

**CHARLOTTE-MECKLENBURG SCHOOLS
SMALL BUSINESS ENTERPRISE PROGRAM**

**Request for Qualifications SBE Participation Guidelines
For Professional Services
(Including Surveying, Commissioning, & Geo Technical)**

In accordance with G.S. 143-128.1, it shall be the policy of the Charlotte-Mecklenburg Board of Education to promote full and equal access to business opportunities with Charlotte-Mecklenburg Schools. Small business enterprises (SBE) as well as other responsible vendors shall have a fair and reasonable opportunity to participate in CMS business opportunities.

The Superintendent shall implement an SBE Program which includes aspirational goals for SBE utilization in proportion to the availability of qualified vendors in particular areas of procurement. An annual report shall be made to the Board of Education regarding SBE utilization in comparison to the aspirational goals.

Policy Adopted: 01/12/93
Policy Amended: 07/09/96
Policy Amended: 02/22/05
Policy Amended: 08/25/26

Requirements

The fundamental requirement of the policy is that all contractors, vendors and consultants, who contact with the Board of Education, will: (i) not discriminate against any person in regard to race, color, religion, age, national origin, sex, or disability; and (ii) provide a full and fair opportunity for participation of SBEs in contracts. Participation shall be measured in terms of the actual dollars received by SBEs.

“Small” as used in this policy means a business enterprise owned, operated, and controlled by one (1) or more eligible owners who have 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.

Responders responding to this solicitation shall comply with the SBE Program by making a Good Faith Efforts to utilize the following aspirational goals for SBE participation under this contract for professional service and construction contracts:

Category	SBE Goal
Construction	21%
Architecture & Engineering	16%
Professional Services	23%
Contracted Services (other than Architecture, Engineering, and other Professional Services)	14%
Goods	11%

Responders will describe how your firm will address the SBE Objectives. This may include the forms listed below and a commitment to obtain a certain overall percentage.

Responders shall include in their proposals the following documentation:

SBE Guidelines 2005-Rev 08.17.26

- ☐ **Small Business Enterprise Identification Form** (including suppliers)
- ☐ **Affidavit A** (if subcontracting)

OR

- ☐ **Small Business Enterprise Identification Form**
- ☐ **Affidavit B** (if self-performing all work with own workforce AND will not purchase any materials or supplies in the performance of the contract . Upon request, provide sufficient information for Charlotte-Mecklenburg Schools to determine that the Bidder does not customarily subcontract work on this type of project)

The forms ask for the scope of work and the dollar amount. Respondents may not be able to give specific dollar amounts until you know the project scope assigned. However, you may list an overall percentage based on the scopes of work intended to be performed by SBE consultants and subcontractors.

The overall participation committed for the school is based upon all activities associated with the project including design sub-consultants, lower tier subcontractors, printing, courier services, suppliers and other services.

Upon receipt of notice of award, the low responder who is subcontracting anything must provide the following information:

- ☐ **Appendix I, II and/or III**

With each pay request the prime contractors will submit Appendix IV listing payments made to all subcontractors. Failure to submit these and all documents as requested is grounds for rejection of the bid.

Compliance Documentation

All written statements, affidavits or intentions made by Respondents shall become a part of the agreement between the Consultant and Charlotte-Mecklenburg Schools for performance on this contract. Failure to comply with any of these statements, affidavits or intentions or with the SBE Program Guidelines shall constitute a breach of contract. A finding by Charlotte-Mecklenburg Schools that any information submitted either prior to award of the contract or during the performance of the contract is inaccurate, false, or incomplete, shall also 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 Charlotte-Mecklenburg Schools whether to terminate the contract for breach.

In determining whether a contractor has made Good Faith Efforts, Charlotte-Mecklenburg Schools will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts.

Good Faith Effort Documentation – The bidder’s documentation to meet the goals set forth in these provisions shall include the following evidence:

1. Copies of solicitations for quotes to at least three (3) SBE firms for each subcontract to be let under this contract. Each solicitation shall contain a specific description of the work to be subcontracted, location where the bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.
2. Copies of quotes or responses received from each firm responding to the solicitation.
3. A telephone log of follow-up calls to each firm sent a solicitation.

4. For subcontracts where an SBE firm is not considered to be the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
5. Documentation of any contacts, correspondence or conversation with SBE firms made in an attempt to meet the aspirational goals.
6. The successful bidder shall maintain records relating to all commitments for a period of at least one year following acceptance of final payment.

Note: Additional Good Faith Efforts are identified in Affidavit A.

After review of the Respondent's Good Faith Efforts, the Respondent may request and be granted a Waiver of the SBE aspirational goals that have not been met for that particular project. A Waiver may be granted upon review of the Respondent's documentation and determination that, in fact, a Good Faith Effort has been put forth. The Respondent's SBE Utilization Commitment shall be incorporated into the contract.

Charlotte-Mecklenburg Schools is authorized to establish specifications requiring bidders to subcontract a certain designated percentage of the construction and repair work amount, provided that nothing contained in these requirements shall be construed to require that the award of subcontracts be made to subcontractors who do not submit the lowest responsive bid.

