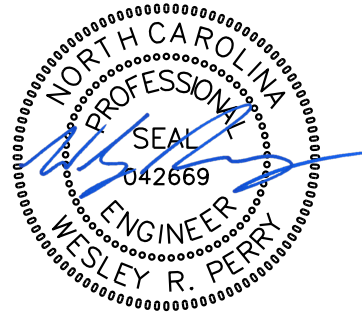


# ADDENDUM 1

To: All Plan Holders  
Date: Monday, December 9, 2024  
Project: Trent Woods Stormwater Improvement -  
Coquina Cir. & Carteret Dr.  
Project #: WR #24-0504  
From: Wesley "Ross" Perry, PE CFM



Bidders are hereby notified that this Addendum shall be attached to and made a part of the Bidding and Contract Documents.

The following items are issued to amend the Bidding and Contract Documents. These items shall have full force and effect as the Bidding and Contract Documents, and costs involved shall be included in the bid prices. Bids to be submitted on the specified bid date shall conform to the modifications listed herein. Only questions answered by written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

Acknowledge receipt of all Addenda by inserting the Addendum number and date in the appropriate location of the Bid Form. Failure to do so may subject the bidder to disqualification.

## Item #1 - Pre-Bid Meeting Documents

A virtual Pre-Bid Meeting was held on November 21<sup>st</sup>, 2024 at 11:00 A.M. via Microsoft Teams. Attachment #1 includes the following documents associated with the Pre-Bid Meeting for reference when completing a bid package. Note redlined changes to Presentation due to changes to MBE Participation documents (see Item #2 below).

- Pre-Bid Meeting Presentation Slides
- Pre-Bid Meeting Sign-in Sheet
- Bidders' Checklist

The following summarizes the resulting changes to Contract Documents:

Changes to Plans: None

Changes to Project Manual: None

## Item #2 - Minority Business Participation (WMBE) Forms Clarification

The Minority Business Participation documents and forms within Section 00 BIDDING AND CONTRACT DOCUMENTS of the Project Manual have been updated to represent current versions. Updated documents are included in Attachment #2. Please note that bidders are required to include the following with their bid packages:

- Affidavit A - Listing of Good Faith Efforts  
OR
- Affidavit B - Intent to Perform Contract with Own Workforce

As well as:

- Affidavit C – Portion of the Work to be Performed by Minority Firms  
**OR**
- Affidavit D – Good Faith Efforts

The following summarizes the resulting changes to Contract Documents:

Changes to Plans: None

Changes to Project Manual: Replace Table of Contents with included revision. Include the following additional WMBE Forms at the end of Section 00 BIDDING AND CONTRACT DOCUMENTS:

- Guidelines for Minority Business Participation Forms
- Identification of Minority Business Participation
- MWBE Outreach Table
- Affidavit A – Listing of Good Faith Efforts
- Affidavit B – Intent to Perform Contract with Own Workforce
- Affidavit C – Portion of the Work to be Performed by Minority Firms
- Affidavit D – Good Faith Efforts

# ATTACHMENT #1



# Trent Woods Stormwater Improvements – Coquina Cir. & Carteret Dr.

TOWN OF TRENT WOODS, NORTH CAROLINA

**Pre-Bid Meeting**

**November 21, 2024**

**11:00am via MS Teams**



**WithersRavenel**

Our People. Your Success.

# Meeting Sign-In



Please sign in by:

Entering your Name, Company Name, and Email in  
the Chat Window

OR

Emailing your Name and Company Name to:  
[lkalmus@withersravenel.com](mailto:lkalmus@withersravenel.com)

# Meeting Agenda

- 1. Project Documents**
- 2. Project Description**
- 3. Instructions to Bidders**
- 4. Bid Form**
- 5. Grant Requirements**
- 6. Bid Schedule**
- 7. Questions**



# Project Documents & References

## 1. Project Documents

1. Construction Drawings
2. Project Manual

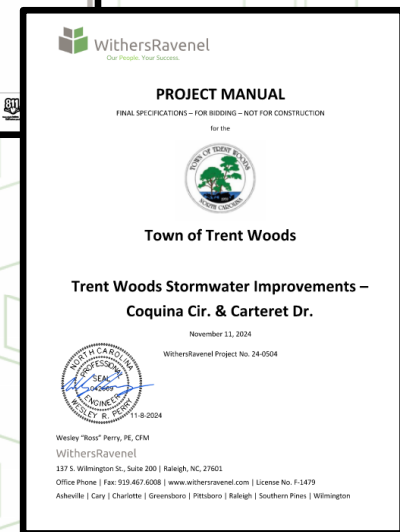
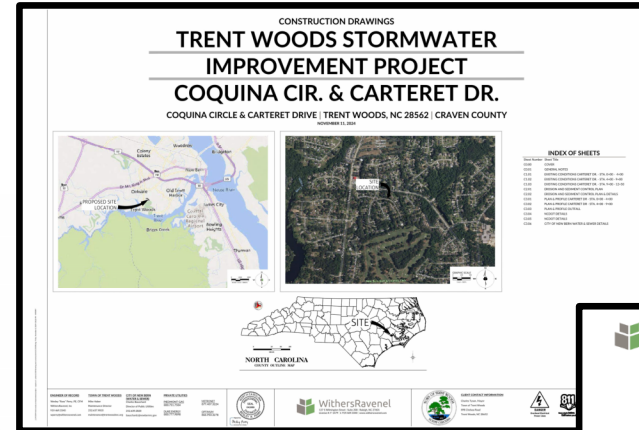
*TrentWoodsNC.org → Home Page → Latest News*

## 2. Project References

1. NCDOT Standard Specs
2. City of New Bern Standard Specs

## 3. Permits

1. None Required





# Project Description



**WithersRavenel**  
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# Instructions to Bidders – Sec. 00 02 00

- 1) Article 4 - Site Inspection Prior to Bid**
- 2) Article 8 - Bid Security (5% of Total Bid Amount)**
- 3) Article 9 - Contract Times (90/120 calendar days)**
- 4) Article 10 - Liquidated Damages (\$500/day)**
- 5) Article 14 - Basis of Bid**
  - 1) Section 00 04 10 – Bid Form**

# Bidders' Checklist

See updated Bidders' Checklist in Addendum #1



## Bidders' Checklist

Trent Woods Stormwater Improvements – Coquina Cir. & Carteret Dr.

