

State of North Carolina



Compliance Review Report Wake County Public School System March 2010

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INTRODUCTION

Background

The Office for Historically Underutilized Businesses was created April 20, 1999, by Executive Order 150. The office was established to work towards increasing the amount of goods and services acquired by state agencies and public entities from businesses owned and controlled by Historically Underutilized Businesses (HUB) firms; to eliminate barriers that reduce the participation of HUB firms in the marketplace and in state government procurement and contracting; encourage purchasing officers and capital project coordinators within the state agencies, departments, universities and community colleges to identify and utilize HUB vendors, contractors and service providers; to educate HUB firms on “How To Do Business” with the State of North Carolina; and to provide resources for HUB firms.

On December 6, 2001, the General Assembly enacted Senate Bill 914 which made major changes to laws governing public construction in the State of North Carolina. The bill signed by Governor Michael F. Easley on December 19, 2001, became effective January 1, 2002. In general, Senate Bill 914 afforded flexibility in the public construction bidding process, and provides for significant new requirements for promoting the use of minority contractors, as well as documenting and reporting good faith efforts to that end.

Specifically, Senate Bill 914, Section 3.6 (N.C.G.S. §143-128.3 Minority Business Participation Administration-Appendix II) requires Public Entities to report minority business participation data on construction projects to the Department of Administration. Public Entities use the HUBSCO Construction Reporting System to report construction related information and minority business participation. Information from this system is used by both the State Construction Office and the HUB Office. The HUB Office uses information generated from the HUBSCO system to compile quarterly and annual reports requested or required by the Governor’s Office and/or General Assembly. Additionally, data from the HUBSCO system is used by the HUB Office when conducting compliance reviews.

Objectives, Scope and Methodology

The objectives of the compliance review were to:

- 1) Determine whether the WCPSS complied with the minority business enterprise requirements for formally and informally bid building contracts for selected projects.
- 2) Evaluate and determine whether the records provided for this compliance review support the efforts made by WCPSS to recruit minority business contract participation.
- 3) Determine what measures WCPSS takes to ensure that general contractors, prime contractors and Construction Management firms are utilizing and implementing Good Faith Efforts.
- 4) Assist the Wake County Public School System's HUBSCO System Administrator and HUBSCO system users with accurately entering data in the HUBSCO Construction Reporting System.
- 5) Make recommendations, where deemed necessary or appropriate to WCPSS on ways to increase its outreach and utilization of HUB firms and ensure that its bidders are also making a Good Faith Effort to do the same.

The scope of the compliance review included:

- 1) WCPSS state funded/appropriated formal and informal construction projects from January 2002 to March 2010.
- 2) Reviewing construction project files provided by the WCPSS' HUB Coordinator and Director of Facilitates, as well as construction data entered in the HUBSCO system.

The methodology used was Stratified Random Sampling, which is a sampling technique that uses proportional allocations to ensure that an accurate representative sample is used. The sampling error is smaller when using Stratified Random Sampling than when using Simple Random Sampling or Systematic Sampling. As a result of the Stratified Random Sampling method for this compliance review:

- Thirty (30) sample projects were selected for the compliance review of which 11 were formal projects and 19 were informal projects.
- Each sample was representative of various construction methods such as Single Prime, Separate prime, Dual Bidding, Construction Manager-at-Risk (CM-at-Risk)
- The sample projects included project types such as new construction, additions, and renovations.

SUMMARY

Governing Statutes:

Formal and Informal Bidding Procedures - N.C.G.S. §143-129 and §143-131 (Appendices IV & V).

Minority Business Enterprise Participation and Administration - N.C.G.S. §143-128.2 and §143-128.3 (Appendices I & II).

Definitions:

Historically Underutilized Business: - As defined by N.C.G.S. §143-128.4 (Appendix III), a minority business is one where an ownership of at least fifty-one percent (51%) of the business is owned by one or more persons who are members of at least one of the groups set forth in subsection (b) of this section, or in the case of a corporation, at least fifty-one percent (51%) of the stock is owned by one or more persons who are members of at least one of the groups set forth in subsection (b) given below. And whose management and daily business operations are controlled by one or more owners of the business who are members of at least one of the groups set forth in subsection (b) of this section. As used in this Chapter, the term "minority business" means a historically underutilized business.

To qualify as a historically underutilized business under this section, a business must be owned and controlled as set forth in subsection (a) of this section by one or more citizens or lawful permanent residents of the United States who are members of one or more of the following groups:

- (1) Black – A person having origins in any of the black racial groups of Africa.*
- (2) Hispanic – A person of Spanish or Portuguese culture having origins in Mexico, South or Central America, or the Caribbean islands, regardless of race.*
- (3) Asian American – A person having origins in any of the original peoples of the Far East, Southeast Asia, Asia, Indian continent, or Pacific islands.*
- (4) American Indian – A person having origins in any of the original Indian peoples of North America.*
- (5) Female.*
- (6) Disabled – A person with a disability as defined in G.S. 168-1 or G.S. 168A-3.*
- (7) Disadvantaged – A person who is socially and economically disadvantaged as defined in 15 U.S.C. § 637.*

Purpose

Pursuant to the governing statutes and to the definitions stated above, a compliance review was conducted at Wake County Public School System (WCPSS) on March 18, 2010, for evaluation of adherence. In addition to documenting the compliance criteria met by WCPSS, this report also seeks to identify areas of non-compliance so that appropriate corrective action(s) can be taken.

Tools and Techniques

HUBSCO Construction Reporting System:

HUBSCO is a web-based application developed by the Office for Historically Underutilized Businesses (HUB) and the State Construction Office (SCO) that assists Public Entities with reporting construction contract information and minority business participation for formal and informal projects.

Stratified Random Sampling:

The Stratified Random Sampling Method was one of the sampling techniques adopted for the selection of sample projects in order to compensate for the major shortcoming of simple random sampling (i.e. the disproportionate selection of similar units). As a result of this sampling method, thirty (30) sample projects were selected for the compliance review. Stratified Random Sampling is helpful in arranging the population (construction projects) into relatively similar strata, categories or layers such as Public School System, Community Colleges, State Universities, State Agencies, and all other agencies (Airport Authorities, Counties, Municipalities, Hospital Associations, Public Housing Authorities, Non-State Agencies, Water and Sewer Authorities and Public Schools).

After the population is divided into non-overlapping groups as described above, each group is segregated into non-overlapping sub groups of formal and informal projects. Each sub group of formal and informal projects is sorted by overall project value (cost) in descending order.