NOTE: Charlotte-Mecklenburg Schools reserves the right to waive any irregularities in SBE documentation if they can be resolved prior to award of the contract, and Charlotte-Mecklenburg Schools finds it to be in its best interest to do so and award the contract.

Dispute Resolution Procedures

Under G.S. 143-135.26 (11), states that a public entity shall use the dispute resolution process adopted by the State Building Commission, or shall adopt another dispute resolution process, which shall include mediation, to be used as an alternative to the dispute resolution process adopted by the State Building Commission. This dispute resolution process shall be available to all the parties involved in the public entity's construction project including the public entity, the architect, the construction manager, the contractor, and the first-tier and lower-tier subcontractors and shall be available for any issues arising out of the contract or construction process.

The public entity may set a reasonable threshold, not to exceed fifteen thousand dollars (\$15,000), concerning the amount in controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity may require that the cost of the process be divided between the parties to the dispute with at least one-third of the cost to be paid by the public entity, if the public entity is a party to the dispute. The public entity may require in its contract that a party participates in mediation concerning a dispute as a precondition to initiating litigation concerning the dispute.

Charlotte- Mecklenburg Schools
SBE Documentation Overview

Form	Submission Requirements	Required Form
Subcontractor / Supplier Identification Form Lists the total dollar amount of such participation by SBE subcontractors and suppliers the Bidder <u>will use</u> on the project.	Due with bid/proposal	Small Business Enterprise Identification Form
Listing of Good Faith Efforts (GFE) Indicates the actions you undertook to recruit and solicit subcontractors, vendors, or suppliers for this project.	Due with bid/proposal (if subcontracting)	Affidavit A
Intent to Perform Contract with Own Workforce Indicates that the Bidder does not customarily subcontract elements of this type of project, normally performs all elements of work on this project with his/her own current work force AND <u>will not purchase any materials or supplies in the performance of the contract.</u>	Due with bid/proposal (self-performing)	Affidavit B
Portion of Work to be Performed by SBE Firms Identifies small business that is equal to or greater than the SBE total goal for Construction 21%, Other Services 14%, and/or Goods 11% of the bidders total contract price. Appendix I is signed by the SBE.	Within three (3) business days after notification of being the apparent low bidder	Affidavit C and Appendix I
Documentation of Good Faith Efforts (GFE) Indicates GFEs of bidders who <u>do not</u> achieve the overall SBE goal for Construction 21%, Other Services 14%, and/or Goods 11% participation by SBEs. Documentation provided should correspond with the items checked on Affidavit A. Appendix I is signed by the SBE.	Within three (3) business days after notification of being the apparent low bidder	Affidavit D and Appendix I
Professional Services Indicates the minimum percent of the total dollar amount of the contract with SBEs. Appendix I is signed by the SBE.	Within three (3) business days after receiving Letter of Commitment	Appendix I, II and/or III
Documentation for All Contract Payments Contractor shall provide with each pay request to CMS all payments to contractors, subcontractors, supplies and service providers.	Must submit with each pay request and final payment	Appendix IV

Small Business Enterprise Identification Form

I, _____
(Name of Bidder)

do hereby certify that on this project, we will use the following small business enterprises as construction subcontractors, vendors, suppliers or providers of professional services.

[illegible]

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

The total value of SBE contracting will be (\$) _____.

Attach this form and AFFIDAVIT A or this form and AFFIDAVIT B to the Bid

Attach AFFIDAVIT A or AFFIDAVIT B to the Bid

State of North Carolina AFFIDAVIT A – Listing of the Good Faith Effort

County of _____

Affidavit of _____
(Name of Bidder)

I have made a good faith effort to comply under the following areas checked:

Bidder must earn at least 50 points from the Good Faith Efforts list for their bid to be considered responsive.

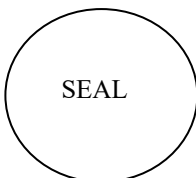
- ☐ **1 – (10 Points)** Contacted small businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- ☐ **2 – (10 Points)** Made the construction plans, specifications and requirements available for review by prospective small businesses or providing these documents to them at least 10 days before the bids are due.
- ☐ **3 – (15 Points)** Broken down or combined elements of work into economically feasible units to facilitate small business participation.
- ☐ **4 – (10 Points)** Worked with the trade community, or contractor organizations included in the bid documents that provide assistance in recruitment of small businesses.
- ☐ **5 – (10 Points)** Attended pre-bid meetings scheduled by the public owner.
- ☐ **6 – (20 Points)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- ☐ **7 – (15 Points)** Negotiated in good faith with interested small businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a small business based on lack of qualification should have the reasons documented in writing.
- ☐ **8 – (25 Points)** Provided assistance to an otherwise qualified 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. Assisted small businesses in obtaining the same unit pricing with the bidder's suppliers in order to help small businesses in establishing credit.
- ☐ **9 – (20 Points)** Negotiated joint venture and partnership arrangements with small businesses in order to increase opportunities for small business participation on a public construction or repair project when possible.
- ☐ **10 – (20 Points)** Provided quick pay agreements and policies to enable small contractors and suppliers to meet cash-flow demands.