New Bern, North Carolina

Bid Opening - December 17, 2024 at 2PM

Contractor	General Items									MWBE / NC DWI Items			Bid Amount	
	Information Available to Bidders Acknowledgement	Non-Collusive Affidavit	Authority to Execute Contract	Bid Form - Acknowledgement of Addendums	Bid Form - Bid Submittal	Bid Form - Bid Schedule	E-Verify Affidavit	Bidder Qualification Forms	Bid Bond	Contractors License	Good Faith Efforts Certification Form & Affidavit	Table A - Prime Contractor and List of Selected Subcontractors		Table B - Subcontract Solicitation List
														\$
														\$
														\$

# Bid Form – Sec. 00 04 10



## Required Bid Items

- 00 03 00 – Information Available to Bidder’s Acknowledgement**
- 00 03 40 – Non-Collusive Affidavit**
- 00 03 50 – Authority to Execute Contract (Corporate, Partnership, LLC)**
- 00 04 10 – Bid Form**
  - Base Bid Schedule**
  - Acknowledgement of Receipt of Addenda**
- 00 04 12 – E-Verify Affidavit**
- 00 04 30 – Bid Bond (Bid Security); Certified Check or Cashier’s Check**
- Contractor License**

# MBE/WBE Requirements

See updated MBE Forms in Addendum #1



## Complete MBE/WBE (DBE) Compliance Supplement

- Good Faith Efforts Certification Form and Affidavit
- Prime Contractor & List of Selected Subcontractors (Table A)
- Subcontractor Solicitation List (Table B) if utilizing subcontractor(s)

**Table A: Prime Contractor and List of Selected Subcontractors**

List Prime and ALL of the selected subcontractors (both DBE's and non-DBE's) being used on the project. Each Trade listed on this sheet should have a completed **Table B: Subcontract Solicitation List** showing the MWBE/DBE firms contacted and given opportunities to bid.

Company Name (list prime first then subs)	Company Address and Phone	Trade (Above) and Price (Below)	MBE or WBE and certifying agency if applicable*	(State use only) Listed in EPLS as Debarred?
		\$		
		\$		
		\$		
		\$		

Calculate M/WBE utilization as a percent (00.00%) of the prime contract. Limited to 100% even if the Prime is a DBE.

MBE/DBE/WBE subs total	\$	
Prime Contract Price	\$	%

\*Submit documentation of certification  
Note: Table A substitutes for both the State of NC "Identification of Minority Participation" form and EPA Form 6100-4.

**Table B: Subcontract Solicitation List**

Each Trade being subcontracted should have a **completed Table B** showing the M/WBE/DBE firms contacted and given opportunities to bid. Use as many of these sheets as are necessary to cover every trade being subbed out.

Trade: \_\_\_\_\_ (enter the trade being solicited, paving, hauling etc.)

List the firm being used on the project **first**. If **minimum of three** MWBE/DBE firms are not listed, additional information **must** be provided showing advertisements and/or sources used to identify MWBE/DBE subs.

Company Name	Company Address and Phone	MBE or WBE and certifying agency if applicable*	How was this firm contacted (email, letter, phone) and what was the result of the solicitation?***

\*Submit documentation of certification  
\*\*\*Submit documentation of outreach (copies of emails, letters, etc.). If phone calls were made this sheet can serve as documentation of calls.

# Bid Schedule



- 1) Questions Due By: November 29, 2024 @ 2:00pm**
- 2) Addendum Issued By: December 6, 2024 @ 5:00pm**
- 3) Bid Deadline: December 17, 2024 @ 2:00pm**

**Mail to:**

**Charles Tyson, Town of Trent Woods**

**898 Chelsea Road, Trent Woods, NC 28562**

**Bids will be Publicly Opened Immediately Following Bid Deadline**



# QUESTIONS?

Please email [lkalmus@withersravenel.com](mailto:lkalmus@withersravenel.com)



WithersRavenel  
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## Kick-Off Meeting

for

Trent Woods Stormwater Improvements - Coquina Cir. & Carteret Drive

WR Project No. 24-0504

November 21, 2024 - 11:00 AM - 12:00 PM

### ATTENDANCE SHEET (PLEASE PRINT CLEARLY - THANK YOU)

Joined in person or through  
teleconference?

Name:	Ross Perry	Phone #	
Company Name:	WithersRavenel	Fax#	Virtual
Company Address:	137 S Wilmington St, Raleigh, NC	Email	<a href="mailto:rperry@withersravenel.com">rperry@withersravenel.com</a>
Name:	Lindsay Kalmus	Phone #	
Company Name:	WithersRavenel	Fax#	Virtual
Company Address:	137 S Wilmington St, Raleigh, NC	Email	<a href="mailto:lkalmus@withersravenel.com">lkalmus@withersravenel.com</a>
Name:	Kat Waldman	Phone #	
Company Name:	WithersRavenel	Fax#	Virtual
Company Address:	137 S Wilmington St, Raleigh, NC	Email	<a href="mailto:kwaldman@withersravenel.com">kwaldman@withersravenel.com</a>
Name:	Brenda Reece	Phone #	
Company Name:	Town of Trent Woods	Fax#	Virtual
Company Address:	City/Town Mailing Address	Email	<a href="mailto:breece@trentwoodsnc.org">breece@trentwoodsnc.org</a>
Name:	Mike Haber	Phone #	
Company Name:	Town of Trent Woods	Fax#	Virtual
Company Address:	City/Town Mailing Address	Email	<a href="mailto:maintenance@townofrentwoodsnc.org">maintenance@townofrentwoodsnc.org</a>
Name:	Harris Huddle	Phone #	
Company Name:	Trader Construction Co.	Fax#	Virtual
Company Address:	City/Town Mailing Address	Email	<a href="mailto:hhuddle@traderconstuction.com">hhuddle@traderconstuction.com</a>
Name:	Charles Hughes	Phone #	
Company Name:	Charles Hughes Construction	Fax#	Virtual
Company Address:	Contractor Mailing Address	Email	<a href="mailto:charles@hughesnc.com">charles@hughesnc.com</a>
Name:	Jason Hurley	Phone #	
Company Name:	Charles Hughes Construction	Fax#	Virtual
Company Address:		Email	<a href="mailto:jason@hughesnc.com">jason@hughesnc.com</a>
Name:	Michael Hair	Phone #	
Company Name:	Jymco Construction Company Inc.	Fax#	Virtual
Company Address:		Email	<a href="mailto:michaelhair@jymco.net">michaelhair@jymco.net</a>
Name:	Bobby Hales	Phone #	
Company Name:	Jymco Construction Company Inc.	Fax#	Virtual
Company Address:		Email	<a href="mailto:bobbichales@jymco.net">bobbichales@jymco.net</a>