Independent random samples are selected proportionately from each stratum. A proportional sample requires that the sample then be allocated in proportion to the size of each stratum. Thus, larger strata would require larger samples, and smaller strata would require

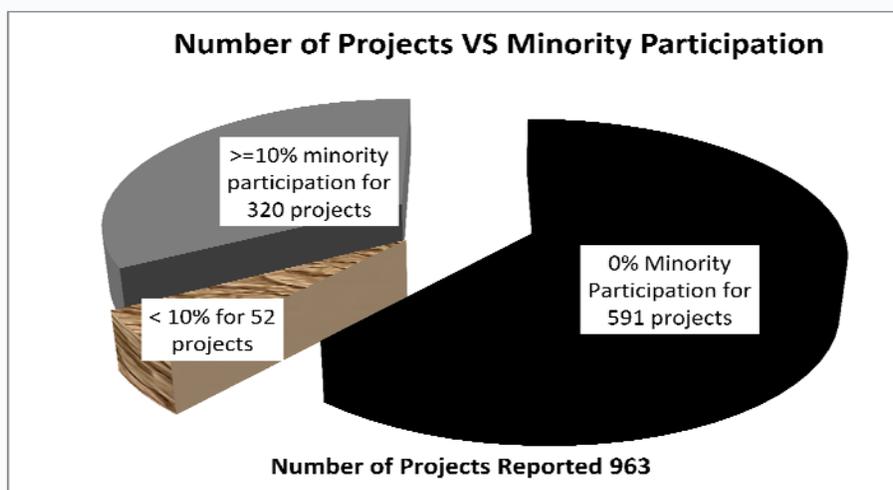
smaller samples. For example, if 85 % of the construction projects are informal projects reported by the WCPSS, about 85 % of the sample would have to be drawn from that stratum.

Thus, stratified random sampling with proportional allocation is used to ensure an accurate representative sample. Each sample is representative of various construction methods such as single prime, separate prime, dual bidding, Construction Manager-at-Risk (CM-at-Risk); and project types such as new construction and repair/renovation. The sampling error is smaller when using stratified random sampling than when using simple random sampling or systematic sampling.

Results

WCPSS provided all documentation necessary for the Compliance Review as per N.C.G.S. §143-128.2 (Appendix I) for Minority Business Participation goals and N.C.G.S. §143-128.3 (Appendix II) for Minority Business Participation Administration. WCPSS submitted nine hundred and sixty-three (963) formal and informal construction bidding projects to the Department of Administration using the HUBSCO Reporting System from January 2002 to March 2010.

As shown in the chart below, from a total of nine hundred and sixty-three (963) projects, five hundred and ninety-one (591) projects or 61 % were reported to have minority business participation of 0 %. From the remaining three hundred and seventy-two (372) submitted projects, three hundred and twenty (320) projects or 33 % were reported with 10 % or higher minority participation goal and fifty-two (52) projects or 6 % did not meet the verifiable goal of 10 %.



The total project dollar amount for these nine hundred and sixty-three (963) projects was \$784,222,971 with minority business participation reported at \$154,971,776 or 20 %.

Formal Projects:

During the period of January 2002 and March 2010, WCPSS reported one hundred and twenty-four (124) completed formal projects in the HUBSCO system.

Of the one hundred and twenty-four (124) formal projects, sixty-five (65) or 52 % met the minority business participation goal of 10 % or higher.

The remaining fifty-nine (59) projects or 48 % reported minority business participation of less than 10 %.

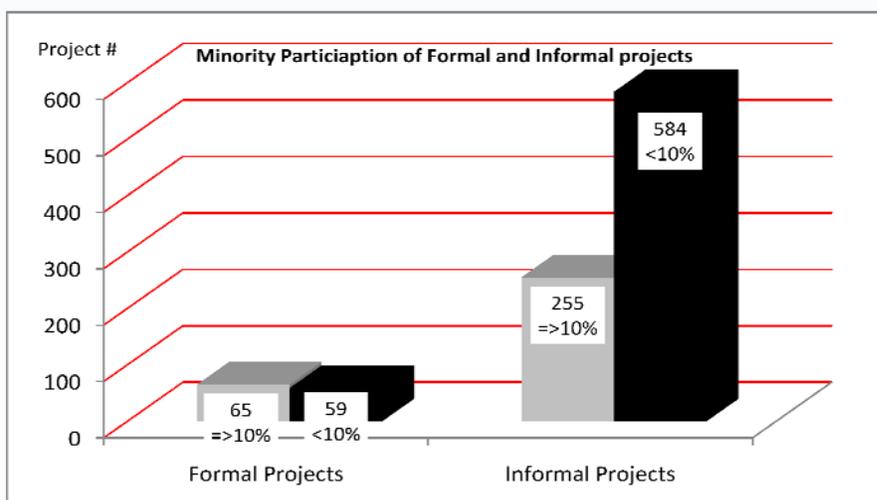
The total project dollar amount reported for these one hundred and twenty-four (124) formal projects was \$723,827,383 with minority business participation reported at \$139,061,578 or 19 %.

Informal Projects:

During the same period of time, WCPSS reported eight hundred and thirty-nine (839) completed informal projects in the HUBSCO system. Two hundred and fifty-five (255) or 30 % of the informal projects met the minority business participation goal of 10 % or higher.

The remaining five hundred and eighty-four (584) projects or 70 % reported minority business participation of less than 10 %.

The total project amount of the 839 informal projects was \$60,395,387 with minority business participation reported at \$15,910,197 or 26 %.



Sample Projects:

The following sampling method was used to select thirty (30) sample projects for the Compliance Review. Of the thirty (30) sample projects that were selected eleven (11) were Formal projects and nineteen (19) Informal projects.

Formal Projects:

Of the eleven (11) formal projects, seven (7) were single prime, two (2) were Construction Manager-at-Risk (CM-at-R) projects and the remaining two (2) were Separate Prime projects. [See Table 1]

Four (4) of the eleven projects were new construction and the remaining seven (7) were repair and renovation projects.

Five (5) of the eleven projects were greater than \$10 million, two (2) projects between \$2 million and \$10 million dollars, one (1) project between \$1 million and \$2 million, and the remaining three (3) projects were less than \$1 million.

Of the seven (7) formal projects, which were bid and awarded as Single Prime contracts, the minority business participation was equal to or greater than 10 %. For the remaining four (4) formal projects minority business participation was less than 10 %.

The total project amount for these formal projects was \$138,165,038 of which \$32,630,530 or 23.8 % was reported for minority business participation.

Of the eleven (11) projects:

- One (1) project was completed in FY 2003-04
- One (1) project was completed in FY 2006-07
- Two (2) projects were completed in FY 2007-08
- Six (6) projects were completed in FY 2008-09
- One (1) project was completed in FY 2009-10

Table 1

Formal Projects Randomly Sampled for Compliance Review

No.	Project #	Project Name	Construction Method
1	111106	Fuquay-Varina High School : Parking Lot Phase 2	Single Prime
2	67580	East Garner Elementary School: New School York Elementary School : HVAC, DDC, Fire Alarm	CM-at-Risk
3	98574	Renovation	Single Prime
4	67709	Holly Grove Elementary School -New Construction	CM-at-Risk
5	87195	Dubois Modular Center Conversion-Renovation	Single Prime
6	45604	Holly Springs High School: New Construction	Separate Prime
7	57979	Daniels Middle School- Phase 3 - Renovation	Separate Prime
8	54694	North Garner Middle School: Renovation & Site	Single Prime
9	46981	Panther Creek High School : New School	Single Prime
10	52955	Douglas Elementary School : Addition and Renovation	Single Prime
11	36394	Sanderson High School Band Room: Renovation	Single Prime

Informal Projects:

All nineteen (19) informal projects were used through the Single Prime method. Eighteen (18) of these projects were repair/renovation types, and one (1) project was new construction. [See Table 2]

The individual project amount of all the informal projects ranged from \$35,000 to \$250,000. The total amount of all 19 of these informal projects was \$1,891,606; of which \$653,619 or 39 % was reported for minority business participation.

