

REQUEST FOR PROPOSALS (RFP)
FOR
General Contractor SERVICES

Frist Art Museum
Roof Recover and Specified Replacement Project
NASHVILLE, TENNESSEE

October 7, 2021

CONTENTS

INTRODUCTION	SECTION 1
PROJECT DESCRIPTION	SECTION 2
SUBMISSION OF RFP RESPONSES	SECTION 3
SELECTION PROCESS & RESPONSE OUTLINE	SECTION 4
Architect's Roof Recover and Specified Replacement Specifications	EXHIBIT A
Architect's Roof Recover and Specified Replacement Plans	EXHIBIT B
ATTACHMENTS	
A Bid Bond	
B Bid Form, Company Experience Form, Methodology Form	
C Company Information	
D Fair Employment Practice Statement Affidavit	
E Frist Art Museum Site Plan	
F Form of Non-Collusive Affidavit	
G Contractor Drug Free Workplace Affidavit	
H Section 3 Bidder Certifications (For MDHA Tracking Purposes)	
I Not Used	
J Diversity Business Enterprise Program	
Form 2021 - Frist Art Museum Diversity Business Enterprise (DBE) Proposed Utilization Plan	

1. INTRODUCTION

The Frist Art Museum ("FAM"), working in cooperation with the Metropolitan Development and Housing Agency ("MDHA"), is seeking a Roofing Contractor for the Frist Art Museum Roof Recover and Specified Replacement Project (the "Project"). FAM is using the "Best Value" approach for the Contractor selection. Contractor proposals will be evaluated based upon cost and schedule as well as their qualifications, experience, and methodology. In all documents referenced for this RFP, the term Bid and Bidder shall have the same meaning as Proposal and Proposer respectively.

The Project involves an overlay and the replacement of existing wet insulation, and associated metal flashings and coping caps at the Frist Art Museum. The Basis of Design for the new roof membrane is Fibertite.

The project will be developed under the requirements of the Architect's Plans and Specifications (Exhibit A and Exhibit B). The above plans and specifications can be found at the following web address:

<https://FristArtMuseum.org/roof-recover>

It is the intent of FAM to engage a "Project Delivery Team" comprised of FAM, the Architectural firm, and the Roofing Contractor to work within a coordinated and focused environment utilizing the efforts, experience, and talents of each discipline to achieve the completed roofing within the designated scope, budget, and schedule.

Each Roofing Contractor responding to this RFP shall be defined as the "Proposer" in this document. The Proposer's cost will be evaluated based upon the overall lump sum cost for work described in the Construction Documents, additional alternates, unit prices, and voluntary value engineering options. Each Proposer's schedule, including material availability projections, will be evaluated based upon the overall duration, as well as the phasing of the various blocks. Each Proposer will submit qualifications of their company and their proposed superintendent and project manager, with examples of past projects. Lastly, each Proposer will be evaluated on their methodology for construction of the Project including site utilization and roof access.

All Proposers are encouraged to visit the site to become familiar with the factors that may have an impact on their proposal. A pre-bid meeting will be held on October/12/2021 to allow Proposers access to the FAM site, the Architects, and the Owners. Proposers are strongly encouraged to attend the pre-bid meeting. Should any additional information about the project become available prior to the due date of the proposals, it will be distributed to all Proposers as an addendum to the RFP.

We appreciate your interest and look forward to receiving your proposal in complete accordance with the submittal requirements defined herein.

Frist Art Museum

--END OF SECTION 1--

2. PROJECT DESCRIPTION

This roof recover project will take place at 919 Broadway, Nashville, TN 37203.

The Architects Plans and Specifications are included as Exhibit A and Exhibit B. These files can be downloaded at <https://FristArtMuseum.org/roof-recover>

Remove and properly dispose of all loose granules. At indicated wet areas on the contract drawings, remove and properly dispose of modified bitumen roof membranes, wet insulations and flashing down to the existing vapor barrier until dry material is found.

On main level concrete deck, remove existing roof system at perimeter and penetrations as required to install new SBS base sheet for air tightness. Replace insulation with new 1/2", 1.5" or tapered XPS insulation and cover board (apply in two-part foam adhesive to vapor barrier or mechanically attach to metal decks). Provide and install new two-ply SBS modified bitumen roof membrane over insulation in cold adhesive.