**Bidders' Checklist**

**Trent Woods Stormwater Improvements – Coquina Cir. & Carteret Dr.**

**New Bern, North Carolina**

Bid Opening - December 17, 2024 at 2PM

Contractor	General Items										MWBE Items				Bid Amount
	Information Available to Bidders Acknowledgement	Non-Collusive Affidavit	Authority to Execute Contract	Bid Form - Acknowledgement of Addendums	Bid Form - Bid Submittal	Bid Form - Bid Schedule	E-Verify Affidavit	Bidder Qualification Forms	Bid Bond	Contractors License	AFFIDAVIT A - Listing of Good Faith Efforts	AFFIDAVIT B - Intent to Perform Contract with Own Workforce	AFFIDAVIT C - Portion of the Work to be Performed by Minority Firms	AFFIDAVIT D - Good Faith Efforts	
															\$
															\$
															\$
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															\$
															\$
															\$
															\$

Notes: Bidder to provide Affidavit A **OR** Affidavit B  
 Bidder to provide Affidavit C **OR** Affidavit D



## ATTACHMENT #2

## TABLE OF CONTENTS

### SECTION

### SUBJECT

#### SECTION 00 - BIDDING AND CONTRACT DOCUMENTS

00 01 11	Advertisement for Bids
00 02 00	Instructions to Bidders
00 03 00	Information Available to Bidders
00 03 40	Non-collusive Affidavit
00 03 50	Authority to Execute Contract
00 04 10	Bid Form
00 04 12	E-Verify Affidavit
00 04 20	Bidder's Qualifications Form
00 04 30	Bid Bond
00 05 10	Notice of Award
00 05 20	Agreement Between Owner and Contractor for Construction Contract
00 05 30	Certificate of Owner's Finance Officer
00 05 40	Certificate of Owner's Attorney
00 05 50	Notice to Proceed
00 06 10	Performance Bond
00 06 15	Payment Bond
00 06 16	Certificates of Insurance
00 06 20	Contractor's Application for Payment
00 06 21	Sale Tax Summary
00 06 22	MWBE Monthly Pay Application
00 06 25	Certificate of Substantial Completion
00 06 30	Contractor's Affidavit of Release of Liens
00 07 00	Standard General Conditions of the Construction Contract
00 08 00	Supplementary Conditions
00 08 10	Dispute Resolution
00 09 00	Addenda
00 09 40	Work Change Directive
00 09 41	Change Order
00 09 42	Field Order

#### **Minority Business Participation Forms**

	Guidelines for Minority Business Participation Forms
	Identification of Minority Business Participation
	MWBE Outreach Table
Affidavit A	Listing of Good Faith Efforts
Affidavit B	Intent to Perform Contract with Own Workforce
Affidavit C	Portion of the Work to be Performed by Minority Firms
Affidavit D	Good Faith Efforts
	Change or Add a Subcontractor MWBE/DBE/HUB

**SECTION 01 - GENERAL REQUIREMENTS**

01 01 00	Summary of Work
01 02 50	Measurement and Payment
01 04 00	Construction Surveying
01 05 50	Responsibilities of Resident Project Representative
01 20 00	Project Meetings
01 30 00	Submittals
01 51 00	Temporary Utilities
01 55 00	Site Access and Storage
01 57 50	Temporary Environmental Controls
01 70 00	Contract Closeout
01 72 00	Project Record Documents
01 73 00	Operation and Maintenance Data
01 74 00	Warranties and Bonds

**SECTION 02 – SITE WORK SPECIFICATIONS**

02 00 00	Site Clearing
02 00 10	Erosion and Sedimentation Control
02 00 20	Excavation, Backfill, and Compaction
02 00 30	Earthwork
02 00 40	Surface Restoration
02 00 45	Asphalt Concrete
02 00 50	Paving and Surfacing
02 00 60	Miscellaneous Work and Cleanup
02 00 70	Storm Drainage System
02 00 80	Concrete Vaults and Chambers
02 00 90	Seeding & Mulching
02 01 00	Landscaping & Planting

**SECTION 03 – SPECIAL CONSTRUCTION SPECIFICATIONS**

03 00 00	Special Construction
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**SECTION 04 – UTILITY SPECIFICATIONS**

04 00 10	Disinfection of Water Utility Pipe Systems
04 00 20	Hydrostatic Testing
04 00 30	Public Water Utility Distribution Piping
04 00 35	Public Sanitary Sewerage Gravity Piping
04 00 40	Valves and Hydrants
04 00 50	Miscellaneous Valves and Appurtenances

# **Minority Business Participation Forms**

## MINORITY BUSINESS RECRUITMENT- ADDITIONAL GUIDANCE

### General Compliance

1. Acronyms
  - a. MBE= Minority Owned Business Enterprise
  - b. WBE= Women-Owned Business Enterprise
  - c. DBE= Disadvantaged Business Enterprise
  - d. SBE= Small Business Enterprise
  - e. HUB= Historically Underutilized Business (all encompassing)
2. NC MWBE/DBE/HUB goals NC Statute above 10%
3. Forms to use during bidding/contracting (NC Construction Office)
  - a. Identification of Minority Business Participation
  - b. Affidavit A- Listing of Good Faith Efforts **OR** Affidavit B- Intent to Perform Contract with Own Workforce
  - c. Affidavit C- Portion of the Work to be Performed by HUB Certified/Minority Businesses **OR** Affidavit D- Good Faith Efforts (if applicable)
  - d. **All** backup solicitation documentation
  - e. NC Regs: NCAC 30I MWBE Participation Goals; NCGS 143-128.2 (formal bidding); NCGS143-131 (informal bidding)
4. Forms to use during construction.
  - a. NC Construction Office Appendix E (Report with Contractor Applications for Payment each month, even if zero)