Seven (7) of the nineteen informal projects or 37% were awarded to minority single prime contractors; hence the minority business participation for those projects was 100 %.

Ten (10) or 53 % of the informal projects were reported with zero % minority participation and the remaining two (2) or 11% of the projects were reported with minority business participation of 24.2 % and 1.5 % respectively.

Of the nineteen (19) projects:

- One (1) project was completed in FY 2001-02
- One (1) project was completed in FY 2002-03
- One (1) project was completed in FY 2004-05
- One (1) project was completed in FY 2005-06
- One (1) project was completed in FY 2006-07
- Four (4) projects were completed in FY 2007-08
- Ten (10) projects were completed in FY 2008-09.

Table 2

Informal Projects Randomly Sampled for Compliance Review

No.	Project #	Project Name	Construction Method
1	96911	Hunter Elementary School: Carpet Installation-Renovation	Single Prime
2	86774	West Cary Middle School: Settlement Repairs	Single Prime
3	96292	North Garner Middle School: Masonry Restoration	Single Prime
4	100047	Creech Road Elementary School: Paving - renovation	Single Prime
5	100045	West Lake Elementary & Middle Schools: Paving Repairs	Single Prime
6	99194	Wake Forest-Rolesville High School: Sewer Revision	Single Prime
7	92832	Rock Quarry Road : Temp Storage of Owned Mobiles	Single Prime
8	103906	Sanderson High School: Chiller Replacement	Single Prime
9	98698	Leesville Middle School: Painting -Renovation	Single Prime
10	96907	Athens Drive High School : Painting - Renovation	Single Prime
11	57751	Longview (6th -12th Grade School) : Mobile Site set- up	Single Prime
12	74466	Carnage Middle School: New Accessibility Path & Steps	Single Prime
13	94211	Baucom Elementary School: Partial Roof Replacement	Single Prime
14	94633	Knightdale Elementary School: Painting	Single Prime
15	77295	Broughton High School: Chiller Replacement	Single Prime
16	62583	JOC: AHERA (Demolition & Asbestos Removal - Various Locations	Single Prime
17	48924	HVAC Installation & Repair - School?	Single Prime
18	22439	Wake Forest-Rolesville High School: Repair Concrete	Single Prime
19	26942	VCT Installation I Classrooms and Gym Floor - School	Single Prime

FINDINGS

The HUB Office performed a compliance review of Wake County Public School System to determine whether it complied with the minority business enterprise requirements for formally and informally bid building contracts. Based on sample projects selected for the review, WCPSS complied with the minority business provisions and reporting requirements with the exception of four instances as cited in this section.

Overall, WCPSS demonstrated evidence of compliance as follows:

- WCPSS developed and implemented a minority business participation outreach plan.
- WCPSS representatives attended the scheduled pre-bid conferences.
- Minority businesses were notified with required information 10 days prior to the bid opening by WCPSS.
- WCPSS utilized newspaper media to inform potential minority businesses.
- WCPSS reviewed, jointly with the designer, requirements of N.C.G.S. 143-128.2(c) and N.C.G.S. 143-128.2 (f) prior to the recommendation of award of contract (except in one instance of the reviewed sample projects or didn't provide documents). [See Appendix VII]
- WCPSS evaluated documentation to determine that Good Faith Efforts were achieved for minority business utilization prior to recommendation of award of contract.
- WCPSS reviewed prime contractor's pay applications for compliance with minority business utilization commitments prior to payment.
- Made documentation available to the HUB Office's Compliance Specialist showing evidence of implementation of WCPSS's responsibilities.
- Designers and Prime Contractors attended the scheduled pre-bid conference.
- During bidding process, Prime Contractors complied with the contractor(s) requirement listed in the proposal for minority participation.
- Prime Contractors identified on the bid documents, minority businesses that were to be utilized on the project with corresponding total dollar value of the bid and affidavit listing Good Faith Efforts as required by N.C.G.S. 143-128.2(c) and 143-128.2(f). [See Appendix VII.
- Prime Contractors submitted with each monthly payment request and final payment, "MBE Documentation for Contract Payment" for designers review.

This section identifies the four instances of findings considered non-compliant:

Finding #1: The State Construction Office guidelines provide a form, referred to as Appendix E - MWBE Documentation for Contract payments (found in this document as Appendix VI) that contractors are to submit with their monthly payment applicants indicating their payments to MWBE/HUB firms on a particular project. Based on our review of projects from January 2002 to March 2010, we found that WCPSS did not require that contractors start submitting Appendix E with their payment applications for their projects until 2008. Submission of Appendix E by the contractors allows the Owner/Public Entity to track actual MWBE/HUB participation payments throughout the project. Although WCPSS did not require submission of this monthly form, they had developed two forms which were used to report all contract and minority business participation *at the end of each* project rather than during the project. They used Form 1 (Appendix XV in this document) for formal projects and Form II (Appendix XIV) for informal projects.

At bid time, contractors are to submit an Identification of Minority Business Participation Form identifying the total value of minority business contracting. This form provides information to the Owner/Public Entity on which M/WBE/HUB firms were identified during bid time to be used on the project. The significance of Appendix E, which WCPSS now uses, (Appendix VI in this document) allows the Owner/Public Entity in most cases HUB/MWBE Coordinator or Project Manager to determine that the MWBE/HUB firms listed at bid time are on the project and being paid the contractual amount that was anticipated at the start of the project. The submission of Appendix E with the payment application serves as a check and balance throughout the course of project.

If a contractor is requesting payment for scopes of work in which an MWBE/HUB firm was providing subcontracting work, if that M/WBE/HUB firm's name and payment amount is not listed on the Appendix E form that is submitted with the contractor's payment application request, this oversight should raise a red flag with the Owner/Public Entity as to why payments to the M/WBE firm(s) is not listed. Additionally, Appendix E allows the Public Entity to cross reference the actual M/WBE payment amount against the "commitment goal or dollar amount" that was provided at bid time.

Note: There have been instances (in general, not necessarily specific to WCPSS) where M/WBE firms were listed at bid time to be used on projects and as the project proceeded it was through the review of the Appendix E forms submitted with contractor's payment applications that the Public Entity realized that M/WBE firms that were intended to be used on the project were not being used, or the scope of work to be performed had not been performed or the amount to be paid to the M/WBE firm had not been paid or was less than what was to be paid. Conversely, submission of the Appendix E form also allows for the Public Entity to account for, track and include additional M/WBE participation that the contractor may have picked up or added to the project as the project has progressed.

