Mecklenburg County
Minority, Women, and Small Business Enterprise Provisions

Revised January 1, 2014

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POLICY STATEMENT

It shall be policy of Mecklenburg County Government to provide Minority-owned, Women-owned, and Small Business Enterprises (collectively "M/W/SBE") as well as other responsible vendors with fair and reasonable opportunity to participate in Mecklenburg County's business opportunities.

Mecklenburg County's M/W/SBE Program is committed to support the economic development of small business enterprises and the minority community. The M/W/SBE program encourages Contractors to actively and aggressively seek M/W/SBE participation. It is further the intent of the program to widen opportunities for participation, increase competition, and ensure the proper and diligent use of public funds.

The County manager shall implement an M/W/SBE Program that includes an aspiration of goals for M/W/SBE utilization in proportion to the availability of qualified vendors in particular areas of procurement as recommended in MGT of America's 2003 Disparity Study. On an annual basis, the County manager shall report to the Board of County Commissioners regarding M/W/SBE utilization in comparison to the aspiration of goals. The County manager is authorized to make changes in M/W/SBE procedures consistent with this policy and applicable laws. The Board of County Commissioners shall then determine whether the aspiration of goals should be modified, eliminated, or remain in effect.

MECKLENBURG COUNTY GOVERNMENT
MINORITY, WOMEN, AND SMALL BUSINESS ENTERPRISE PROGRAM
PROVISIONS

I N T R O D U C T I O N

The Mecklenburg County Board of Commissioners adopted a Minority, Women, and Small Business Enterprise (M/W/SBE) Plan, to require Contractors and Subcontractors to take all necessary steps to ensure opportunity for the participation of M/W/SBE firms in its contracting activities with Mecklenburg County.

Mecklenburg County conducts its contracting and procurement in a manner to provide equal opportunities for M/W/SBE firms. Copies of the official M/W/SBE Construction Plans and additional information may be obtained from:

Ms. Teresa McDow
The Minority, Women & Small Business Enterprise Program
Economic Development Department
600 East Fourth Street, Suite 226
Charlotte, NC 28202

Mailing Address:
600 East Fourth Street, 2th Floor
Charlotte, NC 28202

Telephone: (980) 314-2940
Facsimile: (704) 432-3421

OR

The Contractor can purchase the Bid Documents only from Arc, Charlotte, NC, (704)-333-3009. The cost of the Bid Documents is **non-refundable.**

SECTION I
PURPOSE AND DEFINITIONS

Mecklenburg County Government (hereinafter referred to as the "County") procures supplies, materials and equipment ("Goods"), construction, alteration and repair work of buildings ("Construction and Repair"), and other services ("Other Services"). In connection with such procurements, the County desires that M/W/SBE firms have a fair and reasonable opportunity to participate/bid, and the MWSBE Program will maintain an ongoing outreach effort. Participation shall be measured in terms of the actual dollars received by M/W/SBE firms.

Bidder: Any individual, firm, corporation, or partnership submitting a bid proposal of the work contemplated.

Construction Contract: The Construction Contract represents the entire and integrated agreement between the Owner and the Contractor and supersedes prior negotiations, representations, or agreements, either written or oral, and consists of the Form of Construction Contract and the Contract Documents. The Construction Contract shall not be construed to create a contractual relationship of any kind (1) between the Consultant and the Contractor, (2) between the Owner and a Subcontractor or Sub-Subcontractor, (3) between any persons or entities other than the Owner and the Contractor.

Contract: The Construction Contract.

Contract Documents: The Contract Documents consist of all documents incorporated by reference into the "Form of Construction Contract" between the Owner and the Contractor as provided therein.

Contractor: Any person, firm, partnership, corporation, association, or joint venture which has been awarded a public contract or lease to furnish materials, equipment, or provide services at a specified price, including every subcontract on such a contractual agreement with guaranteed warranties and insurance. Any individual, firm, corporation, or partnership, or his/her/their/its employees, agents, or assigns with whom a contract is made with the Owner for the construction of the total Project (including, but not limited to plumbing, mechanical, electrical and fire protection work).

Discrimination: To distinguish, differentiate, separate or segregate solely on the basis of age, race, religion, color, sex, national origin, disability or veteran's status.