At Northwest, Northeast, and Southeast penthouses, remove and properly dispose of existing modified bitumen roof membranes, insulations and flashing to the existing vapor barrier. Provide and install new 1.5" XPS, 1/4" per foot XPS crickets and cover board in two-part foam adhesive. Provide and install new Fibertite .060" XT, reinforced, slate gray, fully adhered Roof System with a 20-Year, No Dollar Limit Warranty. Provide 72 mph wind speed and 1.5" diameter Hail Warranty.

On main level concrete deck, ensure roof is air tight at all locations. Provide and install new loose laid cover board over dry modified bitumen roof. Provide and install new Fibertite .060" XT, reinforced, slate gray, membrane with pre-engineered vented roof system per manufacturer's recommendations with a 20-Year, No Dollar Limit Warranty. Provide 72 mph wind speed and 1.5" diameter Hail Warranty. Provide vents at locations required by Manufacturer and vented roof system design. Vented roof system Plans and Calculations shall be stamped by an Engineer registered in Tennessee. Vent finishes shall match the color of the slate gray roof membrane. The basis of the design is powdercoating PVC vents.

On concrete decks, provide and install furring strips and plywood on walls and wood blocking on top of parapet walls at locations shown on the Plans. Provide and install new .050" XT Fibertite flashing at indicated walls.

On Northwest low canopy, remove and properly dispose of ballast and EPDM membrane to the existing isocyanurate insulation.

On all metal decks, mechanically attach new 1/2" cover board to metal deck per fastener pattern shown on the Plans over dry modified bitumen roof. Provide and install a mechanically attached .060" XT, reinforced, slate gray membrane with a 20-Year, No Dollar Limit Warranty. Provide 72 mph wind speed and 1.5" diameter Hail Warranty.

Remove and properly dispose of existing edge metal, metal coping, counterflashing, gutters and downspouts at locations shown on Plans. Provide and install new Kynar 500 steel coping, gutters, downspouts and counterflashing and Fibertite fiberclad metal at locations shown on the Plans.

Contractor shall include in Base Bid an Allowance of \$30,000.00 for any unforeseen conditions. Perform all additional work as noted on the Plans.

Add Alternate 1: On large North Penthouse, install white Fibertite letters stating "Frist Art Museum" which will be provided and located by the Owner. The white Fibertite membrane letters will be cut-out by others and include a template to guide the placement and adherence to the slate gray Fibertite membrane.

--END OF SECTION 2--

3. SUBMISSION OF RFP RESPONSES (Architect to assist to complete)

a. PRE-PROPOSAL CONFERENCE

A Pre-Proposal Conference will be held **10/12/2021 at 3:00 p.m. CDT** at the FAM.

Proposer's attendance at this conference is strongly encouraged in order to submit a Proposal. All Proposers are encouraged to study the Roofing Plans and Specifications on their own time to become familiar with the factors that may have an impact on their response. Should any additional information about the project become available prior to the due date for responses, it will be distributed to all Proposers as an addendum to the RFP. Proposals shall be based only on this request and formal addendums to this request.

b. INQUIRIES

Questions submitted in writing on Proposer's letterhead and properly signed will be accepted until **10/22/2021 at 2:00 p.m. Central Daylight Time (CDT)**. Responses to written inquiries will be mailed or emailed to Proposers as addendum. Direct all questions to:

Hans Schmitt-Matzen
Director of Internal Affairs
Frist Art Museum
919 Broadway
Nashville, TN 37203
615-804-7414
hmatzen@fristartmuseum
.org

c. SUBMISSION DEADLINE

For consideration, please submit the following no later than **2:00 p.m., 10/29/2021 to the address below:**

- i. **An original and seven (7) copies (eight [8] total)** of the Proposal must be submitted in a sealed envelope/ package.
- ii. Additionally, please provide the RFP Response in PDF document format on one (1) flash drive

Hans Schmitt-Matzen
Director of Internal Affairs
Frist Art Museum
919 Broadway
Nashville, TN 37203

d. **AWARD**

Proposer finalists will be ranked by the selection committee according to the scoring methodology described in Section 4 and a recommendation will be made to FAM for approval.

e. **BID BONDS**

Bid bonds will be required for all RFP Proposers. Please see Architect's Specifications Sheets (Exhibit A) Section 00104 for 5% bid bond requirements and forms.

g. **COST INCURRED IN RESPONDING**

All costs directly or indirectly related to the preparation of a response to this Request for Proposal or any oral presentation required to supplement and/or clarify the submittal which may be required by FAM shall be the sole responsibility of, and shall be borne by Proposer(s).