Finding #2: Of the sample informal and formal projects reviewed, Good Faith Effort documents or evidences were not provided for the following:

- Nine (9) substitutions or replacements of subcontractors on Douglas Elementary School Addition and Renovation Project # 52955
- One (1) substitution or replacement for the 1st tier contractor of Holly Grove Elementary School Project # 67709
- One (1) subcontractor of East Garner Elementary School New Construction Project #67580 – CM-at-Risk project

Per Wake County Public School System's policy, Section III (E) of Regulations and Procedures for Implementing Minority Business Enterprise Participation and N.C.G.S. §143-128.2, subsection (d), during the construction of a project, if it is necessary to replace an MBE subcontractor, the prime contractor shall advise the owner. No MBE subcontractor may be replaced with a different subcontractor except;

- *If the contractor's bid is later determined by the contractor or CM-at-Risk to be non-responsible or nonresponsive, or the listed subcontractor to enter into a contract for the complete performance of the bid work. or with the approval of the board for good cause*
- *Good Faith Efforts as set forth in N.C.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 (board or its designee) of its good faith efforts pursuant to N.C. G. S. § 143-131 (b).*

Finding #3: Engineering Specialties whose contract amount was \$321, 297 was listed as a first tier contractor on the Holly Grove Elementary School Construction Management-at-Risk project. WCPCC accepted the Engineering Specialties’ Affidavit A - Good Faith Efforts form (Appendix VII in this document) wherein only 35 points where meet for the Good Faith Efforts. In accordance with N.C.G.S. § 143-128.2 (f) a company must achieve a minimum of 50 points to meet the Good Faith Effort requirements. Based on the document submitted by Engineer Specialties, they did not meet the Good Faith Effort requirements to recruit minority businesses for this project.

Finding #4: Of the eleven (11) formal and nineteen (19) informal sample projects reviewed for this compliance review, WCPSS had three (3) formal projects or 27% and four (4) informal projects or 21% that had been finalized; but were corrected and re-submitted again due to the errors identified during the compliance review. The listing of corrected and re-submitted projects is given below:

No.	Project #	Project Name	Construction Method
<u>Formal</u>			
1	67580	East Garner Elementary School – New School Construction	CM@R
2	57979	Daniels Middle School Phase 3 – Renovation	Separate Prime
3	87195	Dubois Modular Center Conversion-Renovation	Single Prime
<u>Informal</u>			
4	22439	Rolesville-Wake Forest High School: Concrete Repair	Single Prime
5	77295	Broughton High School: Chiller Replacement	Single Prime
6	100047	Creech Road Elementary School: Paving	Single Prime
7	99194	Wake Forest-Rolesville High School: Sewer Revisions	Single Prime

RECOMMENDATIONS

The HUB Office recommends that Wake County Public School Systems' HUBSCO System Administrator perform the following tasks to update the remaining nine-hundred thirty-three (933) finalized Formal and Informal projects to check whether there are any corrections to be made.

1. Review the project documentation of all nine hundred thirty three (933) Formal and Informal projects and compare the entries made in the HUBSCO system.
2. If there are any corrections or updates to be done, fax or email a completed HUBSCO Service request form to HUB Office to gain access to the specific project, and HUBSCO agency system administrator shall make necessary corrections.
3. Finalize the updated projects again.

Based on the final Compliance Review meeting held on May 7, 2010, for the managers of WCPSS and the HUB Office, the following are the recommendations of the HUB Office:

1. Schedule regular training and orientation sessions on Wake County Public School System's M/WBE program and policies for the new staff members, project managers and key management members.
2. Schedule regular training or refresher courses for end users and systems administrators of the HUBSCO Construction Reporting System to reduce errors in entering and finalizing project information.
3. Include HUB/MWBE Administrator in the review of Request for Proposals (RFPs) and on the interview team for Construction Manager-at-Risk firms and/or Professional Service providers such as Architects and Engineers.

APPENDICES

APPENDIX I:

Minority Business Participation Goals [N.C. General Statute § 143--128.2]

Website Link: http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-128.2.html

§ 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

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 non-responsible 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 pre-bid 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 pre-bid 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 re-locatable buildings or portions thereof, except that portion of the work which must be performed at the construction site. (2001-496, s. 3.1.)

APPENDIX II:

Minority Business Participation Administration [N.C. General Statute § 143--128.3]

Website Link: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-128.3.html

§ 143-128.3. Minority business participation administration.

(a) All public entities subject to G.S. 143-128.2 shall report to the Department of Administration, Office of Historically Underutilized Business, the following with respect to each building project:

- (1) The verifiable percentage goal.
- (2) The type and total dollar value of the project, minority business utilization by minority business category, trade, total dollar value of contracts awarded to each minority group for each project, the applicable good faith effort guidelines or rules used to recruit minority business participation, and good faith documentation accepted by the public entity from the successful bidder.
- (3) The utilization of minority businesses under the various construction methods under G.S. 143-128(a1).

The reports shall be in the format and contain the data prescribed by the Secretary of Administration. The University of North Carolina and the State Board of Community Colleges shall report quarterly and all other public entities shall report semiannually. The Secretary of the Department of Administration shall make reports every six months to the Joint Legislative Committee on Governmental Operations on information reported pursuant to this subsection.

(b) A public entity that has been notified by the Secretary of its failure to comply with G.S. 143-128.2 on a project shall develop a plan of compliance that addresses the deficiencies identified by the Secretary. The corrective plan shall apply to the current project or to subsequent projects under G.S. 143-128, as appropriate, provided that the plan must be implemented, at a minimum, on the current project to the extent feasible. If the public entity, after notification from the Secretary, fails to file a corrective plan, or if the public entity does not implement the corrective plan in accordance with its terms, the Secretary shall require one or both of the following:

- (1) That the public entity consult with the Department of Administration, Office of Historically Underutilized Businesses on the development of a new corrective plan, subject to the approval of the Department and the Attorney General. The public entity may designate a representative to appear on its behalf, provided that the representative has managerial responsibility for the construction project.
- (2) That the public entity not bid another contract under G.S. 143-128 without prior review by the Department and the Attorney General of a good faith compliance plan developed pursuant to subdivision (1) of this subsection. The public entity shall be subject to the review and approval of its good faith compliance plan under this subdivision with respect to any projects bid pursuant to G.S. 143-128 during a period of time determined by the Secretary, not to exceed one year.

A public entity aggrieved by the decision of the Secretary may file a contested case proceeding under Chapter 150B of the General Statutes.

(c) The Secretary shall study and recommend to the General Assembly and other State agencies ways to improve the effectiveness and efficiency of the State capital facilities development, minority business participation program and good faith efforts in utilizing minority businesses as set forth in G.S. 143-128.2, and other appropriate good faith efforts that may result in the increased utilization of minority businesses.

(d) The Secretary shall appoint an advisory board to develop recommendations to improve the recruitment and utilization of minority businesses. The Secretary, with the input of its advisory board, shall review the State's programs for promoting the recruitment and utilization of minority businesses involved in State capital projects and shall recommend to the General Assembly, the State Construction Office, The University of North Carolina, and the community colleges system changes in the terms and conditions of State laws, rules, and policies that will enhance opportunities for utilization of minority businesses on these projects. The Secretary shall provide guidance to these agencies on identifying types of projects likely to attract increased participation by minority businesses and breaking down or combining elements of work into economically feasible units to facilitate minority business participation.

(e) The Secretary shall adopt rules for State entities, The University of North Carolina, and community colleges and shall adopt guidelines for local government units to implement the provisions of G.S. 143-128.2.

(e1) Repealed by Session Laws 2007-392, s. 3, effective October 1, 2007.

