



New Hanover County Schools
Reach, Equip, Achieve

**NEW HANOVER COUNTY SCHOOLS BOARD OF EDUCATION
HISTORICALLY UNDERUTILIZED BUSINESS/MINORITY BUSINESS ENTERPRISE
OUTREACH PLAN**

Note: This plan follows the structure of the State Construction Office's "Interim Minority Business Participation Outreach Plan for State Construction Projects" (the first available guidance on the requirements for such a plan).

1. GOAL

The New Hanover County Board of Education ("Board") desires to encourage greater participation by Historically Underutilized Businesses (HUBs)/Minority Business Enterprise (MBEs) in public building projects undertaken by the Board by (1) advertising for and soliciting bids from HUBs/MBEs and (2) requiring all contractors engaged by the Board in public building projects subject to the requirements of G.S. § 143-128.2 to employ good faith efforts to achieve the verifiable percentage goal of ten percent (10%) participation by HUBs/MBEs as set forth in G.S. § 143-128.2.

2. STATEMENT OF POLICY

The Board awards public building contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3. [143-28.2(h)]

3. PLAN OBJECTIVES AND APPLICABILITY

- A. The objective of this plan is to comply with G.S. § 143-128.2, as amended by State Law 2001-496 (Senate Bill 914, signed 19 December 2001, effective 1 January 2002) and to assist the the Board in reaching the verifiable percentage goal of 10% HUB/MBE participation in all construction contracts.
- B. It is not the intent of this plan to require the Board to take additional steps beyond those required by G.S. 143-128.2 or to increase costs incurred by the Board for public building projects.
- C. The procedures established herein constitute the "Historically Underutilized Business/Minority Business Enterprise Outreach Plan" required by 143-128.2(e)(1).
- D. This plan establishes the procedures to comply with the good faith efforts required by G.S. § 143-128.2.
- E. This plan applies only to public building projects required to have a verifiable percentage goal under G.S. 143-128.2(a), currently consisting of those public building projects in which state grant funds or appropriations are received and which meet or exceed \$100,000.00 in costs.
- F. The plan will remain in this form unless modifications are necessary to further comply with any applicable change in construction procurement rules or regulations.
- G. All those associated with capital improvement projects subject to this plan shall employ good faith efforts to comply with the requirements of G.S. § 143-128.2 and this plan.
- H. Employees of the Board who are responsible for or have authority to contractually bind the Board with regard to public building projects shall be informed of and understand the requirements of G.S. § 143-128.2, this plan and the Board's goals in adopting this plan.

- I. The Board, its employees, and its consultants will take whatever measures it deems appropriate to encourage the education, recruitment, and interaction between HUBs/MBEs, non-HUBs/non-MBEs and the New Hanover County School System.

4. PLAN ADMINISTRATION

The Superintendent will cause this policy to be implemented and may delegate any or all of the responsibility for implementation of this plan to one or more Board employees, in the Superintendent's sole discretion.

5. GOOD FAITH EFFORTS

In an effort to encourage HUB/MBE participation in all public building contracts, the Board shall undertake the following actions for projects to which this plan applies:

- A. Bidders and contractors doing business with the Board shall be required to undertake good faith efforts to meet or exceed the goals of this plan and G.S. § 143-128.2 and shall be required to report their compliance efforts to the Board in a timely manner and on such form or forms as designated by the Board.
- B. The Board shall schedule and hold a pre-bid meeting for potential HUB/MBE bidders and interested subcontractors. [143-128.2(e)(2)]. At this pre-bid meeting, the Board shall furnish a copy of its solicitation list. Note: To give contractors time to contact these HUB/MBE subcontractors at least 10 days before bid opening, the pre-bid meeting should be more than 10 days before the bid opening.
- C. The Board will establish a solicitation list of HUBs/MBEs by:
 - 1. Researching the State Office of Historically Underutilized Business web site from time to time and recording all HUBs/MBEs that have registered on the site which are located in or near the New Hanover County School System.
 - 2. From time to time, researching federal web sites that list HUBs/MBEs (*currently including Pro-Net*), and recording those HUBs/MBEs that have registered on the site and that are located in or near the New Hanover County School System.
 - 3. Recording all HUBs/MBEs that have requested notification from the Board in the event of a public bid offering.
 - 4. Directly soliciting HUBs/MBEs in the New Hanover County School System's solicitation list. [143-128.2(e)(3)]
- D. At least 10 days prior to bid opening, the Board will furnish HUBs/MBEs on the New Hanover County School System's solicitation list with a copy of advertisements for bidding the categories that they have requested. The advertisement will include a description of the work for which the bid is being solicited, the date, time, and location where the bids may be submitted and where the bids will be opened, the name of the New Hanover County School System employee or representative who is available to answer questions about the project, where the bid documents may be reviewed or a copy obtained, and any other special requirements that may exist.
- E. The Board may contact such HUBs/MBEs by email, mail, fax or other means.
- F. The Board will advertise opportunities to bid so as to be open to HUB/MBE bidders. [143-128.2(e)(4)]

