

## SECTION 00330

### REQUIREMENTS PERTAINING TO THE PARTICIPATION OF MINORITY BUSINESSES IN GUILFORD COUNTY CONTRACTING

The Guilford County Board of Commissioners established its verifiable minority participation goal of ten (10) percent, on March 5, 1990, as recorded in the approved meeting minutes. Respondents must make good faith efforts to contact minority businesses to allow each an equal opportunity to quote on the work involved. In determining whether a contractor has made Good Faith Efforts, the County will evaluate all efforts made by the Contractor and will determine compliance regarding quantity, intensity, and results of these efforts, in accordance with the ten percent (10%) state goal for Good Faith Efforts compliance laws and guidelines. Any proposal that does not include the required MWBE information and documentation may be considered non-responsive. In February 2017, the Guilford County Board of Commissioners established a standing aspirational MWBE participation goal of fifteen percent (15%), as recorded in the approved meeting minutes. The aspirational MWBE goal for this project is fifteen percent (15%). Guilford County encourages each contractor to meet or exceed the aspirational goals in recruiting MWBE providers.

Guilford County will help any contractor in this effort. If anyone has questions concerning Guilford County's approach to the minority participation percentage goal, what is covered here, what is covered by the Guilford County resolution, or the NC laws, they should contact the Guilford County MWBE Department at 336-641-4565.

**Bidders/Proposers must submit  
WITH THE BID/PROPOSAL  
the Minority Business Participation Form #1 and Affidavit A or Affidavit B.  
Failure to file a required affidavit or documentation with the bid/proposal or  
after being notified as the proposed awardee may be grounds for rejection of the bid/proposal.**

#### **FORM #1 MINORITY BUSINESS PARTICIPATION**

All bidders/proposers shall make the minority participation disclosures required by G.S. 143-128.2(c) and comply with the other requirements of G.S. 143-128.2. Under GS 143-128.2(c) the undersigned bidder/proposer shall identify **on its bid/proposal** the minority businesses that it will use on the project with the total dollar value of the work that will be performed by the minority businesses.

#### **FORM #2 MINORITY OUTREACH CALL LOG**

All bidders/proposers shall submit **on its bid/proposal** documentation of all contacts made to recruit minority businesses to participate on the current project. A Bidder must make the required contacts not less than **10 Days** before Bid Opening to receive credit. Refer to Section C of the Guilford County MWBE Administrative Manual for requirements of the Solicitation Method, Solicitation Content, and Solicitation Documentation.

#### **FORM #3 GOOD FAITH EFFORTS - AFFIDAVIT A**

If a vendor's committed goal is **less than the established 10% goal or the specific established contract goal**, then the good faith efforts to meet the goal shall be provided as required by G.S. 143-128.2(c) and G.S. 143-128.2(f). The document must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations and other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

#### **FORM #4 SELF-PERFORMANCE, AFFIDAVIT B**

A contractor that performs all the work with its own workforce may submit an Affidavit (**B**) to that effect in lieu of the participation form and Affidavit (**A**) required above as required by G.S. 143-128.2(c) and G.S. 143-128.2(f).

#### **AFTER BID OPENING**

After the bid/proposal opening Guilford County will consider all proposals/bids and alternates and determine the lowest responsible, responsive bidder/proposed awardee. Upon notification of being the apparent low bidder/proposed awardee, the bidder/proposer shall within 72 hours of the notification of being the awardee, then file the following:

#### **FORM #5 WORK TO BE PERFORMED BY MINORITY BUSINESSES – AFFIDAVIT C**

An 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 10% goal** established. An Affidavit must be submitted for each MWBE identified on Form #1. **This Affidavit must be signed by both the Prime and subcontractor/supplier.**

#### **FORM #6 MBE DOCUMENTATION FOR CONTRACT PAYMENTS**

The apparent lowest responsive, responsible bidder/proposed awardee selected shall provide Guilford County proof of payment to MWBE firms listed in **Form #5 Work To Be Performed By Minority Business** on a monthly basis.