(f) The Secretary shall provide the following information to the Attorney General:

- (1) Failure by a public entity to report data to the Secretary in accordance with this section.
- (2) Upon the request of the Attorney General, any data or other information collected under this section.
- (3) False statements knowingly provided in any affidavit or documentation under G.S. 143-128.2 to the State or other public entity. Public entities shall provide to the Secretary information concerning any false information knowingly provided to the public entity pursuant to G.S. 143-128.2.

(g) The Secretary shall report findings and recommendations as required under this section to the Joint Legislative Committee on Governmental Operations annually on or before June 1, beginning June 1, 2002. (2001-496, s. 3.6; 2005-270, s. 2; 2007-392, s. 3.)

APPENDIX III:

Minority Business Participation Administration [N.C. General Statute § 143--128.4]

Website Link: http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-128.4.html

§ 143-128.4. Historically underutilized business defined; statewide uniform certification.

(a) As used in this Chapter, the term "historically underutilized business" means a business that meets all of the following conditions:

- (1) At least fifty-one percent (51%) of the business is owned by one or more persons who are members of at least one of the groups set forth in subsection (b) of this section, or in the case of a corporation, at least fifty-one percent (51%) of the stock is owned by one or more persons who are members of at least one of the groups set forth in subsection (b) of this section.
- (2) The management and daily business operations are controlled by one or more owners of the business who are members of at least one of the groups set forth in subsection (b) of this section.

(a1) As used in this Chapter, the term "minority business" means a historically underutilized business.

(b) To qualify as a historically underutilized business under this section, a business must be owned and controlled as set forth in subsection (a) of this section by one or more citizens or lawful permanent residents of the United States who are members of one or more of the following groups:

- (1) Black. – A person having origins in any of the black racial groups of Africa.
- (2) Hispanic. – A person of Spanish or Portuguese culture having origins in Mexico, South or Central America, or the Caribbean islands, regardless of race.
- (3) Asian American. – A person having origins in any of the original peoples of the Far East, Southeast Asia, Asia, Indian continent, or Pacific islands.
- (4) American Indian. – A person having origins in any of the original Indian peoples of North America.
- (5) Female.
- (6) Disabled. – A person with a disability as defined in G.S. 168-1 or G.S. 168A-3.
- (7) Disadvantaged. – A person who is socially and economically disadvantaged as defined in 15 U.S.C. § 637.

(c) In addition to the powers and duties provided in G.S. 143-49, the Secretary of Administration shall have the power, authority, and duty to:

- (1) Develop and administer a statewide uniform program for: (i) the certification of a historically underutilized business, as defined in this section, for use by State departments, agencies, and institutions, and political subdivisions of the State; and (ii) the creation and maintenance of a database of the businesses certified as historically underutilized businesses.
- (2) Adopt rules and procedures for the statewide uniform certification of historically underutilized businesses.
- (3) Provide for the certification of all businesses designated as historically underutilized businesses to be used by State departments, agencies, and institutions, and political subdivisions of the State.

(d) The Secretary of Administration shall seek input from State departments, agencies, and institutions, political subdivisions of the State, and any other entity deemed appropriate to determine the qualifications and criteria for statewide uniform certification of historically underutilized businesses.

(e) Only businesses certified in accordance with this section shall be considered by State departments, agencies, and institutions, and political subdivisions of the State as historically underutilized businesses for minority business participation purposes under this Chapter. (2005-270, s. 3; 2007-392, s. 4; 2009-243, s. 3.)

APPENDIX IV:

Formal Bids

[N.C. General Statute § 143--129]

Website Link: http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-129.html

§ 143-129. Procedure for letting of public contracts.

(a) Bidding Required. – No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than five hundred thousand dollars (\$500,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars (\$90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with; provided that The University of North Carolina and its constituent institutions may award contracts for construction or repair work that requires an estimated expenditure of less than five hundred thousand dollars (\$500,000) without complying with the provisions of this section.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager, school superintendent, chief purchasing official, or other employee the authority to award contracts, reject bids, or re-advertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body.

(b) Advertisement and Letting of Contracts. – Where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board.

The advertisements for bidders required by this section shall appear at a time where at least seven full days shall lapse between the date on which the notice appears and the date of the opening of bids. The advertisement shall: (i) state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had; (ii) state the time and place for opening of the proposals; and (iii) reserve to the board or governing body the right to reject any or all proposals.

Proposals may be rejected for any reason determined by the board or governing body to be in the best interest of the unit. However, the proposal shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or political subdivision thereof may assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and the board or governing body shall award the contract to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

In the event the lowest responsible bids are in excess of the funds available for the project or purchase, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work or provide the apparatus, supplies, materials, or equipment at the negotiated price within the funds available therefor. If a contract cannot be let under the above conditions, the board or governing body is authorized to re-advertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project or purchase within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal for construction or repair work may be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required herein.

Bids shall be sealed and the opening of an envelope or package with knowledge that it contains a bid or the disclosure or exhibition of the contents of any bid by anyone without the permission of the bidder prior to the time set for opening in the invitation to bid shall constitute a Class 1 misdemeanor.

(c) Contract Execution and Security. – All contracts to which this section applies shall be executed in writing. The board or governing body shall require the person to whom the award of a contract for construction or repair work is made to furnish bond as required by Article 3 of Chapter 44A; or require a deposit of money, certified check or government securities for the full amount of said contract to secure the faithful performance of the terms of said contract and the payment of all sums due for labor and materials in a manner consistent with Article 3 of Chapter 44A; and the contract shall not be altered except by written agreement of the contractor and the board or governing body. The surety bond or deposit required herein shall be deposited with the board or governing body for which the work is to be performed. When a deposit, other than a surety bond, is made with the board or governing body, the board or governing body assumes all the liabilities, obligations and duties of a surety as provided in Article 3 of Chapter 44A to the extent of said deposit.

The owning agency or the Department of Administration, in contracts involving a State agency, and the owning agency or the governing board, in contracts involving a political subdivision of the State, may reject the bonds of any surety company against which there is pending any unsettled claim or complaint made by a State agency or the owning agency or governing board of any political subdivision of the State arising out of any contract under which State funds, in contracts with the State, or funds of political subdivisions of the State, in contracts with such political subdivision, were expended, provided such claim or complaint has been pending more than 180 days.

(d) Use of Unemployment Relief Labor. – Nothing in this section shall operate so as to require any public agency to enter into a contract which will prevent the use of unemployment relief labor paid for in whole or in part by appropriations or funds furnished by the State or federal government.

(e) Exceptions. – The requirements of this Article do not apply to:

- (1) The purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment from: (i) the United States of America or any agency thereof; or (ii) any other government unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may designate any officer or employee of the State or political subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment, or other property owned by: (i) the United States of America or any agency thereof; or (ii) any other governmental unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may authorize the officer or employee to make any partial or down payment or payment in full that may be required by regulations of the governmental unit or agency disposing of the property.
- (2) Cases of special emergency involving the health and safety of the people or their property.
- (3) Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies.
- (4) Construction or repair work undertaken during the progress of a construction or repair project initially begun pursuant to this section.
- (5) Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas. These purchases are subject to G.S. 143-131.
- (6) Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

In the case of purchases by hospitals, in addition to the other exceptions in this subsection, the provisions of this Article shall not apply when: (i) a particular medical item or prosthetic appliance is needed; (ii) a particular product is ordered by an attending physician for his patients; (iii) additional products are needed to complete an ongoing job or task; (iv) products are purchased for "over-the-counter" resale; (v) a particular product is needed or desired for experimental, developmental, or research work; or (vi) equipment is already installed, connected, and in service under a lease or other agreement and the governing body of the hospital determines that the equipment should be purchased. The governing body of a hospital shall keep a record of all purchases made pursuant to this subdivision. These records are subject to public inspection.

