

SECTION 009113 – ADDENDUM NO. 1

PART 1 - GENERAL

1.1 ADDENDUM

- A. Addendum No. 1.

1.2 PROJECT INFORMATION

- A. Project Name: WTCC Facilities Operations & Warehouse Complex Office.
- B. Owner: Wake Technical Community College.
- C. Owner Project Number: NCCCS #2299.
- D. Architect: Osterlund Architects, PLLC.
- E. Architect Project Number: 2413.
- F. Date of Addendum: September 6, 2024.

1.3 NOTICE TO BIDDERS

- A. This Addendum is issued to all registered plan holders pursuant to the Instructions to Bidders and Conditions of the Contract. This Addendum serves to clarify, revise, and supersede information in the Project Manual, Drawings, and previously issued Addenda. Portions of the Addendum affecting the Contract Documents will be incorporated into the Contract by enumeration of the Addendum in the Owner/Contractor Agreement.
- B. The Bidder shall acknowledge receipt of this Addendum in the appropriate space on the Bid Form.
- C. The date for receipt of bids is unchanged by this Addendum, at same time and location.

1.4 ATTACHMENTS

- A. This Addendum includes the following attached Documents and Specification Sections:
 - 1. Pre-Bid Meeting Minutes, dated September 4, 2024, (new).
 - 2. Pre-Bid Meeting Attendance Sign-in Sheet, dated September 4, 2024, (new).
 - 3. Bid RFI Log, dated September 6, 2024, (new).
 - 4. Section 004101 - MB Participation Forms, dated September 6, 2024, (reissued).

5. Section 004102 - MB Guidelines, dated September 6, 2024, (reissued).

1.5 CLARIFICATIONS

- A. As recorded in the Pre-Bid Meeting Minutes, **Affidavit A or B will be required with bids.** Reissued Sections 004101 - MB Participation Forms and 004102 – MB Guidelines are included as Attachments in this Addendum. Revision to Supplementary General Conditions is included in this Addendum.
- B. Responses to Bidder questions are included in the Bid RFI Log Attachment in this Addendum. Any questions that remain unanswered will be answered in an upcoming addendum.

1.6 REVISIONS TO DIVISION 00 PROCUREMENT REQUIREMENTS AND CONTRACTING REQUIREMENTS

- A. Section 006005 Supplementary General Conditions, (not reissued).

1. Add the following Article 26:

ARTICLE 26. MINORITY BUSINESS PARTICIPATION

Add the following new paragraph: "Submit Affidavit A or B with your bid along with Identification of HUB Participation form."

PART 2 - PRODUCTS (Not Used)

PART 3 - EXECUTION (Not Used)

END OF SECTION 009113

Pre-Bid Meeting Minutes

Project: WTCC Facilities Operations & Warehouse Complex Office NCCCS# 2299		
Owner: Wake Technical Community College	Architect: Osterlund Architects, PLLC 5 W Hargett Street, #310 Raleigh, NC 27601	Distribution: Bidders Design Team Owner Team

Meeting Date: September 4, 2024 @ 10 a.m.
 Location: Building ST, 4723 Advantage Way, Raleigh, NC 27603

Attendees: Please record your attendance on the sign-in sheet. SIGN-IN SHEET IS ATTACHED.

1. Introductions
 - Architect: Kristen Osterlund
 - kristen@osterlundarchitects.com
 - (919) 600 3355
 - Interior Designer: Ashley Sessoms
 - ashley@osterlundarchitects.com
 - (919) 591 3174
 - WTCC Project Manager: Kathy G. Monteiro, Director, Design & Construction
 - kgmonteiro@waketech.edu
 - (919) 866 5528
 - WTCC Project Manager: Wendell Goodwin, PE
2. Project Review

General scope of work includes the construction of new office in the existing Second Floor open office area, including new partitions, storefront, glazing, door, interior finishes, lighting and associated fire protection, mechanical and electrical work and other Work indicated in the Contract Documents.

