

# **Town of Morrisville North Carolina**



## **Historically Underutilized Business (HUB) Program**

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# INTRODUCTION

The General Assembly adopted the provisions of Senate Bill 308 which amended G.S. 143-128 allowing all public owners to advertise for bids for public building projects using single contract (single prime) system as an alternative to the traditional separate (multi-prime) contracts system. **Included in the amendments adopted by the General Assembly was the requirement that each public owner adopt and implement a Minority and Women's Business Enterprise (M/WBE) Plan that would include specific conditions to be met for each public building project constructed under the provisions of G.S. 143-128.**

The intent of these amendments was and still is to increase the opportunities for M/WBEs to become involved in public building projects let to contract in North Carolina. Within the guidelines of Senate Bill 308 was the requirement that each public body adopt an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for which a contract or contracts are awarded.

Each local government was given the responsibility for ascertaining their own appropriate verifiable percentage goal(s). On January 26, 2004, the Town of Morrisville Board of Commissioners established a goal of ten percent (10%) for minority participation in building construction contracts awarded that meet the statutory threshold of \$300,000.

The Town of Morrisville's Historically Underutilized Business (HUB) Program includes the following goals:

- 1) Establish a 10% HUB overall participation percentage goal in the building construction projects meeting the statutory formal bid threshold expenditure level, and
- 2) Establish a 10% HUB overall participation percentage goal in the procurement of consulting and professional expenditures related to building construction projects meeting the statutory formal bid threshold expenditure level.
- 3) The overall program participation percentage goal will be reviewed annually or on a project by project basis as soon as relevant data becomes available.
- 4) Historically Underutilized Businesses will have an opportunity to receive technical assistance in licensing, bonding, certification, completing bid forms, clarification of any area of the contract in which there are questions (not including estimates for any specific project), and other procedures involved in securing Town contracts.

**The services of the Town of Morrisville's Underutilized Business Program is not designed to provide in-depth business management, estimating or other technical assistance to participants in bid preparation and contract negotiations.**

# OUTREACH PLAN AND GUIDELINES

## FOR RECRUITMENT AND SELECTION OF HISTORICALLY UNDERUTILIZED BUSINESSES FOR PARTICIPATION IN THE TOWN OF MORRISVILLE'S BUILDING CONSTRUCTION CONTRACTS

In accordance with G.S. 143-128.2, effective January 26, 2004, these guidelines establish goals for Historically Underutilized Business (HUB) participation in single-prime bidding, separate-prime bidding, dual bidding, construction manager-at-risk, and alternative contracting methods on Town of Morrisville building construction projects in the amount of \$300,000 or more. The Outreach Plan shall also be applicable to the selection process of architectural, engineering and construction manager-at-risk services.

The Town of Morrisville has a verifiable ten percent (10%) goal for Historically Underutilized Business (HUB) participation by HUB businesses in the total value of work for each project for which a contract or contracts are awarded for public building construction. The overall goal will be reviewed annually or as soon as relevant data is available.

### **POLICY STATEMENT**

To broaden opportunities for participation, increase competition, and ensure the proper diligent use of public funds, it is the intent of the Town of Morrisville to provide minorities and women equal opportunity to participate in all aspects of the Town of Morrisville's contracting programs. Opportunities include, participation in construction and construction renovation projects, and lease agreements as they relate to requirements established by federal, state, and local governments.

The Town of Morrisville is committed to economic development of small business enterprises and the minority community and prohibiting discrimination against any person or business in pursuit of these opportunities on the basis of race, color, sex, religion, national origin, age, disability, or veteran status.

The Town of Morrisville's Historically Underutilized Business Program (HUB) is not a set-aside program as it relates to contracting, it is a voluntary goal program. Competitive bidding is required for all contractors, subcontractors, suppliers and distributors. The HUB program encourages contractors to actively and aggressively seek HUB participation.