### Bidding Process

1. If Prime is doing 100% of the work, then just complete Affidavit B and Good Faith Efforts are N/A at bidding
  2. If subs are to be used, prime can conduct direct soliciting and/or additional outreach
    - a. If Prime knows minimum of 3 MWBEs for each trade intended to be subcontracted, then direct solicitation is sufficient
    - b. If Prime does *not* know minimum of 3 MWBEs for each trade to be subcontracted then Prime **MUST** do additional outreach
  3. **In short, for EACH trade you plan to subcontract, you MUST contact a MINIMUM of 3 MWBE/DBE/HUB firms at least 10 days prior to bid deadline.**
    - a. Write direct contacts down in a Table - how and when you contacted them (e.g., email, phone), and the result (e.g., low bidder, no response). You can contact a 4<sup>th</sup> (or more) possible subs, but a *minimum of 3 MWBEs* need to be contacted.
  4. Searching for potential subcontractors-
    - a. These potential subs should be within the project vicinity (*i.e.*, approx. 75 miles, within the county and/or adjacent counties, within a couple hours driving distance). If nothing appears, expand your radius.
    - b. NC DOT has a website <https://www.ebs.nc.gov/VendorDirectory/search.html?s=fn&a=new>
    - c. NC HUB Office has a website <https://www.ips.state.nc.us/vendor/searchvendor.aspx?t=h>
      - i. Tips: You can filter by multiple county radius. Hit % in "Company Name" for a keyword search
    - d. ***You cannot just rely on one source.*** Also rely on word of mouth, local knowledge, your experience past projects, etc. **If you don't find a minimum of 3 MWBEs to contact, then you need to conduct additional methods for outreach.**
  5. Additional Outreach Methods include, but are not limited to:
    - a. Newspaper ad (keep the affidavit, email confirmation of publication, notice that was published, etc.)
    - b. Website posting, such as NC HUB Office Bid Opps <https://ncadmin.nc.gov/businesses/historically-underutilized-businesses-hub/submit-bid-opportunity-hub> or neighboring state equivalent
    - c. Other contracting/outreach websites (*i.e.*, small business association, local Hispanic/minority contractors' association, local chamber of commerce, MWBE material/supplier association, national institute of economic development, neighboring state equivalent, Construction management database outreach, etc.)
- [http://dsbs.sba.gov/dsbs/search/dsp\\_dsbs.cfm](http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm) (US SBA)
- <https://ncadmin.nc.gov/businesses/hub> (NC HUB Office)
- <http://web.sba.gov/subnet/> (US SBA Subnet advertising website)
- <https://www.mbda.gov/> (US Dept. of Commerce)
- <https://www.raleighnc.gov/business/content/HousingNeighborhoods/Articles/BusinessAssistanceProgram.html> (Raleigh)
- <http://charlottenc.gov/mfs/cbi/Pages/default.aspx#vendor> (Charlotte-Mecklenburg)
- <http://www.cityofws.org/departments/minority-womens-business-m-wbe/m-wbe-businesses> (Winston-Salem)
6. Backup Documentation-
    - a. Keep all affidavits, emails, letters, phone log, website posting screenshots, explanatory memo, etc.
    - b. **Submit this backup documentation with your bid.**
  7. Specialized trades-

- a. If the trade you are looking for is such a specialized and unique niche, *and* you know for a fact there are not 3 MWBEs in the project vicinity (or even the State of North Carolina), then conduct additional outreach and create an explanatory memo to supplement your Table.
8. Complete **Affidavit C OR D** using all your Table info.
  - a. Affidavit C= Subs will be used. 10% goal is met. Affidavit D= Subs will be used. 10% goal is not met.
9. Complete **Affidavit A OR B** using all your Table info.
  - a. Affidavit A= Good Faith Efforts checkboxes. OR Affidavit B= No subcontractors (Prime will do all the work)
10. **ALL** Backup documentation= Table of outreach conducted. A minimum of 3 MWBEs were located for each trade. Additional outreach conducted (if a minimum of 3 MWBEs were not contacted directly). Emails, phone records, newspaper notices, website postings, etc. Submit all tables, forms, and backup documentation with your bid.

### **Contracting Process**

1. The Funding Administrator and Project Engineer will evaluate all bids received to determine the apparent lowest responsive responsible bidder.
2. All paperwork will be submitted to the Owner and Funding Agency for concurrence, compliance review, and approval. Owner or Funding Agency may ask for more information.

### **During Construction**

1. If you need to add or change a subcontracting trade that was not in your original bid documents, *you need complete a new Table and follow all the steps you conducted during the bidding process.*
2. Start again with **Table** as described above. Conduct additional outreach as necessary. Make a note on Table of any follow-up correspondence, notes, dates, and results of that solicitation. Keep all the backup documentation.
3. Complete a memo/letter explaining Change or Add a Subcontractor
4. Submit everything to the Funding Administrator/Project Engineer for review. This information may be sent to the Owner/Funding Agency for approval, and Owner/Funding Agency for approval may ask for more information.

### **Resources for MWBE/DBE/HUB/SBE legislation**

- [UNC SOG](#)
- [NC HUB Office](#)
- [NC Construction Office](#): MWBE guidance, participation forms, & affidavits
- [NCGS 143-48](#): All state agencies and political subdivisions 'shall' encourage use of MWBE firms for purchase of 'goods & services'. Every entity 'shall' report to the NC Dept of Admin (NC HUB Office) % of contracts to MWBE firms.
- [NSGS 143-64.31](#) RFQ for A&E firms by public entities 'shall include' good faith efforts to notify MWBE firms of the RFQ opportunity
- [NCGS 143-128.2](#) MWBE goals
  - Applies to local governments receiving \$100K or more of State appropriations or grants
  - Applies to construction projects \$300K or more
  - Public entities 'shall' make good faith efforts and 'shall' require contractors to make good faith efforts.
  - Contractor 'shall' submit affidavits, documentation of good faith efforts
  - Good faith efforts 'shall' apply to selection of substitute subcontractor
  - 'shall' notify MWBE firms at least 10 days prior to bid opening
- [NCGS 143-131](#) MWBE goals for informal bidding for projects (\$30,000 to \$500,000). Public entity 'shall' document efforts to recruit MWBE firms. Less stringent than NCGS143-128.2, but still applicable
- [01 NCAC 30I](#) MWBE goals
  - Good faith efforts include notifying at least 10 days prior to bid opening
  - Notify at least three (3) MWBE firms with 75-mile radius from the project (general vicinity of the project)
  - Conduct good faith efforts when needing to add/change subcontractor

***Please note if State or Federal funds are involved, additional forms and/or processes may be required. If you have any questions and/or need further detail, please contact the project's Funding Administrator or Monica Chevalier, [mchevalier@withersravenel.com](mailto:mchevalier@withersravenel.com).***

**NORTH CAROLINA ADMINISTRATIVE CODE  
SUBCHAPTER 301 - MINORITY BUSINESS PARTICIPATION GOAL**

**SECTION .0100 - GOOD FAITH EFFORTS**

**01 NCAC 301 .0101 POLICY**

Each public entity which places a public construction project out for bid and which is subject to G.S. 143-128.2 shall require bidders to undertake good faith efforts to recruit minority business participation in the project. Bidders must earn at least 50 points from the good faith efforts listed in Rule .0102, or comply with the requirements of G.S. 143-128.2 (c)(1)(a), in order for their bids to be considered responsive. Notwithstanding this Rule, the public entity may require that additional good faith efforts be taken, as indicated in its bid specifications.