- (7) Purchases of information technology through contracts established by the State Office of Information Technology Services as provided in G.S. 147-33.82(b) and G.S. 147-33.92(b).
 - (8) Guaranteed energy savings contracts, which are governed by Article 3B of Chapter 143 of the General Statutes.
 - (9) Purchases from contracts established by the State or any agency of the State, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the State contract.
 - (9a) Purchases of apparatus, supplies, materials, or equipment from contracts established by the United States of America or any federal agency, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the federal contract.
 - (10) Purchase of used apparatus, supplies, materials, or equipment. For purposes of this subdivision, remanufactured, refabricated or demo apparatus, supplies, materials, or equipment are not included in the exception. A demo item is one that is used for demonstration and is sold by the manufacturer or retailer at a discount.
 - (11) Contracts by a public entity with a construction manager at risk executed pursuant to G.S. 143-128.1.
 - (12) **(Repealed effective July 1, 2011)** Build-to-suit capital leases with a private developer under G.S. 115C-532.
- (f) Repealed by Session Laws 2001-328, s. 1, effective August 2, 2001.
 - (g) Waiver of Bidding for Previously Bid Contracts. – When the governing board of any political subdivision of the State, or the person to whom authority has been delegated under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment to:
 - (1) The United States of America or any federal agency;
 - (2) The State of North Carolina or any agency or political subdivision of the State; or
 - (3) Any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency. Notwithstanding any other provision of this section, any purchase made under this subsection shall be approved by the governing body of the purchasing political subdivision of the State at a regularly scheduled meeting of the governing body no fewer than 10 days after publication of notice that a waiver of the bid procedure will be considered in order to contract with a qualified supplier pursuant to this section. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular contract or for all contracts under this subsection shall be approved by the governing board of the political

subdivision. Rules issued by the Secretary of Administration pursuant to G.S. 143-49(6) shall apply with respect to participation in State term contracts.

(h) Transportation Authority Purchases. – Notwithstanding any other provision of this section, any board or governing body of any regional public transportation authority, hereafter referred to as a "RPTA," created pursuant to Article 26 of Chapter 160A of the General Statutes, or a regional transportation authority, hereafter referred to as a "RTA," created pursuant to Article 27 of Chapter 160A of the General Statutes, may approve the entering into of any contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment without competitive bidding and without meeting the requirements of subsection (b) of this section if the following procurement by competitive proposal (Request for Proposal) method is followed.

The competitive proposal method of procurement is normally conducted with more than one source submitting an offer or proposal. Either a fixed price or cost reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. If this procurement method is used, all of the following requirements apply:

- (1) Requests for proposals shall be publicized. All evaluation factors shall be identified along with their relative importance.
- (2) Proposals shall be solicited from an adequate number of qualified sources.
- (3) RPTAs or RTAs shall have a method in place for conducting technical evaluations of proposals received and selecting awardees, with the goal of promoting fairness and competition without requiring strict adherence to specifications or price in determining the most advantageous proposal.
- (4) The award may be based upon initial proposals without further discussion or negotiation or, in the discretion of the evaluators, discussions or negotiations may be conducted either with all offerors or with those offerors determined to be within the competitive range, and one or more revised proposals or a best and final offer may be requested of all remaining offerors. The details and deficiencies of an offeror's proposal may not be disclosed to other offerors during any period of negotiation or discussion.
- (5) The award shall be made to the responsible firm whose proposal is most advantageous to the RPTA's or the RTA's program with price and other factors considered.

The contents of the proposals shall not be public record until 14 days before the award of the contract.

The board or governing body of the RPTA or the RTA shall, at the regularly scheduled meeting, by formal motion make findings of fact that the procurement by competitive proposal (Request for Proposals) method of procuring the particular apparatus, supplies, materials, or equipment is the most appropriate acquisition method prior to the issuance of the requests for proposals and shall by formal motion certify that the requirements of this subsection have been followed before approving the contract.

Nothing in this subsection subjects a procurement by competitive proposal under this subsection to G.S. 143-49, 143-52, or 143-53.

RPTAs and RTAs may adopt regulations to implement this subsection. (1931, c. 338, s. 1; 1933, c. 50; c. 400, s. 1; 1937, c. 355; 1945, c. 144; 1949, c. 257; 1951, c. 1104, ss. 1, 2; 1953, c. 1268; 1955, c. 1049; 1957, c. 269, s. 3; c. 391; c. 862, ss. 1-4; 1959, c. 392, s. 1; c. 910, s. 1; 1961, c. 1226; 1965, c. 841, s. 2; 1967, c. 860; 1971, c. 847; 1973, c. 1194, s. 2; 1975, c. 879, s. 46; 1977, c. 619, ss. 1, 2; 1979, c. 182, s. 1; 1979, 2nd Sess., c. 1081; 1981, c. 346, s. 1; c. 754, s. 1; 1985, c. 145, ss. 1, 2; 1987, c. 590; 1987 (Reg. Sess., 1988), c. 1108, ss. 7, 8; 1989, c. 350; 1993, c. 539, s. 1007; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 367, s. 6; 1997-174, ss. 1-4; 1998-185, s. 1; 1998-217, s. 16; 2001-328, s. 1; 2001-487, s. 88; 2001-496, ss. 4, 5; 2005-227, s. 1; 2006-232, s. 2; 2007-94, s. 1; 2007-322, s. 4; 2007-446, s. 6.)

APPENDIX V:

Informal Bids

[N.C. General Statute § 143--131]

Website Link: http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-131.html

§ 143-131. When counties, cities, towns and other subdivisions may let contracts on informal bids.

(a) All contracts for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment, involving the expenditure of public money in the amount of thirty thousand dollars (\$30,000) or more, but less than the limits prescribed in G.S. 143-129, made by any officer, department, board, local school administrative unit, or commission of any county, city, town, or other subdivision of this State shall be made after informal bids have been secured. All such contracts shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. It shall be the duty of any officer, department, board, local school administrative unit, or commission entering into such contract to keep a record of all bids submitted, and such record shall not be subject to public inspection until the contract has been awarded.

(b) All public entities shall solicit minority participation in contracts for the erection, construction, alteration or repair of any building awarded pursuant to this section. The public entity shall maintain a record of contractors solicited and shall document efforts to recruit minority business participation in those contracts. Nothing in this section shall be construed to require formal advertisement of bids. All data, including the type of project, total dollar value of the project, dollar value of minority business participation on each project, and documentation of efforts to recruit minority participation shall be reported to the Department of Administration, Office for Historically Underutilized Business, upon the completion of the project. (1931, c. 338, s. 2; 1957, c. 862, s. 5; 1959, c. 406; 1963, c. 172; 1967, c. 860; 1971, c. 593; 1981, c. 719, s. 1; 1987 (Reg. Sess., 1988), c. 1108, s. 6; 1997-174, s. 5; 2001-496, s. 5.1; 2005-227, s. 2.)