Equipment: Includes materials, supplies, commodities, and apparatus.

Goal: A numerical objective.

Joint Venture: An association of two or more businesses to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills and knowledge.

Lessee: A business that leases, or is negotiating to lease, property from the County/Contractor or

equipment or services to the County/Contractor, or to the public on County property.

Minority: A person who is a citizen or lawful permanent resident of the United States and who is:

a. African American - this is, a person having origins in any of the black racial groups of Africa;
b. Hispanic American - that is, a person of Spanish or Portuguese culture with origins in Mexico, South 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, Asia, the Indian subcontinent, the Pacific Islands;
d. Native American - that is a person having origins in any of the original peoples of North America;
e. Disadvantaged. – A person who is socially and economically disadvantaged

Minority Business Enterprise (MBE) and **Women Business Enterprise (WBE)**:
A business which is at least fifty-one percent (51%) owned and controlled by minority group members or female(s). An MBE/WBE is bona fide only if the minority group or female ownership interests are real and continuing and not created solely to meet the MBE/WBE requirement. In addition, the MBE/WBE must himself/herself perform satisfactory work or services to provide supplies under the Contract and not act as a mere conduit. In short, the contractual relationship must also be bona fide. Certification of minority and women businesses is provided by North Carolina Department of Administration (HUB) and City Certification Committee.

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 or females, and in which at least fifty-one percent (51%) of the beneficial ownership interests legitimately are held by minorities or females; or (3) a corporation or other entity controlled by minorities or females, and in which at least fifty-one percent (51%) of the voting interests and fifty-one percent (51%) of the beneficial ownership interests are legitimately held by minorities or females. In addition, these persons must control the management and operation of the business on a day to day basis.

Owner: The Owner, as referred to in these documents is Mecklenburg County. The Consultant is hired by the Owner, a person lawfully licensed to practice Architecture or Engineering or Landscape Architecture, or an entity lawfully practicing Architecture or Engineering or Landscape Architecture which is referred to throughout the Contract Documents as if singular in number. The "Consultant" is a duly authorized representative of the Owner.

Project: The Project is the work to be performed by the Construction Documents.

Small Business Enterprise (SBE):

A business enterprise shall be eligible for certification as a "Small Business Enterprise" (SBE) only if it meets each of the following requirements:

1. Ownership Requirements. At least fifty-one percent (51%) of the interest in the business enterprise must be owned by Eligible Owners. A person shall be deemed an "Eligible Owner" of all or a portion of a business enterprise if such person:

(a) Owns in his or her own name the legal and equitable interest in the business enterprise;

(b) Acquired the interest in a real and substantial arms-length transaction utilizing real and substantial consideration;

(c) Together with his or her spouse have a combined personal net worth under $750,000, excluding: (i) up to $500,000 of their combined equity in their primary residence; and (ii) their combined ownership interest in the applicant business enterprise; and (iii) spouses total retirement investments. There may be additional restrictions that apply in certain capital access programs, such as lower limits for personal net worth.

2. Management and control. The daily business operations of the business enterprise shall be managed and controlled by one or more Eligible Owners (the "Managing Eligible Owners"). The Managing Eligible Owner(s) shall be deemed to manage and control the daily business operations only if:

(a) Their management and control is specifically demonstrated to be real, substantial and continuing and goes beyond the pro-forma ownership of the business enterprise as reflected in its ownership documents;

(b) They possess the power to and actually direct the management and policies of the business enterprise;

(c) They make both routine and major decisions on matters of management, policy and operations; and

(d) They are not subject to formal or informal restrictions that are inconsistent with the customary discretion of majority owners.

In addition, one or more Managing Eligible Owners must:

(a) Hold a current professional license or contractor license necessary for operation of each type of business for which the business enterprise seeks certification.

http://www.nclbgc.org/ for General Contractors

(b) Have substantial experience in the trade or industry which would be necessary to make routine and major decisions for the business enterprise; and

(c) Regularly hold themselves out to the public and sign important documents and financial instruments in a manner which is indicative of primary management and control of daily business operations and responsibility for routine and major decisions.

3. Actively in business for three (3) months. The business enterprise may not be certified as an SBE until three (3) months after satisfaction of all of the following requirements:

(a) Formation of the business enterprise;

(b) Commencement of sustained business activity in the trade or profession described on the certification application; and

(c) Commencement of ownership, management and control of daily business operations by the identified Eligible Owner(s).