Each Proposer, by submitting its proposal, waives any claim for liability against FAM as to loss, injury and costs or expenses, which may be incurred as a consequence of its response to this document.

h. **REJECTION**

FAM reserves the right to reject any and all submittals and/or to waive any informality in the solicitation process or parts thereof and to re-solicit.

FAM does not guarantee that a contract will be awarded as a result of this Request for Proposal.

i. **CONTRACT COMPLIANCE STATEMENT**

The Proposer shall be in compliance with all applicable rules, regulations, zoning, permitting, registration and licensing requirements of federal, state and local governing entities. Proposal must state Proposer's compliance with terms of this Request for Proposal (see exhibits and attachments).

Proposer shall provide their license to do work in the State of Tennessee.

--END OF SECTION 3--

4. SELECTION PROCESS & RESPONSE OUTLINE

a. **Proposal Format and Evaluation Factors**

- i. The Proposer's submittal shall be arranged in the following format and sequence and will be evaluated using the factors and assigned values listed below. Use of tabs or dividers is strongly encouraged. Do not submit Proposals on glossy paper. Proposals are likely to be ranked without interviews; hence, Proposers are encouraged to submit their proposals as comprehensively as possible. Proposers may be invited for interviews to present their proposals in more detail and to answer any questions the selection committee may have. Proposals with missing or incomplete items will not be evaluated further.

b. **Proposer's Letter of Interest**

- i. Provide a one (1) page letter on Proposer's letterhead describing the Proposer's interest in this Project and why the Proposer believes they are the best suited to perform the work outlined in this request.

c. **Proposer's Cost (30 pts)**

- i. Complete the Bid Form (Attachment B).
 1. Up to 30 points in this category will be evaluated based upon the lump sum cost for the Project per the Plans and Specifications.

d. **Proposer's Schedule (15 pts)**

- i. Complete the Bid Form (Attachment B)
 1. Up to 10 points in this category will be evaluated based upon the proposed total duration for the Proposer to perform the Work. Assume the Work begins on March 1, 2022. If March 1, 2022 is not possible for the Proposer, indicate the earliest date the Proposer can begin work.
 2. Up to 5 points in this category will be evaluated based upon the Proposer's phasing of the project. Proposer shall include a milestone schedule with Attachment B that identifies the start and finish dates for each portion of the Project and identify whether each portion will require a lane closure, a full street closure, or no closure. Proposer should consult with the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") regarding potential street closures in the Project area. A site plan drawing of FAM is included as Attachment E to assist Proposers.

e. **Experience of the Proposer Company (20 pts)**

- i. Proof of Proposer having been in the business under the present name for the last five (5) consecutive years.
- ii. Evidence demonstrating the Proposer is a lawful entity authorized to conduct business in the United States and in the State of Tennessee, including a copy of current Tennessee Contractor's License.
- iii. Identify the Proposer's annual financial volume of work for each of the last five (5)

years.

- iv. Identify the Proposer's financial volume of work scheduled for each 2021 and 2022.
- v. List all litigation matters the Proposer is involved in at this time, or has been involved in the past five (5) years.
- vi. List all Projects where Proposer and/or the Proposer's insurance company has paid for damages resulting from the Proposer's roofing work, or where the Proposer's employee, owner's employee or anyone who was in or around the project site was injured as a result of the Proposer's roofing/reroofing work. Provide any relevant explanations/resolutions/supporting information.
- vii. The number and size of work crews the Proposer will utilize this project.
- viii. Summarize the Proposer's current work force and if the Proposer has in the past or plans to use subcontractors to perform any of the roofing work on this Project. If using roofing subcontractors, describe how this process works, including satisfying the insurance requirements required. List all roofing subcontractors (companies and individuals) the Proposer has used on Tennessee Projects in the past five (5) years which the Proposer may subcontract this roofing work to and indicate whether the Proposer has required insurance certificates from that Subcontractor and if that subcontractor met Tennessee's license requirements. During the evaluation process, FAM may request a copy of insurance certificates and Tennessee license for that subcontractor if the value of the subcontractor work was at least \$25,000. The Proposer may be required to submit certified payrolls with pay requests for all employees (Proposer and Subcontractor) who perform work on this Project.
- ix. List all roof manufacturers for which the Proposer is an authorized applicator
- x. List the Proposer's experience with vented roof systems.
- xi. List up to seven (7) current projects on which the Proposer is committed. Include the following information for each:
 - 1. Project Name, location, and customer
 - 2. Dollar amount of Project
 - 3. Type of building (office, school, factory, etc.)
 - 4. Roof type and area
 - 5. Owner representative name, address, phone number and email address
 - 6. Designer name, address, phone number and email address
 - 7. Project schedule to include start and end dates
 - 8. Whether roof installation work force was provided by company employees or subcontractors
 - 9. Disadvantaged Business Enterprises (DBE) percentage utilized per project
- xii. List up to twenty (20) Fibertite projects the Proposer has completed in the past five (5) years to include the following information:
 - 1. Name and current telephone number of owner contact and number of roofing projects performed for this owner
 - 2. Name and current telephone number of designer, if any, and number of roofing projects performed for designer
 - 3. Type of Fibertite roof system (vented, adhered or mechanically attached)
 - 4. Roof area
 - 5. Contract time allowed for project and amount of time actually required for Project
 - 6. Whether any liquidated damages assessed for late completion of the project
 - 7. Number of roof leaks reported during the first two (2) years, if any, and list source of each leak

