

**RFP# - 179-2223-684-WATER_FOUNTAINS5
ADVERTISEMENT FOR BIDS
Durham Public Schools**

Sealed bids from licensed electrical contractors will be received by Durham Public Schools, Durham, North Carolina on **Tuesday, May 23, 2023**, for furnishing of labor and material for the Phase II Water Fountain Replacement. Bids will be received up to **2:00pm** from Single Prime Electrical bidders at which time and place all bids will be publicly opened and read aloud. Deliver bids to the **Durham Public Schools Durham Public Schools Fuller Building located at 511 Cleveland St. Durham, NC 27701.**

No bid may be withdrawn after the scheduled closing time for the receipt of bids for a period of sixty (60) days.

- Bid security required is 5% of the bid in cash, certified check, or Bid Bond.
- Performance and Payment Bonds for 100% of the contract amount will be required.
- Durham Public Schools reserves the right to reject any and all bids and to waive informalities or irregularities.

Minority Business Participation: Bidders shall note that compliance with County of Durham MBE policies and the North Carolina Statute 143-128.2 (c) are required for this project.

Iran Divestment Act: Bidders shall note that the submission of a bid constitutes the bidder's certification to the State Treasurer that, as of the date of bid, it is not listed on the Final Divestment List created and maintained by the North Carolina Department of State Treasurer (the "Treasurer's Office") pursuant to the Iran Divestment Act of 2015, Chapter 147-Article 6E of the General Statutes of North Carolina (the "Iran Divestment Act").

Project scope: Remove existing breakers for water fountains and replace with new GCFI breakers according to the information below.

School	Single Cooler W/Bottle Filler	Bi Level W/Bottle Filler	Single Cooler Bottle Filler Only	Double Cooler Bottle Filler Only	Total Breakers
Bethesda Elementary School	3	1	0	0	4
Hillside High School	5	0	1	0	6
Oak Grove Elementary	5	0	0	0	5
Glenn Elementary	5	0	0	0	5
Eno Valley Elementary	0	1	0	0	1
Lowes Grove Middle	1	10	0	2	13
School for Creative Studies	7	3	8	0	18
RN Harris Elementary	6	0	1	0	7
Parkwood Elementary	2	2	0	2	6
Rogers-Herr	0	2	2	5	9
Smith Elementary	2	0	5	0	7
Neal Middle School	8	4	0	0	12
Carrington Middle School	27	0	0	0	27
Shepard Middle School	5	1	0	1	6
Jordan High School	18	0	0	0	18
Total Breakers					144

Pre-Bid Conference: Scheduled for May 2, 2023, at 2:30pm via zoom using the link below to register: **It is MANDATORY that prime bidders attend the Pre-Bid Conference.**

Topic: Durham Public Schools Water Fountain Replacement Phase II Electrical Prebid

https://us06web.zoom.us/meeting/register/tZEtdU-prj8uHdT-9fqGkavKD_kT7HmPM3HO

Statement of Qualifications: Each proposal shall be accompanied by a statement of qualifications that demonstrates experience in at least five (5) projects of similar scope within the past three (3) years with references.

RFIs: Request for information will be accepted until **May 4, 2023, at 2:30pm**. All questions shall be sent via email to dist.purchasing@dpsnc.net.

Additional Bid Forms:

Bid documents can be downloaded from:

Dpsnc.net

Resources

Construction & capital planning

Bidding & RPQs

Durham Public Schools

179-2223-684-WATER_FOUNTAINS5

Attn: Tanita Nicholson

511 Cleveland St.

Durham, NC 27701

Direct all inquiries concerning this RFP to:

Durham Public Schools

Attn: Tanita Nicholson

All questions may be submitted via email no later than 2:30pm on Thursday, May 4, 2023.

Email: dist.purchasing@dpsnc.net

Issue RFP	4-24-2023
Pre-Bid	5-2-2023 @ 2:30pm
RFIs Due	5-4-2023 @ 2:30pm
Last Addenda	5-5-2023
Bid Opening	5-23-23 @ 2:00pm

Thank you for your consideration.

Signed: Wilma Jordan
Director of Construction and Capital Planning
Durham Public Schools, Durham, North Carolina

BID PACKET REQUIREMENTS

Bid envelopes will have the following information on the outside of the envelope:

Bidder's name
Bidder's NC Electrical License Number
Bidder's Address

Proposal for Water Fountain Replacement Phase II Electrical
179-2223-684-WATER_FOUNTAINS5

Addressed to: Durham Public Schools
ATTN: Purchasing
511 Cleveland St.
Durham, NC 27702

The following completed documents will be required in your base bid package:

1. Form of Proposal – Bid Proposal
 - a. NOTE: Part 5, Addenda Acknowledgment **must** be filled out with the correct number of Addenda's Issued before bid date if applicable.
2. Non-Collusion Affidavit
3. Vendor Application and W-9 Form
4. M/WBE Forms
 - a. Identification of Minority Business Participation – **AND** –
 - b. Affidavit A – Listing of Good Faith Efforts – **OR** –
 - c. Affidavit B – Intent to Perform Contract with Own Workforce
5. Each proposal shall be accompanied by a statement of qualifications that demonstrates experience in at least five (5) projects of similar scope within the past three (3) years with references.

The omission of any of the above forms will constitute the bid as invalid and the contractors bid amount will not be read.

Tax Clarification, Reference "Information For Bidders" Section A-17, "All applicable Federal, State and Local Taxes shall be included in the Bidder's proposal".

Affidavit C or D will be submitted only by the apparent lowest responsible, responsive bidder within seventy-two (72) hours after the bid closing date.

INFORMATION AVAILABLE TO BIDDERS
Durham Public Schools

A-1. SUBMISSION OF BIDS AND BID OPENING:

- A. Bids will be received by Durham Public Schools (DPS) and will be opened and read at the times and places set forth in the Advertisement for Bids. Bidders, or their representative, and other interested persons may be present at the opening of proposals.
- B. The envelopes containing the bids must be sealed and addressed to Durham Public Schools, **511 Cleveland St. Durham, NC 27701**, and marked on the outside of the envelope "Bid Proposal for **Water Fountain Replacement Phase II Electrical**" with the name of the Bidder and his North Carolina State Contractor's License Number.
- C. The Bidder shall assume full responsibility for timely delivery at the exact location designated for receipt of Bids.
- D. In accordance with the Advertisement for Bids, bids will be received for a Single Prime Construction Contract.

A-2. BID DOCUMENTS:

- A. Bid Documents include the Advertisement for Bids, Information for Bidders, Form of Proposal, the Bid Security and the proposed Contract Documents, including any Addenda issued prior to receipt of bids. All requirements and obligations of the Bid Documents are hereby incorporated by reference into the Contract Documents and are binding on the Successful Bidder upon award of the contract.
- B. Bidders may obtain complete sets of the Bid Documents from the issuing office designated in the Advertisement for Bids in the number and for the price, if any, stated therein.
- C. Bidders shall use complete sets of Bid Documents in preparing Bids; neither the Owner nor the Design Consultant shall assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Bid Documents.
- D. By making the Bid Documents available on the above terms, the Owner does so only for the purpose of obtaining Bids on the Work and does not confer a license or grant for any other use.

A-3. DEFINITIONS:

A. THE BID:

A Bid is a complete and properly signed proposal to do the work or designated portion thereof for the sums stipulated therein, submitted in accordance with the Bidding Documents and North Carolina law.

B. BASE BID:

The Base Bid is the sum stated in the Bid for which the Bidder offers to perform the Work described in the Bidding Documents as the base, to which work may be added or from which work may be deleted for sums stated in Alternate Bids, if any.

C. ALTERNATES:

An Alternate Bid (or Alternate) is an amount stated in the Bid to be added to or deducted from the amount of the Base Bid if the corresponding change in the Work, as described in the Bidding Documents, is accepted.

A-4. QUALIFICATION OF BIDDER:

- A. If requested by the Owner prior to the signing of the contract, the successful Bidder shall submit a statement of work to be performed by his own forces.
- B. Prior to Contract award or within seven days of the Owner's request to do so, the successful Bidder shall be prepared to demonstrate that his present organization, direct labor force and prior work experience is of adequate size and development to maintain responsible control of the project and to schedule, coordinate and perform the work in an expeditious manner and in accordance with the Contract Documents.
- C. At the request of the Owner, the Bidders, whether residents or nonresidents in North Carolina must be able to show documented evidence of the following:
 - 1. A contractor's license in good standing with the North Carolina General Contractor's Licensure Board (or NC State Board of Examiners for Plumbing, Mechanical, Electrical, and / or Fire Protection only projects) with the appropriate level of limitations and classifications.
 - 2. A current registration in good standing with the North Carolina Secretary of State's to allow the Bidder do business in the State of North Carolina.
- D. The Owner will consider, in determining the qualifications of a Bidder, their record in the performance of any contracts for construction work into which they may have entered with the Owner or with similar public or private bodies or corporations. The Owner expressly reserves the right to reject the bid of any Bidder if such record discloses that such Bidder, in the opinion of the Owner, has not properly performed such contracts or has habitually and without just cause neglected the payment of

bills, or has otherwise disregarded his obligations, Subcontractors, material men, suppliers or employees.