*History Note: Authority G.S. 143-128.2(f), S.L. 2001-496, s. 3.1, 14(b).  
Temporary Adoption Eff. August 1, 2002;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

**01 NCAC 301 .0102 POINT VALUES FOR GOOD FAITH EFFORTS UNDERTAKEN.**

Good faith efforts and their values include:

- (1) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed. Value = 10 points.
- (2) Making the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bid or proposals are due. Value = 10 points.
- (3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation. Value = 15 points.
- (4) Working with minority trade, community, or contractor organizations identified by the Office for Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses. Value = 10 points.
- (5) Attending any prebid meetings scheduled by the public owner. Value = 10 points.
- (6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors. Value = 20 points.
- (7) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing. Value = 15 points.
- (8) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit. Value = 25 points.
- (9) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible. Value = 20 points.
- (10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands. Value = 20 points.

*History Note: Authority: G.S. 143-128.2(f), S.L. 2001-496, s. 3.1, 14(b);  
Temporary Adoption Eff. August 1, 2002;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

**SECTION .0200 – RESERVED FOR FUTURE CODIFICATION**

**SECTION .0300 – RECRUITMENT AND SELECTION OF MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS**

**01 NCAC 301 .0301 SCOPE**

The rules in this Section apply to minority business participation in single-prime bidding, separate-prime bidding, construction manager at risk, and alternative contracting methods, on State and local government construction projects as defined in G.S. 143-128.2(a).

*History Note: Authority G.S. 143-128.3(e); 143-128.2;  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

## **01 NCAC 301 .0302 DEFINITIONS**

As used in this section and G.S. 143-128.2 and G.S. 143-128.3:

- (1) "Bidder" means any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract or subcontract.
- (2) "Contract" means a mutually binding legal relationship or any modification thereof obligating the seller to furnish equipment, materials or services, including construction, and obligating the buyer to pay for them.
- (3) "Contractor" means any person, firm, partnership, corporation, association, or joint venture which has contracted with the State of North Carolina to perform construction work or repair.
- (4) "Designer" means any person, firm, partnership, or corporation, which has contracted with the State of North Carolina to perform architectural or engineering work.
- (5) "HUB Office" means the North Carolina Department of Administration Office for Historically Underutilized Businesses.
- (6) "Owner" means the State of North Carolina, through the Agency/Institution and public entities named in the contract.
- (7) "Public Entity" means the State of North Carolina and all public subdivisions and local governmental units thereof.
- (8) "SCO" means the North Carolina Department of Administration State Construction Office.
- (9) "State Construction Project" means all projects within the jurisdiction of the State Construction Office pursuant to G.S. 143-341(3); including any State Agency project, Community College's project in the amount of three hundred thousand dollars (\$300,000) or more, and University System's project in the excess of two million dollars (\$2,000,000).
- (10) "Subcontractor" means a firm under contract with the prime contractor or construction manager at risk for supplying materials, labor, or materials and labor.

*History Note: Authority G.S. 143-128.3(e);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

## **01 NCAC 301 .0303 ADJUSTMENTS TO GOAL**

The Secretary shall use the preceding year's minority business participation and the availability of businesses in each category as indicated by the firms identified as minority businesses by the Department of Administration in identifying appropriate percentage goals as required by G.S. 143-128.2(a).

*History Note: Authority G.S. 143-128.3(e); 143-128.2(a);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

## **01 NCAC 301 .0304 OFFICE FOR HISTORICALLY UNDERUTILIZED BUSINESSES RESPONSIBILITIES**

(a) Interested businesses may register as a minority business as defined in G.S. 143-128.2(g). The information provided by the minority business shall be used by the HUB Office to:

- (1) Identify those areas of work for which there are minority businesses, and assist those public entities who are in the process of developing a minority business outreach plan for a particular project.
- (2) Make available to interested parties a list of registered minority business contractors and subcontractors.
- (3) Maintain a current list of minority businesses based upon information provided by the minority businesses.

(b) The HUB Office shall also:

- (1) Provide training and technical assistance to minority businesses on how to identify and obtain contracting and subcontracting opportunities through the State Construction Office and other public entities.
- (2) Provide training and technical assistance to public entities on how to identify and obtain minority contractor and subcontractor participation on projects subject to the goal requirements of G.S. 143-128.2.
- (3) Develop positive relationships with North Carolina trade and professional organizations by providing periodic meetings, such as networking and information sessions, obtaining input and feedback regarding minority business issues, legislation and policies, to improve the ability of minority businesses to participate in State construction projects.
- (4) Monitor public entity compliance with the goal requirements of G.S. 143-128.2.
- (5) Review and monitor corrective action plans for those public entities found to be out of compliance with G.S. 143-128.2.

*History Note: Authority G.S. 143-128.3(e); 143-128.2;  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

## **01 NCAC 301 .0305 STATE CONSTRUCTION OFFICE RESPONSIBILITIES**

On State Construction Projects, the State Construction Office shall:



- (1) Attend the scheduled prebid conference, if requested, to clarify requirements of the General Statutes regarding minority-business participation, including the bidders' responsibilities.
- (2) Review the apparent low bidders' statutory compliance with the requirements listed in the proposal, if the bid is to be considered as responsive, prior to award of contracts. The State may reject any or all bids and waive informalities pursuant to G.S. 143-129.
- (3) Review minority business requirements at the Preconstruction conference.
- (4) Monitor contractors' compliance with minority business requirements in the contract documents during construction.
- (5) Resolve protests and disputes arising from implementation of the minority business participation outreach plan, in conjunction with the HUB Office.