8. Number of claims for interior damage during the project
9. Change orders required for the project, if any, and list reason for the change order(s)
10. Whether roof installation work force was provided by the Proposer's employees or subcontractors
11. Disadvantaged Business Enterprises (DBE) percentage utilized per project

Points may be deducted for a Proposer's lack of relevant experience in all aspects of work required by this Project, lack of experience as a roofing contractor, trends in excessive change orders, lack of availability in 2021 and 2022, and poor references.

f. Proposer's Personnel Experience (20 pts)

- i. A list of personnel the Proposer will assign as Project Executive, Project Manager, General Superintendent and full time Site Foreman, all who must speak fluent English. Provide roof experience resumes that detail the staff's title, employment history, and experience highlighting projects of similar scope and complexity. On the pages opposite to the resumes show the Proposer's corporate organizational chart for this Project illustrating lines of authority and where each is positioned. Also provide the amount of time (in percentage or hours of positions) that each staff person will be committed to this Project.
- ii. List a reference for each of the last ten (10) projects to which the Proposer's project executive, project manager and the superintendent were assigned. Include the following information:
 1. Project name, location and customer
 2. Owner representative name, address, phone number and email address
 3. Designer name, address, phone number and email address
 4. Roof type and area
 5. New roof construction or roof replacement
 6. Number of leak call backs and the source of the leak
 7. Whether project completed on time and within the budget
 8. Whether roof installation work force was provided by the Proposer's employees or subcontractors
 9. FAM reserves the right to contact the Proposer's references given as well as any other source available.
- iii. Identify the Proposer's Construction team main point of contact for each phase of the project
- iv. Identify the hours per week each member of the Proposer's construction team will be dedicated to this Project

g. Proposer's Construction Management Methodology (15 pts)

- i. Proposer acceptance of the terms and conditions of the Agreement, General Conditions, Supplemental Conditions, and other Contract Documents. See Exhibits A-D and acknowledge acceptance on Attachment A.
- ii. Provide a site utilization plan.
- iii. Provide a proposed maintenance of traffic plan correlated to the milestone schedule

in Section d.i.

- iv. Describe the Proposer's commitment to quality assurance and safety.
- v. A description of the Proposer's specific safety program and how long it has been in place.
- vi. Proposer's company Experience Modification Rating (EMR) for each of the last five (5) years.
- vii. What challenges does the Proposer foresee for this Project?
- viii. Proposer may attach assumptions and clarifications, but is not permitted to exclude work identified in the Contract Documents as the responsibility of the Proposer as Roofing Contractor.

h. Proposer's DBE Utilization (Bonus Points – up to 10 pts)

- i. All proposers should complete FAM DBE Form 2021 to disclose Diverse Business Enterprise (DBE) utilization. A zero percent (0%) DBE Utilization will not be a disqualifying factor, but it will result in zero (0) bonus points. Refer to Attachment J for additional details.

i. Proposer's Additional Requirements

The following must be completed and attached as pre-requisite for evaluation:

- i. Proposer's contractor's license
- ii. Provide evidence of Proposer's bonding capacity and the ability to obtain the required insurance. Note that the Proposer is required to have \$10,000,000 in total liability insurance.
- iii. Attachment A – Bid Bond – Refer to Exhibit A – Architect's Roof Replacement Specifications
- iv. Attachment B – Bid Form - Refer to Exhibit A – Architect's Roof Replacement Specifications, Company Experience Form, Methodology Form
- v. Attachment C – Company Information
- vi. Attachment D – Fair Employment Practice Statement Affidavit
- vii. Attachment E – Frist Art Museum Site Plan to assist with the Site Utilization Plan
- viii. Attachment F – Form of Non-Collusive affidavit
- ~~ix.~~ Attachment G – Drug Free Affidavit
- x. Attachment H – Section 3 Bidder Certification and Compliance Agreement
- xi. Attachment I – Not Used
- xii. Attachment J – Diversity Business Enterprise Program
- xiii. Attachment K - is optional at this time, but may be part of the construction contract – FAM will award bonus points to Proposers complying with the Diversity Business Enterprise Program. FAM DBE Form 2021 will be used to indicate efforts to utilize DBE firms for this project. The Form 2021 will be completed indicating the % of DBE firms the Contractor will commit to utilize for this project and the total dollars that will be paid to DBE firms.

j. Audited Financial Statements

- i. The selection committee may request a summary of the Proposer's audited financial statements for the last five years or other proof of audited company's financial strength and credit worthiness in sufficient detail to be evaluated. This financial data will be kept confidential and this information will be returned to the Proposers.

--END OF SECTION 4--

EXHIBIT A

Architect's Specifications Sheets

Project Manual by Richard C. Rinks and Associates Inc.

Version 10/04/2021

EXHIBIT B
Architect's Roof Replacement Plans
by Richard C. Rinks and Associates Inc.
Version 10/04/2021

ATTACHMENT A

BID BOND FORM

Refer to Exhibit A – Architect's Roof Recover and Specified Replacement Specifications

ATTACHMENT B

BID FORM – Refer to Exhibit A – Architect's Roof Recover and Specified Replacement Specifications

COMPANY EXPERIENCE STATEMENT – refer to what is listed in Section 4 – e

PERSONNEL EXPERIENCE STATEMENT - refer to what is listed in Section 4 – f

METHODOLOGY STATEMENT - refer to what is listed in Section 4 – g

ATTACHMENT C

PROPOSER COMPANY INFORMATION

Name of Organization: _____

Business Address: _____

Phone Number: _____

E-mail Address: _____

Name of Principal Owner
(leave blank if publicly owned) _____

Number of Years in Business _____

Location of office which
would service FAM _____

Attach any additional information regarding the Proposer firm's background, which would be useful in assessing your proposal.

ATTACHMENT D

FAIR EMPLOYMENT PRACTICE STATEMENT AFFIDAVIT

STATE OF _____

COUNTY OF _____

After being first duly sworn according to the law, the undersigned (Affiant) states that he/she is
_____ of _____ (Contractor) and
that by its employment policy, standards and practices the Contractor does not subscribe to any
personnel policy which permits or allows for the promotion, demotion, employment, dismissal
of, laying off of any individual due to his/her race, creed, color, national origin, age, sex, or
handicapping condition.

Any further Affiant sayeth not.

