

Dare County

Minority Business Participation Outreach Plan



TABLE OF CONTENTS

	Page
INTENT	3
MINORITY AND SMALL BUSINESS PARTICIPATION OUTREACH PLAN	3
RESPONSIBILITIES	4
GOOD FAITH EFFORTS	6
DEFINITIONS	7

**OUTREACH PLAN AND GUIDELINES FOR RECRUITMENT AND SELECTION
OF MINORITY BUSINESSES FOR PARTICIPATION IN
DARE COUNTY BUILDING PROJECTS**

INTENT

The intent of these guidelines is that Dare County, as awarding authority for building (construction, renovations, and repairs) projects, and the contractors and subcontractors performing the building contracts awarded, shall cooperate and in good faith do all things, legal, proper and reasonable to achieve the goal of ten percent (10%) for participation by minority businesses in building projects as mandated by GS 143-128.2. The county will award public building contracts, including those awarded under these guidelines, without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition. Nothing in these guidelines shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids. These guidelines shall only apply to building projects costing three hundred thousand dollars (\$300,000) or more. These guidelines shall not apply to the purchase and erection of prefabricated or relocatable buildings or portions thereof, except that portion of the work which must be performed at the construction site. A copy of these guidelines will be issued with each bid package for Dare County building projects.

MINORITY BUSINESS PARTICIPATION OUTREACH PLAN

1. Work with minority-focused and small business groups that support minority business (MB) inclusion in the solicitation of bids.
2. Enhance the County's web page by including the Outreach Plan and Guidelines, listing good faith efforts, and creating links to MB resources, and creating awareness of specific contracting and subcontracting opportunities.
3. Advertise upcoming bid opportunities in minority-focused media.
4. Make documents related to bid opportunities available for inspection at a convenient and accessible location.
5. Maintain a listing of minority business wishing to do business with Dare County. Send notices of bid opportunities, including location of documents, to minority businesses on the list.
6. Work with architects and engineers to make subcontracting opportunities more noticeable and more easily understood by potential contractors and subcontractors.
7. Hold pre-bid conferences with contractors and subcontractors to provide detailed information concerning the Outreach Plan and Guidelines for Recruitment and Selection of Minority Business and to provide information on G.S. 143-128.2. Minority businesses on the list referenced in item 5, above, shall be notified of and invited to these pre-bid conferences.

8. Place more emphasis on the importance of soliciting certified MB firms for subcontracting opportunities at pre-bid conferences and in bid documents. Examine specifications to identify special subcontracting opportunities and strongly encourage contractors to solicit bids for subcontracts from MB firms.
9. Require contractors to notify those minority businesses appearing on the list of minority businesses maintained pursuant to item 5, above, of the portion of the project with will be subcontracted and solicit bids from those minority businesses.
10. Require bidders to undertake good faith efforts as described below.
11. Make available to minority-focused agencies, a list of subcontracting opportunities when they are identified, no later than 10 days prior to the bid opening, and a list of prime bidders that subcontractors may wish to contact for subcontracting consideration.
12. Be visible through participation in trade shows and business organizations of interest to MB firms, contractors and small businesses, and provide information to the general public about the MB outreach program, and continue outreach efforts to the business community.
13. Participate in education opportunities throughout the community as they become available and offer training sessions to share the County's Outreach Plan with interested businesses and organizations.
14. Build new business relationships through networking and continue networking with other North Carolina cities and counties to find out how their MB program is working and sharing "best practices" and ideas to improve the program.
15. Assess the effectiveness of the MB program, and identify opportunities to enhance it, by evaluating MB participation and compliance and reviewing the "good faith efforts" provided in bid packages.

RESPONSIBILITIES:

COUNTY

Before awarding a contract, the county shall do the following:

1. Attend the scheduled pre-bid conference.
2. At least 10 days prior to the scheduled day of bid opening, notify minority businesses that have requested notices for public construction or repair work and minority businesses that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. The notification shall include the following:
 - a. A description of the work for which the bid is being solicited.
 - b. The date, time, and location where bids are to be submitted.
 - c. The name of the individual within the County who will be available to answer questions about the project.
 - d. Where bid documents may be reviewed.
 - e. Any special requirements that may exist.