G. The Board will advertise opportunities to bid in one or more of the following manners:

1. In a local newspaper, such as the Star News and the Greater Diversified;
2. In a regional urban newspaper, such as the News and Observer;
3. In a local or regional newspaper which serves a large historically underutilized population, as identified by the North Carolina Office of Historically Underutilized Businesses; and/or
4. By posting on its web site advertisements for bids for construction contracts, and such advertisements shall state that all bidders, especially HUBs/MBEs, are invited and encouraged to bid.

6. POST AWARD MONITORING

A. To enable the Board to report HUB/MBE participation to the State Office of Historically Underutilized Businesses, the Board will require contractors engaged in the construction projects subject to this plan to submit with each bid the following documentation:

1. A listing of the Good Faith Effort (Affidavit A)
2. An Intent to Perform Contract with Own Workforce Affidavit (if applicable, Affidavit B)s
3. A Portion of Work to be Performed by HUBs/MBEs Affidavit (if applicable, Affidavit C)
4. A Good Faith Effort Affidavit (Affidavit D)
5. An Identification of HUB/MBE Participation worksheet.

B. On any construction project, which is subject to G.S. § 143-128.2, the contractor(s) must submit with every request for payment (1) an Affidavit of HUB/MBE Documentation for contract payments (Appendix E) and (2) an Identification of HUB/MBE Participation worksheet. If 10% participation by HUBs/MBEs is not achieved by a contractor on any project subject to G.S. § 143-128.2, that contractor must provide the Board with an Affidavit of Good Faith Efforts documenting the efforts taken by the contractor to achieve the 10% participation goal. The Board will not make payment without such documentation.

C. A contractor awarded a project based upon a given level of HUB/MBE participation is responsible for ensuring that HUB/MBE participation does not materially vary from that originally specified when receiving the contract award.

D. Contractors must follow the requirements of G.S. 143-128.2 and the contract documents. Failure to comply with the law and contract documents will be considered a breach of contract and may subject the contractor to annulment of the contract or any penalties set forth in the terms of such contract.

7. PROFESSIONAL SERVICES

The Board also shall encourage the solicitation of proposals from historically underutilized professionals (HUBs) for the provision of professional services to the Board. The goal for the participation of HUBs will be consistent with their general availability within the professional communities involved. Advertisements for professional services will encourage participation by HUBs.

8. REPORTING AND REVIEW

With respect to each building project, the Board will report the following to the State Office for Historically Underutilized Businesses semiannually [G.S. 143-128.3]:

- A. The verifiable percentage goal;
- B. The type and total dollar value of the project;
- C. The participation by HUBs/MBEs in the project, categorized according to historically underutilized group, the particular trade of each HUB/MBE, and the total dollar value of contracts awarded to each historically underutilized group for each project;
- D. The applicable good faith effort guidelines or rules used to recruit HUB/MBE participation;
- E. The good faith documentation accepted by the Board from the successful bidder;
- F. The utilization of HUBs/MBEs in the following categories of public building projects: heating, ventilating, air conditioning and accessories (separately or combined into one conductive system), refrigeration for cold storage (where the cold storage cooling load in 15 tons or more) and all related work, plumbing and gas fittings and accessories and all related work, electrical wiring and installation and all related work, and general work relating to the erection, construction, alteration or repair of any public building.
- G. The reports shall be in the format and contain in the data prescribed by the Secretary of Administration. The Board will make the report even if there is no building project to report during that period.