**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 HUB contractors or HUB subcontractors who do not submit the lowest responsible responsive bid or bids.**

It is further the intent of these guidelines that the Town of Morrisville, as awarding authority for construction projects, and the contractors and subcontractors performing the construction contracts awarded, shall cooperate, and in good faith do all things, legal, proper and reasonable to achieve participation by HUB in each construction project as mandated by N.C.G.S. 143-128.2.

## **OBJECTIVES**

The primary objective of the Town of Morrisville Historically Underutilized Business Program will be to focus on full utilization of minority and women businesses in the Town 's construction activities; the assurance of a Good Faith Effort Program that benefits contractors, subcontractors and vendors alike; and early conflict intervention of general and discriminatory concerns in addition to the following areas of assistance:

- ◆ Maintain and promote minority-owned and women-owned business utilization.
- ◆ Increase the Town of Morrisville's knowledge of minority and women owned business firms and become familiar with their product line.
- ◆ Provide up-to-date information on Town bidding opportunities.
- ◆ Management and technical assistance guidance and support throughout the process to ensure significant minority and female business participation.
- ◆ HUBs will have an opportunity to receive technical assistance in licensing, bonding, completing bid forms, clarification of any area of the contract in which there are questions (not including estimates for any specific project), and other procedures involved in securing Town contracts.
- ◆ Provide and administer procedures for reporting and monitoring compliance of contract activity, subject to the provisions of the HUB requirements of the Town of Morrisville.
- ◆ Provide and administer procedures for resolving complaints of discrimination made against businesses holding construction contracts with the Town of Morrisville.

## **DEFINITIONS**

- **Bidder**  
Any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract or subcontract.
  
- **Certification**  
Effective July 1, 2009, all HUB must be certified by the State of North Carolina at website <http://www.doa.nc.gov/hub/>.  
To qualify for certification, a firm must meet the definition of a minority person, as outlined in accordance with N.C.G.S. 143-128, and/or be socially and economically disadvantaged as defined in 15 U.S. C. 637 of the Federal Code.  
Any person having a current 8(a) certification from the Small Business Administration is considered socially and economically disadvantaged.
  
- **Construction Contract, Project or Program**  
A contract or project entered into by the Town of Morrisville for building construction or repair work involving the expenditure of public funds in the amount of \$ 300,000 or more.
  
- **Contractor**  
Any person, firm, partnership, corporation, association, or joint venture, which has contracted with the Town of Morrisville to perform construction, work or repair.
  
- **Designer**  
Any person, firm, partnership, or corporation, which has contracted with the Town of Morrisville to perform architectural or engineering work.
  
- **Hub Program Administrator**  
Owner's representative responsible for administering the Town's Historically Underutilized Business Program
  
- **Minority**  
A person who is a citizen or lawful permanent resident of the United States and who is:
  - a. American Indian, that is, a person having origins in any of the original peoples of North America
  - b. 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
  - c. Black, that is, a person having origins in any of the black racial groups in Africa
  - d. Female
  - e. 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
  - f. Persons qualifying as socially or economically disadvantaged
  
- **Minority Business**
  - a. A business 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
- b. 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.

- **Socially and economically disadvantaged individual**

Means the same as defined in 15 U.S.C. 637 of the Federal Code.

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 regards 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.

- **Owned and Controlled**

A business which is (1) a sole proprietorship legitimately owned by an individual who is a minority or female, (2) a partnership or joint venture controlled by minorities and/or females, or (3) a corporation or other entity controlled by minorities and/or females and in which at least 51% of the voting interests and 51% of the beneficial ownership interests are legitimately held minorities and/or females. These persons must control the management and operation of the business on a day-to-day basis.

- **Owner**

Town of Morrisville.

- **Public Entity**

State and all public subdivisions and local government units.

- **Subcontractor**

A firm under contract with the prime contractor or Construction Manager-at-Risk for supplying materials or labor and materials and/or installation. The subcontractor may or may not provide materials in the subcontract.