4. Perform a commercially useful function. The business enterprise must be a for-profit business that performs a commercially useful function. A business enterprise does not perform a commercially useful function if it merely acts as a conduit by passing the scope of work for which it is scheduled to perform or supply on the contract to a non-SBE firm.

5. Threshold size. The annual sales volume of the business enterprise and the number of employees of the business enterprise cannot exceed the size standards set forth in the table below:

Industry	NAICS Section	Annual Receipts Over a 3-Year Period	No. of Employees[1]
Agriculture, Forestry, Fishing	11	$187,500	N/A
Mining	21	$1,500,000	N/A
Utilities	22	$3,937,500	N/A
General Construction	23	$7,125,000	N/A
Specialty Construction Trades	235	$3,000,000	N/A
Manufacturing	31-33	N/A	99 or less
Wholesale Trade	42	N/A	49 or less
Retail Trade	44-45	N/A	49 or less
Transportation	48-49	$8,062,500	N/A
Information	51	$1,500,000	N/A
Finance, Insurance	52	$1,500,000	N/A
Real Estate	53	$4,500,000	N/A
Professional and Technical Services	54	$1,500,000	N/A
Administrative and Support Services	56	$3,937,500	N/A
Food Service	72	$1,500,000	N/A
Other	81	$1,500,000	N/A

[1] ***Based on County Business Patterns (Mecklenburg)***

For purposes of the above standards, the "annual receipts" and number of employees of an applicant shall be determined in accordance with the definitions and methodology established by the Small Business Administration at 13 C.F. R. 121.201et. seq., as amended, or successor regulation or classification system (the "SBA Size Regulations"). The size limitation for any firm not included in the categories listed above shall be one fourth of the applicable size standard established by the SBA Size Regulations.

6. Continued eligibility and renewal of certification. An SBE will be certified for a three-year period. Following initial certification, an SBE which desires to continue its certification shall, no later than thirty (30) days prior to each such annual anniversary of the certification, submit an affidavit of no change in circumstances which shall update and reaffirm all requirements for certification. No later than thirty (30) days prior to its third year anniversary of certification, an SBE must submit a renewal application. A certification shall terminate automatically and without notice upon the failure of the business enterprise to satisfy any requirements set forth in this section.

7. Disparity Study Pre-emption. In the event the County obtains legally valid evidence that discrimination has caused or is causing disparity between the number of minority and women-owned firms available to participate in County contracts in a particular industry and utilization of minority and women owned firms on County contracts in that industry, then: (i) the County shall be entitled to implement such race and /or gender conscious programs as are legally appropriate to remedy such discrimination; and (ii) such race and gender conscious programs shall take precedence over and pre-empt any provisions or requirements of the SBE program with respect to those contracts involving industries where discrimination has been documented.

Sub-bids: Any quote for labor and/or material to a Contractor.

Subcontractor: A Subcontractor is a person or entity who has a direct Contract with the Contractor to perform a portion of the Work. The term "Subcontractor" is referred to throughout the Contract Documents as if singular in number and means a Subcontractor or an authorized representative of the Subcontractor.

Sub-Subcontractor: A Sub-Subcontractor is a person or entity who has a direct Contract with a Subcontractor to perform a portion of the Work. The term "Sub-Subcontractor" is referred to throughout the Contract Documents as if singular in number and means a Sub-Subcontractor or an authorized representative of the Sub-Subcontractor.

Sub-Recipient: Any Subcontractor or sub-lessee.

Woman: A female that does not have origins in any of the groups listed under Minority.

Work: The term "Work" means the construction and services required by the Contract Documents, whether completed or partially completed, and includes all other labor, materials, equipment and services provided or to be provided by the Contractor to fulfill the Contractor's obligations. The Work may constitute the whole or a part of the Project. The Work also includes providing supplementary or miscellaneous items, appurtenances and devices incidental to or necessary for a sound, secure, complete and functional installation.

