider, and so on, until an agreement is reached. The City reserves the right to reject all offers and end the process without executing a contract.

## **SECTION 5 – EQUAL BUSINESS OPPORTUNITY**

In accordance with Section IV of the City of Jackson's Equal Opportunity Executive Order No. 2014 – 3, each contractor, bidder or proposer shall submit a completed and signed Equal Business Opportunity Plan with bid submission.

The City of Jackson is committed to the principle of non-discrimination in public contracting. It is the policy of the City of Jackson to promote full and equal business opportunity for all persons doing business with the City. As a pre-condition to selection, every contractor, bidder or proposer shall submit a completed and signed Equal Business Opportunity (EBO) Plan Application with the bid submission, in accordance with the provisions of the City of Jackson's Equal Business Opportunity (EBO) Ordinance. Failure to comply with the City's ordinance shall disqualify a contractor, bidder or proposer from being awarded an eligible contract.

### **5.1 Transparency with Subcontractors**

Every proposer must adhere to the requirements of the Ordinance of the City Council of Jackson, Mississippi Increasing Transparency with Subcontractors, Minute Book 6J, Page 85 (April 19, 2016).

**5.1.1 As a pre-condition to selection, each proposer must submit a sworn affidavit which details each person with an ownership interest in the contract; whether a conflict of interest exists between any owner and public official or fiduciary; and a list of all subcontractors, the amount of work to be contracted, amount that will be paid to the subcontractor, and the pay schedule of subcontractors.**

**5.1.2. Monthly reports demonstrating the scope of work, services performed and payments to each subcontractor should be submitted by the awarded prime contractor to both the Equal Business Opportunities (EBO) Manager and Office of the City Clerk.**

**5.1.3 Before modification of any subcontractor performing work, the prime contractor must submit a letter to the Equal Business Opportunities (EBO) Manger illustrating probable cause and await approval or rejection in five (5) business days.**

**5.1.4 Once the prime contractor receives payment from the City, the prime contractor shall have five (5) business days to pay all subcontractors.**

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**CITY OF JACKSON, MISSISSIPPI**

**Chokwe Antar Lumumba  
Mayor**

**EQUAL BUSINESS OPPORTUNITY (EBO)  
PLAN APPLICATION**

**Department of Planning and Development  
Office of Economic Development**

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**CITY OF JACKSON, MISSISSIPPI**  
**EQUAL BUSINESS OPPORTUNITY ORDINANCE**

***LEGAL NOTICE***

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The City of Jackson is committed to the principle of non-discrimination in public contracting. It is the policy of the City of Jackson to promote full and equal business opportunity for all persons doing business with the City. As a pre-condition to selection, every contractor, bidder or offeror shall submit a *completed and signed* Equal Business Opportunity (EBO) Plan Application with the bid submission, in accordance with the provisions of the City of Jackson's Equal Business Opportunity (EBO) Ordinance. Failure to comply with the City's ordinance shall disqualify a contractor, bidder or offeror from being awarded an eligible contract.

For more information on the City of Jackson's Equal Business Opportunity Program, please contact the Division of Equal Business Opportunity at 960-1856. Copies of the EBO Ordinance, EBO Plan Application, EBO Program, the MBE/FBE Directory and the MBE/FBE Certification Affidavit are available at 200 South President Street, Suite 223, Jackson, Mississippi.



(EBO FORM 6-1-09)

**EQUAL BUSINESS OPPORTUNITY  
SPECIAL NOTICE TO BIDDERS**

**POLICY**

The City of Jackson is committed to the principle of non-discrimination in public contracting. Therefore, the City of Jackson requests that prospective vendors and contractors carefully examine their method of selecting subcontractors and suppliers, to ensure that they are not either actively, or passively, discriminating against MBEs and FBEs. As a bidder seeking to do business with the City of Jackson, you are expected to adhere to a policy of non-discrimination, and to make the maximum practicable effort to ensure that historically underutilized firms are given an opportunity to participate in the performance of contracts financed in whole, or in part, with city funds.