3. This project is an "informal" contract as defined by the NC State Construction Office.
4. Minority Business Participation: Please direct any HUB related questions during the bidding period to:
 - Kathy G. Monteiro, Director, Design & Construction
 - Wake Technical Community College
 - 9101 Fayetteville Rd, Raleigh, NC 27603
 - (919) 866 5528
 - kgmonteiro@waketech.edu
 - a. WTCC has set the MBE participation goal at 10% for this project.
 - b. Wake Tech has contact information for many MBE contractors and sub-contractors who are qualified to perform many aspects of the project scope. These resources are available to all bidders upon request.
 - c. Contractors must submit the Identification of Minority Business Participation **and Affidavit A or B** as applicable on bid day. Failure to provide this documentation will constitute a "non-responsive bid."
 - d. All affidavits must be notarized.**

WTCC FACILITIES OPERATIONS & WAREHOUSE COMPLEX OFFICE
 Raleigh, NC
 Project No. 2413

- e. **Contractors submitting Affidavit B requires that sufficient information must be provided for Wake Tech to determine that the bidder does not customarily subcontract work on this type of project.**
 - f. Contractors shall verify through the State HUB Office’s HUB Data Base that the HUB Company utilized is registered and certified with the State. Best practice is to submit a copy of the HUB’s certification after notification of apparent low bidder to ensure that the inclusion percentage can be applied to the minimum goal.
 - g. Only the Statewide Uniform Certification (SWUC) is acceptable for HUB certification.
 - h. **Submit Affidavit C or D after notification of apparent low bidder.**
5. Site Visits: A site visit will be conducted immediately following this meeting and additional site visits may be scheduled through the Project Engineer in coordination with Wake Tech.
6. Minimum Insurance Requirements: Refer to General Conditions and Article 19 of SUPPLEMENTARY GENERAL CONDITIONS.

CONTRACT	COVERAGE	DURATION	MINIMUM LIMIT
Informal Contract (<\$100K)	Auto 2, 3, 4, 5	1 year	\$1,000,000
	Builders Risk 1, 2, 3, 4, 5	N/A	N/A
	General Liability 1, 2, 3, 4, 5	1 year	\$2,000,000
	Pollution Liability 1, 2, 3, 4, 5	N/A	N/A
	Professional Liability 2, 3, 4, 5	N/A	N/A
	Umbrella 1, 2, 3, 4, 5		
	Cyber Liability 2, 3, 4, 5, 6	1 year	\$1,000,000
	Workers Comp 2, 3, 4, 5	1 year	\$1,000,000

- NOTES:
- 1. **The Trustees of Wake Technical Community College**, required to be endorsed as additional insureds for General Liability and Builders Risk/Installation Floater.
 - 2. Must be endorsed to provide 30 days prior notice of cancellation, registered mail, return receipt requested.
 - 3. Must be endorsed for Waiver of Subrogation in favor of the Owner
 - 4. Insurers must carry an AM Best rating of A+ or greater and registered to operate in the State of North Carolina.
 - 5. The Trustees of Wake Technical Community College, 9101 Fayetteville Road, Raleigh, NC 27603 must be labeled as certificate holder
 - 6. Cyber liability can be waived if no access to Wake Tech systems is required.

- 7. Bonds: A Bid bond, Payment, and Performance bonds are **NOT** required.
- 8. Permitting: Architect has submitted this project for permitting through Wake County. WTCC will reimburse the Contractor for the direct cost of the permit fees through a change order.

All inspections will be performed by Design Team, Wake Tech, and County of Wake.