- E. The Owner may make such investigation as they deem necessary to determine the ability of the Bidder to perform the work, and the Bidder shall furnish to the Owner all such information and data for this purpose as they may request. The Owner reserves the right to reject any bid if the evidence submitted by, or investigation of such Bidder, fails to satisfy the Owner that such Bidder is a responsive and responsible Bidder in accordance with N.C. Gen. Stat. 143-128 and 143-129, and the criteria set forth herein. Conditional bids will not be accepted.

A-5. BIDDER'S REPRESENTATIONS:

By submitting his bid, each Bidder represents that:

- A. The Bidder has read and understands the Bid Documents and their Bid is made in accordance therewith; and Bidder agrees to be bound by the terms and requirements set forth in the Bid and Contract Documents.
- B. The Bidder has visited the site, has familiarized themselves with the local conditions under which the Work is to be performed in accordance with Article A-10 herein, and has correlated its observations with the requirements of the proposed Contract Documents.
- C. Prior to the submission of the bid, the Bidder has made known to the Owner any significant discrepancies discovered during the preparation of its bid. These are items that could result in a significant change in time or money.
- D. The submitted bid is based upon the materials, systems and equipment required by the Bidding Documents without exception.
- E. The Bidder has the capability, in all respects, and the moral and business integrity, reliability, technical ability, financial resources, plant, management, superintendence, equipment and materials which will assure effective and efficient good faith performance in full compliance with the Contract Documents and with any and all schedules and Milestone and Completion dates required by the Owner. The Bidder acknowledges and represents that he has made allowances for normal inclement weather as outlined in the Contract Documents, in his estimating, planning and scheduling of the Work. The Bidder hereby certifies that the work shall be completed, in place, in full accordance with the Contract Documents, within the time limits specified.
- F. The Bidder agrees that upon receipt of the Notice of Award, he will execute the formal Contract, and will deliver all bonds and proof of insurance coverage as required by the Specifications.
- G. The Bidder agrees to execute the formal Contract within ten (10) days from the date of Notice of Award, and in case he fails or neglects to appear within the specified time to execute the Contract, he will be considered as having abandoned

the Contract, and the Bid Security accompanying this Proposal will be forfeited to the Owner by reason of such failure on the part of the Bidder.

- H. He has made a good faith effort to solicit Minority Business Enterprises (MBEs) per N.C. Gen. Stat. 143-128.2, as subcontractors. The Bidders shall provide the Owner a notarized affidavit with its bid stating that it made the good faith effort required pursuant to G.S. 143-128.2. The Bidder's failure to file the affidavit with its bid shall be grounds for rejection of the Bid.

A-6. BID SECURITY:

- A. Each bid must be accompanied by (1) cash; or (2) a Cashier's Check or a Certified Check of the Bidder in an amount not less than 5% of the bid, made payable to the Owner; or (3) a bidder's bond on the Bid Bond Form provided herein or on a similar form which in every respect materially complies with said Bid Bond, in the amount of 5% of his bid. For purposes of this provision, the amount of the bid shall be the Base Bid plus all positive amount alternates. The Bidder's bond shall be issued by a surety company licensed to conduct business in the state of North Carolina and acceptable to the Owner.
- B. Said bid security is given as a guarantee that the Bidder will enter into a contract if awarded the work and, in the case of refusal or failure to so enter into said contract, the security shall be declared forfeited to the Owner. Such security shall be returned to all but the three lowest Bidders within three days after the opening of bids and the remaining security will be returned within 48 hours after the Owner and the successful Bidder have executed the Contract. If no Contract has been awarded or the bidder has not been notified of the acceptance of his bid within forty-five (45) days of the bid opening, the Bidder may withdraw his bid and request the return of his bid security. If, at the Owner's request, the Bidder agrees to extend and maintain his bid beyond the specified 45 days, his bid security will not be returned until the expiration of the period of extension.

A-7. FORFEITURE OF BID BOND:

The Successful Bidder, upon his failure or refusal to execute the Contract within ten (10) days after he has received Notice of Award, shall forfeit to the Owner the security deposited with his bid in accordance with North Carolina General Statute 143-129.

A-8. EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

- A. The contractor will not discriminate against any employee or applicant for employment because of race, handicap, age, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to race, handicap, age, color, religion, sex or national origin. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruiting

advertising, layoff or termination rates of pay or other forms of compensation, and selection for training including apprenticeship. The contractor agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of the nondiscrimination clause.

- B. The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor state that all qualified applicants will receive consideration for employment without regard to race, handicap, age, color, religion, sex, or national origin.
- C. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding a notice to be provided advising the labor union or workers' representative of the contractor's commitments under the Equal Employment Opportunity section of this contract and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. In the event of the contractor's noncompliance with nondiscrimination clauses of this contract or with any such rules, regulations or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further County contracts.
- E. The contractor will include the provisions of this section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Board of County Commissioners of the County of Durham, North Carolina so that such provisions will be binding such subcontractor or vendor.

A-9. MINORITY BUSINESS ENTERPRISES:

Durham Pubic Schools is following Chapter 8 Article V of the Durham County Code of Ordinances for M/WBE Participation in the categories identified below. The following chart reflects the overall aspirational goal for the cumulative work associated with the 2016 Bond Projects:

- A. Bidders are required to submit information about participating M/WBEs with their bid. Each bidder 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 N.C. Gen. Stat. § 143-128.2(f). The information must include the name and address of each M/WBE, a description of the work to be performed by each, and the dollar value of the work to be performed by each. Any bidder who does not achieve the indicated M/WBE participation goal stated above is required to provide the aforementioned documentation demonstrating that good faith efforts were made in an attempt to meet the established goal. AFFIDAVITS A through D and APPENDIX E, are provided to record this information and must be completed and enclosed with your bid. Any bid which does not include M/WBE information and documentation may be considered non-responsive. The County's Minority and Women Business Enterprise Ordinance may be obtained from the Duham County

website at <http://www.dconc.gov> or by contacting the Durham County Purchasing Division.

- B. The apparent lowest responsible, responsive bidder, within three (3) business days, shall also provide either (1) an affidavit (Affidavit C) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal or (2) documentation of its good faith effort that was identified in the bid to meet the goal (Affidavit D), including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract. **Failure to file the required affidavit or supporting documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.**
- C. M/WBE: A business which is at least 51% owned and controlled by minority group members or a woman. A M/WBE is bona fide only if the minority group or female ownership interests are real and continuing and not created solely to meet the M/WBE requirement. In addition, the M/WBE must itself perform satisfactory work or service or provide supplies under the contract and not act as a conduit. The contractual relationship must be bona fide.
- D. Owned and controlled: (1) A sole proprietorship legitimately owned by an individual who is a minority group member or female; (2) a partnership or joint venture controlled by minorities and/or females; (3) a corporation or other entities controlled by minorities or females, and in which at least 51% of the voting interests and 51% of the beneficial ownership interests are legitimately held by minorities and/or females. These persons must control the management and operations of the business on a day-to-day basis.
- E. A person who is a citizen or lawful permanent resident of the United States and who is:
- a. "Black American"; a person having origins in any of the Black racial groups of Africa;
 - b. "Hispanic American"; a person of Spanish culture with origins in Mexico, Central or South America, or the Caribbean, regardless of race;
 - c. "Native American"; a person who is a member or is eligible to be a member of a federally recognized Indian tribe. A federally recognized Indian tribe means an Indian tribe, or band, nation, rancho, pueblo, colony, or other organized group or community, including any Alaska native village, which is recognized by the Secretary of the Interior on October 1, 1985 as having special rights and is recognized as eligible for service provided by the United States to Indians because of their status as Indians, and any tribe that has a pending application for federal recognition on October 1, 1985, as having special rights and is recognized as eligible for services provided by the United States to Indians because of their status as Indians, and any tribe that has a pending application for Federal recognition on October 1, 1985.

- F. During the construction of a project, if it becomes necessary to replace an M/WBE subcontractor, the prime contractor shall advise the owner. No M/WBE subcontractor may be replaced with a different subcontractor except (1) if the subcontractor's bid is later determined by the contractor to be nonresponsible or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work or (2) with the approval of the Board for good cause.

Good faith efforts as set forth in N.C. Gen. State. § 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 Board or its designee of its good faith efforts pursuant to N.C. Gen. State. § 143-131(b).

