

PARTICIPATION BY MINORITY BUSINESSES

The New Hanover County Board of Education affirms the State's commitment to encouraging the participation of minority businesses in the school system's construction contracts. A "minority business" is defined as one in which at least 51 percent is owned by minority persons or socially and economically disadvantaged individuals (as defined in 15 U.S.C. 637) or the management and daily business operations are controlled by minority or socially and economically disadvantaged persons. Minority persons include African-Americans, those of Hispanic descent, Asian Americans, American Indians and females.

VERIFIABLE GOALS

The Board, after notice and public hearing, adopted the following verifiable percentage goals for participation in the school system's contracts by historically underutilized businesses:

- Projects in which the cost is \$100,000 or more and the Board has received state appropriations or grants for the project: ten percent participation by minority businesses in the total value of work for each building project involving erection, construction, alteration or repair.
- Projects in which the cost is \$300,000 or more: ten percent participation by minority businesses in the total value of work for each building project involving erection, construction, alteration or repair.
- Projects in which the costs are at least \$30,000 but do not exceed \$300,000: except as otherwise required for projects in the first bullet point, the Board will solicit participation by minority business enterprises and maintain a record of contractors solicited and efforts to recruit minority participation. The Board also will comply with any reporting and documentation requirements of the Department of Administration.

SCHOOL SYSTEM GOOD FAITH EFFORTS

The Board adopts the following guidelines to ensure that the school system will make good faith efforts to reach diverse contractors and to encourage participation in the school system's construction contracts by such contractors. The Superintendent or designee is directed to:

- Make information about the school system's formal and informal bidding process readily available;
- Develop and implement a minority business participation outreach plan to identify minority businesses that can perform building projects and to implement outreach efforts to encourage minority business participation in such projects;
- Advertise for bids in media that reach minority businesses and provide notice to minority businesses as provided in NCGS 143-128.2;
- Ensure that everyone who requests it, has access to building documents needed for making bids on projects;

- Encourage businesses experiencing difficulty in meeting the bonding, licensing and bid deposits required by state law in larger construction projects to utilize resources and assistance offered by local, state and federal agencies; and
- Encourage contractors to attend the scheduled pre-bid conference.

GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS

All bidders on major school construction and renovation projects who intend to subcontract any part of the project must provide affidavits or documentation indicating that a good faith effort has been made in preparing the bid to meet the Board's verifiable goal for participation by minority businesses.

The failure to make a good faith effort to meet the Board's goal may result in the bid being considered non-responsive and being rejected.

The Superintendent or designee will establish administrative procedures to verify which businesses are qualified and to evaluate good faith efforts by bidders.

NONDISCRIMINATION

The Board shall award all contracts without regard to race, religion, color, creed, national origin, sex, age or handicapping condition. Nothing in this Policy should be construed to require the Board or contractors to award contracts or subcontracts to minority business contractors or minority business subcontractors who do not submit the lowest responsible, responsive bid or bids.

LEGAL REFS: City of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989); G.S. 143-128, -128.2; 15 U.S.C. 637

Adopted: 07/03/90

Revised: 09/06/11