

December 14, 2020



SPARTANBURG COUNTY UNDERSERVED BUSINESS ENTITY POLICY

SECTION 1 - ABOUT THE POLICY

To promote free competition and equal opportunity, Spartanburg County, through its Purchasing Division, is committed to assisting small and minority businesses in becoming active vendors with Spartanburg County.

Spartanburg County encourages and invites all underserved businesses located within the upstate to participate in the County's procurement process. Spartanburg County shall create an atmosphere whereby Underserved Business Entities ("UBE") who are contractors and suppliers are given an opportunity to provide goods and services to Spartanburg County.

SECTION 2 – PURPOSE AND INTENT

Purpose. The purpose of this policy is to encourage and ensure greater participation of UBE businesses in contracts with the county for construction, materials, commodities, equipment and rendering of service. The Director of Procurement shall ensure that there are no artificial barriers in the County purchasing procedures that prohibit full participation of small and minority businesses in contracting with the County.

The County believes it is in the community's best interest to assist UBE to develop fully, in furtherance of County's policies and programs which are designed to promote balanced economic and community growth.

The County, therefore, wishes to ensure that UBE are afforded the opportunity to fully participate in the County's procurement process.

SECTION 3 - DEFINITIONS

Underserved Business Entity means a business that has obtained one or more of the following certifications:

1. Small and Minority Business Contracting and Certification (SMBCC Certification) (<http://osmba.sc.gov/directory.html>); or
2. Disadvantaged Business Enterprise (DBE Certification) (<http://dbw.scdot.org/dbesearch/DirectoryQuery.aspx>); or

3. Small Business Enterprise (SBE Certification)
<http://dbw.scdot.org/dbesearch/DirectoryQuery.aspx>

Good faith effort means submittal by a contractor of a list of those minority firms contracted for subcontract or joint ventures.

SECTION 4 - AWARDING OF CONTRACTS

(a) The Director of Procurement shall make every effort to solicit procurements from UBE firms, and promote opportunity at all possible times.

(b) Each contractor, and/or subcontractor, bidding, responding to a request for proposals or negotiating contracts with the County shall be required to make a good faith effort to aid the County in accomplishing its goals by entering into subcontracts or joint ventures with minority businesses.

(c) Each contractor submitting a bid or proposal shall submit a certificate stating that it has not failed to enter into subcontracts with persons because of their race, religion, sex, or national origin.

(d) Each contractor shall submit with its bid or response to a request for proposals, a listing of each minority business that it intends to subcontract with and the work proposed to be performed by such minority business.

Form: Self-Performance Affidavit - If self-performing 100% of the entire project with your own workforce/staff on your payroll complete and return this form with your bid package. If self-performing all work, you do not need to solicit UBEs.

SECTION 5 - GOOD FAITH EFFORT

It is the intent of Spartanburg County to provide equal opportunity to UBE in every aspect of procurement. In all contract procurements for services and construction, the good faith effort will be required of all prime contractors submitting a bid. The good faith effort requires prime contractors to make a documented effort to provide contract opportunities to small business enterprises. The prime contractor is required to make documented contacts to certified firms for contracting opportunities as set forth in solicitations. A good faith effort is action taken by a vendor to meet the contract requirements set forth in the good faith effort. Non-compliance with the good faith effort, or failure to document compliance with the good faith effort, will result in a bid or proposal being deemed non-responsive.

Form: Good Faith Effort Document (Exhibit G)

SECTION 6 - PREFERENCE IN SCORING PROPOSALS

In making procurement decisions, which require written evaluations, using weighted factors on a 100-point scale, UBEs submitting bids or proposals shall receive 5 additional points in the evaluation. There is no monetary advantage or set-aside included in this policy.

SECTION 7 - NOTICE TO UBE CONTRACTORS

It shall be the responsibility of the Director of Procurement of the County to notify UBEs of Invitation for Bids or Requests for Proposals and whenever such notices are given to the general public.

Language to include in all Invitation for Bids and Request for Proposals:

Underserved Business Entities Participation:

- a) Underserved Business Entity (“UBE”) – Vendors submitting responses are encouraged to solicit UBE participation in fulfilling their contract. Indicate in your response whether you are a certified UBE firm; whether you will have a certified UBE partner; and any UBE areas of involvement for monitoring purposes.
- b) The County recognizes the following certifications:
 1. Small and Minority Business Contracting and Certification (SMBCC Certification) (<http://osmba.sc.gov/directory.html>); or
 2. Disadvantaged Business Enterprise (DBE Certification) <http://dbw.scdot.org/dbesearch/DirectoryQuery.aspx>; or
 3. Small Business Enterprise (SBE Certification) <http://dbw.scdot.org/dbesearch/DirectoryQuery.aspx>
- c) The successful vendor will comply with all Federal and State requirements concerning fair employment and treatment of all employees, without regard or discrimination by reason of race, color, religion, age, sex, national origin or physical handicap.

Note: It is mandatory that participating vendors acknowledge the UBE requirement in both RFP and IFB. In the RFP, UBE utilization is 5 additional points of the total evaluation score; UBE utilization is not a determining factor in the IFB.

SECTION 8 - GRIEVANCE PROCEDURE

See Section 2-287 of the Spartanburg County Procurement Ordinance.

SECTION 9 - SERVICES TO BE RENDERED BY DIRECTOR OF PROCUREMENT

(a) The Director of Procurement shall compile and maintain a comprehensive list of UBEs that are approved vendors to contract with the County, which means the UBE is a registered vendor with the County and has obtained one or more of the certifications listed in Section 3.

(b) The Director of Procurement shall seek to locate UBEs to provide products and services that are required by the County.

SECTION 10 - REPORT TO THE COUNTY ADMINISTRATOR

The Director of Procurement shall present an annual report to the County Administrator summarizing UBE utilization for the prior fiscal year. Report shall include the following tracking information:

SECTION 11 - TRACKING REQUIREMENTS

The following items are tracked throughout the year:

- Number of UBE vendors added to our approved vendor list (only add vendors that are certified).
- Number of solicitations with UBE vendors
- Number of purchasing transactions with UBE vendors
- Total spent with UBE vendors

SECTION 12 - CONTACTS

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Quick Link
SC Small & Minority Business Assistance
<http://osmba.sc.gov/directory.html>