- G. If during the construction of a project additional subcontracting opportunities become available, the prime contractor shall make a good faith effort to solicit subbids from M/WBEs.
- H. Durham Public Schools periodically conducts Construction Information Meetings to engage the business community about current and future project opportunities. Table 1 attached to this Section 00200 includes the list of participants of the most recent Construction Information Meeting. Many of these firms are M/WBE qualified and should be considered as viable participants in the bidding process. Durham Public Schools provides this list as information without endorsing the qualifications or capabilities of these firms or individuals. Bidders are encouraged to contact these firms and individuals. Bidders are expected to independently evaluate applicability of M/WBE qualifications to the Work described herein and are encouraged to also utilize other reputable resources for M/WBE identification.

A-10. SITE CONDITIONS AND CONDITIONS OF THE WORK:

- A. Each bidder must acquaint himself thoroughly as to the character and nature of the work to be done. Each bidder furthermore must make a careful examination of the site of the work and inform himself fully as to the difficulties to be encountered in the performance of the work, the facilities for delivering, storing and placing materials and equipment, and other conditions relating to construction and labor.
- B. No plea of ignorance of conditions that exist or may hereafter exist on the site of the work, or difficulties that may be encountered in the execution of the work, as a result of failure to make necessary investigations and examinations, will be accepted as an excuse for any failure or omission on the part of the successful Bidder to fulfill in every detail all the requirements of the Contract Documents and to complete the work or the consideration set forth therein, or as a basis for any claim whatsoever.
- C. Insofar as possible, the Successful Bidder, in carrying out his work, must employ such methods or means as will not cause interruption of or interference with the work of the Owner or any separate contractor.

A-11. BIDDER'S QUESTIONS, ADDENDA AND INTERPRETATIONS:

- A. Bidders and Sub-bidders shall promptly notify the Design Consultant of any ambiguity, inconsistency or error which they may discover upon examination of the Bidding and Contract Documents or of the site and local conditions. No interpretation of the meaning of the drawings, specifications or other contract documents will be made to any Bidder orally.
- B. Every request for such interpretation should be in writing addressed to the Design Consultant with a copy forwarded to the Owner.
- C. Any and all such interpretations and any supplemental instructions will be in the form of written addenda to the Bidding Documents which, if issued, will be transmitted to all prospective Bidders (at the respective addresses furnished for such purposes) not later than three calendar days prior to the date fixed for the opening of bids. Neither the Design Consultant nor the Owner will be responsible for any other explanations or interpretations of the proposed documents. Failure of any Bidder to receive any such addendum or interpretation shall not relieve any bidder from any obligation under his bid as submitted. All addenda so issued shall become part of the Contract Documents.
- D. Each Bidder shall ascertain prior to submitting his bid that he has received all Addenda issued, and he shall acknowledge receipt and inclusion in his proposal of all Addenda.

A-12. SECURITY FOR FAITHFUL PERFORMANCE:

All bidders whose bid amount equals \$300,000 or more (sum of base + all alternates) shall include in their bid the costs of a Performance Bond and a Labor and Material Payment Bond. The cost of bonds covering the base bid work is to be carried in the base bid only. The cost of bonds covering any alternate scopes of work is to be included within each individual alternate bid. The successful bidder who's awarded contract equals \$300,000 or more shall furnish a Performance Bond in an amount equal to one hundred percent (100%) of the Contract Sum as security for the faithful performance of this Contract and also a Labor and Material Payment Bond in an amount not less than one hundred percent (100%) of the Contract Sum, as security for the payment of all persons performing labor and furnishing materials under this Contract. The successful bidder shall provide a Performance Bond and a Labor and Material Payment Bond using the forms attached as Exhibits A and B. The Performance Bond and the Labor and Material Payment Bond shall be delivered to the Owner not later than the date of execution of the Contract.

A-13. TIME FOR COMPLETION AND LIQUIDATED DAMAGES FOR NON-COMPLETION:

The time for completion of this Contract and liquidated damages for non-completion within the stipulated time shall be as fixed in the General Conditions.

A-14. LOCATION OF WORK:

The site of the proposed work is on Owner owned property, public streets, easements and/or other right-of-ways, as shown on the drawings.

A-15. LIABILITY INSURANCE AND WORKMEN'S COMPENSATION:

The Successful Bidder will be required to carry public liability and workmen's compensation and other insurance in the amounts and under the terms stipulated under the General Conditions.

A-16. BIDDERS REFERRED TO LAWS:

A. The attention of Bidders is called to the provisions of all Municipal, County and State laws, regulations, ordinances and resolutions, as well as laws, regulations, ordinance resolutions and permits relating to obstructing streets, maintaining signals, storing and handling of explosives, or affecting the Bidder, or his employees or his work hereunder in his relation to the Owner or any other person. The Bidder shall obey all such laws, regulations, ordinances, permits or resolutions controlling or limiting Contractors while engaged in the prosecution of work under this Contract.

B. The provisions of this contract shall be interpreted in accordance with the laws of North Carolina and in accordance with the laws, ordinances, regulations, permits and resolutions of Durham County.

A-17. TAXES

All applicable Federal, State and Local Taxes shall be included in the Bidder's proposal. The successful bidder shall provide the Owner with monthly documentation of North Carolina sales taxes paid for all purchases on the project in a form acceptable to the Owner.

DPS has determined this project not to be a Capital Improvement as defined by the NC General Statute § 105-164.

A-18. RIGHT TO REJECT BIDS:

The Owner expressly reserves the right to reject any or all bids, to waive any informalities or irregularities in the bids received, and to accept that bid which in its judgment, best serves the interest of the Owner.

A-19. EQUAL PRODUCTS AND SUBSTITUTIONS:

A. Whenever possible, the Design Consultant shall specify in the plans the required performance and design characteristics for materials as required by N.C. Gen. Stat. § 133-3. When it is impossible or impractical to specify the required performance and design characteristics for materials, the Design Consultant may use a certain brand, make, manufacturer, article, device, product, material, fixture,

form or type construction by name, make or catalog number to convey the general style, type, character and standard of quality of the article desired. Unless specifically stated to the contrary, all materials, supplies and articles furnished under this Contract shall, whenever specified and otherwise practicable, be the standard products of recognized, reputable manufacturers. Unless otherwise specifically provided in the Contract Documents, the naming of a certain brand, make, manufacturer or article, device, product, material, fixture or type of construction shall convey the general style, type, character and standard of quality of the article desired and shall not be construed as limiting competition. If approval by the Design Consultant prior to bid opening is desired, the bidder shall request approval in writing at least ten (10) days prior to the bid date. The Design Consultant's approval will be in the form of an Addendum to the Specifications issued to all prospective Bidders indicating that the additional makes or brands are equivalent to those specified. Nothing in this paragraph is intended to restrict or inhibit free and open competition on school system projects.

- B. The bidder may request approval for substitutions of materials or type of construction in writing up to ten (10) days prior to the bid date. The standard for acceptance of substitutions shall be as expressed in Paragraph 4.15 of the contract General Conditions.

A-20. PREPARATION AND SUBMITTAL OF FORM OF BID:

- A. Bids shall be submitted utilizing the Form of Proposal as bound herein, or otherwise provided with the Contract Documents, and shall be complete in every respect. The total bid amount shall be entered in words and figures in the space provided. Where applicable, the unit price or lump sum items, and their extensions, shall be entered in figures in the respective columns provided for each bid item. All entries shall be typewritten or printed in ink. The signatures of all persons shall be in longhand. Any entry of amount that appears on the face of the bid to have involved an erasure, deletion, white-out and/or substitution or other such change or alteration, shall show by them the initials of the person signing the bid and the date of the change or alteration. A failure to comply with this requirement may be cause for disqualification of the bid.
- B. For Unit Price bids, in the event of any discrepancies between the unit prices and the extensions thereof or the total bid amount, the unit prices shall govern. For Lump Sum bids, in the event of a discrepancy between the bid amount in writing and that in figures, the written value shall govern.
- C. Bids shall not contain any restatement or qualifications of work to be done, and alternate bids will not be considered unless called for. No oral bids or modifications will be considered.
- D. The amount of a bid submitted by a subcontractor to the general contractor under the single prime contracting system shall not exceed the bid, if any, for the same work by that subcontractor to the Owner under the multiple prime system.

- E. Each single-prime bid shall identify the contractors selected to perform the HVAC, plumbing and electrical work and the subcontractors' respective bid prices for the work.

A-21. MODIFICATION OR WITHDRAWAL OF BID:

- A. A Bidder may withdraw his bid from consideration if such bid was based upon a mistake as provided in North Carolina General Statute 143-129.1.
- B. Prior to the time and date designated for receipt of bids, any bid submitted may be modified or withdrawn by notice to the party receiving bids at the place designated for receipt of bids. Such notice shall be in writing over the signature of the Bidder or by telegrams; if by telegram, written confirmation over the signature of the Bidder shall be mailed and postmarked on or before the date and time set for receipt of bids, and it shall be so worded as not to reveal the amount of the original bid.
- C. Withdrawn bids may be resubmitted up to the time designated for the receipt of Bids provided that they are then fully in conformance with this Information for Bidders.
- D. Bid security, if any is required, shall be in an amount sufficient for the bid as modified or resubmitted.