- 9. Unit Prices & Allowances: N/A
- 10. Schedule: Refer to Article 30 of Supplementary General Conditions

Duration: 120 consecutive calendar days

The following are estimated dates based on WTCC informal contract procedures:
Pre-Construction Meeting: Thursday, October 3, 2024
Notice to Proceed: Monday, October 7, 2024

- 11. Liquidated Damages: Refer to Article 30 of Supplementary General Conditions

WTCC FACILITIES OPERATIONS & WAREHOUSE COMPLEX OFFICE
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Construction Bid Amount	Liquidated Damages
\$0 to \$100,000	\$100/Day
\$100,000 to \$250,000	\$250/Day
\$250,000 to \$500,000	\$500/Day
Over \$500,000	\$1,000/Day

12. First Addendum: The first addendum for this project will be issued September 6, 2024 by 3:00pm and will include the minutes from this pre-bid meeting.
13. Last Day for Questions: Architect will take questions **IN WRITING** up to Wednesday, September 11, 2024, at 5:00 p.m. No further questions will be received after that time. Send questions to kristen@osterlundarchitects.com and ashley@osterlundarchitects.com.
 - a. Questions and Answers - All questions will be answered in Addenda. Verbal answers have no bearing. Contractors should provide all questions in writing via email and only follow written instruction given by the Designer.
 - b. All bidders are asked to e-mail any questions to Architect and Interior Designer email. We will e-mail back a response within 48 hours. The response will either show the contractor where the requested information is in the documents or will state that the requested information will be contained in any upcoming addendum.
 - c. Final Addendum: Thursday, September 19, 2024
14. Bid Opening:

Sealed bid for this work will be received by:

Kathy G. Monteiro
Director, Design & Construction
Wake Technical Community College
Telephone (919) 866-5528

Email bids to Kathy G. Monteiro, kamonteiro@waketech.edu and Kristen Osterlund, kristen@osterlundarchitects.com.

up to **3:00 PM**, on Thursday, September 26, 2024, and immediately thereafter opened and reviewed.

15. Other Items, Owner Requirements:
 - a. The Contractor shall be responsible for enclosing the area of work with temporary partitions. The Contractor will access the work area through the west exterior doors and west stair. The Contractor will provide a temporary toilet. WTCC and the Design Team will work with the winning contractor to develop a reasonable laydown area and to determine locations for Contractor parking and temporary toilet.
 - b. There will be coordination with the WTCC Early Voting Site, located on the first floor, from October 17 through November 2, 2024.
 - c. WTCC will provide Contractor badge access to Building ST.
 - d. Damage to Site: All damage to existing finishes, hardscaping, and landscaping is to be repaired by contractor to match existing conditions.
 - e. Bid Form Blanks and Amounts: Bidders are cautioned to verify that all blanks on the form of proposal are filled in and that all spelled-out amounts exactly match the numerical values. Failure to do either of these things can lead to declaring your bid proposal as "non-responsive."
 - f. Flow of Information: Contractors are cautioned not to take any direction from Wake Tech staff. All information will be directed by the Design Team.
16. Contractor Questions:

- a. **The record of Bidder questions asked during this meeting will be issued with Addendum No. 1. We will respond to as many questions as we can with Addendum No. 1 and will respond to the remaining questions with additional addenda as needed.**

17. Site Visit and close meeting

Minutes By:

Kristen Osterlund
Principal Architect

5 W Hargett Street 310
Raleigh, NC 27601
(919) 838-9337
osterlundarchitects.com

WTCC FACILITIES OPERATIONS & WAREHOUSE COMPLEX OFFICE

Project No. 2413
Raleigh, NC

5 W Hargett Street 310
 Raleigh, NC 27601
 (919) 838-9337
 osterlundarchitects.com

Pre-Bid Meeting Sign-In Sheet

Project: WTCC Facilities Operations & Warehouse Complex Office NCCCS# 2299		
Owner: Wake Technical Community College	Architect: Osterlund Architects, PLLC 5 W Hargett Street, #310 Raleigh, NC 27601	

Meeting Date: September 4, 2024 @ 10 a.m.
 Location: Building ST, 4723 Advantage Way, Raleigh, NC 27603