SECTION II
MINORITY, WOMEN, AND SMALL BUSINESS ENTERPRISES PARTICIPATION GOALS

The aspiration of goals for participation by Minority, Women, and Small Business Enterprises as Subcontractors on this Project has been set as follows:

Recommended Goals for Each Business Category by Race/Ethnic/Gender Classification Based on MGT Study

Category	MBE Goal	WBE Goal	SBE Goal	Total Goal
Construction	10%	6%	5%	21%
Architecture & Engineering	4%	7%	5%	16%
Professional Services	9%	9%	5%	23%
Other Services (other than Architecture & Engineering and other Professional Services)	5%	4%	5%	14%
Goods	3%	3%	5%	11%

*NOTE: *The overall Goal can be achieved by any combination of participation by MBE, WBE and or SBE's.

SECTION III
MINORITY, WOMEN, AND SMALL BUSINESS ENTERPRISES "GOOD FAITH EFFORTS" REQUIREMENTS

The Contractor will consider all competitive sub-bids and quotes received from M/W/SBE firms. When a Subcontract is not awarded to the M/W/SBE firm submitting the lowest bid, the Contractor must document the reason(s) award was not made and substantiate that documentation in writing. If the Contractor terminates an agreement and/or Subcontract with an M/W/SBE firm, the Contractor will be required to adhere to these provisions of **"Good Faith Efforts"** in the selection of the replacement for that M/W/SBE firm.

SECTION IV
M/W/SBE SUBMITTALS AND TIME FRAME

The Contractor will submit the following forms, completed with his (her) bid:

1. "Statement of Intent for M/W/SBE Utilization" (Form I)
This form will illustrate the areas in which the Contractor has identified potential MBE, WBE and SBE Subcontract opportunity, the dollar value and percentage in which the Contractor proposes to attain in MBE, WBE and SBE utilization.

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 MBE, WBE and SBE firms or releasing the Contractor from negotiating with MBE, WBE and SBE firms for Subcontract opportunities in other areas.

or

2. "Statement of Intent of Performing Work Without Subcontracting" (Form II)
This form is to be submitted if the bidder does not intend to Subcontract any portions of the work and if there are not any significant material purchases on which MBE, WBE and/or SBE 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 the bid a list of those Projects along with the Project name, the Owner's name, the Owner's Project manager and/or representative, total dollar value, the beginning and completion date.

By submittal of Form II, the Contractor is certifying that:

(1) They will not enter into any Subcontract for duration of Project, and if they do decide to Subcontract any portion of the work they will:
   (a) Notify the Owner immediately of the decision to Subcontract.
   (b) Adhere to the provision of **"Good Faith Efforts"** in filling that Subcontract opportunity.

(2) They do not typically Subcontract on Projects of similar scope and dollar value.

The M/W/SBE Program Coordinator may request the apparent low bidder to provide additional information to clarify the bidder's responsiveness. Failure to submit the completed form(s) with your bid may deem the bid as non-responsive.

Upon the receipt of the 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 M/W/SBE Documentation:

A. If M/W/SBE participation equals or exceeds overall County goals:

(1) Minority, Women's and Small Business Utilization Commitment (Form III).
(2) Letter of Intent to Perform as a Subcontractor and/or Provide Supplies or Services (Form IV) for each M/W/SBE firm or copy of the Subcontract agreement(s).

B. If M/W/SBE participation does not equal or exceed the overall County goals:
(1) Documentation showing solicitation of bids and material quotes from MBE, WBE and SBE's, and the Certificate of M/W/SBE Unavailability (Form V), or if no response was received from an MBE, WBE and/or SBE.
(2) Documentation showing the reasons a Subcontract or significant material purchase was not awarded to an MBE, WBE and/or SBE.
(3) M/W/SBE Utilization Commitment (Form III).
(4) Letter of Intent to Perform as a Subcontractor and/or provide Supplies or Services (Form IV) for each M/W/SBE Subcontractor/supplier.
(5) The M/W/SBE Program Coordinator may require the Contractor to submit additional information to verify his (her) **"Good Faith Efforts"**.

C. If no Subcontracts are used:
(1) The payrolls from the previous Project(s) of similar scope and dollar value or a current list of employees and job classifications.
(2) The list of equipment owned or leased for the previous Project(s) of similar scope and dollar value or a list of equipment owned or leased to be used on this Project.
(3) A schedule of major Project items with tentative beginning and completion dates.