A-22. DETAILED BID BREAKDOWN:

If the Owner directs, the Bidder shall provide a detailed breakdown of his bid acceptable to the Owner. In addition to verifying accounting requirements, the breakdown may be used by the Owner to determine whether the Bidder has grossly misjudged the requirements of any area. Failure to provide the requested detailed breakdown may result in rejection of the bid proposal.

A-23. AWARD OF CONTRACT:

- A. Durham County and the Durham Public Schools Board of Education have entered into an Interlocal Agreement under which the Board of Education is the authorized agent for real property sites leased by Durham County in order to facilitate the refund of sales taxes paid to the State of North Carolina for tangible personal property, building materials, supplies, fixtures, and equipment used in the erection, construction and development of school buildings, additions or renovations to school buildings upon these sites.
- B. The Durham Public Schools Board of Education as the agent of Durham County is appointed to manage design and construction contracts of school buildings or additions to school buildings on the property leased by the County. As such, all Bidding, Award, and Contract documentation will follow Durham County Procurement Policies and will be received, reviewed, recommended, and managed by Durham Public Schools. The contract will be awarded to the lowest responsive and responsible bidder under the single prime system, taking into consideration

quality, performance, and the time specified in the bids for the performance of the contract.

- C. The lowest bidder shall be determined by the aggregate amount of the unit prices set forth in the form of bid, if work is bid on a unit price basis, or the aggregate amount of the Base Bid, plus any Alternates selected by the Owner. Single prime bids will be received and awarded according to state law.
- D. A Responsive Bidder shall mean a Bidder who has submitted a bid which conforms, in all material respects, to the Bidding Documents.
- E. A Responsible Bidder shall mean a Bidder who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance. In determining responsibility, the following criteria will be considered:
 - 1. The ability, capacity and skill of the Bidder to perform the contract or provide the service required;
 - 2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - 3. The character, integrity, reputation, judgment, experience and efficiency of the Bidder;
 - 4. The quality of performance of previous contracts or services. For example the following information will be considered:
 - a. the administrative and consultant cost overruns incurred by Owners on previous contracts with Bidder,
 - b. the Bidder's compliance record with contract general conditions on other projects,
 - c. the submittal by the bidder of excessive and/or unsubstantiated extra cost proposals and claims on other projects,
 - d. the Bidder's record for completion of the work within the Contract Time or within Contract Milestones and Bidders compliance with scheduling and coordination requirements on other projects,
 - e. the Bidder's demonstrated cooperation with the Owner or the Design Consultant and other contractors on previous contracts,
 - f. whether the work performed and materials furnished on previous contracts was in accordance with the Contract Documents;
 - 5. The previous and existing compliance by the bidder with laws and ordinances relating to contracts or services;
 - 6. The sufficiency of the financial resources and ability of the Bidder to perform the contract or provide the service;

7. The quality, availability and adaptability of the goods or services to the particular use required;
 8. The ability of the Bidder to provide future maintenance and service for the warranty period of the contract;
 9. Whether the Bidder is in arrears to the Owner on debt or contract or is a defaulter on surety to the Owner;
 10. Whether the bidder has demonstrated a good faith effort to use MBEs as subcontractors;
 11. Such other information as may be secured by the Owner having a bearing on the decision to award the contract, to include, but not limited to:
 - a. the ability, experience and commitment of the Bidder to properly and reasonably plan, schedule, coordinate and execute the Work,
 - b. whether the Bidder has ever been debarred from bidding or found ineligible for bidding on any other projects.
- F. The purpose of the above is to enable the Owner in its opinion, to select the lowest responsible bidder. The ability of the low Bidder to provide the required bonds will not of itself demonstrate responsibility of the Bidder.
- G. In addition to the qualifications package submitted with the bid, the Owner reserves the right to require from the Bidder: (1) submissions of additional references, within seven days of bid opening, to include a listing of previous and current projects and (2) financial statements indicating current financial status, prepared in accordance with generally accepted accounting principles, by a CPA licensed to do business in North Carolina, and (3) any other information deemed necessary in order to establish the responsiveness and responsibility of the bidder.
- H. The Owner reserves the right to defer award of this contract for a period of forty-five (45) days after the due date of bids. During this period time, the Bidder shall guarantee the prices quoted in his bid.

A-24. ADDITIONAL REQUIREMENTS:

- A. All bidders must complete the Vendor Application/Bidder Profile Form and include it with their bid package. This information will be used to create or update Durham County's electronic Bidder/Vendor files.
- B. Security of Non-public Records: Pursuant to N.C.G.S. § 132-1.7, entitled, "Sensitive Public Security Information", public records, as defined in G.S. 132-1, shall not include information containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure facilities. Therefore, all information provided, received, gathered or obtained by Bidder containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure facilities shall be held confidential and shall be used by the Bidder only for the purpose of responding to this bid. All plans and drawings shall be

returned to the Owner no later than the bid closing date. Any breach of this paragraph by the Bidder may result in Bidder being barred from being awarded any contracts with the Owner.

- C. The following forms must be returned with one (1) original of the Bid Proposal:
 - a. Bid Forms
 - b. Non-Collusion Affidavit
 - c. Bid Bond
 - d. Power of Attorney
 - e. Vendor Application and W-9 Form
 - f. M/WBE Forms:
 - i. Identification of Minority Business Participation with contract amounts (\$),
- **AND** -
 - ii. Affidavit A – Listing of Good Faith Efforts - **OR** -
 - iii. Affidavit B – Intent to Perform Contract with Own Workforce
 - g. Project References
- D. Following the bid opening, the Owner will issue a Determination of Apparent Low letter to the contractor it has deemed to be the apparent low responsible, responsive bidder based on the initial bid documentation. The contractor is required to submit Affidavit C or D including all statute-required back-up information within seventy-two (72) hours of the receipt of the letter.
- E. Within 30 calendar days of the contract award, the contractor shall submit a complete list of all identified subcontractors the contractor will use on the project.

RELATED SECTIONS:

- A. Exhibit A – Performance Bond Form (Section 00 61 13)
- B. Exhibit B – Material and Labor Payment Bond Form (Section 00 61 13)

END OF INFORMATION FOR BIDDERS

Contract: **Single Prime Contractor**

Project: **ESSER PHASE II Water Fountain Replacement - Electrical**
Durham Public Schools Board of Education
Durham County, NC

Bidder: _____

License #: _____

Date: _____

The undersigned, as bidder, hereby declares that the only person or persons interested in this proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this proposal or in the contract to be entered into; that this proposal is made without connection with any other person, company or parties making a bid or proposal; and that it is in all respects fair and in good faith without collusion or fraud.

The Bidder further declares that he has examined the site of the work and the contract documents relative thereto, has read all special and supplemental provisions furnished prior to the opening of bids, has satisfied himself relative to the work to be performed, and thereby proposes and agrees if this proposal is accepted, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary to complete the fabrication and delivery of the work, and other related work in full and complete accordance with the plans, specifications and contract documents, to the full and entire satisfaction of the Owner, with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions and other contract documents, on the **ESSER Phase II Water Fountain Replacement – Electrical in Durham, NC**

Bidders are advised that a notice to proceed may be issued upon approval by the Durham Public Schools Board of Education, and in advance of the contract document.

The Bidder proposes and agrees, if this proposal is accepted, to execute a Contract within ten (10) days after notification of award, for the above work and for the below stated Compensation, in the form of Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum., for the sum of:

Electrical Subcontractor:

_____ Total Base Bid Amount (\$ _____)

BID UNIT PRICES:

UNIT PRICES TO BE SUBMITTED, ALONG WITH BID

Unit Price to Remove Existing Breaker and Install New GCFI Breaker Amount (\$ _____)/Each

ADDENDA:

The following addenda were received and used in computing this bid:

	Date	Initial
Addendum #1	_____	_____
Addendum #2	_____	_____
Addendum #3	_____	_____
Addendum #4	_____	_____

The Bidder further proposes and agrees hereby to commence work under this contract on a date to be specified in a written order by the Owner or Designer on or before **May 31, 2023**, and shall substantially complete the work on or before **183 days** from the “Notice to Proceed” or the contract, whichever is dated first.

The undersigned further agrees that in the case of failure on his part to execute the said contract and the bond within ten (10) consecutive calendar days after written notice being given of the award of the contract, the certified check, cash or bid bond accompanying this bid shall be paid into the funds of the Owner’s account set aside for the project, as liquidated damages for such failure; otherwise the certified check, cash or bid bond accompanying this proposal shall be returned to the undersigned. Attach certified check, cash or bid bond to this proposal.

BID FORM Section 00 41 13.02

Contractor Initials & Date _____

RESPECTFULLY SUBMITTED this _____ day of _____, 200__.