APPENDIX VI:

**Appendix E – MBE Documents for Contract Payment
[N.C. General Statute § 143--129]**

Website Link: <http://www.nc-sco.com/documents/forms/AppendE-1.doc>

APPENDIX E

MBE DOCUMENTATION FOR CONTRACT PAYMENTS

Prime Contractor/Architect: _____

Address & Phone: _____

Project Name: _____

SCO Project ID: _____

Pay Application #: _____ Period: _____

The following is a list of payments made to Minority Business Enterprises on this project for the above-mentioned period.

MBE FIRM NAME	* TYPE OF MBE	AMOUNT PAID THIS MONTH (With This Pay App)	TOTAL PAYMENTS TO DATE	TOTAL AMOUNT COMMITTED

*Minority categories: Black (B), Hispanic (H), Asian American (AA), American Indian (AI), White Female (WF), Socially and Economically Disadvantaged (SED)

Approved/Certified By:

SUBMIT WITH EACH PAY REQUEST - FINAL PAYMENT - FINAL REPORT

APPENDIX VII

Affidavit A or 1: Good Faith Efforts Provided to Wake County Public School

Affidavit 1: A Listing of Good Faith Efforts for Engineering Specialties

10A

IN REGARDS TO MINORITY BUSINESS ENTERPRISE (MBE) SUBCONTRACTORS:

All bidders, including MBEs shall complete this Affidavit, unless the bidder is self-performing as defined in N.C. Gen. Stat. § 143-128.2(c). If a bidder is self-performing, the bidder shall submit an Affidavit 2 stating that it will perform all of the work under a contract with its own workforce in lieu of this affidavit.

State of North Carolina

AFFIDAVIT 1

A Listing of the Good Faith Effort

County of Wake

The below-signed company has made a good faith effort to recruit minority businesses in accordance with N.C. Gen. Stat. § 143-128.2 and represents that it has performed the following (check all that apply; note that a minimum of fifty (50) points must be achieved):

- (10 points) 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.
- (10 points) Made the construction plans, specifications and requirements available for review by prospective minority businesses, or provided these documents to them at least 10 days before the bids are due.
- (15 points) Broke down or combined elements of work into economically feasible units to facilitate minority participation.
- (10 points) 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.
- (10 points) Attended prebid meetings scheduled by the public owner.
- (20 points) Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- (15 points) 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.
- (25 points) 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.
- (20 points) 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.
- (20 points) Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash flow demands.

35 TOTAL POINTS

APPENDIX IX:

Attach to Bid

Wake County – Form MBE-2 (2002) – Affidavit A

Listing of the Good Faith Effort

Affidavit of _____
(Name of Bidder)

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 1.0101)

- 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 GS 143-128.2(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 North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 20____

Notary Public _____

My commission expires _____

APPENDIX X:

Attach to Bid Only if Bidder Performs All Work With Own Workforces

Wake County Form MBE-3 (2002) - Affidavit B

Intent to Perform Contract with Own Workforce

Affidavit of _____
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the project

(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 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 North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 20 _____

Notary Public _____

My commission expires _____

APPENDIX XI:

Wake County Form MBE-4 (2002) – Affidavit C

Portion of the Work to be Performed by Minority Firms

**** (NOTE: THIS FORM IS NOT TO BE SUBMITTED WITH THE BID PROPOSAL) ****

If the portion of the work to be executed by minority businesses as defined in GS143-128.2(g) 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, to the Owner, by the apparent lowest responsible, responsive bidder within 72 hours after notification of being the apparent low bidder.

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

(Project Name)

Project ID# _____ 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	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**)

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 North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 2002

Notary Public _____

My commission expires _____

APPENDIX XII:

Wake County Form MBE-5 (2002) – Affidavit D

Good Faith Efforts

**** (NOTE: THIS FORM IS NOT TO BE SUBMITTED WITH THE BID PROPOSAL) ****

If the goal of 10% participation by minority business **is not** achieved, this affidavit shall be provided, to the apparent lowest responsible, responsive bidder within 72 hours after notification of being the apparent low bidder.

Affidavit of: _____
(Bidder)

I do certify the attached documentation as true and accurate representation of my good faith efforts.

(Attach additional sheets if required)

Name and Phone Number	*Minority Category	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**)

Documentation of the Bidder's good faith efforts to meet the goals set forth in these provisions.

Examples of documentation include, but are not limited to, the following evidence:

- 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 c 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.

Date: _____ Name of Authorized Officer: _____

Signature: _____

Title: _____



State of North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 20 _____

Notary Public _____

My commission expires _____

APPENDIX XIII:

Wake County FORM MBE-6 (2002)

CERTIFICATION of Actual Work Performed by Minority Businesses

NOTE: THIS FORM IS TO BE SUBMITTED PRIOR TO FINAL PAYMENT BEING DUE THE CONTRACTOR

Affidavit of

_____ (Contractor Name)

_____ (Project Name)

Project ID# _____ Final Contract Amount \$ _____

I do hereby certify that _____% of the total dollar amount of the contract was performed with minority business. Such work was subcontracted to the firms listed below.

Attach additional sheets if required

Name and Phone Number	*Minority Category	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**)

The undersigned hereby certifies that above information is correct to the best of his/her knowledge, information and belief.

Date: _____ Name of Authorized Officer: _____

Signature: _____

Title: _____



State of North Carolina, County of _____

Subscribed and sworn to before me this _____ day of _____ 2002

Notary Public _____

My commission expires _____

APPENDIX XIV

Note: WCPSS Uses for Contractor Closeout for Formal Projects

Project Name:		Project #:
Contract Date:	Initial Contract Amount:	PO#:
Contractor Name:		Final Completion Date:
Address:		Final Contract Amount:
County in NC:	Telephone :()	¹ Minority Category:
² Source of MBE Ownership Category Certification/Verification if applicable:		(If you are an MBE, provide the below information for what you self performed.)

MBE FORM 2 MBE Subcontractor/Supplier Data (1st, 2nd, 3rd tier)

Name	Subcontractor to whom	City & State	County	³ Type of work	¹ Minority Category	² Source of Ownership Category	Original Contract Amount	Final Amount Paid	Contract Date	Was this a Substitute or Replacement Subcontractor

¹Minority Categories: Black Male (BM), Black Female (BF), Hispanic Male (HM), Hispanic Female (HF), Asian Male (AM), Asian Female (AF), American Indian Male (AIM), American Indian Female (AIF), White Female (WF), Socially and Economically Disadvantaged Male (SEM), and Socially and Economically Disadvantaged Female (SEF)

²Source Of Ownership Category Certification/Verification: State of North Carolina HUB (HUB), State of North Carolina DOT (DOT), Local Agency (Loc), Federal Agency (FED), Out of State Agency (Out), or Self-Identified (SI).

³Type of work: Concrete (Con), Conveying Systems (CS), Door & Windows (DW), Electrical (EI), Equipment (Ept), Finishes (Fin), Furnishings(Fur), General Construction (GC), General Requirements (GR), Masonry (Mas), Mechanical (Mech), Metals (Met), Plumbing (Plm), Site Construction(SC), Specialties (Sp), Thermal and Moisture Protection (TMP), and Wood & Plastic (WP).