- **Verifiable Goal**

The Town of Morrisville has adopted written guidelines specifying the actions that will be taken to ensure a Good Faith Effort in the recruitment and selection of female and minority businesses for participation in contracts awarded.

## PROGRAM ADMINISTRATION

### Responsibilities of the Owner

1. Develop, implement, manage, and monitor for compliance, the Town of Morrisville's Historically Underutilized Business (HUB) Outreach Plan, as contained herein, in accordance with federal, state, and local government requirements.
2. Work with minority-focused and small business groups that support Historically Underutilized Business and small business inclusion in the solicitation of bids.
3. Place more emphasis on the importance of soliciting certified Historically Underutilized Business firms and small businesses for subcontracting opportunities at pre-bid conferences and in the bid documents. Examine specifications to identify special subcontracting opportunities and strongly encourage prime contractors to solicit bids for subcontracts from HUB firms.
4. Hold meetings with the majority contractors to provide detailed information concerning the Guidelines for Recruitment and Selection of Historically Underutilized Business, information on G.S. 143-128 and G.S. 143-129, and to ensure that solicitations contain the clauses and goals required by the program.
5. Explain the Town of Morrisville's Historically Underutilized Business participation requirements at pre-bid conferences.
6. Assess the effectiveness of the HUB Program, and identify opportunities to enhance it, by evaluating HUB participation and compliance and reviewing *the* "Good Faith Efforts" provided in bid packages.
7. Identify subcontracting opportunities unique to each construction contract and project and concentrate heavily on targeting certified HUB firms and small businesses that have expressed an interest in Town of Morrisville projects.
8. Make available to minority-focused agencies, a list of subcontracting opportunities when they are identified, and a list of prime bidders that subcontractors may wish to contact for subcontracting consideration no later than 10-days prior to the bid opening.
  - 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 a representative of the Owner who will be available to answer questions about the Project.
  - d. Where bid documents may be received.
  - e. Any special requirements that may exist, such as insurance, licenses, bonds and financial arrangements.
9. Build new business relationships through networking and continue networking with other North Carolina cities and counties to find out how their Outreach Program and HUB program is working and sharing "*best practices and ideas*" to improve the program.
10. Participate in education opportunities throughout the community as they become available and offer training sessions to share the Town of Morrisville's Outreach Plan with interested businesses and organizations.

11. On-going Communications Program.

Upon request, the Town of Morrisville will make available complete information on the Town 's construction programs and projects and a brief description of each to HUBs, HUB associations, assistance agencies, and training resources. A copy of this list will be maintained in the office of HUB Program Administrator.

All bid notices for construction projects over \$500,000 will be advertised in a daily newspaper having general circulation in the area for which bids are requested. The Town will ensure that bid notices are made available to HUB trade associations, minority economic development groups and HUBs with capabilities relevant to the bid notices as identified by the HUB Source Listing.

Historically Underutilized Businesses will have an opportunity to receive technical assistance in licensing, bonding, completing bid forms, clarification of any area of the contract in which there are questions (not including estimates for any specific project), and other procedures involved in securing Town contracts. The HUB Program Administrator shall be responsible for coordinating this information.

12. Advertise upcoming bid opportunities in minority-focused media, if available.

13. Work with architects, consultants, and engineers to ensure that subcontracting opportunities are more noticeable, that specific opportunities are identified and easily understood by potential contractors and subcontractors.

14. Provide reports to the North Carolina State Department of Administration, minority participation, as contained herein.