Signature

Type/Print Name

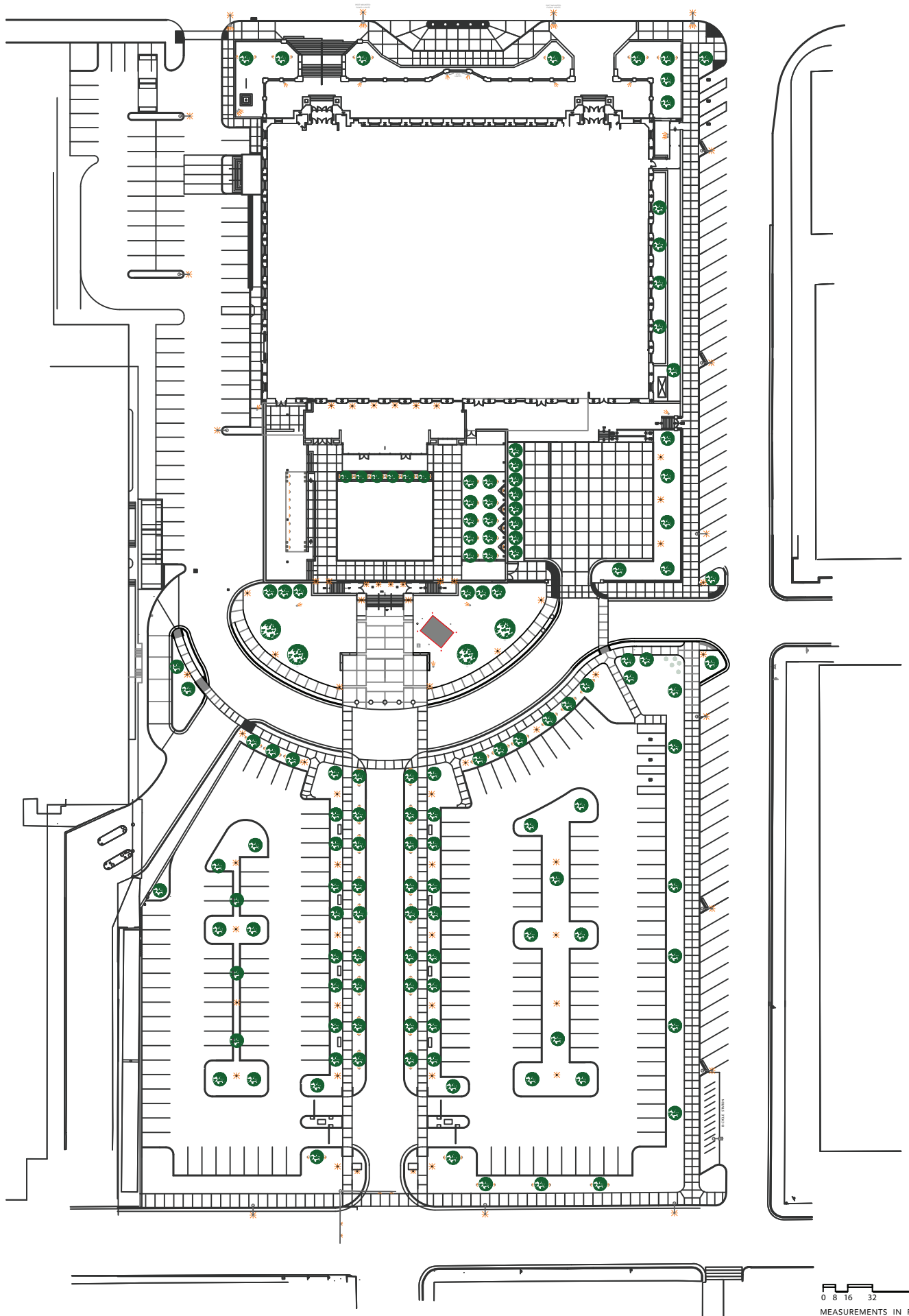
Sworn to and subscribed before me on this _____ day of _____.

NOTARY PUBLIC

My Commission Expires: _____

ATTACHMENT E

Frist Art Museum Site Plan



ATTACHMENT F

FORM OF NON-COLLUSIVE AFFIDAVIT

State of _____

County of _____

_____, being first duly sworn, deposes and says
that:

(1) He/She is _____ of _____,
the Vendor that has submitted the attached Proposal:

(2) He/She is fully informed respecting the preparation and contents of the attached Proposal
and of all pertinent circumstances respecting such Proposal;

(3) Such Proposal is genuine and not collusive or sham; that said vendor has not colluded,
conspired, connived or agreed, directly or indirectly, with any bidder or person to put in a sham
bid or to refrain from bidding and has not, in communications or conference, with any person,
agreed to fix any overhead, profit or cost element of said bid price, or that of any other bidder,
or to secure any advantage against the Frist Art Museum, the Metropolitan Development and
Housing Agency or any other person interested in the proposed contract; and that all statements
in said proposal or bid are true; and;

(4) Any professional fees arrived at during negotiations must be fair and proper and are not to
be tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the
Professional or any of its agents, representatives, owners, employees or parties in interest,
including this affidavit.

(Signed)_____

Title

Sworn to and subscribed before me on this _____ day of _____

ATTACHMENT G

CONTRACTOR DRUG-FREE WORKPLACE AFFIDAVIT STATE

OF TENNESSEE

COUNTY OF _____

1. Now Comes Affiant, who being duly sworn, deposes and says:

2. He/She is the principal officer for _____

3. That the bidding entity has submitted a bid to _____
_____ **for the construction of _____**

4. That the affiant certifies that the bidding entity has in effect, at the time of submission of its bid to perform the construction referred to above, a drug-free workplace program that complies with Tennessee Code Annotated § 50-9-113.