Information Provided

by

(Signature)

MBE FORM 2 MBE Subcontractor/Supplier Data

(Continuation Page)

Name	Subcontractor to whom	City & State	County	³ Type of work	¹ Minority Category	² Source of Ownership Category	Original Contract Amount	Final Amount Paid	Contract Date	Was this a Substitute or Replacement Subcontractor

Non Minority Subcontractors

(Report 1st tier subs. If single prime contract, then report subs also for plumbing, mechanical, and electrical.)

Name	Subcontractor to whom	City & State	County	³ Type of work	Original Contract Amount	Final Amount Paid	Contract Date	Was this a Substitute or Replacement Subcontractor

MBE FORM 3 Designer/Subconsultant Data

Project Name:	Project #:	Design PO #:
Total New & Renovated Square Footage:		Closeout Date:

Prime Designer Name	Type of Service	Discipline (civil, etc)	¹ Minority Category	² Source of Ownership Category	Original Contract Amount	Final Contract Value (includes sub amounts)
Subconsultant name						

¹**Minority Categories:** Black Male (BM), Black Female (BF), Hispanic Male (HM), Hispanic Female (HF), Asian American Male (AAM), Asian American Female (AAF), American Indian Male (AIM), American Indian Female (AIF), White Female (WF), Socially and Economically Disadvantaged Male (SEM), and Socially and Economically Disadvantaged Female (SEF)

²**Source Of Ownership Category Certification/Verification:** State of North Carolina HUB (HUB), State of North Carolina DOT (DOT), Local Agency (Loc), Federal Agency (FED), Out of State Agency (Out), or Self-Identified (SI).
Information Provided by

(Signature)

Construction PO #:

Project Manager Name: _____

APPENDIX XV

Note: WCPSS Uses for Contractor Closeout for Informal Projects

Informal Construction Project Report

(Email first page to Tammie Hall and also attach first page to PO request. Send completed form to Cindy Graf at time of final pay app)

The following data is furnished by Wake County Public School System to the Office for Historically Underutilized Businesses, NC Department of Administration as required by G.S. 143-131(b) for contracts for erection, construction, alteration or repair, which involves the expenditures of public money in the amount of \$5,000 or more, but less than \$300,000.

Purchase Order #: _____ Project #: _____

Project Name: _____

Contract Date: _____ Notice to Proceed: _____

Construction Method Used: _____ Project Completion Date: _____

Original Construction Value: \$ _____ Type of Project: _____

Original Project Value (includes Design): \$ _____ Total Square Footage: _____

Final Construction Value: \$ _____ Original Design Service Value: \$ _____

Final Project Value (Construction + Design): \$ _____ Final Design Service Value: \$ _____

Project Includes State Appropriation or State Grant Funds: yes no

Name, Address, Phone # of Contractors Solicited	Date Solicited	Response Due Date	¹ Minority Category	² Source of Ownership Category	Bid Amount Received	³ Type of Work/Trade
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						

Method of contact: _____ **Specifications Provided:** _____

¹**Minority categories:** Black, African American (**B**), Hispanic (**H**), Asian (**A**), American Indian (**AI**), White Female (**WF**) and Socially and Economically Disadvantaged (**SE**)

²**Source Of Ownership Category Certification/Verification:** State of North Carolina HUB (HUB), State of North Carolina DOT (DOT), Local Agency (Loc), Federal Agency (FED), Out of State Agency (Out), or Self-Identified (SI).

³**Type of work:** Concrete (Con), Conveying Systems (CS), Door & Windows (DW), Electrical (EI), Equipment (Ept), Finishes (Fin), Furnishings(Fur), General Construction (GC), General Requirements (GR), Masonry (Mas), Mechanical (Mech), Metals (Met), Plumbing (Plm), Site Construction(SC), Specialties (Sp), Thermal and Moisture Protection (TMP), and Wood & Plastic (WP).

Contractor’s Solicited: continued (ONLY PRINT THIS PAGE IF USING)

Name & Addresses of Contractors Solicited	Date Solicited	Response Due Date	¹ Minority Category	² Source of Ownership Category	Bid Amount Received	³ Type of Work/Trade
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						
Telephone #: ()						

***Minority categories:** Black, African American (B), Hispanic (H), Asian (A), American Indian (AI), White Female (WF), and Socially and Economically Disadvantaged (SE)

²Source Of Ownership Category Certification/Verification: State of North Carolina HUB (HUB), State of North Carolina DOT (DOT), Local Agency (Loc), Federal Agency (FED), Out of State Agency (Out), or Self-Identified (SI).

³Type of work: Concrete (Con), Conveying Systems (CS), Door & Windows (DW), Electrical (EI), Equipment (Ept), Finishes (Fin), Furnishings(Fur), General Construction (GC), General Requirements (GR), Masonry (Mas), Mechanical (Mech), Metals (Met), Plumbing (Plm), Site Construction(SC), Specialties (Sp), Thermal and Moisture Protection (TMP), and Wood & Plastic (WP).

Wake County Public School System
 Project Name: Project #:

PO #:

Informal Construction Project Report
 (Complete this page before end of job, write NA if no subs under sub areas).

(*Please fill out form electronically and use the available drop down selections)

Designers/Architects/Engineers Used or NA			Original Contract Value	Contract Date	*Minority Category (if applicable)	Total \$ Amount Paid
Name:						
Type of Service:						
Discipline:						
SUBCONSULTANTS:						
Name:						
Type of Service:						
Discipline:						
SUBCONSULTANT:						
Name:						
Type of Service:						
Discipline:						

CONTRACTOR/SUBCONTRACTOR DATA – USE MBE FORM 2 if more room is needed

(Below list information for AWARDED contractor. If there are 1 or 2 subs please list below. If you choose to send Form 2 to contractor to fill out please write “attached form 2” in sub space below and turn it in as backup)

AWARDED CONTRACTOR City/County	State	Type of Work	MBE	Original Contract Value	Total Amount Paid	Contract Date	Contract Completion Date
SUBCONTRACTOR/city/county							
SUBCONTRACTOR/city/county							

*Minority categories: Black, African American (B), Hispanic (H), Asian (A), American Indian (AI), White Female (WF), and Socially and Economically Disadvantaged (SE)

Informal Construction Project Report
(Report shall be submitted within 10 days of the completion for each project).

Documentation of the public entity's efforts to comply with G.S. 143-131(b), recruitment of minority business participation, shall include but are not limited to the following evidence:

- A. Copies of solicitations and/or telephone logs used to solicit quotes to minority business firms available on State, local government, or other organization maintained lists. Each solicitation shall contain a specific description of the work to be performed, location where bid documents or specifications can be reviewed, representative of the public entity (Owner) 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, if applicable.
- D. Documentation of any contacts or correspondence to minority business, community, or contractor organizations in an attempt to solicit minority business firms.
- E. Any additional documentation which supports efforts to comply with G.S. 143-131(b).

*** Minimum backup needed is to attach Solicitation / Scope Sheet!**

Attached herewith are copies of the above documents.

Date // _____
: _____

Name of Project Manager: _____

Date // _____
: _____

Name of Authorized Officer
(Project Director): _____

Signature: _____

Title: _____

Phone Number: () - _____