**Designer**

Under the single-prime bidding, separate prime bidding, dual bidding, construction manager-at-risk, or alternative contracting method, the designer must do all of the following:

1. Attend the scheduled prebid conference to explain minority business requirements to the prospective bidders.
2. Assist the owner to identify and notify prospective minority business prime and subcontractors of potential contracting opportunities.
3. Maintain documentation of any contacts, correspondence, or conversations with minority business firms made in an attempt to meet the goals.
4. Review jointly with the owner, all requirements of G.S. 143-128.2(c) and G.S. 143-128.2(f) – (i.e. bidder's proposal for identification of the minority businesses that will be utilized with corresponding dollar value of the bid and Affidavit Listing Good Faith Efforts or Affidavit of Self-Performance of Work, if the contractor will perform work under contract by its own workforce) – prior to recommendation of an award.
5. During the construction phase of the project, review "HUB Documentation for Contract Payment" form with monthly pay applications to the owner and forward copies to the Town of Morrisville.

## **Prime Contractor(s), Construction Manager-At Risk, and its First-Tier Subcontractors**

Under the single-prime bidding, the separate-prime bidding, dual bidding, Construction Manager-at-Risk and alternative contracting methods, contractor(s) must do all of the following:

1. Attend the scheduled prebid conference.
2. Identify or determine those work areas of a subcontract where minority businesses may have an interest in performing subcontract work.
3. At least ten (10) days prior to the scheduled day of bid opening, notify minority businesses of potential subcontracting opportunities listed in the proposal. The notification must include all of the following:
  - (a) A description of the work for which the subbid is being solicited.
  - (b) The date, time and location where subbids are to be submitted.
  - (c) The name of the individual within the company who will be available to answer questions about the project.
  - (d) Where bid documents may be reviewed.
  - (e) Any special requirements that may exist, such as insurance, licenses, bonds and financial arrangements.
4. During the bidding process, comply with the contractor(s) requirements listed in the proposal for minority participation.
5. Identify on the bid the minority businesses that will be utilized on the project with corresponding total dollar value of the bid and Affidavit Listing Good Faith Efforts as required by G.S. 143-128.2(c) and G.S. 143-128.2(f) or Intent to Perform Contract With Own Workforce Affidavit.
6. Make documentation showing evidence of implementation of Prime Contractor, Construction Manager-at-Risk and First Tier Subcontractor responsibilities available for review by Town of Morrisville upon request.
7. Provide one of the following upon being named the apparent low bidder: (1) 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. This affidavit shall give rise to a presumption that the bidder has made the required good faith effort; or (2) if the percentage is not equal to the applicable goal, then documentation of all good faith efforts taken 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. Failure to comply with these requirements is grounds for rejection of the bid and award to the next lowest responsible and responsive bidder.
8. Identify the name(s) of minority business subcontractor(s) and corresponding dollar amount of work on the schedule of values.
9. Submit with each monthly pay requests(s) and final payment(s), "HUB Documentation for Contract Payment" for designer's review.
10. If at any time during the construction of a project, it becomes necessary to replace a minority business subcontractor, immediately advise the owner in writing of the circumstances involved. The prime contractor shall make a good faith effort to replace a minority business subcontractor with another minority business subcontractor.

11. Make a good faith effort to solicit subbids from minority businesses during the construction of a project if additional subcontracting opportunities become available.

### **Historically Underutilized Business (HUB) Responsibilities**

Minority businesses are required to become certified in order to participate in the Town of Morrisville's construction projects. Certified business can take advantage of the appropriate technical assistance that is made available. Minority businesses who are contacted by owners or bidders must respond promptly whether or not they wish to submit a bid.

Historically Underutilized Businesses will have an opportunity to receive technical assistance in licensing, bonding, certification, completing bid forms, clarification of any area of the contract in which there are questions (not including estimates for any specific project), and other procedures involved in securing Town contracts.

Only those firms holding current certification through the following agency will be considered eligible for inclusion in meeting the HUB participation percentage goals:

- North Carolina Administration Department  
Historically Underutilized Business (HUB) Certification  
<http://www.doa.nc.gov/hub/>

A copy of these guidelines will be issued with each bid package for Town of Morrisville building construction projects. These guidelines shall apply to all contractors regardless of ownership.