(Name of firm or corporation making bid)

By: _____

Title: _____
(Owner / Partner / President / Vice President)

License No. _____

Federal ID No. _____

WITNESS: (Proprietorship / Partnership)

By: _____

ATTEST: (Corporation)

By: _____

(CORPORATE SEAL)

Title: _____
(Corporate Secretary or Asst. Secretary Only)

**DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION
POLICY NUMBER 6070:**

Minority Business Enterprise Participation in Construction and Purchase Contracts

It is the policy of the Board to provide minorities equal opportunity to participate in all aspects of the school system's contracting and purchasing programs, including but not limited to participation in procurement contracts for materials, supplies and equipment, and contracts for the construction, renovation or repair of school facilities and equipment.

It is further the policy of the Board to prohibit discrimination against any person or business enterprise on the basis of race, color, ethnic origin, sex, handicapping condition, or religion and to conduct its contracting and purchasing programs so as to prevent such discrimination.

It is the policy of the Board in concert with other local, state and federal agencies and with the assistance of minority groups and agencies, actively to seek and identify qualified minority business enterprises (MBEs) and to offer them the opportunity to participate, and to encourage them to participate, in the school system's contracting and purchasing programs. Under this policy, the Board adopts the definition of MBEs contained in N.C. Gen. Stat. 143-128.2.

It is not the policy of this Board to provide information or other opportunities to minority business enterprises that will not be available to all other business enterprises. It is the intent of this policy to establish procedures designed to assure MBEs access to information and opportunities available to other business enterprises. It is not the intent of this policy to establish procedures that will increase the cost of the school system's construction and purchasing programs. It is the intent of this policy to widen opportunities for participation, to increase competition, and to reduce costs.

The Board will award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in N.C. Gen. Stat. 168A-3. The Board will award contracts to the lowest responsible, responsive bid.

Durham Public Schools is following Chapter 8 Article V of the Durham County Code of Ordinances for M/WBE Participation.

These projects shall be bid strictly in accordance with N.C. Gen. Stat. § 143-128 and -129. The school system shall require bidders on school construction and renovation projects to provide documentation demonstrating that they have met the verifiable goal for participation by minority business or that they have made good faith efforts to do so as specified in the accompanying regulations and in N.C. Gen. Stat. § 143-128.2. Data generated pursuant to this section shall be reported to the Department of Administration, Office of Historically Underutilized Business, as required by N.C. Gen. Stat. § 143-128.3(a).

**DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION
POLICY NUMBER 6070:**

Minority Business Enterprise Participation in Construction and Purchase Contracts

It is the policy of the Board to provide minorities equal opportunity to participate in all aspects of the school system's contracting and purchasing programs, including but not limited to participation in procurement contracts for materials, supplies and equipment, and contracts for the construction, renovation or repair of school facilities and equipment.

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ARTICLE V. - MINORITY AND WOMEN BUSINESS ENTERPRISES (*as of February 18, 2020*)

Sec. 8-131. - Purpose.

- (a) The county has commissioned a disparity study, which determined that there is a strong basis in evidence to conclude that minority and women-owned firms continue to suffer from both discrimination and the present effects of past discrimination in the Durham marketplace, which have a direct affect on the procurement processes of the County of Durham. The study findings conclude that the county should utilize race-neutral remedies to address the identified discriminatory barriers faced by minority and women-owned businesses and further concludes that, where appropriate, the county should take action to ensure that minority and women-owned firms are not discriminated against.
- (b) This article establishes a plan of action to help ensure that the county's purchasing practices provide for participation by, and equal opportunities for businesses owned and controlled by minorities and women.
- (c) This article is enacted pursuant to authority provided by law, including G.S. 143-128, 153A-12, 153A13, 153A-121, and 153A-134.

(Ord. of 1-14-08(1), § 1)

Sec. 8-132. - Policy statement.

It is the policy of the county to provide minorities and women equal opportunity to participate in all aspects of the county's contracting programs, including, but not limited to, construction projects, and/or materials and service contracts, consistent with law. It is further the policy of the county to prohibit discrimination against any business in pursuit of these opportunities on the basis of race, color, national origin, religion, sex, age, disability, or veteran's status. It is further the policy of the county to conduct its contracting programs so as to prevent such discrimination, correct present discrimination and to resolve claims of such discrimination.

(Ord. of 1-14-08(1), § 1)

Sec. 8-133. - Definitions.

Unless the context requires otherwise, the following words as used in this article have the indicated meanings:

To *bid* means to offer to furnish goods or services. Bids are the means by which the offer is communicated and includes, but is not limited to, formal and informal bids, proposals, and responses to a request for proposals. A bid need not be in writing, unless otherwise required.

Bidder means a business which has bid to provide goods or services to the county.

Business includes businesses regardless of legal status, including persons, corporations, partnerships, joint stock companies, joint ventures and any other private legal entity.

Contractor means a business which has a contract with the county to provide goods or services to the county.

County means County of Durham, North Carolina.

County manager means the Durham County Manager or the county manager's designee.

Department head means the Durham County Department Head or the designee of the department head, such as the project manager.

Director means the Durham County Purchasing Director or the designee of the director.

Goals means M/WBE goals express as a percentage of the total dollar volume for participation of minorities and women on county contracts.

Goods mean apparatus, supplies, materials and equipment.

Historically underutilized business means a business which meets the conditions specified in G.S. 143-128.4(a).

Joint venture means an association of two or more businesses to carry out a single enterprise for profit, for which purpose they combine their property, capital, efforts, skills, or knowledge.

MBE means an M/WBE which is a minority business enterprise, which includes minority or women business enterprise.

M/WBE means a business which holds a current certification as a minority or women business enterprise.

Minority means an individual who is a citizen or lawful permanent resident of the United States and who is:

- (1) *African American*. A person having origins in any of the black racial groups of Africa.
- (2) *Asian American*. A person having origins in any of the original peoples of the Far East, Southeast Asia, Asia, Indian continent, or Pacific Islands.
- (3) *Hispanic American*. A person of Spanish or Portuguese culture having origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race.
- (4) *Native American*. A person having origins in any of the original Indian peoples of North America.

Other professional means professional services other than architecture, engineering, or professional services performed for the human services agencies of the county.

Services mean nonconstruction services.

Subcontractor means any business contracting with a contractor to provide goods and/or services in fulfillment of the contractor's obligations arising from a contract with the county.

WBE means an M/WBE which is a woman-owned business enterprise.

(Ord. of 1-14-08(1), § 1)

Sec. 8-134. - Administration.

- (a) The county manager, with the advice of the director, shall implement this article. The county manager is hereby authorized to take all usual and legal administrative actions necessary to implement this article.
- (b) This article applies to all bids and contracts for the purchase of goods or services which the county enters into after the adoption hereof.
- (c) The county manager and the director shall consider and implement special programs to assist local M/WBEs including, but not limited to, bonding assistance and technical assistance.

(Ord. of 1-14-08(1), § 1)

Sec. 8-135. - Encouragement of M/WBE contracting.

- (a) *Race-neutral steps.* The county shall take the following race-neutral steps to attempt to eliminate discrimination which has been shown to exist:
- (1) *Creation and identification of separate work.* In the preparation of bid request packages and in projects in which the county engages an independent architect or engineer, the director and department head shall make reasonable attempts to divide the work requirements so that there are good opportunities for small companies to perform as subcontractors. This may be accomplished, for example, by the director and department head working together to identify contracting strategies which ensure that opportunities are created for smaller firms.
 - (2) *Advertising for bids.* Whenever the county manager finds it to be reasonably practicable, a period of at least 30 days will be given between advertising and receiving bids so that small companies may have adequate time to obtain bonding, licensing, or any other technical assistance. Further, such advertising shall be made through the majority and minority media as well as through majority and minority trade and professional organizations and publications.
 - (3) *Pre-bid conference.* The director shall be present at each pre-bid conference. The director shall provide potential subcontractors with a list of contractors who attend the pre-bid and preproposal meetings.
 - (4) *Bonding, etc.* The county manager shall, where applicable and feasible, make efforts to assist companies in obtaining bonding. Bonding and other technical assistance shall be coordinated with the United States Small Business Administration, other governmental entities and, where feasible, financial institutions.
 - (5) *[System development.]* The director shall develop a system to make available information on current informal bids via internet access or electronic mail.
 - (6) *Other requirements.* The director shall insert, in contracts to be executed by the county, provisions requiring the other parties to adhere to the requirements of this article.
- (b) *Race-conscious steps.* The county shall take the following race-conscious steps to attempt to eliminate discrimination which has been shown to exist:
- (1) *Maintaining M/WBE availability data bank.* The county shall utilize the statewide data bank of historically underutilized businesses, established by the North Carolina Department of Administration HUB Office. This information is to be made available to all prospective contractors and shall be used by the county in notifying M/WBEs of opportunities to contract with the county. The director shall utilize electronic technology to the greatest extent practicable to maintain information on certified historically underutilized businesses which seek to do business with the county. The information should include at least the following: name of business, address, telephone number, services or products provided, capabilities of the business, line of work performed by the business, licensing and number of persons employed by ethnicity and gender.
 - (2) *Outreach and assistance to subcontractors.* To ensure that opportunities to participate on county contracts are available to the widest feasible universe of interested, available and qualified businesses, the county shall develop and implement a written comprehensive outreach program aimed at increasing business participation in the county's contracting and procurement process. This program may include, without limitation, any or all of the following:
 - a. The county may disseminate at community events, trade shows, and other appropriate business functions, and publish at regular intervals, in print and in electronic media (including publications or electronic media targeted to M/WBEs and small businesses) information describing the minority business opportunity program and the functions of the county.
 - b. The county may establish a procedure to engage in continuous recruitment and outreach efforts directed at business assistance organizations to increase the pool of businesses available to do business with the county. The county may identify suppliers through business development organizations and participation at various trade shows, supplier diversity

groups and work with various national and local supplier development councils and organizations.