5. That this affidavit is made on personal knowledge. Further
affiant saith not.

AFFIANT

STATE OF _____ COUNTY
OF _____

Before me personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the foregoing affidavit for the purposes therein contained.

Witness my hand and seal at office this _____ day of _____, 20__.

Notary Public

My commission expires: _____, 20__

ATTACHMENT H

HUD SECTION 3 BIDDER CERTIFICATION & COMPLIANCE AGREEMENT

(FOR MDHA TRACKING PURPOSES ONLY)

The bidder/ proposer represents and certifies as part of its bid/ proposal offer the following:

_____ Is a Section 3 Business concern in accordance with HUD “Enhancing and Streamlining the Implementation of Section 3 Requirements for Creating Economic Opportunities for Low- and Very Low- Income Persons and Eligible Businesses” and the HUD Act of 1968, as amended 12 U.S.C. 1701u) (Section 3) 24 CFR Part 75. A Section 3 Business concern means a business that has met at least one of the following criteria documented within the last six (6) month period and anticipates that they will continue to meet at least one of the following criteria after submitting their bid/proposal:

1. At least 51% owned and controlled by low-or very-low income persons;
2. Over 75% of the labor hours performed for the business over the prior three (3) month period were performed by low or very low-income persons; or
3. It is a business at least 51% owned and controlled by current public housing residents or residents who currently live in Section 8 assisted housing.

_____ Is Not a Section 3 Business concern.

ATTACHMENT I

NOT USED

ATTACHMENT J

DIVERSITY BUSINESS ENTERPRISE PARTICIPATION

1. Diversity Business Enterprise Policy

It is the policy of FAM to assist minority, women and small business enterprise firms in their aspirations of viability and growth, which support a more stable economic community. To this extent, we join with community agencies and organizations that support these businesses to create greater opportunities for these entrepreneurs in the attainment of mutually beneficial social and economic objectives. Minority, women and small business enterprise firms will be given the maximum practicable opportunity, consistent with efficient performance, to compete for and participate in contracts, subcontracts, purchase orders and other procurement activities.

3. Definitions For Determining Minority, Women And Small-Owned Firms.

The guidelines for determining minority, women and small-owned firms are defined as follows:

“**MINORITY**” means a person who is a citizen or lawful permanent resident of the United States and who is:

- Black (a person having origins in any of the black racial groups of Africa);
- *f* Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
- *f* Asian American (a person having origins in any of the original peoples of the Far East. Southeast
- *f* Asia, the Indian subcontinent, or the Pacific Islands); or
- American Indian and Alaskan Native (a person having origins in any of the original peoples of North America).

“MINORITY BUSINESS ENTERPRISE” shall mean a minority business:

A continuing, independent, for profit business which performs a commercially useful function, and is at least 51 percent owned and controlled by one or more minority

individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned and controlled by one or more minorities. Whose management and daily business operations are controlled by one or more of minority individuals. “Control” as used in the above clause, means exercising the power to make policy decision. “Operate,” as used in the above clause, means being actively involved in the day-to-day management of the business.

“WOMEN BUSINESS ENTERPRISE” shall mean women business:

A continuing, independent, for profit business which performs a commercially useful function, and which is at least 51 percent owned and controlled by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned and controlled by one or more women. Whose management and daily business operations are controlled by one or more of such individuals. “Control” as used in the above clause, means exercising the power to make policy decision. “Operate,” as used in the above clause, means being actively involved in the day-to-day management of the business.

SMALL BUSINESS ENTERPRISE AS DEFINED IN SECTION 4.44.010 OF THE METROPOLITAN CODE OF LAWS;

A Small Business satisfies all of the following criteria:

- (a) A United States business which is independently owned and operated, and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field of operation.
- (b) Either has no more than the following number of employees or has no more than the following annual sales volume for the applicable industry; and

INDUSTRY	ANNUAL SALES VOLUME	MAXIMUM NUMBER OF EMPLOYEES*
Agriculture, Forestry, Fishing	\$500,000	9
Architectural/Design/Engineering	\$2,000,000	30
Construction	\$2,000,000	30
Educational	\$1,000,000	9
Finance, Insurance, Real Estate	\$1,000,000	9
Information Systems/Technology	\$2,000,000	30
Manufacturing	\$2,000,000	99
Marketing/Communications/Public Relations	\$2,000,000	30
Medical/Healthcare	\$2,000,000	30
Mining	\$1,000,000	49
Retail Trade	\$750,000	9