NAME	COMPANY	EMAIL/PHONE	SIGNATURE
Tim Cottrill	Riggs-Harrod	tcottrill@riggsharrod.com 919-687-0111	<i>Tim Cottrill</i>
Savannah Burgess	Riley Contracting	sburgess@rileycontracting.com 919-465-6104	<i>SB</i>
Paul Goulding	Goulding Construction	Paul@GouldingConstruction.com 919-320-7496	<i>Paul Goulding</i>
LOGAN MCCLURE	MCCLURE BUILDERS	LOGAN@MCCLUREBUILDERS.COM 919-369-9275	<i>LM</i>
Kristen Osterlund	Osterlund Architects	kristen@osterlundarchitects.com 919 600 3355	<i>Kristen Osterlund</i>
WENDELL GOODWIN	WTCC	WBGODWIN@WAKETECH.EDU	<i>W. Goodwin</i>

WTCC FACILITIES OPERATIONS & WAREHOUSE COMPLEX OFFICE
 Raleigh, NC
 Project No. 2413

WTCC Facilities Operations & Warehouse Complex Office

Raleigh, NC

Architect's Project Number: 2413

Bid Request for Interpretation Log

RFI No.	Date Received	Via	Description	Response	Response Date	Addendum No.
1	9/4/2024	Pre-Bid	Is Cyber Liability required for this project?	Yes. The Contractor will need to access the WTCC network and will need to carry the Cyber Liability Insurance.	9/5/2024	1
2	9/4/2024	Pre-Bid	Are BAS Graphics updates required?	Yes. The floor plans in FIN will need to be updated. For that the contractor will need to engage an MSI sub-contractor to upgrade FIN. The following are WTCC approved Master Service Integrator companies: Essex - gharvey@essexco.com; CMS - jwilkins@cms-controls.com; and Building Controls & Solutions - Doug.Weickum@building-controls.com.	9/5/2024	1
3	9/4/2024	Pre-Bid	Will subcontractors be issued badges to enter the building?			
4	9/4/2024	Pre-Bid	Who is the manufacturer for the existing interior storefront?	Shop drawing submittal states: "Oldcastle B.E. FG-2000 - 1 3/4" x 4 1/2", center set to accept 1/4" glass"	9/5/2024	1
5	9/4/2024	Pre-Bid	Is there any fire alarm work on this project?	No.	9/5/2024	1
6	9/4/2024	Pre-Bid	Is gasketing required at the top of new partitions?	No.	9/5/2024	1
7	9/4/2024	Pre-Bid	Who is the manufacturer for the existing interior office door?	The approved sample submittal is VT Industries, Architectural Wood Doors, White Maple, Alpine AL07.	9/5/2024	1
8	9/4/2024	Pre-Bid	Who are the manufacturer's for the existing interior office door hardware?	The manufacturers specified on sheet I001 match the manufacturers listed in the approved hardware submittal.	9/5/2024	1
9	9/4/2024	Pre-Bid	Who maintains the existing sprinkler system?	BFPE	9/5/2024	1
10	9/4/2024	Pre-Bid	Who provides and installs the data wiring?			
11	9/4/2024	Pre-Bid	Is the Director in Office 202J relocating to another space during the project?			
12	9/4/2024	Pre-Bid	Is there flexibility to move the NTP out if needed for lead times?	WTCC and Design Team will determine NTP with the awarded Contractor based on material lead times at the time of contract award.	9/5/2024	1

State of North Carolina AFFIDAVIT A – Listing of Good Faith Efforts

County of _____

(Name of Bidder)

Affidavit of _____

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

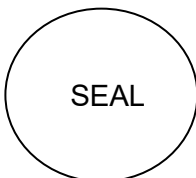
Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive. (1 NC Administrative Code 30 I.0101)

- 1 – (10 pts)** Contacted 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 date and notified them of the nature and scope of the work to be performed.
- 2 --(10 pts)** Made 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 bids are due.
- 3 – (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- 4 – (10 pts)** Worked 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.
- 5 – (10 pts)** Attended prebid meetings scheduled by the public owner.
- 6 – (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- 7 – (15 pts)** Negotiated in good faith with interested minority businesses and did not reject 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 pts)** Provided 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. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- 9 – (20 pts)** Negotiated 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.
- 10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) 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 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 _____

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

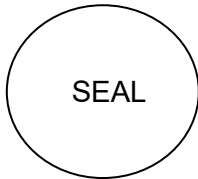
The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement. The Bidder agrees to make a Good Faith Effort to utilize minority suppliers where possible.