The M/W/SBE documentation will be received by the Owner at the pre-construction conference and forwarded to the M/W/SBE Program Coordinator within three (3) working days for a determination of compliance. The M/W/SBE Program Coordinator will make a determination of compliance within ten (10) working days from receipt of the documentation from the Department. If the Contractor does not submit the M/W/SBE documentation at the pre-construction conference the Contractor will be deemed to be in non-compliance with the **"Good Faith Efforts"**. The M/W/SBE Program Coordinator will notify the Contractor of the determination of compliance or non-compliance and forward a copy of the notification to the Department.

The penalty for non-compliance as stated in Section VI will be applied against the Contract until the Contractor is determined to be in compliance with the **"Good Faith Efforts"**.
Prior to approval of the final request for payment and after completion of the Work, the Contractor shall submit a Statement of Payments to M/W/SBE Subcontractors and Suppliers (Form VI). Final payment will not be released until Form VI is submitted.

SECTION V
RESPONSIBILITIES DURING THE BIDDING PROCESS

M/W/SBE Program Coordinator
At the time of advertisement for bids, the M/W/SBE Program Coordinator will notify certified Minority, Women, and Small Business Enterprise firms of the opportunities available to them and

will provide them with a list of potential prime Bidders. The M/W/SBE Program Coordinator will provide the Bidders with a list of certified M/W/SBE firms that can provide sub-bids and/or quotes for scope of services upon request.

Prime Contractor
The Prime Contractors will be required to solicit quotations from certified M/W/SBE firms and provide the same information, request and time to M/W/SBE firms as they would non-M/W/SBE firms.
If the Contractor elects to use an M/W/SBE firm that is not certified by the North Carolina State and/or City/ M/W/SBE Certification process. If the firm does not submit an application within the specified time frame or fails to meet the certification criteria that Contract amount with that M/W/SBE firm will not be considered as M/W/SBE participation.

MBE, WBE and SBE Firms
It is the responsibility of the M/W/SBE firm to contact the M/W/SBE Program Coordinator for Contract opportunities, to provide quotes and/or sub-bids when requested.

The M/W/SBE firm must be certified by the Certification Process in order for their Contract dollar amounts to be counted as M/W/SBE participation.

If the M/W/SBE firm is not certified at the time the firm commits to provide services, the M/W/SBE should apply for certification with the Certification.

SECTION VI
PENALTIES

A penalty of five percent (5%) of the Contract payment amount will be imposed against Prime Contractors who fail to meet the requirements of the **"Good Faith Efforts"** as documented herein.

All documents and information submitted by the Contractor will become a legal and binding part of the Contract Documents.

A finding by the Owner that any of the information submitted is deliberately inaccurate, false or incomplete will constitute grounds for non-compliance, and the penalty of five percent (5%) of the Contract payment amount applied.

If the Contractor is found to be continuously in non-compliance, with these provisions or in direct contention, such actions may be considered by the Owner as a basis for not awarding future Contracts.

SECTION VII
GRIEVANCE PROCEDURE

The Grievance (internal complaint resolution) procedure is a resource available to all Contractors, Subcontractors, and vendors doing business with Mecklenburg County under the M/W/SBE Program. Grievances related to the administration of the M/W/SBE Plan will be processed by the County's M/W/SBE Program Coordinator as follows:

1. The grievance must be reported in writing to the Mecklenburg County M/W/SBE Program Coordinator, 600 East Fourth Street, 4th Floor, Charlotte, NC 28202
2. The Program Coordinator and other designated Owner representatives will review the basis and the issues of the complaint and may request supporting evidence. Processing of a grievance will be completed within fifteen (15) working days unless circumstances mandate otherwise.
3. Any Contractor who desires to appeal the decision or ruling of the Program Coordinator may request an appeal to the County manager.
4. The final decision will be rendered by the County manager based upon a review of the record.

Any complainant not satisfied by the County manager's decision may avail himself/herself of any remedies available under the law.

Nothing in these provisions 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.