Service Industry	\$500,000	9
Transportation, Commerce and Utilities	\$1,000,000	9
Wholesale Trade	\$1,000,000	19

(c) Meets the following additional criteria:

1. Has demonstrated capability to perform independently a substantial portion of the contract they seek, or a substantial portion of the subcontract for which they are proposed by a bidder or offeror, as specified by the Purchasing Agent;
2. Not share or jointly use office space, production, marketing and sales, business support systems, personnel, or equipment with any business not classified by the Metropolitan Government of Nashville and Davidson County as a small business (i.e., a large business);
3. Has existed as a legal business entity for a minimum of one year (twelve months of continuous business enterprise), performing independently and satisfactorily and achieving a minimum of \$35,000.00 sales income (collected sales dollars not simply booked sales);
4. Not to be owned, controlled, or directed by individuals or groups of individuals who own, control or direct a large business involved in the same category of work as the business for which small business status is sought;
5. If a supplier, be an authorized regular distributor with normal wholesale agreements for the Product or products to be supplied; and
6. If a construction contractor, be licensed as required by the state to perform the work for which it has submitted a bid or has been proposed by a prime as a subcontractor.

*NOTE: Employee means a person (or persons) employed on a full-time (or full-time equivalent), a permanent basis. Full-time equivalent includes employees who work 30 hours per week or more. Full-time equivalent also includes the aggregate of employees who work less than 30 hours a week, where the work hours of such employees add up to at least 40 hour work week. The totality of the circumstances, including factors relevant for tax purposes, will determine whether persons are employees of a concern. Temporary employees, independent contractors or leased employees are not employees for these purposes. The owner(s) are excluded from this classification.

Minority, women and small-owned firms are required to provide proof of their eligibility in accordance with these guidelines.

4. Utilization of Diversity Business Enterprise Firms

Proposers are encouraged to consider the services of minority, women and small business firms. Proposers will be awarded a maximum of ten (10) bonus points if they utilize Diversity Business Enterprise firms as part of their contractual obligation.

5. DBE Form Submission

Proposers will submit with their bid FAM DBE Form 2021 indicating the Proposer's status as a DBE contractor, an intent to employ a DBE contractor, the percentage of the total project that would be executed by a DBE firm, the type of work executed by the DBE contractor, and the total dollar amount that would be paid to DBE firms.

6. Program Questions/Information

Questions regarding the DBE incentive Program and requests for information should be directed to:

Hans Schmitt-Matzen
Director of Internal Affairs
Frist Art Museum
Nashville, TN 37203
hmatzen@fristartmuseum.org
615.804.7414

6. MDHA DBE Directory

To assist Contractors with contacting DBE firms, Contractors are encouraged to visit the MDHA Website at www.nashville-mdha.org/diversity-business-enterprise-program/. Contractors can download the MDHA Vendor Database at this website to make contact with DBE firms.

ATTACHMENT K

FAM DBE FORM - 2021

TRACKING % OF DBE FIRMS EMPLOYED AND TOTAL DBE DOLLARS

FORM 2021

**FRIST ART MUSEUM DIVERSITY BUSINESS ENTERPRISE (DBE) PROPOSED
UTILIZATION PLAN
IMPORTANT - THIS DOCUMENT MUST BE SUBMITTED WITH A PROPOSAL**

COMPANY NAME:	COMPLETE ADDRESS AND PHONE NUMBER:
PROJECT NAME:	DATE FORM SUBMITTED:

The above named company proposes to use the services of the following listed DBE firms. A 0% DBE Utilization is permissible.
Fill in below if above named company is a certified DBE company and will be self-performing on the project. Enter any DBE Subcontractors also.

DBE NAME/ADDRESS/TELEPHONE	<i>(Please Indicate Status)</i>			Certifying Agency	Type of Work	DBE DOLLARS	DBE %
	MBE	WBE	SBE				
MBE Dollars/Percentage:	\$			%	Total DBE Dollars/Percentage		
WBE Dollars/Percentage:	\$			%			
SBE Dollars/Percentage:	\$			%			
Signature/Title:							