In accordance with GS 143-128.1 and Board of Education Policy the undersigned will enter into a formal agreement with the firms listed in the Identification of Small 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 certifies that he or she has read the terms of the Small Business Enterprise 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 _____

Attach AFFIDAVIT A or AFFIDAVIT B to the Bid

**State of North Carolina --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 will not purchase any materials or supplies in the performance of the contract

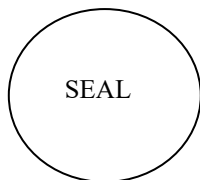
The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

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 _____, County of _____

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

Notary Public _____

My commission expires _____

APPENDIX I
LETTER OF INTENT TO
PERFORM AS A
SUBCONTRACTOR OR SUBCONSULTANT
(PROVIDE MATERIALS OR/ & SERVICES)

PROJECT: _____
(Project Name)

TO: _____
(Name of Prime Bidder/Architect)

The undersigned intends to perform work in connection with the above project as

_____ Small Business Enterprise

The SBE status of the undersigned is/is not certified by a council or governmental entities. Our SBE certification number is _____.

The undersigned is prepared to perform the following described work or provide materials or services in connection with the above project (specify in detail particular work items, materials or services to be performed or provided) at the following price: _____.

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

Items	Projected Commencement Date	Projected Completion Date

Subcontracting at any tier must be reported and is subject to all SBE compliance requirements. This form shall be used for SBE subcontracting at any level.

Date: _____
(Name & Phone No. of SBE Company)

(Name & Title of Authorized Officer)

(Signature)

THE PRIME CONTRACTOR OR ARCHITECT MUST GET THIS FORM COMPLETED BY
THE SUBCONTRACTORS/SUPPLIERS

APPENDIX II

SBE UTILIZATION COMMITMENT FORM

FOR

PROFESSIONAL SERVICES

We, _____, do certify that on the _____
(Architect)

(Project Name)

_____, _____
(Project Number) (Dollar Amount of Bid)

If the bidder intends to subcontract, this form must be completed regardless of the amount or lack of SBE participation attained.

I will expend a minimum of _____% of the total dollar amount of the contract with small business enterprises. SBEs 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

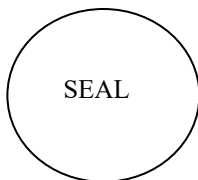
Name and Address	* SBE Subgroup Category	Work description	Dollar Value

* SBE Subgroup categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) Native American Indian (**N**), Female (**F**), or Socially and Economically Disadvantaged (**D**)

The undersigned will enter into a formal agreement with Small Business Firms for work listed in this schedule conditional upon execution of a contract with the Charlotte-Mecklenburg Board of Education. 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 _____

APPENDIX III **SBE UTILIZATION COMMITMENT FORM** **FOR** **PURCHASES OF GOODS & OTHER SERVICES**

We, _____, do certify that on the

 (Bidder)

 (Project Name)

_____, _____
 (Project Number) (Dollar Amount of Bid)

If the bidder intends to subcontract, this form must be completed regardless of the amount or lack of SBE participation attained.

I will expend a minimum of _____% of the total dollar amount of the contract with small business enterprises. SBEs 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

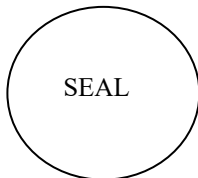
Name and Address	* SBE Subgroup Category	Work description	Dollar Value

* SBE Subgroup categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) Native American Indian (**N**), Female (**F**), or Socially and Economically Disadvantaged (**D**)

The undersigned will enter into a formal agreement with Small Business Firms for work listed in this schedule conditional upon execution of a contract with the Charlotte-Mecklenburg Board of Education.
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 _____

APPENDIX IV

DOCUMENTATION FOR ALL PAYMENTS TO CONTRACTORS, SUBCONTRACTORS, SUPPLIERS, AND SERVICE PROVIDERS

Prime Contractor/Architect: _____

Address & Phone: _____

Project Name: _____

Pay Application #: _____ Period: _____

Current Requested Payment Amount _____

The following is a list of payments to be made to all contractors/suppliers & other providers on this project for the above-mentioned period.

Firm Name and Address	SBE Subgroup Category	Amount to be Paid from this pay Request	Total Payments to date (does not include current requested amount)	Total Amount Committed (full contract value)	Comments
Totals					

* SBE Subgroup categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) Native American Indian (**N**), Female (**F**), or Socially and Economically Disadvantaged (**D**)

Date: _____

Approved/Certified By: _____
Name

Title

Signature

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

**APPENDIX V
WAIVER REQUEST
FOR GOOD FAITH EFFORTS**

PROJECT: _____
COMPANY: _____
ADDRESS: _____
CITY: _____ **STATE:** _____ **ZIP:** _____
CONTACT PERSON: _____ **PHONE NO:** _____
TITLE: _____

The said company requests a Full () or Partial () waiver for the SBE aspirational goals for this particular project for the following reasons:

Signature: _____ Date: _____

CMS USE ONLY

Good Faith Efforts Verified: _____

Request of Waiver Granted: YES () NO ()

Comments: _____

SBE Administrator: _____ **Date:** _____