### **Calculating Historically Underutilized Business (HUB) Participation**

The degree of participation by HUB subcontractors, minority-majority joint ventures, and HUB contractors in contracts awarded will be calculated as follows:

1. The total dollar value of the contract awarded to the HUBs.
2. The total dollar value of purchases of equipment or supplies from HUBs.
3. Participation by HUBs by race and gender classification.

### **Monitoring Historically Underutilized Business (HUB) Program Activity**

In order to monitor the implementation of the HUB policy to provide minorities and women equal opportunity for participating in all aspects of the Town 's construction programs, participation shall be documented by each department of the Town involved in a construction project and reported quarterly to the HUB Program Administrator. Appropriate forms will be developed and available to all departments.

Responses from departments shall include:

1. The number of solicitations to HUBs
2. The number of bids submitted by HUBs
3. The number of contracts awarded to HUBs
4. The value of contracts awarded the HUBs

### **Penalties**

If the contractor is found to be in non-compliance, with these provisions, such action may be considered by the Town as a basis for not awarding future contracts.



# **Town Of Morrisville**

**North Carolina  
Wake County**

**Historically Underutilized  
Business (HUB) Program**

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## **Instructions for Compliance with the Town of Morrisville's Historically Underutilized (HUB) Business Program**

## CONTRACT COMPLIANCE REQUIREMENTS

The Guidelines for Recruitment and Selection of Historically Underutilized Business for Participation in the Town of Morrisville's Contracts are hereby made a part of these contract documents. These guidelines shall apply to all contractors regardless of ownership. Copies of these guidelines may be obtained from:

Physical Address: Town of Morrisville,  
100 Town Hall Drive  
Morrisville NC 27560

Representative: HUB Program Administrator

Mailing Address: P. O. Box 166  
Morrisville NC 27560

Telephone Number: 919-463-6179

All written statements, affidavits or intentions made by the Bidder shall become a part of the agreement between the Contractor and the Town of Morrisville for the performance of the contract. Failure to comply with any of these statements, affidavits or intentions, or with the minority business guidelines shall constitute a breach of contract. A finding by the Town that any information submitted either prior to award of the contract or during the performance of the contract, is inaccurate, false or incomplete shall constitute a breach of the contract. Any such breach may result in termination of the contract in accordance with the termination provisions contained in the contract. It shall be solely at the option of the Town of Morrisville whether to terminate the contract for breach.

The Town of Morrisville shall include in all contract specifications specific instructions and procedures to define HUB compliance requirements. Historically Underutilized Business requirements will be reviewed at pre-bid meetings for all potential contractors.

Each contractor proposing to bid a project meeting the requirements of the town's HUB Program shall submit the following information with their bid:

1. Items that will be subcontracted.
2. General list of materials to be used in the project.

A listing of certified minorities and female-owned businesses in the HUB Program is available at : <http://www.doa.nc.gov/hub/>. The list is available to contractors for use in recruiting and selecting HUB subcontractors.

### **Subcontract Goals**

The goal for participation by minority firms as subcontractors on a project has been set at **10%** .

## **BID SUBMITTAL REQUIREMENTS**

### **The bidders must submit the following with their bid:**

**1. Affidavit A: Identification of Historically Underutilized Business Participation**

This form illustrates the areas in which the contractor has identified potential HUB subcontract opportunity and the dollar value in which the contractor proposes to attain in HUB utilization.

**2. Affidavit B: Good Faith Efforts**

In accordance with G.S. 143-128.2(c), the purpose of this document is to measure the contractor's "Good Faith Efforts" in the pre-bid stage. It is not the intent of this document to commit the Contractor to subcontracting these areas only to HUB firms or releasing the contractor from negotiating with HUB firms for subcontract opportunities in other areas.