- c. The county may disseminate at community events, trade shows, and other appropriate business functions, and publish at regular intervals, in print and in electronic media, information identifying ongoing contracting opportunities with the county, and providing contact information by which businesses may obtain additional information from the county. The county will provide this information in languages other than English, where appropriate. To the extent feasible, the county may enter into arrangements to share data regarding upcoming county projects, and subcontracting opportunities on the projects, with other businesses and agencies or jurisdictions in the region.
 - d. The county may assist businesses in submitting bids for eligible projects by providing individualized counseling, and/or by conducting seminars regarding the process for submitting a bid on a county project. The county may sponsor "How to do business with the County of Durham" seminars and invite a wide array of businesses.
 - e. The county may actively encourage businesses to attend the pre-bid conferences, providing face-to-face and one-on-one meeting opportunities with employees of the county within the divisions and departments that are involved with the contracting and procurement process. The county may establish and implement training and awareness programs with the employees of the county's user departments to educate them with regard to increasing utilization of MWBEs.
- (c) *Bidders' responsibilities.* Bidders shall take affirmative steps prior to submission of any bid to encourage participation in projects by M/WBEs where discrimination has been shown to currently exist. Such steps shall include:
- (1) Segmenting total work requirements to permit M/WBE participation.
 - (2) Assuring that M/WBEs are solicited whenever there are possible sources of goods or services. This may include:
 - a. Sending letters or making other personal contacts with M/WBEs (e.g. those whose names appear on the historically underutilized businesses listed in the North Carolina State-Wide Data Bank). M/WBEs are to be contacted within a reasonable time prior to bid submission or the closing date of receipt of initial offers. Those letters or other contacts shall communicate the following:
 - 1. A specific and accurate description of the work to be subcontracted;
 - 2. Information on how and where to obtain a copy of this article and specification or other detailed price quotation;
 - 3. The date the quotation is due to the bidder for preparation of the bid; and
 - 4. The name, address and phone number of the person in the bidder's business whom the prospective M/WBE subcontractor should contact for additional information.
 - b. Sending letters or making other personal contacts, as referenced in subsection 8135(b)(2)a., with local state, federal, and private agencies and M/WBE associations relevant to the project. Such contacts should provide the same information as provided in the direct contact with M/WBEs.
 - c. Where feasible, establishing delivery schedules which will encourage participation by M/WBEs.
 - d. In determining the availability of M/WBEs, the relevant area shall be the same as that used to solicit bidders.
 - (3) Attending the pre-bid conference, if such a conference is held.

- (4) Advertising in minority/female trade publications and minority/female-owned media no less than 20 days from the date that bids are due. If 20 days are not available, advertising must be sought as soon as the bidder learns of the solicitation of bids. The publication should be one which reasonably covers the area used to solicit the bidder. The advertisement should be for specific subcontracts described in reasonable detail.
 - (5) The advertised subcontracts should equal the M/WBE goal specified in the bid.
 - (6) Assisting M/WBEs in finding sources of bonding and insurance required by the bidder.
 - (7) Not imposing requirements regarding surety bonds that are more onerous for M/WBEs than for non-M/WBEs similarly situated.
 - (8) Making all reasonable efforts to provide technical assistance to assist in the upgrading of M/WBE capabilities.
 - (9) Making bulk purchases whenever reasonably practicable in order to reduce the capital requirements of M/WBE subcontractors.
 - (10) Reporting all businesses which it has reasonable grounds to believe have fraudulently claimed M/WBE status in order to unjustly benefit from the requirements of this article.
 - (11) To demonstrate compliance with the responsibilities as set forth herein, bidders shall keep detailed records of all correspondence with M/WBEs and the responses thereto, logs of all telephone calls made and received regarding the project and copies of advertisements in minority and women-owned publications and media.
- (d) *Responsibilities of bidders and contractors.* Bidders and contractors shall:
- (1) Furnish regular reports and information, in a form determined by the director (Appendix E, M/WBE Documentation for Contract Payments) sufficient to allow the county and the director to determine that the bidders and contractors are meeting the requirements of this article. This information must be submitted by the contractor to the county department head or designee, with each pay request.
 - (2) Cooperate in good faith with the county to attempt to resolve any complaints of discrimination made against bidders and contractors.
 - (3) After the county manager has identified a bidder as the apparent lowest responsible bidder, whether as a result of a sealed bid process or otherwise, and that bidder proposes to replace a subcontractor, to increase the quantity of subcontracted work, or to change the allocation of work among subcontractors, the bidder must provide M/WBEs an equal opportunity for such work. Substitutions of subcontractors in these circumstances, both prior to and after the awarding of a contract, are subject to the written approval by the county manager.
 - (4) When a contractor proposes to replace subcontractors, to increase the quantity of subcontracted work, or to change the allocation of work among subcontractors, the contractor must provide M/WBEs an equal opportunity for such work. Substitutions of subcontractors in these circumstances are subject to the written approval of the county manager.
- (e) *Obligations of M/WBEs.* M/WBEs and businesses that qualify to be certified as M/WBEs are responsible for promoting themselves and taking the initiative to obtain contracts and subcontracts, and for encouraging joint venture arrangements. M/WBE's interested in special assistance shall take the following steps:
- (1) Submit information to the contract recipients to identify status as an MBE or WBE.
 - (2) Become certified as an MBE or WBE under the North Carolina Department of Administration, Historically Underutilized Business (HUB) certification program.
 - (3) Contact federal, state, and local M/WBE liaison offices to obtain information on potential jobs.

- (4) Provide capability statements to state agencies, the director, county engineer, and prospective bidders stating types of work performed by the business, size of job that the business could handle, bonding information and any special skills.
- (5) Make every effort to establish contacts and relationships with prospective bidders for potential future business, including attending pre-bid conferences and subscribing to industry and trade journals.
- (6) Contact the county's engineering department to obtain information on planned projects. Visit the Durham County website periodically for posting of bid opportunities.
- (7) Respond promptly to solicitation requests.
- (8) Attend seminars, classes, and workshops designed to enhance business skills and the ability to build capacity. (Ord. of 1-14-08(1), § 1)

Sec. 8-136. - Goals.

- (a) In determining the value of contracts awarded to MBEs and WBEs as required by this section, contracts and subcontracts are deemed awarded if the bidder lists them in the paperwork required by the director as part of the county's bid process. Durham County hereby establishes the following goals for the expenditure of funds with M/WBES:

Ethnicity/Race/Gender Industry	African American	Asian American	Hispanic American	Native American	Women-Owned
Construction	2.61%	N/A	N/A	N/A	3.98%
Construction subcontracting	14.67%	N/A	2.14%	N/A	10.76%
Professional services (including architecture and engineering)	N/A	N/A	N/A	N/A	N/A
Other professional services	7.20%	N/A	N/A	N/A	3.55%
Goods/supplies	N/A	N/A	N/A	N/A	12.05%

- (b) The county manager may waive the required goals subject to the availability of qualified firms. The county reserves the right to set goals on a project-by-project basis depending on the availability of qualified firms.

(Ord. of 1-14-08(1), § 1)

Sec. 8-137. - Certification of M/WBES.