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 _____

Do not submit with bid Do not submit with bid Do not submit with bid Do not submit with bid

State of North Carolina - AFFIDAVIT C - Portion of the Work to be Performed by HUB Certified/Minority Businesses

County of _____

(Note this form is to be submitted only by the apparent lowest responsible, responsive bidder.)

If the portion of the work to be executed by HUB certified/minority businesses as defined in GS143-128.2(g) and 128.4(a),(b),(e) 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 _____
 (Name of 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 and Phone Number	*Minority Category	**HUB Certified Y/N	Work Description	Dollar Value

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

**** HUB Certification with the state HUB Office required to be counted toward state participation goals.**

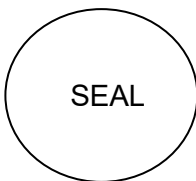
Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

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 _____

State of North Carolina AFFIDAVIT D – Good Faith Efforts

County of _____

(Note this form is to be submitted only by the apparent lowest responsible, responsive bidder.)

If the goal of 10% participation by HUB Certified/ minority business **is not** achieved, the Bidder shall provide the following documentation to the Owner of his good faith efforts:

Affidavit of _____ I do hereby certify that on the _____
(Name of Bidder)

Project ID# _____ (Project Name) Amount of Bid \$ _____

I will expend a minimum of _____% of the total dollar amount of the contract with HUB certified/ 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 and Phone Number	*Minority Category	**HUB Certified Y/N	Work Description	Dollar Value

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

**** HUB Certification with the state HUB Office required to be counted toward state participation goals.**

Examples of documentation that may be required to demonstrate the Bidder's good faith efforts to meet the goals set forth in these provisions include, but are not necessarily limited to, the following:

- A. Copies of solicitations for quotes to at least three (3) minority business firms from the source list provided by the State 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 contact, 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 business 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.

Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority 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.

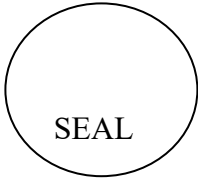
Do not submit with the bid Do not submit with the bid Do not submit with the bid Do not submit with the bid Do not submit with the bid

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 _____

GUIDELINES FOR RECRUITMENT AND SELECTION OF MINORITY BUSINESSES FOR PARTICIPATION IN STATE CONSTRUCTION CONTRACTS

In accordance with G.S. 143-128.2 (effective January 1, 2002) these guidelines establish goals for minority participation in single-prime bidding, separate-prime bidding, construction manager at risk, and alternative contracting methods, on State construction projects in the amount of \$300,000 or more. The legislation provides that the State shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each project for which a contract or contracts are awarded. These requirements are published to accomplish that end.

SECTION A: INTENT

It is the intent of these guidelines that the State of North Carolina, 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 the statutory goal of ten percent (10%) for participation by minority businesses in each construction project as mandated by GS 143-128.2. 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 minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

SECTION B: DEFINITIONS

1. Minority - a person who is a citizen or lawful permanent resident of the United States and who is:
 - a. Black, that is, a person having origins in any of the black racial groups in Africa;
 - b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central 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 and Asia, the Indian subcontinent, the Pacific Islands;
 - d. American Indian, that is, a person having origins in any of the original peoples of North America; or
 - e. Female
2. Minority Business - means a business:
 - a. 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.
3. Socially and economically disadvantaged individual - means the same as defined in 15 U.S.C. 637. "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 regard 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".
4. Public Entity - means State and all public subdivisions and local governmental units.
5. Owner - The State of North Carolina, through the Agency/Institution named in the contract.
6. Designer – Any person, firm, partnership, or corporation, which has contracted with the State of North Carolina to perform architectural or engineering, work.
7. Bidder - Any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract or subcontract.