*History Note: Authority G.S. 143-128.3(e);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

#### **01 NCAC 301 .0306 OWNER REQUIREMENTS**

(a) Before awarding a contract, an owner shall:

- (1) Develop and implement a minority business participation outreach plan to identify minority businesses that can perform public building projects and implement outreach efforts to encourage minority business participation in these projects. The plan shall include education, recruitment, and interaction between minority businesses and non-minority businesses.
- (2) Attend the scheduled prebid conference and explain the minority goals and objectives of the State and specific to the owner.
- (3) At least 10 business days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the public entity for public construction or repair work and minority businesses that otherwise indicated to the Office for Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. The notification shall include:
  - (A) A description of the work for which the bid is being solicited.
  - (B) The date, time, and location where bids are to be submitted.
  - (C) The name of the individual within the owner's organization who will be available to answer questions about the project.
  - (D) Where bid documents may be reviewed.
  - (E) Any special requirements that may exist.
- (4) Utilize media likely to inform potential minority businesses of the bid being sought.
- (5) Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.
- (6) Review, jointly with the designer, all requirements of G.S. 143-128.2(c) and G.S. 143-128.2(f) prior to recommendation of award.
- (7) Evaluate documentation to determine that a good faith effort has been achieved for minority business utilization prior to recommendation of award.
- (8) Forward documentation showing evidence of implementation of Owner's requirements, Subparagraphs (a)(1) through (a)(7) of this Rule, to the State Construction Office and the HUB Office upon request.

(b) After a contract has been awarded an owner shall:

- (1) Review prime contractors' pay applications for compliance with minority business utilization commitments prior to payment.
- (2) Submit the report to the HUB Office as required by G.S. 143-128.3(a).

(c) All public entities that contract with a construction manager at risk shall report to the Office for Historically Underutilized Businesses the items enumerated in G.S. 143-64.31(b). The report shall include:

- (1) The owner approved minority business outreach plan of the construction manager at risk selected; and
- (2) Documentation regarding the means by which minority businesses were contacted to solicit their participation in bid proposals if the 10% goal is not achieved.

*History Note: Authority G.S. 143-128.2(e); 143-128.3(e); 143-133.1(a);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

#### **01 NCAC 301 .0307 DESIGNER REQUIREMENTS**

Under the single-prime bidding, separate prime bidding, construction manager at risk, or alternative contracting method, the designer shall:

- (1) Attend the scheduled prebid conference to explain minority business requirements to the prospective bidders.
- (2) Assist the owner to identify and notify prospective minority business prime and subcontractors of potential contracting opportunities and provide documentation of this assistance for the owner's records.

- (3) Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals and forward the documentation to the owner in support of meeting the requirements.
- (4) Review jointly with the owner, all requirements of G.S. 143-128.2(c) and G.S.143-128.2(f) prior to recommendation of award.
- (5) During construction phase of the project, review payment applications for compliance with minority business utilization commitments and submit documentation that identifies payments to minority businesses along with monthly pay applications to the owner. Additionally, on State Construction Projects, forward copies to the State Construction Office.
- (6) Forward documentation showing evidence of implementation of Items (1) through (5) of this Rule to the owner, State Construction Office and HUB Office upon request.

*History Note: Authority G.S. 143-128.3(e); 143-128.2;  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **01 NCAC 301 .0308 CONTRACTOR REQUIREMENTS**

This Rule applies to all contractors utilizing single-prime bidding, separate-prime bidding, construction manager at risk and alternative contracting methods. These requirements apply to all contractors performing as contractors and first-tier subcontractors under construction manager at risk on state projects. The contractors shall:

- (1) Attend the scheduled prebid conference.
- (2) Identify or determine those work areas of a subcontract where minority businesses may have an interest in performing subcontract work.
- (3) At least 10 business days prior to the scheduled day of bid opening, notify minority businesses of potential subcontracting opportunities listed in the proposal. The notification shall include:
  - (a) A description of the work for which the bid is being solicited.
  - (b) The date, time and location where bids are to be submitted.
  - (c) The name of the individual within the company who shall be available to answer questions about the project.
  - (d) Where bid documents may be reviewed.
  - (e) Any special requirements that may exist, such as insurance, licenses, bonds and financial arrangements.

If there are more than three minority businesses within a 75 mile radius of the project who offer similar contracting or subcontracting services in the specific trade, the contractor(s) shall notify no less than three minority businesses within a 75 mile radius of the project.

- (4) During the bidding process, comply with the contractor(s) requirements listed in the owner's minority business participation outreach plan.
- (5) Identify on the bid, the minority businesses that will be utilized on the project with the corresponding total dollar value of the bid and an affidavit listing good faith efforts as required by G.S. 143-128.2(c) and G.S. 143-128.2(f).
- (6) Forward documentation showing evidence of implementation of Prime Contractor, Construction Manager-at-Risk and First-Tier Subcontractor requirements to the State Construction Office and HUB Office upon request.
- (7) Upon being named the apparent low bidder, the Bidder shall provide one of the following to the Public Owner:
  - (a) an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal; or
  - (b) if the percentage is not equal to the applicable goal, then an affidavit of all good faith efforts taken to meet the goal.

Failure to comply with the requirements of this Item shall be grounds for rejection of the bid and award to the next lowest responsible responsive bidder.

- (8) During the construction of a project, at any time, if it becomes necessary to replace a minority business subcontractor, immediately advise the owner in writing of the circumstances involved. Additionally, on State Construction Projects, notify the State Construction Office, and the Director of the HUB Office in writing, of the circumstances involved. The prime contractor shall make good faith efforts to replace a minority business subcontractor with another minority business subcontractor.
- (9) If during the construction of a project additional subcontracting opportunities become available, make good faith efforts to solicit bids from minority businesses.

*History Note: Authority G.S. 143-128.3(e); 143-128.2(c);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

### **01 NCAC 301 .0309 MINORITY BUSINESS RESPONSIBILITIES**

- (a) Minority businesses seeking to be counted toward the minority business participation goals of G.S. 143-128.2 shall be certified or designated as minority business by the Department of Administration HUB Office or another certifying agency of the State of North Carolina, a local unit of government, or The Carolinas Minority Suppliers Development Council.
- (b) Minority and HUB contractors shall make a good faith effort to participate in construction projects as demonstrated by:

- (1) Attending the scheduled prebid conference.
- (2) Responding promptly whether or not they wish to submit a bid when contacted by owners or bidders.
- (3) Attending training and contractor outreach sessions given by owners, contractors and state agencies, when feasible.
- (4) Participating in Mentor/Protégé programs, training, or other business development programs offered by owners, contractors or state agencies.
- (5) Negotiating in good faith with owners or contractors.