**DEFINITIONS**

For purposes of this policy, the following definitions will apply:

- (1) "African American Business Enterprise (AABE)" shall mean a business that is an independent and continuing enterprise for profit, performing a commercially useful function and is owned and controlled by one or more African Americans, and certified as such by the Division of Business Development.
- (2) "Asian American Business Enterprise (ABE)" shall mean a business that is an independent and continuing enterprise for profit, performing a commercially useful function and is owned and controlled by one or more Asian Americans, and certified as such by the Division of Business Development.
- (3) "Hispanic Business Enterprise (HBE)" shall mean a business that is an independent and continuing enterprise for profit performing a commercially useful function and is owned and controlled by one or more Hispanics, as defined in section 127-4 (7), and certified as such by the Division of Business Development.
- (4) "Minority Business Enterprise (MBE)" shall mean a business which is an independent and continuing operation for profit, performing a commercially useful function, and is owned and controlled by one or more minority group members, as defined in Sections 1, 2 and 3, which group has been determined to have suffered discrimination requiring amelioration and is certified as such by the City.
- (5) "Female Business Enterprise (FBE)" shall mean a business that is an independent and continuing enterprise for profit, performing a commercially useful function and is owned and controlled by one or more females, and certified as such by the Division of Business Development.

**OBLIGATION**

*The Contractor and any Subcontractor shall take all necessary and reasonable steps to ensure that MBEs and FBEs have a maximum opportunity to compete for and participate in the performance of any portion of the work included in this contract and shall not discriminate on the basis of race, color, national origin or sex. If it is determined that there is a significant underutilization of MBEs and FBEs, the Equal Business Opportunity Officer is empowered, pursuant to section 127-8 of the Equal Business Opportunity Ordinance, to conduct an investigation to determine the reasons for the underutilization.*

**GOALS**

The goals for participation by MBEs and FBEs are established by the Equal Business Opportunity Ordinance of the City of Jackson. The Contractor shall exercise all necessary and reasonable steps to ensure that participation meets or exceeds the contract goals. The goals may be attained by subcontracting to, procuring materials from, and renting equipment from MBEs and FBEs. (See Subcontractor/Supplier Participation guidelines below.)

***The Equal Business Opportunity participation goals are as follows:***

<b>PROCUREMENT CATEGORY</b>	<b>Asian (ABE)</b>	<b>African- American (AABE)</b>	<b>Hispanic (HBE)</b>	<b>Native American (NABE)</b>	<b>Female (FBE)</b>
<b>A/E &amp; Professional Services</b>	0.16	8.67	0.00	0.00	1.96
<b>Construction</b>	0.00	12.41	0.37	0.00	4.89
<b>Goods &amp; Non-Professional Services</b>	0.04	6.78	0.02	0.00	3.03

Those portions of the contract that are proposed for MBEs and FBEs in the response to this bid shall be listed on the attached Equal Business Opportunity Plan Application.

For specific information about the Equal Business Opportunity Plan, please contact the Office of Economic Development at (601) 960-1638.

Contractors may employ AABEs, HBES, ABEs or FBEs to meet the applicable project goals through various methods, as follows:

**A. Subcontractor Participation**

- (i) Where a prime contractor utilizes one or more subcontractors to satisfy its equal business opportunity commitment, the prime contractor may count toward its EBO Plan only expenditures to MBE (AABE, HBE, or ABE) or FBE contractors that perform a commercially useful function in the work of the contract.
- (ii) An MBE or FBE subcontractor is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing and supervising the work involved. In determining whether an MBE or FBE subcontractor, is performing a commercially useful function, factors, including but not limited to the following, will be considered:
  - (a) The amount of work subcontracted;
  - (b) The type of prime contract;
  - (c) Whether the business has the skill and expertise to perform work for which it is being/has been certified;
  - (d) Whether the business actually performs, manages and supervises the work for which it is being/has been certified; and
  - (e) Whether the business purchases goods and/or services from a non-minority/women\*s business enterprise and simply resells goods to the city, city contractor, or other person doing business with the city for the purpose of allowing those goods to be counted towards fulfillment of minority/women\*s business enterprise utilization goals.
  - (f) Standard industry practices.
- (iii) Consistent with standard industry practices, an MBE or FBE subcontractor may enter into second tier subcontracts. If an MBE or FBE subcontractor subcontracts a significantly greater portion of the work of its subcontract to a non-minority, non-female owned firm than would be expected on the basis of standard industry practices, it shall be presumed that the MBE or FBE subcontractor is not performing a commercially useful function.