8. Contract - A mutually binding legal relationship or any modification thereof obligating the seller to furnish equipment, materials or services, including construction, and obligating the buyer to pay for them.
9. Contractor - Any person, firm, partnership, corporation, association, or joint venture which has contracted with the State of North Carolina to perform construction work or repair.
10. 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 his subcontract.

SECTION C: RESPONSIBILITIES

1. Office for Historically Underutilized Businesses, Department of Administration (hereinafter referred to as HUB Office).

The HUB Office has established a program, which allows interested persons or businesses qualifying as a minority business under G.S. 143-128.2, to obtain certification in the State of North Carolina procurement system. The information provided by the minority businesses will be used by the HUB Office to:

- a. Identify those areas of work for which there are minority businesses, as requested.
- b. Make available to interested parties a list of prospective minority business contractors and subcontractors.
- c. Assist in the determination of technical assistance needed by minority business contractors.

In addition to being responsible for the certification/verification of minority businesses that want to participate in the State construction program, the HUB Office will:

- (1) Maintain a current list of minority businesses. The list shall include the areas of work in which each minority business is interested.
- (2) Inform minority businesses on how to identify and obtain contracting and subcontracting opportunities through the State Construction Office and other public entities.
- (3) Inform minority businesses of the contracting and subcontracting process for public construction building projects.
- (4) Work with the North Carolina trade and professional organizations to improve the ability of minority businesses to compete in the State construction projects.
- (5) The HUB Office also oversees the minority business program by:
 - a. Monitoring compliance with the program requirements.
 - b. Assisting in the implementation of training and technical assistance programs.
 - c. Identifying and implementing outreach efforts to increase the utilization of minority businesses.
 - d. Reporting the results of minority business utilization to the Secretary of the Department of Administration, the Governor, and the General Assembly.

2. State Construction Office

The State Construction Office will be responsible for the following:

- a. Furnish to the HUB Office a minimum of twenty-one days prior to the bid opening the following:
 - (1) Project description and location;
 - (2) Locations where bidding documents may be reviewed;
 - (3) Name of a representative of the owner who can be contacted during the advertising period to advise who the prospective bidders are;
 - (4) Date, time and location of the bid opening.
 - (5) Date, time and location of prebid conference, if scheduled.
- b. Attending scheduled prebid conference, if necessary, to clarify requirements of the general statutes regarding minority-business participation, including the bidders' responsibilities.

- c. Reviewing the apparent low bidders' statutory compliance with the requirements listed in the proposal, that must be complied with, if the bid is to be considered as responsive, prior to award of contracts. The State reserves the right to reject any or all bids and to waive informalities.
- d. Reviewing of minority business requirements at Preconstruction conference.
- e. Monitoring of contractors' compliance with minority business requirements in the contract documents during construction.
- f. Provide statistical data and required reports to the HUB Office.
- g. Resolve any protest and disputes arising after implementation of the plan, in conjunction with the HUB Office.

3. Owner

Before awarding a contract, owner shall do the following:

- a. Develop and implement a minority business participation outreach plan to identify minority businesses that can perform public building projects and to implement outreach efforts to encourage minority business participation in these projects to include education, recruitment, and interaction between minority businesses and non-minority businesses.
- b. Attend the scheduled prebid conference.
- c. At least 10 days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the public entity for public construction or repair work and minority businesses that otherwise indicated to the Office for Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. The notification shall include the following:
 - 1. A description of the work for which the bid is being solicited.
 - 2. The date, time, and location where bids are to be submitted.
 - 3. The name of the individual within the owner's organization who will be available to answer questions about the project.
 - 4. Where bid documents may be reviewed.
 - 5. Any special requirements that may exist.
- d. Utilize other media, as appropriate, likely to inform potential minority businesses of the bid being sought.
- e. Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.
- f. Review, jointly with the designer, all requirements of G.S. 143-128.2(c) and G.S. 143-128.2(f) – (i.e. bidders' proposals for identification of the minority businesses that will be utilized with corresponding total 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 award to the State Construction Office.
- g. Evaluate documentation to determine good faith effort has been achieved for minority business utilization prior to recommendation of award to State Construction Office.
- h. Review prime contractors' pay applications for compliance with minority business utilization commitments prior to payment.
- i. Make documentation showing evidence of implementation of Owner's responsibilities available for review by State Construction Office and HUB Office, upon request

4. Designer

Under the single-prime bidding, separate prime bidding, construction manager at risk, or alternative contracting method, the designer will:

- a. Attend the scheduled prebid conference to explain minority business requirements to the prospective bidders.
- b. Assist the owner to identify and notify prospective minority business prime and subcontractors of potential contracting opportunities.
- c. Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.
- d. Review jointly with the owner, all requirements of G.S. 143-128.2(c) and G.S.143-128.2(f) – (i.e. bidders' proposals for identification of the minority businesses that will be utilized with

corresponding total 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 award.

- e. During construction phase of the project, review “MBE Documentation for Contract Payment” – (Appendix E) for compliance with minority business utilization commitments. Submit Appendix E form with monthly pay applications to the owner and forward copies to the State Construction Office.
- f. Make documentation showing evidence of implementation of Designer’s responsibilities available for review by State Construction Office and HUB Office, upon request.

5. Prime Contractor(s), CM at Risk, and Its First-Tier Subcontractors

Under the single-prime bidding, the separate-prime bidding, construction manager at risk and alternative contracting methods, contractor(s) will:

- a. Attend the scheduled prebid conference.
- b. Identify or determine those work areas of a subcontract where minority businesses may have an interest in performing subcontract work.
- c. 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 will include the following:
 - (1) A description of the work for which the subbid is being solicited.
 - (2) The date, time and location where subbids are to be submitted.
 - (3) The name of the individual within the company who will be available to answer questions about the project.
 - (4) Where bid documents may be reviewed.
 - (5) Any special requirements that may exist, such as insurance, licenses, bonds and financial arrangements.

If there are more than three (3) minority businesses in the general locality of the project who offer similar contracting or subcontracting services in the specific trade, the contractor(s) shall notify three (3), but may contact more, if the contractor(s) so desires.

- d. During the bidding process, comply with the contractor(s) requirements listed in the proposal for minority participation.
- e. 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).
- f. Make documentation showing evidence of implementation of PM, CM-at-Risk and First-Tier Subcontractor responsibilities available for review by State Construction Office and HUB Office, upon request.
- g. Upon being named the apparent low bidder, the Bidder shall provide one of the following: (1) an affidavit (Affidavit C) 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; (2) if the percentage is not equal to the applicable goal, then documentation of all good faith efforts taken to meet the goal. Failure to comply with these requirements is grounds for rejection of the bid and award to the next lowest responsible and responsive bidder.
- h. The contractor(s) shall identify the name(s) of minority business subcontractor(s) and corresponding dollar amount of work on the schedule of values. The schedule of values shall be provided as required in Article 31 of the General Conditions of the Contract to facilitate payments to the subcontractors.
- i. The contractor(s) shall submit with each monthly pay request(s) and final payment(s), “MBE Documentation for Contract Payment” – (Appendix E), for designer’s review.
- j. During the construction of a project, at any time, if it becomes necessary to replace a minority business subcontractor, immediately advise the owner, State Construction Office, and the Director of the HUB Office 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.