3. Utilize other media, as appropriate, likely to inform potential minority businesses of the bid begin sought.

DESIGNER

The designer must do all of the following:

- a. Attend the scheduled pre-bid conference to explain minority business requirements to the prospective bidders.
- b. Assist the owner to identify and notify prospective MB firms of potential contracting opportunities.
- c. Maintain documentation of any contacts, correspondence, or conversations with MB firms made in an attempt to meet the goal.
- d. Prior to recommendation of an award, review jointly with the owner all bids for the requirements of G.S. 143-128.2(c) and G.S. 143-128.2(f), i.e. identification of minority businesses that will be used on the project and affidavit listing the good faith efforts made and total dollar value that will be performed by minority businesses, or affidavit of intent to perform contract with own workforce.
- e. During the construction phase of the project, review “MB Documentation for Contract Payment” form with monthly pay applications to the owner and forward copies to Dare County.

BIDDER

Each bidder, which shall mean first-tier subcontractor for construction manager at risk projects for purposes of this section, on a project bid under separate-prime bidding, single-prime bidding, dual bidding, construction management at risk contracts, or alternative contracting methods, shall:

1. Attend the scheduled pre-bid conference.
2. 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 and the total dollar value of the bid that will be performed by the minority businesses. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this section.
3. The apparent lowest responsible, responsive bidder shall also file the following:
 - a. Within the time specified in the bid documents, either:
 - i. An affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal. An affidavit under this section shall give rise to a presumption that the bidder has made the required good faith effort; or
 - ii. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.
 - b. Within 30 days after award of the contract, a list of all identified subcontractors that the contractor will use on the project.

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

No subcontractor who is identified and listed pursuant to this section may be replaced with a different subcontractor except:

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

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

MINORITY BUSINESS RESPONSIBILITIES

Dare County does not certify minority, disadvantaged or woman-owned businesses. Any business which desires to participate as an MB will be required to complete and submit for certification, documents required by the agencies listed below. Only those firms holding current certification through at least one of the following agencies will be considered eligible for inclusion in meeting the MB participation percentage goals:

- North Carolina Administration Department Historically Underutilized Business (HUB) certification.
- North Carolina Department of Transportation Minority/Disadvantage/Woman-owned Business certification.
- Small Business Administration 8(a) certification.
- Other governmental agencies on a case-by-case basis.

GOOD FAITH EFFORTS:

Contractors are required to undertake the following good faith efforts and must earn at least fifty (50) points based on the established point system. The county may require that additional good faith efforts be taken, as indicated in bid specifications. In determining whether a contractor has made good faith efforts, Dare County will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts. Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.

- 1 - (10 points) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed.
- 2 - (10 points) Making the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bid or proposals are due.

- 3 - (15 points) Breaking down or combining elements of work in economically feasible units to facilitate minority participation.
- 4 - (10 points) Working with minority trade, community, or contractor organizations identified by the Office for Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- 5 - (10 points) Attending any prebid meetings scheduled by the public owner.
- 6 - (20 points) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.
- 7 - (15 points) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- 8 - (25 points) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- 9 - (20 points) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public building construction or repair project when possible.
- 10 - (20 points) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

DEFINITIONS:

1. Minority business – means a business:
 1. In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and
 2. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it
2. Minority person – means a person who is a citizen or lawful permanent resident of the United States and who is:
 - a. Black, that is, a person having origins in any of the black racial groups in Africa;
 - b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central American, or the Caribbean Islands, regardless of race;
 - c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, or the Pacific Islands;

- d. American Indian, that is, a person having origins in any of the original peoples of North America; or
 - e. Female
3. Socially and economically disadvantaged individual – means the same as defined in 15 U.S.C. 637. “Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities”. “Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged”.