

VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY BUSINESSES IN THE TOTAL VALUE OF WORK FOR WHICH A CONTRACT OR CONTRACTS ARE AWARDED PURSUANT TO CONSTRUCTION PROJECTS

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BOARD POLICY: It is the policy of the Orange County Board of Education to have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for which a contract or contracts are awarded pursuant to Chapter 143 of the North Carolina General Statutes and any project for the erection, construction, alteration or repair of buildings where the entire cost of such work shall exceed ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).

1. The term "minority business" means a business:
 - a. In which at least 51% is owned by one or more minority persons, or in the case of a corporation, in which at least 51% of the stock is owned by one or more minority persons;
 - b. Of which the management and daily business operations are controlled by one or more of the minority persons who own it.
2. The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:
 - a. Black, that is person having origins of any or the black racial groups in Africa;
 - b. Hispanic, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
 - c. Asian-American, that is, a person having origins in any of the original peoples of the far east, southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
 - d. American Indian or Alaskan native, that is, a person having origins in any of the original peoples of North America; or
 - e. Female.
3. The Orange County Board of Education shall award public contracts pursuant to this policy and the laws of the state of North Carolina without regard to race, religion, color, creed, national origin, gender, age, or handicapping condition as defined by North Carolina General Statutes Section 168A-3.
4. Nothing within this policy shall be construed to require contractors or the Orange County Board of Education 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 bid or bids as defined by the North Carolina General Statutes.

In accordance with this policy, the Orange County Board of Education does hereby adopt the following written guidelines specifying actions to be taken to insure a good faith effort in the recruitment and selection of minority businesses for participation and contracts awarded pursuant to North Carolina General Statutes, Section 143-128:

1. The Orange County Board of Education or its designee shall, at the time of advertising for bids pursuant to Section 143-129 or the North Carolina General Statutes, include a statement in such advertisement that minority businesses are encouraged to submit bids for such construction project. Such advertisement shall further contain a statement that the Orange County Board of Education shall award public contracts without regard to race, religion, color, creed, national origin, gender, age, or handicapping condition as defined by North Carolina General Statutes, Section 168A-3.
2. In the event that the lowest responsible bidder on any particular construction project exceeding \$100,000.00 is a single prime contractor and such contract is awarded pursuant to Section 143-128 to a single prime contractor, then in said event, said single prime contractor must verify to the Orange County Board of Education all actions taken to encourage and solicit participation by minority businesses for any part of such contract performed by subcontractors employed by the single prime contractor. Such verification by the single prime contractor shall include, but not necessarily be limited to, a statement that the single prime contractor has:
 - a. Not discriminated in the employment of any subcontractors for reason of race, religion, color, creed, national, origin, gender, age, or handicapping condition as defined by North Carolina General Statute Section 168A-3.
 - b. In the event of the solicitation of bids by subcontractors for particular phases of or units of the construction project, directly solicited and encouraged participation in the bidding process for each phase or unit by minority businesses as defined by this policy and Section 143-128 of the North Carolina General Statutes.
 - c. Verified to the Orange County Board of Education that the single prime contractor has requested bids or quotes from minority businesses as defined by this section dealing with materials or equipment used in any construction project governed by North Carolina General Statutes, Section 143-128.

Nothing in this section shall be construed to require contractors to award contracts or subcontracts to or to make purchases of material or equipment from minority businesses contractors or minority businesses subcontractors who do not submit the lowest responsible bid or bids.

It is the policy of the Orange County Board of Education to require bidders to undertake good faith efforts to recruit minority business participation in the project. Bidders must earn at least 50 points from the good faith efforts listed herein in order for their bids to be considered responsive. Additional good faith efforts may be required as indicated in its bid specifications.

POINT VALUES FOR GOOD FAITH EFFORTS UNDERTAKEN

Good faith efforts and their values include:

1. Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed. Value = 10 points.
2. Making the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bid or proposals are due. Value = 10 points.
3. Breaking down or combining elements or work into economically feasible units to facilitate minority participation. Value = 15 points

4. 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. Value = 10 points.
5. Attending any prebid meetings scheduled by the public owner. Value = 10 points.
6. Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors. Value = 20 points.
7. Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing. Value = 15 points.
8. Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidders suppliers in order to help minority businesses in establishing credit. Value = 25 points.
9. Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible. Value = 20 points.
10. Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands. Value = 20 points.