- (a) Minority businesses seeking to be counted toward Durham County's minority business participation goals shall be certified or designated as minority business by the North Carolina Department of Administration HUB Office, or by another certifying agency of the State of North Carolina or local unit of government.
- (b) As a result of North Carolina's Legislative Session Law 2007, Senate Bill 320, a new requirement has been created for the state department of administration to develop and administer a state-wide uniform program for certification of Historically Underutilized Businesses (HUBs) for use by state and local agencies, and to create and maintain a state-wide database of certified HUBs. This requirement for all state and local agencies to use HUB's listed in the database created in accordance with the new law becomes effective July 1, 2009.
- (c) Pursuant to the provisions of G.S. Article 3, § 143-128.4 shall read as follows:
 - (1) *G.S. 143-128.4*. Historically underutilized business defined; state-wide uniform certification. As used in this chapter, the term "historically underutilized business" means a business that meets all of the following conditions:
 - a. At least 51 percent of the business is owned by one or more persons who are members of at least one of the groups set forth in subsection (d) of this section, or in the case of a corporation, at least 51 percent of the stock is owned by one or more persons who are members of at least one of the groups set forth in subsection (d) of this section.
 - b. 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 (d) of this section.
 - (2) As used in this chapter, the term "minority business" means a historically underutilized business.
- (d) To qualify as a historically underutilized business under this section, a business must be owned and controlled as set forth in subsection (c) 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.

(Ord. of 1-14-08(1), § 1)

Sec. 8-138. - Contractor selection procedures.

- (a) *Contractor and subcontractor selection*. The county may award the contract and/or reject bids in accordance with law, taking into consideration M/WBE requirements. In writing specifications and requirements for bidding, the county manger may specify what M/WBE and employment information and documents must be submitted with the bid, what M/WBE and employment information must be submitted afterwards and on what schedule. The employment information may include ethnicity, gender, and occupation of employees. If the county manager determines that a bid was made with

good faith efforts to comply with this article, the county commissioners and the county manager shall consider that bid to have complied with this chapter in the absence of a bid which has met the M/WBE requirements, including having obtained the goals set forth pursuant to section 8-136.

- (b) *Number of bids.* To the extent allowed by law, for purposes of counting the minimum number of bids required under G.S. 143-132, bids made with good faith efforts to comply with this article shall not be considered to be nonresponsive for failing to meet the M/WBE requirements.
- (c) *Calculation of MWBE participation.* The degree of participation by minority-majority joint ventures, M/WBE contractors and subcontractors in contracts awarded shall be calculated as follows:
 - (1) The total dollar value of the contract awarded to the M/WBE is counted as participation.
 - (2) The total dollar value of a contract awarded to an M/WBE owned and controlled by both minority males and nonminority females is counted as participation for minorities and women respectively, in proportion to the percentage of ownership and control of each group in the business. The total dollar value of an M/WBE owned and controlled by minority women is counted as either the minorities' or women's participation, but not both. The M/WBE may choose which category the credit will apply.
 - (3) The county may count as its M/WBE participation a portion of the total dollar value of a contract with a joint venture eligible under the standards of this article equal to the percentage of the ownership and control of the M/WBE partner in the joint venture.
 - (4) The county may count as M/WBE participation only expenditures to an M/WBE that performs a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and for carrying out its responsibilities by actually performing, managing, and/or supervising the work involved. The qualified owners themselves must be actively involved in carrying out those responsibilities. To determine whether an M/WBE is performing a commercially useful function, the county shall take into account the amount of work subcontracted, industry practices, the adequacy of the resources of the business for the work, the qualification of the owners.
 - (5) Consistent with normal industry practices, an M/WBE may enter into subcontracts. If an M/WBE bidder or contractor subcontracts a significantly greater portion of the work of the contract than would be expected based on normal industry practices, the M/WBE shall be presumed not to be performing a commercially useful function. The M/WBE may present evidence to rebut this presumption to the county.
- (d) *Documenting MWBE participation.* Bidders shall be required to submit, at a time and in a form specified by the director, the following information on each M/WBE related subcontract:
 - (1) A description of the subcontractors for significant goods and services to be used to perform the prime contract, and the name, address, contact person and telephone number of each of those subcontracts;
 - (2) The dollar amount of participation of each M/WBE;
 - (3) A statement of intent from each prospective M/WBE subcontractor identified in subsection (d)(1) above, to the effect that it intends to subcontract as described;
 - (4) If the bid does not indicate that the bidder will achieve the applicable M/WBE goals, the bidder shall submit sworn statements, with appropriate documentation, showing that it made good faith efforts to engage M/WBEs; and
 - (5) M/WBE's must be certified by the North Carolina Department of Administration HUB Office, or by another certifying agency of the State of North Carolina or local unit of government prior to submittal of a bid in order to receive credit towards the achievement of the M/WBE goals.
- (e) *Good faith efforts.* It is the responsibility of bidders and contractors to make good faith efforts. Any act or omission by the county shall not relieve them of this responsibility. The county manager shall apply

the following criteria, with due consideration of the quality, quantity, intensity and timeliness of efforts of bidders and contracts, in determining good faith efforts to engage M/WBEs, along with criteria that the county manager deems proper: (1) Attendance at the pre-bid conference, if held;

- (2) Whether and when the bidder or contractor provided written notice to all M/WBEs listed in the North Carolina Department of Administration HUB Office databank that performs the type of work to subcontract and advising the M/WBEs:
 - a. Of the specific work the bidder or contractor intends to subcontract;
 - b. That their interest in the contract is being solicited; and
 - c. How to obtain and inspect the applicable plans, specifications and descriptions of the item to be purchased.
- (3) Whether the bidder or contractor selected feasible portions of work to be performed by M/WBEs, including, where appropriate, breaking contracts or combining elements of work into feasible units, and considering the ability of the bidder or contractor to perform the work with its work force;
- (4) Whether the bidder or contractor considered all bids received from M/WBEs and for those bids not accepted, the bidder or contractor shall provide an explanation of why the M/WBE will not be used during the course of the contract;
- (5) Whether the bidder or contractor provided interested M/WBEs assistance in reviewing applicable plans and specification and descriptions of items to be purchased;
- (6) Whether the bidder or contractor advertised in general circulation, trade association and minority/women focus media concerning the subcontracting opportunities;
- (7) Whether the bidder or contractor provided written notice to a reasonable number of specific M/WBEs that their interest in the contract was being solicited, in sufficient time to allow them to participate effectively;
- (8) Whether the bidder or contractor followed up initial solicitation of interest by contacting M/WBEs to determine with certainty whether the M/WBEs were interested;
- (9) Whether the bidder or contractor provided interested M/WBEs with adequate information about the plans and specification and requirements of the contract;
- (10) Whether the bidder or contractor negotiated in good faith with interested M/WBEs, not rejecting M/WBEs as unqualified without sound reason based on a thorough investigation of their capabilities;
- (11) Whether the bidder or contractor made efforts to assist interested M/WBEs in obtaining bonding, lines of credit or insurance if such assistance was necessary;
- (12) Whether the bidder or contractor effectively used the services of available minority/women community organizations; minority/women contractor groups; local, state and federal minority/women business assistance offices; and other organizations which provided assistance in recruitment and placement of M/WBEs;
- (13) Whether the bidder or contractor has utilized M/WBE subcontractors on other county contractors; and
- (14) Whether the bidder or contractor's efforts were merely pro forma, and given all relevant circumstances, could not reasonably be expected to provide sufficient M/WBE participation to meet the goals.

(Ord. of 1-14-08(1), § 1)

Sec. 8-139. - Enforcement and monitoring.

- (a) *Contract compliance.*
- (1) The county manager and the director shall be responsible for monitoring all contracts for compliance with M/WBE requirements. They may take the following steps to determine such compliance:
 - a. Conducting site visits;
 - b. Reviewing all documents submitted for payment by the contractor to determine whether payments are being made to M/WBEs as indicated in the contract and bid;
 - c. Reviewing certification.
 - (2) The contractor shall submit such information to the director, which the director designates as reasonably necessary to determine whether the contractor complies with the M/WBE requirements of the contract.
 - (3) If the county manager, with the advice of the director, notifies the contractor of the county manager's finding that there are deficiencies in the performance of the contractor insofar as compliance with this article, the contractor shall have 15 days, or if 15 days do not remain in the contract, a reasonable lesser amount of time to cure the deficiencies. If a contractor materially breaches the M/WBE requirements of the contract, and has not cured the breach within the time allowed for the purpose, the county commissioners shall have the right to take all lawful action in response thereto, including, but not limited to, terminating the contract, imposing liquated damages, and/or considering the contractor to be nonresponsible when awarding future county contractors.
- (b) *Sanctions.* All contractors, after being awarded a contract, are legally bound to observe their terms of the contract, including all M/WBE provisions. The county commissioners have the authority to impose penalties for noncompliance with the provisions of this article including, suspension of contract eligibility, liquated damages, and termination of the contract.
- (c) *Maintaining M/WBE participation.* Contractors must maintain the M/WBE percentages indicated at the time of contract award throughout the term of the contract. This includes any increase of the contract by amendment of change order. For contracts in the amount provided by G.S. 143-129, or any local act pertaining thereto where there are certified minority/women business enterprise firms available for subcontracting, failure by the contractor to comply with pre-bid requirements under section 8-138, or to adequately document good faith efforts to subcontract with M/WBE firms, or to purchase significant material supplies from M/WBE firms, shall subject the bid to rejection as being nonresponsive.
- (d) *Monitoring the program.* The county manager, with input of the director, shall be responsible for monitoring the implementation of this article and reporting to the county commissioners annually on the efficiency of this article. To the greatest extent possible the county shall utilize computerized electronic systems for monitoring compliance and providing reports as required under this article. Toward that end, the county manger shall have compiled:
- (1) Reports from the information submitted by successful bidders outlining the total dollars spent and the amount spent for minority contractors;
 - (2) A fiscal report on all contracts awarded;
 - (3) A comparison of the percentage of M/WBEs and major contractors doing business with the county;
 - (4) A report on the percentage of M/WBEs located in the county;
 - (5) Reports describing the general categories of contracts awarded M/WBEs;
 - (6) Reports showing the percentage of dollar values of all contracts awarded during the quarter which were awarded to M/WBEs;
 - (7) Separate records relating to MBEs and WBEs; and

(8) Other documentation necessary to substantiate disparity.