**B. Suppliers Participation**

Where a prime contractor utilizes one or more suppliers to satisfy its EBO commitment, in whole or in part, the MBE or FBE supplier participation may be credited towards the applicable goal as follows:

- (i) 100 percent of the contract amount for MBE or FBE suppliers who manufacture the goods supplied.
- (ii) 100 percent of the contract amount for MBE and FBE suppliers who are wholesalers warehousing the goods supplied or who are manufacturers\* representatives, provided that only 25 percent of the applicable MBE or FBE goal may be attained by non-manufacturing supplier contracts to MBEs or FBEs.
- (iii) For those contracts where an extraordinarily large proportion of the contract price is for equipment or supplies, a lower project goal may be set than otherwise would be required, or the 25 percent limit for suppliers may be increased, or a combination of these two methods may be utilized.

**C. Joint Ventures and Mentor-Protégé Programs**

- (i) The Division of Equal Business Opportunity shall encourage, where economically feasible, establishment of joint ventures and mentor protégé programs to ensure prime contracting opportunities for African American, Hispanic, Asian American, Native American and Female Business Enterprises on all eligible projects over \$10,000,000.00. Even if the prime itself is a MBE, joint venture between prime contractors and MBEs shall be required on all projects exceeding ten million dollars (\$10,000,000.00).
- (ii) Where a contractor engages in a joint venture to satisfy its Equal Business Opportunity Commitment, the Equal Business Opportunity Officer shall review and approve all contractual agreements regarding:
  - (a) The initial capital investment of each venture partner;
  - (b) The proportional allocation of profits and losses to each venture partner;
  - (c) The sharing of the right to control the ownership and management of the joint venture;
  - (d) Actual participation of the venture partners in the performance of the contract;
  - (e) The method of and responsibility for accounting;
  - (f) The methods by which disputes are resolved; and
  - (g) Other pertinent factors of the joint venture.

On the basis of these factors, the Equal Business Opportunity Officer shall determine the degree of AABE, HBE, ABE, or FBE participation resulting from the joint venture that may be credited towards the applicable EBO goals of the project.

The bidder or offeror shall provide the Equal Business Opportunity Officer access to review all records pertaining to joint venture agreements before and after the award of a contract reasonably necessary to assess compliance with this policy.

The Equal Business Opportunity Program also encourages Mentor-Protégé programs to assist African American, Hispanic, Asian American, and Female business enterprises in financing, bonding, construction management and technical assistance. Mentor-Protégé agreements will be reviewed by the Equal Business Opportunity Officer for final approval of the following terms of each agreement:

- (a) Type of technical assistance to be provided by mentor;
- (b) Rights and responsibilities of each mentor and protégé contracting activity;
- (c) The specific duration of the agreement;
- (d) The amount of participation by the protégé that may be credited toward the applicable EBO goal.

## **EQUAL BUSINESS OPPORTUNITY PLAN**

In accordance with Section 127-13(1) of the City of Jackson's Equal Opportunity Ordinance, each contractor, bidder or offeror shall submit a completed and signed Equal Business Opportunity Plan with bid submission. Such plan should be titled "Equal Business Opportunity Plan (EBO Plan)" and should include the following:

- A. Names, addresses and contact persons of each African American Business Enterprise, Asian Business Enterprise, Hispanic Business Enterprise, and Female Business Enterprise to be used in the contract.
- B. The type of work or service each African American Business Enterprise, Asian Business Enterprise, Hispanic Business Enterprise, and Female Business Enterprise will perform.
- C. The dollar value of the work or service to be performed by each African American Business Enterprise, Asian Business Enterprise, Hispanic Business Enterprise, and Female Business Enterprise.
- D. Scope of the work to be performed by each African American Business Enterprise, Asian Business Enterprise, Hispanic Business Enterprise, and Female Business Enterprise.

### **Waiver**

If the EBO Plan does not meet the project goals, the bidder or offeror must seek a partial or total waiver of the project goals. The application for waiver of all or part of the project goals must include full documentary evidence of the bidder\*s or offeror\*s good faith efforts (*see EBO Plan Application*) to meet the project goals and why the request for waiver should be granted. The application shall be in writing and submitted as a part of the bid or offer. It should include a narrative, affidavits and/or exhibits which verify the actions taken by the bidder or offeror to meet the goals.