FORM I
STATEMENT OF INTENT OF
MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISE UTILIZATION
(TO BE SUBMITTED WITH THE BID)

We, _____, do certify that on
(Bidder)

the _____
(Project Name)

(_____)
(Dollar Amount of Bid)

we anticipate expending a minimum of _____% of the total dollar amount on the bid with minority business enterprises, _____% with women business enterprises, and _____% with small business enterprises. MBE/WBE/SBE's may be employed as construction Subcontractors, vendors, suppliers, or professional services. The bidder indicates that he (she) will utilize MBE/WBE/SBE in the following areas:

Description of Work	MBE Amount	WBE Amount	SBE Amount
TOTALS			

The undersigned will make every effort to enter into formal agreements with Minority, Women or Small Business firms for the Work listed in this schedule conditional upon execution of a Contract with Mecklenburg County.

The undersigned understands that they are permitted to negotiate with additional MBE/WBE/SBE firms for other materials and services not listed in the above schedule.

Submitted by: _____ Date: _____
(Authorized Representative)

Print Name: _____

TITLE: _____

ADDRESS: _____

TELEPHONE #: _____

FORM II

STATEMENT OF INTENT
TO PERFORM WORK WITHOUT SUBCONTRACTING
(TO BE SUBMITTED WITH THE BID)

We,_____, hereby certify that it is our intent
(Bidder)

to perform 100% of the work required for the

_____ Contract
(Name of Project)

In making this certification, the Bidder states the following:

1. That it is a normal business practice of the bidder to perform all elements of this type Contract with its own work forces without the use of Subcontracts,

AND

2. That if it should become necessary to Subcontract some portion of the work at a later date, the bidder will comply with all requirements of the **"Good Faith Efforts"** in providing equal opportunity to MWSBE firms to Subcontract the Work.

The undersigned hereby certifies that he or she has read the terms of this statement and is authorized to bind the bidder as herein set forth.

Signature and title of authorized official of the company and the date must be properly executed on this document and a list of previous Projects of similar scope and dollar value as stated in Section II attached or the bid may be deemed non-responsive.

Date: _____ Company Name:_____

Submitted By:_____
(Authorized Representative)

Print Name: _____

TITLE:_____

ADDRESS:_____

CITY/STATE/ZIP CODE:_____

TELEPHONE NO.:_____

FORM III
MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISE UTILIZATION COMMITMENT

We,_____, do certify that on the
(Prime Contractor)

_____
(Project Name)

_____
(Dollar Amount of Bid)

has committed a minimum of _____% of the total dollar amount of the Contract with minority business enterprises, _____% with women business enterprises and _____% with small business enterprises.

Name of Firm	MBE	WBE	SBE	Contact Person	Type of Work To Be Performed	Dollar Value
TOTAL						

The Contractor has also furnished a Letter of Intent (Form IV).

The undersigned has or will enter into a formal agreement with the Minority, Women or Small Business firms for Work listed in this schedule.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the Contractor to the commitment herein set forth.

Signature and title of authorized official of the company and the date must be properly executed on this document.

Submitted by: _____ Date:_____
(Authorized Representative)

Print Name:_____

TITLE: _____

ADDRESS: _____

_____

_____TELEPHONE #:_____

FORM IV
MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISE
LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR OR PROVIDE SUPPLIES OR SERVICES

Project Name:_____

TO: _____ ADDRESS: _____
(Prime Contractor)

CONTACT PERSON: _____ TELEPHONE #: _____

The undersigned intends to provide supplies or services in connection with the above bid request as a Minority, Women or Small Business Enterprise.

Check all that apply:_____African American;_____Hispanic American;
_____Asian American; _____Native American; _____ Female;_____
_____Small Business.

The undersigned is prepared to perform the following described Work in connection with the above Project. (Specify in detail particular Work items or parts thereof to be performed):

_____

_____

at the following price: $_____.

You have projected the following delivery date for such supplies and services, and the undersigned is projecting completion of such Work as follows:

Items

_____

_____

Signature: _____

Print Name:_____

has or will enter into a formal agreement with you for the above supplies or services conditioned upon your execution of a Contract with Mecklenburg County.