(Ord. of 1-14-08(1), § 1)

Sec. 8-140. - Contracts awarded by the county manager.

(a) The county manager may determine that all or specified portions of the following parts of this article shall not apply to contracts that are to be awarded by the county manager:

Section:

8-135(a)(2)	Advertising for bids
8-135(c)	Bidders' responsibilities
8-138(d)	Documenting M/WBE participation
8-138(e)	Good faith efforts

(b) The determination may be made for classes of contracts or for individual contracts. The determination shall be in writing.

(Ord. of 1-14-08(1), § 1)

Sec. 8-141. - Federal and state requirements; conflict resolution.

Where a federal or state grant agreement, or any federal or state law or regulations prevent the full application of this article, this article shall apply to the extent permitted by the applicable agreement, laws, and regulations.

(Ord. of 1-14-08(1), § 1)

Sec. 8-142. - Effective date.

This article shall continue in effect until 11:59 p.m. on December 31, 2012, at which time it shall be deemed repealed without further action by the county commissioners. Unless otherwise provided by an ordinance enacted by the county commissioners or by a contract between the county and the other party of the contract, if a legal action is commenced before the repeal of this article to enforce any contractual

provision which incorporates by reference any of this article, the rights of parties with respect to such contractual provision shall, for purposes of the legal action, continue in effect notwithstanding the repeal. This article shall be effective on ratification.

(Ord. of 1-14-08(1), § 1)

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

AFFIDAVIT A

This Affidavit and ALL THREE (3) SECTIONS Herein Must Be Completed By ALL BIDDERS and Submitted with Bid.

Section I - Listing of the Good Faith Effort

Bidder must earn at least 50 points from the Good Faith Efforts list for their Bid to be considered responsive and must submit documentation supporting all items checked within the timeframes set forth in Section III below.

I have made Good Faith Effort to comply under the following areas checked:

- 1. 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. "Contact" means contact by letter, fax, e-mail or other means to a viable and active address. **CONTRACTOR MUST ATTACH EVIDENCE OF CONTACT TO THIS AFFIDAVIT AND SUBMIT WITH BID.** Value = 10 points.
- 2. Made the construction plans, specifications and requirements available for review by prospective MWBE businesses, or providing these documents to them at least 10 days before the bids are due. Value = 10 points.
- 3. Broken down or combined elements of work into economically feasible units to facilitate minority participation. Value = 15 points.
- 4. Worked with MWBE 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 MWBE'S. Value = 10 points.
- 5. Attended prebid meetings scheduled by the public owner. Value = 10 points.
- 6. Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors. Value = 20 points.
- 7. Negotiated in good faith with interested MWBE'S and did not reject them as unqualified without discussing with MWBE'S sound reasons based on their capabilities. **CONTRACTOR MUST ATTACH TO THIS AFFIDAVIT AND SUBMIT WITH BID COPIES OF QUOTES OR RESPONSES FROM ALL FIRMS SUBMITTING QUOTES OR RESOPNSES, AND, IF APPLICABLE, WRITTEN JUSTIFICATION FOR ANY REJECTION OF A MWBE BASED ON LACK OF QUALIFICATION.** Value = 15 points.
- 8. Provided assistance to an otherwise qualified MWBE 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 MWBE businesses in establishing credit. Value = 25 points.
- 9. Negotiated joint venture and partnership arrangements with MWBE businesses in order to increase opportunities for MWBE business participation on the construction or repair project when possible. Value = 20 points.
- 10. Provided quick pay agreements and policies to enable MWBE contractors and suppliers to meet cashflow demands. Value = 20 points.

The undersigned hereby certifies that he or she has read the terms of the MWBE business commitment, that the bidder has made the Good Faith Efforts in the areas checked above, and that he or she is authorized to bind the bidder to the commitment herein set forth.

Date: _____ Name of Authorized Officer: _____

Signature. _____

Section II - Portion of the Work to be Performed by Minority Firms

I will expend a minimum of _____ % of the total dollar amount of the contract with MWBE. MWBE 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 necessary)

Name and Phone Number	*MWBE Category	Work description	Dollar Value

*MWBE 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 MWBE 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: _____

Section III — Documentation of Good Faith Efforts

ALL BIDDERS, regardless of percentage of MWBE participation, **MUST** provide documentation of all Good Faith Efforts checked in Section I within the timeframes set forth in Parts A and B below. Failure to submit these documents / information shall be grounds for deduction of Good Faith Points. In the event such a deduction results in a failure to achieve the required number of Good Faith Points, the Bid shall be rejected unless the bidder has otherwise demonstrated Good Faith Efforts.

PART A (Documentation Required to be Submitted With Bid)

Documentation **MUST** be provided **WITH THE BID** in order for the bidder to receive credit for certain items checked. If the bidder checked Items 1 or 7 in Section I, the bidder **MUST** provide documentation supporting those Good Faith Efforts **WITH THE BID**.

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

ITEM 1

- Copies of solicitations for quotes to at least three (3) MWBE's 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
- Copies of quotes and responses received from each firm responding to the solicitation● A telephone log of follow-up calls to each firm sent a solicitation.

ITEM 7

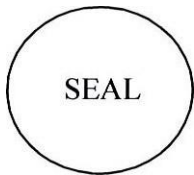
- Copies of quotes or responses received from all firms submitting quotes or responses for each subcontract, and, if applicable a letter detailing the reason(s) for any rejection of minority business(es) due to lack of qualification.

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

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 _____

PART B (Documentation Required to be Submitted Within 72 Hours of Notification)

Certain documentation MUST be provided within 72 hours of notification of being the apparent lowest responsible, responsive bidder in order to receive credit for certain additional Items checked. If the bidder checked Items 2, 3, 4, 5, 6, 8, 9 or 10, the bidder MUST provide documentation supporting those Good Faith Efforts within 72 hours of notification of being the apparent lowest responsible, responsive bidder.

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

ITEM 2

- Invitation to view construction plans, specifications and requirements.
- Cover letter enclosing construction plans, specifications and requirements.

ITEM 3

- Copies of all bid solicitations or request for proposals broken down by scope of work.
- Letter detailing contractor's efforts to break down or combine elements of work into economically feasible units to facilitate minority participation.

ITEM 4

- Documentation of any contacts or correspondence to MWBE, community, or contractor organizations in an attempt to meet the goal

ITEM 5

- Copy of pre-bid roster.

ITEM 6

- Letter documenting efforts to provide assistance in obtaining required bonding or insurance for MWBE

ITEM 8

- Letter documenting proposed assistance offered to minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letter of credit, including waiving credit that is ordinarily required.

ITEM 9

- Letter documenting negotiations with MWBE businesses to create joint venture or partnership arrangement for the construction or repair project.

ITEM 10

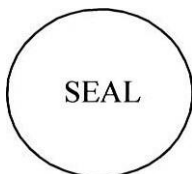
- Copy of quick pay agreements.
- Copy of quick pay policies.

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

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 _____

AFFIDAVIT B

Intent to Perform Contract with Own Workforce

County of _____

Affidavit of _____
(Name of Bidder)

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

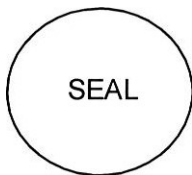
In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

The 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 E

MWBE DOCUMENTATION FOR CONTRACT PAYMENTS

Prime Contractor/Architect: _____

Address & Phone: _____

Project Name: _____

Pay Application # _____ Period: _____

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

A	B	C	D	E	F	G	H
MWBE FIRM NAME	* TYPE OF MWBE	ORIGINAL CONTRACT AMOUNT	PREVIOUS PAYMENTS	PAYMENT THIS PERIOD	TOTAL CHANGE ORDERS TO DATE	TOTAL AMOUNT COMMITTED	TOTAL RETAINED TO DATE

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

Approved/Certified By:

_____ Name _____ Title _____

_____ Date

_____ Signature

SUBMIT WITH EACH PAY REQUEST - FINAL PAYMENT - FINAL REPORT