**FORM #2**  
**Minority Outreach Call Log**  
 Attach To Bid/Proposal

Project \_\_\_\_\_

Prime Contractor: \_\_\_\_\_

**The Bidder must make the required contacts no less than ten (10) Days before Bid Opening to receive credit for this Good Faith Effort. All contacts must be verifiable with supporting documentation reflecting the methods and content of the solicitation. Use additional sheets as are necessary**

Company Name Address & Phone	Date	Time	Diversity Category	Trade	Comment	Follow Up
Name:						
Phone #:						
Address:						
State/Zip						
Name:						
Phone #:						
Address:						
State/Zip						
Name:						
Phone #:						
Address:						
State/Zip						
Name:						
Phone #:						
Address:						
State/Zip						
Name:						
Phone #:						
Address:						
State/Zip						
Name:						
Phone #:						
Address:						
State/Zip						

**FORM #3**  
**GOOD FAITH EFFORTS**  
**AFFIDAVIT A**  
**Attach To Bid/Proposal**

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

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

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

## **FORM #3 – GOOD FAITH EFFORTS, CONTINUED COMPLIANCE REQUIREMENTS**

In determining whether a contractor has made Good Faith Efforts, the State will evaluate all efforts made by the Contractor and will determine compliance regarding quantity, intensity, and results of these efforts. Good Faith Efforts include:

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

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

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

**FORM #4  
SELF PERFORMANCE  
AFFIDAVIT B  
Attach To Bid/Proposal**

**Affidavit of** \_\_\_\_\_  
(Name of Bidder/Proposer)

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/Proposer states that the Bidder/Proposer does not customarily subcontract elements of this type of 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

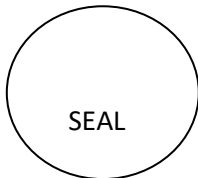
The Bidder/Proposer agrees to provide any additional information or documentation requested by the owner in support of the above statement. The Bidder/Proposer agrees to make a Good Faith Effort to utilize minority suppliers where possible.

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

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

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

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



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

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

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

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

**FORM #5  
WORK TO BE PERFORMED BY MINORITY BUSINESSES**

This affidavit shall be provided by the apparent lowest responsible, responsive bidder/proposed awardee within **72 hours** after notification of being low bidder. A bidder must complete a separate Affidavit for each MWBE listed on Form 1.

**AFFIDAVIT C**

(Do not submit this form with the bid/proposal. This form shall be submitted only by the apparent lowest responsible, responsive bidder/proposed awardee.)

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

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

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

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

**(Attach additional sheets if required)**

Name and Phone Number	*Minority Certification	Ethnicity	Work Description	Percent	Dollar Value
<b>Total</b>					

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

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

Upon execution of a Prime Contract with the County for the above referenced project, the Bidder certifies that it intends to utilize the MBE or WBE listed above, and that the description, cost and percentage of work to be performed by the MBE or WBE as described above is accurate. The MBE or WBE certifies that it has agreed to provide such work/supplies for the amount stated above. The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder/proposer to the commitment herein set forth.

Bidder:	_____	Date: _____
	Signature and Title	
MWBE:	_____	Date: _____
	Signature and Title	

**FORM #6**  
**MBE DOCUMENTATION FOR CONTRACT PAYMENTS**

Prime Contractor/ Engineer: \_\_\_\_\_

Address & Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

SCO Project ID: \_\_\_\_\_

Pay Application #: \_\_\_\_\_

Period: \_\_\_\_\_

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

MBE FIRM NAME	*TYPE OF MWBE	AMOUNT PAID THIS MONTH	TOTAL PAYMENTS TO DATE	TOTAL AMOUNT COMMITTED

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

Approved/Certified by:

\_\_\_\_\_

(Name)

\_\_\_\_\_

(Title)

\_\_\_\_\_

(Date)

\_\_\_\_\_

(Signature)

SUBMIT WITH EACH PAY REQUEST, FINAL PAYMENT, and FINAL REPORT

\*Reporting may be required electronically, paper format, or both as deemed necessary\*