### **Replacement**

If a MBE/FBE Subcontractor cannot perform satisfactorily, the Contractor shall take all necessary reasonable steps to replace the Subcontractor with another MBE/FBE Contractor. All MBE/FBE replacements must be approved by the EBO Review Committee and the Department. (*See EBO Plan Application*)

To demonstrate necessary reasonable efforts to replace any Subcontractor that is unable to perform successfully, the Contractor must document steps taken to subcontract with another MBE/FBE Contractor.



**CITY OF JACKSON, MISSISSIPPI**  
**EQUAL BUSINESS OPPORTUNITY PLAN**  
**APPLICATION**

I. **Company Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **ZIP Code:** \_\_\_\_\_  
**Telephone:** ( \_\_\_\_\_ ) \_\_\_\_\_  
**E-mail:** \_\_\_\_\_

II. **Bid Name and Number:** \_\_\_\_\_

III. **PROPOSED MINORITY AND/OR FEMALE SUBCONTRACTORS:** ***(SEE ATTACHMENTS)***  
*If a prime contractor utilizes one or more suppliers to satisfy its EBO commitment, all MBE or FBE supplier participation will be credited in accordance to Section 127-13-1(B) of the EBO Ordinance.*

IV. **Total Bid Amount:** \$ \_\_\_\_\_

V. **WAIVER REQUESTED** ...  *(If you fail to meet either or all of the EBO Participation Goals, check this box and follow the directions below to provide the required **\*WAIVER STATEMENT\***. The "Waiver Statement" should be submitted on company letterhead to the EBO Officer.)*

**\* The bidder/offeror shall provide the following as evidence of its good faith efforts and will be evaluated on the same:**

- (a) **Copies of written notification to MBEs and FBEs soliciting their participation as a subcontractor.**
- (b) **Evidence of efforts made to divide the work into economically feasible units in order to increase the likelihood of meeting the EBO participation goals.**
- (c) **Evidence of efforts made to negotiate with MBEs and/or FBEs, including, at a minimum:**
  - 1. **The names, addresses, and telephone numbers of the MBE and FBEs who were contacted.**
  - 2. **A description of the information provided to MBEs and FBEs regarding the plans and specifications for portions of the work to be performed.**
  - 3. **A statement of reasons why additional agreements with MBEs and FBEs, if needed to meet the stated goals, were not reached.**
  - 4. **Evidence of efforts made to assist the MBEs and FBEs contacted who need assistance in obtaining bonding and insurance which the bidder or offeror requires.**

5. For each MBE and FBE contacted which the bidder or offeror considered to be not qualified, include a written statement of the reasons for the bidder's or offeror's conclusion.
6. Written quotes solicited from all MBEs and FBEs seeking subcontract work with Prime Contractors at the time of the bidding.
7. A statement with supporting documentation and affidavits indicating whether the offeror has used MBEs and/or FBEs as joint venture partners or subcontractors in past or present private sector contracts in Jackson.

*\*If you are unable to locate an MBE/FBE, please contact the Business Development Division at (601) 960-1055.*

**VI. Minority and Female Business Enterprise Actual Participation for this Bid/Offer/Proposal:**

*(\* Please list your MBE and FBE Project Participation percentages (%) in the Table below.)*

PROCUREMENT CATEGORY	Asian (ABE)	African-American (AABE)	Hispanic (HBE)	Native American (NABE)	Female (FBE)
A/E & Professional Services					
Construction					
Goods & Non-Professional Services					

**VII. REPLACEMENT OF MBE/FBE**

**If an MBE or FBE is not performing satisfactorily, it is the responsibility of the Prime Contractor to notify the EBO Office immediately both in writing and by phone. All MBE/FBE replacements must be approved by the Equal Business Opportunity Review Committee (EBORC). If these steps are not taken this will result in penalties as outlined in Section 127-19 of the EBO Ordinance.**

**VIII. CERTIFICATION**

**I certify, under penalties of perjury, that the information contained in this Equal Business Opportunity Plan Application is true and accurate to the best of my knowledge, and that my company fully intends to utilize all MBEs and FBEs listed if awarded the proposed project and/or service and abide by all EBO guidelines.**

