

RESOLUTION NO. (2014) 2188
MINORITY BUSINESS ENTERPRISE POLICY

Whereas, NCGS 143-128.2 requires each municipality to adopt an appropriate verifiable percentage goal for the participation by minority businesses (as defined in that statute) in the awarding of construction contracts under NCGS 143-128.1, 143-128.2, 143-129, and 143-131; and

Whereas, NCGS 143-128.2 requires an authority awarding a building contract that exceeds the limits established by the state to adopt written guidelines specifying the action that a contractor must take to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts; and requires that action taken by contractors and the awarding authority must be documented in writing; and

Whereas, the Town of Garner desires to establish and maintain minority business enterprise programs consistent with NCGS;

Now, therefore, be it resolved by the Town of Garner Council, that the following policy related to Minority Business Enterprise Program be established:

Verifiable Goal

The Town of Garner shall have a verifiable goal of ten percent (10%) participation by minority businesses in the award of building contracts that exceed \$300,000, or building contracts that exceed \$100,000 where the Town has received a State appropriation or State grant funds to be utilized as part of the project.

Good Faith Efforts by the Town to Utilize Minority Businesses

1. The Town shall utilize the list of minority businesses maintained by the NC Office of Historically Underutilized Businesses.
2. For each building contract put out for bids under the separate specification or single prime contract systems, notice of the contract and available-related documents shall be transmitted to minority businesses maintained on the above list with an interest in the type of work being bid or to local minority businesses identified by the Town, and documents related to the contract shall be available for inspection at a convenient and accessible location.
3. For each building contract put out for bids under the separate specification or single prime contract systems, the Town shall hold a pre-bid conference to orient contractors and subcontractors to the Minority Business Enterprise Policy as well as bid procedures and regulations. Minority businesses on the above list with an interest in the type of work being bid or local minority businesses identified by the Town shall be notified at least 10 days in advance of the pre-bid conference. The notification shall include:
 - a. A description of the work for which the bid is being solicited.
 - b. The date, time and location where bids are to be submitted.
 - c. The name of the individual with the Town who will be available to answer questions about the project.
 - d. Where bid documents may be reviewed.
 - e. Any special requirements that may exist.

4. The Town shall utilize media, as appropriate, likely to inform potential minority businesses of the bid being sought.
5. The Town shall maintain records that include:
 - a. Contractors or subcontractors notified of the project, and the number of those contractors and subcontractors defined by NCGS that are included on the above list.
 - b. Contractors or subcontractors that bid or otherwise respond to notice of the project, and the number of those contractors and subcontractors defined by NCGS that are included on the above list.
 - c. Contractors or subcontractors awarded contracts as part of the project, and the number and identity of those contractors and subcontractors defined by NCGS that are included on the above list.
 - d. The percentage of work on the project that is being performed by minority businesses appearing on the above list.

Good Faith Efforts by Contractors to Utilize Minority Businesses

1. Each bidder shall identify and submit with its bid:
 - a. A list of minority businesses that it will use on the project, to include a description of the work to be performed by the minority businesses, the total minority business contracting amount, and the percentage of the amount toward the total project cost.
 - b. In addition to (a), an affidavit documenting its good-faith effort to meet the goal. Such an affidavit shall include the list the good faith efforts it has made pursuant to NCGS 143-128.2(f). This list of good faith efforts shall include a point value for each type of effort made. Bidders must earn a minimum of 50 points in order to be considered a responsive bidder.
 - c. In lieu of (a) and (b), a bidder that performs all of the work under a contract with its own workforce may submit an affidavit to that effect. and an affidavit listing the good faith efforts it has made pursuant to NCGS 143-128.2(f) and the total value of the bid that will be performed by minority businesses.
2. Within five business days after award of contract, the lowest responsible, responsive bidder shall provide to the Town a list of all identified subcontractors that will be used on the project, the total minority business contracting amount, and the percentage of the amount toward the total project cost.

Informal Construction Projects

Informal construction projects are those projects that are greater than \$30,000 but less than the amounts prescribed above.

1. Good faith efforts for informal construction project by the Town shall include:
 - a. Advertising the project in a media likely to inform potential minority businesses or directly contact minority businesses. If direct contact method is used, at least 30% of the businesses contacted must be minority businesses.
 - b. Maintaining a record of all contractors contacted, all contractors provided with bid documents, and all contractors submitting bids, identifying those contractors that are defined as minority businesses.
2. Good faith efforts for informal construction project by the Bidder shall include:
 - a. Providing the Town a list of minority businesses used on the project, to include a description of the work to be performed by the minority businesses, the total

minority business contracting amount, and the percentage of the amount toward the total project cost.

Reporting Requirements

All data, including the type of project, total dollar value of the project, dollar value of minority business participation on each project, and documentation of efforts to recruit minority participation shall be reported to the NC Office for Historically Underutilized Business, upon the completion of the project.

Nothing in this resolution shall be construed to require contractors or the Town to award contracts or subcontracts to or make purchases of materials or equipment from minority-business contractors or sub-contractors who do not submit the lowest responsible, responsive bid.

Adopted the 3rd day of February, 2014.

Effective the 3rd day of February, 2014.



Ronnie S. Williams, Mayor

(Town Seal)

ATTEST:


Judy Bass, Town Clerk