- k. If during the construction of a project additional subcontracting opportunities become available, make a good faith effort to solicit subbids from minority businesses.
- l. It is the intent of these requirements apply to all contractors performing as prime contractor and first tier subcontractor under construction manager at risk on state projects.

6. Minority Business Responsibilities

While minority businesses are not required to become certified in order to participate in the State construction projects, it is recommended that they become certified and should take advantage of the appropriate technical assistance that is made available. In addition, minority businesses who are contacted by owners or bidders must respond promptly whether or not they wish to submit a bid.

SECTION 4: DISPUTE PROCEDURES

It is the policy of this state that disputes that involves a person's rights, duties or privileges, should be settled through informal procedures. To that end, minority business disputes arising under these guidelines should be resolved as governed under G.S. 143-128(g).

SECTION 5: These guidelines shall apply upon promulgation on state construction projects. Copies of these guidelines may be obtained from the Department of Administration, State Construction Office, (physical address) 301 North Wilmington Street, Suite 450, NC Education Building, Raleigh, North Carolina, 27601-2827, (mail address) 1307 Mail Service Center, Raleigh, North Carolina, 27699-1307, phone (919) 807-4100, Website: www.nc-sco.com

SECTION 6: In addition to these guidelines, there will be issued with each construction bid package provisions for contractual compliance providing minority business participation in the state construction program.

MINORITY BUSINESS CONTRACT PROVISIONS (CONSTRUCTION)**APPLICATION:**

The **Guidelines for Recruitment and Selection of Minority Businesses for Participation in State Construction 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 the Department of Administration, State Construction Office, (physical address) 301 North Wilmington Street, Suite 450, NC Education Building, Raleigh, North Carolina, 27601-2827, (mail address) 1307 Mail Service Center, Raleigh, North Carolina, 27699-1307, phone (919) 807-4100, Website: <http://www.nc-sco.com>

MINORITY BUSINESS SUBCONTRACT GOALS:

The goals for participation by minority firms as subcontractors on this project have been set at 10%.

The bidder must identify on its bid, the minority businesses that will be utilized on the project with corresponding total dollar value of the bid and affidavit (Affidavit A) listing good faith efforts **or** affidavit (Affidavit B) of self-performance of work, if the bidder will perform work under contract by its own workforce, as required by G.S. 143-128.2(c) and G.S. 143-128.2(f).

The lowest responsible, responsive bidder must provide Affidavit C, 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.

OR

Provide Affidavit D, that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, **with documentation of Good Faith Effort, if the percentage is not equal to the applicable goal.**

OR

Provide Affidavit B, which includes sufficient information for the State to determine that the bidder does not customarily subcontract work on this type project.

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

MINIMUM COMPLIANCE REQUIREMENTS:

All written statements, affidavits or intentions made by the Bidder shall become a part of the agreement between the Contractor and the State for performance of this contract. Failure to comply with any of these statements, affidavits or intentions, or with the minority business Guidelines shall constitute a breach of the contract. A finding by the State 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 of the State whether to terminate the contract for breach.

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

- (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.
- (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.
- (3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation.
- (4) Working with minority trade, community, or contractor organizations identified by the Office for Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- (5) Attending any prebid meetings scheduled by the public owner.
- (6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.
- (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 a minority business based on lack of qualification should have the reasons documented in writing.
- (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 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) 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.
- (10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

APPENDIX E

MBE DOCUMENTATION FOR CONTRACT PAYMENTS

Prime Contractor/Architect: _____

Address & Phone: _____

Project Name: _____

Pay Application #: _____ Period: _____

The following is a list of payments made to Minority Business Enterprises on this project for the above-mentioned period.

MBE FIRM NAME	* INDICATE TYPE OF MBE	AMOUNT PAID THIS MONTH	TOTAL PAYMENTS TO DATE	TOTAL AMOUNT COMMITTED

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

Date: _____ Approved/Certified By: _____

Name

Title

Signature

SUBMIT WITH EACH PAY REQUEST & FINAL PAYMENT