**OR,**

**3. Affidavit C: Intent to Perform Contract With Own Workforce**

This form is to be submitted if the bidder does not intend to subcontract any portion of the work and if there are not any significant material purchases on which HUB firms can be utilized. The bidder must certify that this has been a typical practice on projects of similar scope and dollar value; and provide with his/her bid a list of those projects along with the project name, the owner, the owner's project manager and/or representative, total dollar value, the beginning and completion date.

By submittal of "Intent to Perform Contract with Own Workforce" (Affidavit C) for self-performance", the contractor is certifying that:

1. He/she will not enter into any subcontracts for the duration of the project, and if he/she does decide to subcontract any portion of the work he/she will:
  - a. Notify the Town immediately of the decision to subcontract.
  - b. Adhere to the provision of "Good Faith Efforts" in filling that subcontract opportunity.
2. He/she does not typically subcontract on projects of similar scope and dollar value.

**The Historically Underutilized Business Program may request the apparent low bidder to provide additional information to clarify the bidder's responsiveness.**

**Failure to submit the completed forms with your bid may deem the bid as non-responsive.**

## After the Bid Opening

The Town of Morrisville will consider all bids and alternates and determine the lowest responsible, responsive bidder. Upon receipt of the Notice/Letter of Intent to Award/Letter of Award, the apparent low bidder will be requested to attend a pre-construction conference at which time he/she will be required to submit the following HUB documentation:

**1. Affidavit D: Portion of the Work to be Performed by HUB Firms**

This form shall be submitted by the apparent lowest responsible, responsive bidder within **72-hours** after notification of being low bidder if the portion of the work to be executed by minority businesses, as defined in **GS 143-128.2 (g)**, is **equal to or greater than 10%** of the bidders total contract.

**OR,**

**2. Affidavit E: If HUB participation **does not** equal or exceed the overall Town goal(s)**

If the percentage is not equal to the applicable goal, provide evidence of **Good Faith Efforts** to meet the goal that include:

- a. Copies of solicitation for quotes to at least three (3) minority business firms from the source list provided for each subcontract to be let under this contract (if three 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 contract, 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, copies of quotes received from all firms submitting quotes for that particular subcontract.
- e. Documentation of any contacts or correspondence to minority business, community, or contractor organizations in an attempt to meet the goal.
- f. Copy of pre-bid roster.
- g. Letter documenting efforts to provide assistance 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 businesses 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.
- j. The town may require the contractor to submit additional information to verify his/her "Good Faith Efforts".

The HUB documentation will be received at the pre-construction conference and forwarded to the HUB Program Administrator within three (3) working days for a determination of compliance. The HUB Program Administrator will make a determination of compliance within five (5) working days from receipt of the documentation. If the contractor does not submit his HUB documentation at the

pre-construction conference he/she may be deemed to be in non-compliance with the “Good Faith Efforts”. The HUB Program Administrator will notify the contractor of the determination of compliance or non-compliance.

The penalty for non-compliance will be applied against the contract until the contractor is determined to be in compliance with his/her “Good Faith Efforts”.

At the time of the final request for payment upon completion of the project, the Contractor shall submit a Statement of Final Payments to HUB Subcontractors and Suppliers. Final payment will not be released until Statement of Final Payments to HUB Subcontractors and Suppliers form is submitted.

The above information must be provided as required. Failure to submit these documents is grounds for rejection of the bid.

## **Good Faith Efforts**

In determining whether a contractor has made Good Faith Efforts, the Town of Morrisville will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts. **At least 50 points must be earned from the good faith efforts listed below in order to meet the Good Faith Efforts requirement:**

- (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 those included in the bid documents to provide assistance in recruitment of minority businesses.
- (5) **10 points:**  
Attending any pre-bid 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.