*History Note: Authority G.S. 143-128.3(e);  
Eff. March 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

**01 NCAC 301.0310 DISPUTE PROCEDURES**

Any business disputes arising under these Rules shall be resolved as set forth in G.S. 143-128(f1).

*History Note: Authority G.S. 143-128.3(e); 143-128(f1);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*

**§ 143-128.2. Minority business participation goals.**

(a) The State shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each State building project, including building projects done by a private entity on a facility to be leased or purchased by the State. A local government unit or other public or private entity that receives State appropriations for a building project or other State grant funds for a building project, including a building project done by a private entity on a facility to be leased or purchased by the local government unit, where the project cost is one hundred thousand dollars (\$100,000) or more, shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of the work; provided, however, a local government unit may apply a different verifiable goal that was adopted prior to December 1, 2001, if the local government unit had and continues to have a sufficiently strong basis in evidence to justify the use of that goal. On State building projects and building projects subject to the State goal requirement, the Secretary shall identify the appropriate percentage goal, based on adequate data, for each category of minority business as defined in G.S. 143-128.2(g)(1) based on the specific contract type.

Except as otherwise provided for in this subsection, each city, county, or other local public entity shall adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for building projects.

Each entity required to have verifiable percentage goals under this subsection shall make a good faith effort to recruit minority participation in accordance with this section or G.S. 143-131(b), as applicable.

(b) A public entity shall establish prior to solicitation of bids the good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects. Public entities shall make good faith efforts as set forth in subsection (e) of this section. Public entities shall require contractors to make good faith efforts pursuant to subsection (f) of this section. Each first-tier subcontractor on a construction management at risk project shall comply with the requirements applicable to contractors under this subsection.

(c) Each bidder, which shall mean first-tier subcontractor for construction manager at risk projects for purposes of this subsection, on a project bid under any of the methods authorized under G.S. 143-128(a1) shall identify on its bid the minority businesses that it will use on the project and an affidavit listing the good faith efforts it has made pursuant to subsection (f) of this section and the total dollar value of the bid that will be performed by the minority businesses. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection. The apparent lowest responsible, responsive bidder shall also file the following:

- (1) Within the time specified in the bid documents, either:
  - a. An affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal. An affidavit under this sub-subdivision shall give rise to a presumption that the bidder has made the required good faith or effort; or
  - b. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

- (2) Within 30 days after award of the contract, a list of all identified subcontractors that the contractor will use on the project.

Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.

(d) No subcontractor who is identified and listed pursuant to subsection (c) of this section may be replaced with a different subcontractor except:

- (1) If the subcontractor's bid is later determined by the contractor or construction manager at risk to be nonresponsible or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or
- (2) With the approval of the public entity for good cause.

Good faith efforts as set forth in G.S. 143-131(b) shall apply to the selection of a substitute subcontractor. Prior to substituting a subcontractor, the contractor shall identify the substitute subcontractor and inform the public entity of its good faith efforts pursuant to G.S. 143-131(b).

(e) Before awarding a contract, a public entity shall do the following:

- (1) Develop and implement a minority business participation outreach plan to identify minority businesses that can perform public building projects and to implement outreach efforts to encourage minority business participation in these projects to include education, recruitment, and interaction between minority businesses and nonminority businesses.
- (2) Attend the scheduled prebid conference.
- (3) At least 10 days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the public entity for public construction or repair work and minority businesses that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. The notification shall include the following:
  - a. A description of the work for which the bid is being solicited.
  - b. The date, time, and location where bids are to be submitted.
  - c. The name of the individual within the public entity who will be available to answer questions about the project.
  - d. Where bid documents may be reviewed.
  - e. Any special requirements that may exist.
- (4) Utilize other media, as appropriate, likely to inform potential minority businesses of the bid being sought.

(f) A public entity shall require bidders to undertake the following good faith efforts to the extent required by the Secretary on projects subject to this section. The Secretary shall adopt rules establishing points to be awarded for taking each effort and the minimum number of points required, depending on project size, cost, type, and other factors considered relevant by the Secretary. In establishing the point system, the Secretary may not require a contractor to earn more than fifty (50) points, and the Secretary must assign each of the efforts listed in subdivisions (1) through (10) of this subsection at least 10 points. The public entity may require that additional good faith efforts be taken, as indicated in its bid specifications. Good faith efforts include:

- (1) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed.

- (2) Making the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bid or proposals are due.
  - (3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation.
  - (4) Working with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
  - (5) Attending any prebid meetings scheduled by the public owner.
  - (6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.
  - (7) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
  - (8) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
  - (9) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
  - (10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.
- (g) As used in this section:
- (1) The term "minority business" means a business:
    - a. In which at least fifty-one percent (51%) is owned by one or more minority persons or socially and economically disadvantaged individuals, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and
    - b. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.
  - (2) The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:
    - a. Black, that is, a person having origins in any of the black racial groups in Africa;
    - b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
    - c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, or the Pacific Islands;
    - d. American Indian, that is, a person having origins in any of the original Indian peoples of North America; or

e. Female.

(3) The term "socially and economically disadvantaged individual" means the same as defined in 15 U.S.C. 637.

(h) The State, counties, municipalities, and all other public bodies shall award public building contracts, including those awarded under G.S. 143-128.1, 143-129, and 143-131, without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3. Nothing in this section shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

(i) Notwithstanding G.S. 132-3 and G.S. 121-5, all public records created pursuant to this section shall be maintained by the public entity for a period of not less than three years from the date of the completion of the building project.

(j) Except as provided in subsections (a), (g), (h) and (i) of this section, this section shall only apply to building projects costing three hundred thousand dollars (\$300,000) or more. This section shall not apply to the purchase and erection of prefabricated or relocatable buildings or portions thereof, except that portion of the work which must be performed at the construction site. (2001-496, s. 3.1.)

## Identification of HUB Certified/ Minority Business Participation

I, \_\_\_\_\_,  
 (Name of Bidder)

do hereby certify that on this project, we will use the following HUB Certified/ minority business as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #	Work Type	*Minority Category	**HUB Certified (Y/N)

\*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) American Indian (**I**), Female (**F**) Socially and Economically Disadvantaged (**D**)

\*\* HUB Certification with the state HUB Office required to be counted toward state participation goals.

The total value of minority business contracting will be (\$)\_\_\_\_\_.