\_\_\_\_\_  
*Authorized Signature and Title*

\_\_\_\_\_  
*Date*

**PRINT "AUTHORIZED" NAME HERE:** \_\_\_\_\_

# EQUAL BUSINESS OPPORTUNITY PLAN APPLICATION -- ATTACHMENT

## Proposed Minority/Female Business Enterprise Firms

Company Name: \_\_\_\_\_ Type Trade/Business: \_\_\_\_\_

Address: \_\_\_\_\_

Type Minority Business (MBE/FBE):

City, State, ZIP: \_\_\_\_\_

- \_\_\_\_\_ Female (FBE)
- \_\_\_\_\_ African-American (AABE)
- \_\_\_\_\_ Asian (ABE)
- \_\_\_\_\_ Hispanic (HBE)
- \_\_\_\_\_ Native American (NABE)

Contact Person: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Type Minority Business (MBE/FBE) Involvement:

_____ Subcontractor	_____ Supplier
_____ Joint Venture	_____ Mentor-Protégé

Type Work or Service to be Performed: \_\_\_\_\_

Scope of Work to be Performed: \_\_\_\_\_

Dollar Value of the Work to Be Performed by the Minority Business (MBE and/or FBE): \$ \_\_\_\_\_

Percentage of MBE and/or FBE Participation: \_\_\_\_\_ %

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Company Name: \_\_\_\_\_ Type Trade/Business: \_\_\_\_\_

Address: \_\_\_\_\_

Type Minority Business (MBE/FBE):

City, State, ZIP: \_\_\_\_\_

- \_\_\_\_\_ Female (FBE)
- \_\_\_\_\_ African-American (AABE)
- \_\_\_\_\_ Asian (ABE)
- \_\_\_\_\_ Hispanic (HBE)
- \_\_\_\_\_ Native American (NABE)

Contact Person: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Type Minority Business (MBE/FBE) Involvement:

_____ Subcontractor	_____ Supplier
_____ Joint Venture	_____ Mentor-Protégé

Type Work or Service to be Performed: \_\_\_\_\_

Scope of Work to be Performed: \_\_\_\_\_

Dollar Value of the Work to Be Performed by the Minority Business (MBE and/or FBE): \$ \_\_\_\_\_

Percentage of MBE and/or FBE Participation: \_\_\_\_\_ %

Company Name: \_\_\_\_\_ Type Trade/Business: \_\_\_\_\_

Address: \_\_\_\_\_

**Type Minority Business (MBE/FBE):**

City, State, ZIP: \_\_\_\_\_

- \_\_\_\_\_ Female (FBE)
- \_\_\_\_\_ African-American (AABE)
- \_\_\_\_\_ Asian (ABE)
- \_\_\_\_\_ Hispanic (HBE)
- \_\_\_\_\_ Native American (NABE)

Contact Person: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**Type Minority Business (MBE/FBE) Involvement:**

\_\_\_\_\_ Subcontractor                      \_\_\_\_\_ Supplier  
\_\_\_\_\_ Joint Venture                      \_\_\_\_\_ Mentor-Protégé

Type Work or Service to be Performed: \_\_\_\_\_

Scope of Work to be Performed: \_\_\_\_\_

Dollar Value of the Work to Be Performed by the Minority Business (MBE and/or FBE): \$ \_\_\_\_\_

Percentage of MBE and/or FBE Participation: \_\_\_\_\_ %

Company Name: \_\_\_\_\_ Type Trade/Business: \_\_\_\_\_

Address: \_\_\_\_\_

**Type Minority Business (MBE/FBE):**

City, State, ZIP: \_\_\_\_\_

- \_\_\_\_\_ Female (FBE)
- \_\_\_\_\_ African-American (AABE)
- \_\_\_\_\_ Asian (ABE)
- \_\_\_\_\_ Hispanic (HBE)
- \_\_\_\_\_ Native American (NABE)

Contact Person: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**Type Minority Business (MBE/FBE) Involvement:**

\_\_\_\_\_ Subcontractor                      \_\_\_\_\_ Supplier  
\_\_\_\_\_ Joint Venture                      \_\_\_\_\_ Mentor-Protégé

Type Work or Service to be Performed: \_\_\_\_\_

Scope of Work to be Performed: \_\_\_\_\_

Dollar Value of the Work to Be Performed by the Minority Business (MBE and/or FBE): \$ \_\_\_\_\_

Percentage of MBE and/or FBE Participation: \_\_\_\_\_ %