**Town of Morrisville**  
North Carolina  
Wake County

**Affidavit A**  
**GOOD FAITH EFFORT**

County of \_\_\_\_\_

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

**I have made a good faith effort to comply under the following areas checked:**  
(A minimum of 50 points is required to have achieved a “Good Faith Effort”)

(Y/N)

- \_\_\_ (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 of 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 of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses. **Value = 10 points.**
- \_\_\_ (5) Attending any pre-bid 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 minority business based on lack of qualification should have the reasons documented 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 is required. Assisting minority businesses in obtaining the same unit pricing with the bidder's 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.**

n accordance with GS143-128.2(d) the undersigned will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon execution of a contract with the Owner. Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certified that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

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 \_\_\_\_\_



# Town of Morrisville

North Carolina  
Wake County

## 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 \_\_\_\_\_



# Town of Morrisville

North Carolina  
Wake County

## Affidavit C PORTION OF THE WORK TO BE PERFORMED BY HUB FIRMS

If the portion of the work to be executed by HUB Firms as defined in **GS 143-128.2 (g)** is **equal to or greater than 10%** of the bidders total contract price, then the bidder must complete this affidavit. This affidavit shall be provided by the apparent lowest responsible, responsive bidder within **72-hours** after notification of being low bidder.

Affidavit of: \_\_\_\_\_ I do hereby certify that on the  
(Bidder)

\_\_\_\_\_  
(Project Name)

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

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 firms listed below.

*(Attach additional sheets if required)*

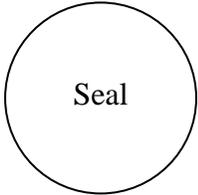
Name	Telephone Number	Minority Category	Work Description	Dollar Value

**Minority categories:** (I) American Indian, (A) Asian American, (B) Black, African American, (F) Female, (H) Hispanic, (D) Socially and Economically Disadvantaged

Pursuant to G.S. 143-128.2 (d), the undersigned will enter into a formal agreement with HUB 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.

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: \_\_\_\_\_

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

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

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

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

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



**DO NOT ATTACH TO BID** **DO NOT ATTACH TO BID** **DO NOT ATTACH TO BID**

# Town of Morrisville

North Carolina  
Wake County

## Affidavit D GOOD FAITH EFFORTS

If the goal of **10%** participation by HUB Firms **is not** achieved, the Bidder shall provide the following documentation to the Owner of his Good Faith Efforts.

Affidavit of: \_\_\_\_\_  
(Bidder)

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

*(Attach additional sheets if required)*

Name	Telephone Number	Minority Category	Work Description	Dollar Value

**Minority categories:** (I) American Indian, (A) Asian American, (B) Black, African American, (F) Female, (H) Hispanic, (D) Socially and Economically Disadvantaged

Documentation of the Bidder’s good faith efforts to meet the goals set forth in these provisions. Examples of documentation shall include the following evidence:

- a. Copies of solicitation for quotes to at least three (3) minority business firms from the source list provided 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 contract, 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, copies of quotes received from all firms submitting quotes for that particular subcontract.
- e. Documentation of any contacts or correspondence to minority business, community, or contractor organizations in an attempt to meet the goal.
- f. Copy of pre-bid roster.
- g. Letter documenting efforts to provide assistance 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 businesses 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 and award to the next lowest responsible and responsive bidder.

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 \_\_\_\_\_

**THIS DOCUMENT MUST BE SUBMITTED WITH EACH  
PAY REQUEST & FINAL PAYMENT**



# Town of Morrisville

North Carolina  
Wake County

## Affidavit E

### HUB DOCUMENTATION FOR CONTRACT PAYMENTS

Prime Contractor/Architect: \_\_\_\_\_

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

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

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

The following is a list of payments to be made to HUB contractors on this project for the above-mentioned period.

Firm Name	*Minority Category	Payment Amount	Owner Use Only

**Minority categories:** (I) American Indian, (A) Asian American, (B) Black, African American, (F) Female, (H) Hispanic, (D) Socially and Economically Disadvantaged

Date: \_\_\_\_\_

Approved/Certified By: \_\_\_\_\_

Name

Title

Signature