# State of North Carolina AFFIDAVIT A – Listing of Good Faith Efforts

County of \_\_\_\_\_

(Name of Bidder)

Affidavit of \_\_\_\_\_

I have made a good faith effort to comply under the following areas checked:

**Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive.** (1 NC Administrative Code 30 I.0101)

- 1 – (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- 2 --(10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- 3 – (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- 4 – (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- 5 – (10 pts)** Attended prebid meetings scheduled by the public owner.
- 6 – (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- 7 – (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- 8 – (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- 9 – (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- 10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

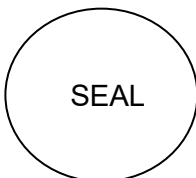
The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

# State of North Carolina --AFFIDAVIT B-- Intent to Perform Contract with Own Workforce.

County of \_\_\_\_\_

Affidavit of \_\_\_\_\_  
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the \_\_\_\_\_ contract.  
(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

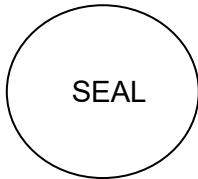
The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement. The Bidder agrees to make a Good Faith Effort to utilize minority suppliers where possible.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

# State of North Carolina - AFFIDAVIT C - Portion of the Work to be Performed by HUB Certified/Minority Businesses

County of \_\_\_\_\_

**(Note this form is to be submitted only by all bidders.)**

If the portion of the work to be executed by HUB certified/minority businesses as defined in GS143-128.2(g) and 128.4(a),(b),(e) is equal to or greater than 10% of the bidders total contract price, then the bidder must complete this affidavit.

This affidavit shall be provided by all bidders.

Affidavit of \_\_\_\_\_ I do hereby certify that on the \_\_\_\_\_  
 (Name of Bidder)

Project ID# \_\_\_\_\_ (Project Name) Amount of Bid \$ \_\_\_\_\_

I will expend a minimum of \_\_\_\_\_% of the total dollar amount of the contract with minority business enterprises. Minority businesses will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below.

Attach additional sheets if required

Name and Phone Number	*Minority Category	**HUB Certified Y/N	Work Description	Dollar Value

\*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) American Indian (**I**), Female (**F**) Socially and Economically Disadvantaged (**D**)

**\*\* HUB Certification with the state HUB Office required to be counted toward state participation goals.**

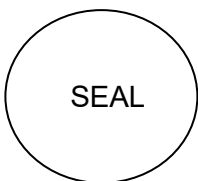
Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

# State of North Carolina      AFFIDAVIT D – Good Faith Efforts

County of \_\_\_\_\_

**(Note this form is to be submitted only by all bidders.)**

If the goal of 10% participation by HUB Certified/ minority business **is not** achieved, the Bidder shall provide the following documentation to the Owner of his good faith efforts:

Affidavit of \_\_\_\_\_ I do hereby certify that on the  
(Name of Bidder)

\_\_\_\_\_ I do hereby certify that on the  
(Project Name)

Project ID# \_\_\_\_\_ Amount of Bid \$ \_\_\_\_\_

I will expend a minimum of \_\_\_\_\_% of the total dollar amount of the contract with HUB certified/ minority business enterprises. Minority businesses will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below.    (Attach additional sheets if required)

Name and Phone Number	*Minority Category	**HUB Certified Y/N	Work Description	Dollar Value

\*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) American Indian (**I**), Female (**F**) Socially and Economically Disadvantaged (**D**)

**\*\* HUB Certification with the state HUB Office required to be counted toward state participation goals.**

**Examples** of documentation that may be required to demonstrate the Bidder's good faith efforts to meet the goals set forth in these provisions include, but are not necessarily limited to, the following:

- A. Copies of solicitations for quotes to at least three (3) minority business firms from the source list provided by the State for each subcontract to be let under this contract (if 3 or more firms are shown on the source list). Each solicitation shall contain a specific description of the work to be subcontracted, location where bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.
- B. Copies of quotes or responses received from each firm responding to the solicitation.
- C. A telephone log of follow-up calls to each firm sent a solicitation.
- D. For subcontracts where a minority business firm is not considered the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
- E. Documentation of any contacts or correspondence to minority business, community, or contractor organizations in an attempt to meet the goal.
- F. Copy of pre-bid roster
- G. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for minority business.
- H. Letter detailing reasons for rejection of minority business due to lack of qualification.
- I. Letter documenting proposed assistance offered to minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letter of credit, including waiving credit that is ordinarily required.

Failure to provide the documentation as listed in these provisions may result in rejection of the bid and award to the next lowest responsible and responsive bidder.

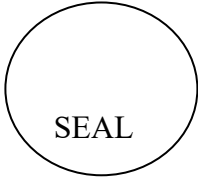
Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_



## Change or Add a Subcontractor MWBE/DBE/HUB

If a MWBE/DBE subcontractor fails to complete work under the subcontract for any reason, the prime contractor is required to conduct additional good faith efforts to solicit a replacement subcontractor. Please note that if State or Federal dollars are involved with a project, additional forms/processes may be required.

Please provide the information below if the subcontracted work in question was included in previously submitted good faith efforts documentation:

Prime Contractor:			
Subcontracted work:			
Previous Subcontractor:			
Reason this firm did not complete the work:			
New subcontractor and MWBE/DBE status:	<input type="checkbox"/> MBE	<input type="checkbox"/> WBE	<input type="checkbox"/> N/A

If this is a new trade being subcontracted or was not documented in the original Project Bid Information submittal, then good faith efforts to solicit a MWBE/DBE firm must be documented. As per the original instructions, please provide a Table showing all the MWBE/DBE firms contacted to perform this work. If three (3) firms are not listed on Table, then additionally you must submit proof of an advertisement in a minority trade paper and evidence that there were not three reasonably available firms in the work area. Good faith efforts are to be carried out to the fullest extent practicable. If solicitations were not carried out due to being impracticable, please attach this explanation to this form.

**Please follow the steps below for new subcontracted work:**

Indicate the new trade being subcontracted:			
Indicate the firm being used and MWBE/DBE status:	<input type="checkbox"/> MBE	<input type="checkbox"/> WBE	<input type="checkbox"/> N/A
<i>Attach completed Table and supporting documentation</i>			

Is this sub debarred? (submit documentation)	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

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Project Owner: \_\_\_\_\_ Project Name & Number: \_\_\_\_\_ Date: \_\_\_\_\_

Prime Contractor's Representative Name & Title: \_\_\_\_\_

Signature of Prime Contractor's Representative: \_\_\_\_\_