Date: _____, 20__ _____
(Name of Minority, Women or Small Business Enterprise)

CONTACT PERSON: _____

TITLE: _____

ADDRESS: _____

TELEPHONE #: _____

FORM V
CERTIFICATE OF M/W/SBE UNAVAILABILITY

NAME: _____ Project Name: _____
(Prime Contractor)

Contact Person: _____

Address: _____

_____

Telephone #: _____

Name and Address of Minority, Woman or Small Business	Type of Work (Electric, Paving, etc.) and Contract Items or Supplies to be Performed	Reason for Unavailability

The undersigned certifies that the above Minority, Women or Small Business Enterprise(s) was (were) contacted in **"Good Faith"** and that said M/W/SBE(s) were unable to submit a Bid.

Date: _____, 20___ Submitted by: _____
(Signature of Authorized Representative)

Title: _____

CONTACT PERSON: _____

TITLE: _____

ADDRESS: _____

TELEPHONE #: _____

FORM VI
STATEMENT OF PAYMENTS TO M/W/SBE SUBCONTRACTORS & SUPPLIERS
(TO BE SUBMITTED WITH FINAL PAYMENT REQUEST)

Project: _____ Contract #: _____

Contractor's Name: _____

Cert. #	MBE	WBE	SBE	Name of Firm / Address & Phone #	Total Amount	Contact Person

Total Contract Cost: _____

Total % M/W/SBE: _____

I hereby certify that this statement is true and that above payments have been made.

Contractor: _____

Address: _____

By: _____ _____ _____
Contractor Title

PRINT NAME: _____

Subscribed and sworn to before me this _____ day of _____ 20 ___

Notary Public: _____

My Commission Expires: _____

STATE OF _____

COUNTY OF _____

CONTRACTOR E-VERIFY DECLARATION

I, _____(the individual attesting below), being duly authorized by and on behalf of _____ (the entity contracting with the County, hereinafter "Employer/Contractor")

AFFIRMS AND DECLARES as follows:

1. Employer/Contractor understands that E-Verify is a federal program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with NCGS §64-25(5).
2. Pursuant to NCGS §153A-449(b) and NCGS § 64-26(a), any Employer/Contractor that transacts business in this State and employs 25 or more employees in this State entering into a contract with the County is required to verify the work eligibility status of all newly hired employees through the E-verify program.
3. Employer/Contractor is a person, business entity, or other organization that transacts business in this State and employs 25 or more employees in this State. (check Yes or No)
   a. YES _____, or
   b. NO _____
4. For Employers/Contractors who employ 25 or more employees in the State and are Therefore subject E-Verify, the undersigned verifies the Employer's/Contractor'compliance with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.
5. Employer's subcontractors on this County Project that employ 25 or more employees in this State must
   also comply with E-Verify, and if Employer is the successful contractor on this Project,

Employer agrees

that it will ensure compliance with E-Verify by any subcontractors used by Employer/Contractor on this

County Project.

6. I hereby declare under penalty of perjury that the foregoing is true and correct.

This ____ day of _____, 20____.

_____

Signature of Declarant

Print or Type Name: _____

ATTACH TO BID ATTACH TO BID ATTACH TO BID ATTACH TO BID ATTACH TO BID

Mecklenburg County
"GOOD FAITH EFFORTS" FORM

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 efforts" standing)

(Y/N)

____(1) Contacting Minority, Women or Small 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 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, Women, or Small Businesses or providing these documents to them at least 10 days before a Bid proposal is due. Value = 10 points

____(3) Breaking down or combining elements of Work into economically feasible units to facilitate Minority, Women, or Small Business participation. Value = 10 points

____(4) Working with Minority trade, community, or Contractor organizations identified by the Office of Historically Underutilized Businesses and include 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, Women, or Small Businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of Minority, Women, or Small Businesses based on lack of qualification should have the reasons documented in writing. Value = 15 points.

____(8) Providing assistance to an otherwise qualified Minority, Women, or Small 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, Women, or Small Businesses in obtaining the same unit pricing with the Bidder's suppliers in order to help Minority, Women, or Small Businesses in establishing credit. Value = 25 points.

____(9) Negotiating joint venture and partnership arrangements with Minority, Women, or Small Businesses in order to increase opportunities for Minority, Women, or Small Business participation on a public construction or repair Project when possible. Value = 20 points.

____(10) Providing quick pay agreements and policies to enable Minority, Women, or Small Business Contractors and suppliers to meet cash-flow demands. Value = 20 points.

In 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, Women and Small Business commitment and is authorized to bind the Bidder to the commitment herein set forth.

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 _____

Seal