

**MINORITY OR WOMEN OR SOCIALLY AND ECONOMICALLY DISADVANTAGED
BUSINESS ENTERPRISES - STRATEGIC PLAN TO PROMOTE INCLUSION AND
INCREASE PARTICIPATION IN THE GUILFORD COUNTY SCHOOLS
PROCUREMENT PROCESS**

This Minority or Women or Socially and Economically Disadvantaged Business Enterprise (M/WSEDBE) Strategic Plan addresses and recommends changes in the M/WSEDBE program currently in place in the Guilford County Schools. This plan is not a replacement for any of the ongoing efforts of GCS, but is intended to enhance the district's existing Good Faith Effort goals and procedures regarding the GCS M/WSEDBE program. The recommended improvements are categorized and outlined below.

DRAFT GOOD FAITH EFFORT BOARD OF EDUCATION (BOE) POLICY

See Attachment A. Staff will put draft in policy format and forward to the appropriate administrative and Board channels for review and approval.

REVISED GOOD FAITH EFFORT BID FORMS

The attached Good Faith Effort Bid forms have been revised as follows:

Affidavit A- Contractors must indicate their Good Faith Efforts on Affidavit A which is attached to their bid documents. A minimum of 50 points is required for a contractor to have achieved a "good faith effort". Charlotte-Mecklenburg Schools, Winston Salem/Forsyth Schools, Wake County Schools and the State of North Carolina also require 50 points to achieve their "good faith effort".

Affidavit C – Portion of Work To Be Performed By M/WSEDBEs - MUST BE ATTACHED TO BID

(currently bidders have 72 hours to complete and submit this document)

Affidavit D – List Of Good Faith Efforts - MUST BE ATTACHED TO BID

(currently bidders have 72 hours to complete and submit this document)

REVISED GUIDELINES FOR GOOD FAITH EFFORTS

M/WSEDBE Certification

All vendors registering with GCS as an M/WSEDBE vendor will be required to provide certification. GCS does not certify M/WSEDBE vendors; however, it does recognize existing M/WSEDBE certification programs established by other governmental/municipal/public entities. State of North Carolina, local governmental entities, Triad Minority Supplier Development Council and Carolina Supplier Development Council M/WSEDBE certifications will be the only certifications recognized by GCS. M/WSEDBE vendors not providing certification may be a viable vendor for GCS; however, for reporting purposes these vendors will not be included in M/WSEDBE and/or Historically Underutilized Business (HUB) reports required by the State of North Carolina, M/WSEDBE Office or the Guilford County Board of Education. GCS will, upon

request, direct vendors interested in being certified as an M/WSEDDBE vendor to a recognized certification organization.

Outreach and Technical Support

GCS will conduct quarterly training programs to recruit M/WSEDDBE vendors and to distribute information regarding upcoming bids for commodities, services and construction projects. M/WSEDDBE vendors will also be provided training regarding completion of bid documents, Good Faith Effort requirements and technology related to the procurement process. GCS will also conduct quarterly training programs for various departmental staff (Facilities, Maintenance, Transportation, etc.) to review the BOE Good Faith Effort policy and commitment to M/WSEDDBE participation in the procurement process. GCS will also conduct training for Prime contractors regarding the GCS M/WSEDDBE program and will provide M/WSEDDBE information for use in preparation of bids.

GCS will work with the M/WSEDDBE community to develop/maintain relationships between prime contractors and sub-contractors in order to identify, recruit and utilize M/WSEDDBEs in GCS contracting and purchasing opportunities (i.e., "Doing Business with Guilford County Schools" M/WSEDDBE event of November 2004; "Meet and Greet" M/WSEDDBE event of February 2005; \$300M Capital Improvement Program Contractor Forum M/WSEDDBE event of February 2005; Majority Contractors Meeting of February 2006)

GCS will develop relationships with local institutions of higher learning to assist with M/WSEDDBE training, technical support and outreach efforts.

Review of Bid Documents Prior to Bid

Bid documents will be reviewed prior to advertisement of bids to ensure project breakdown opportunities allowing small businesses to bid directly to the GCS (i.e., unbundling of items such as technology cabling, landscaping, asphalt paving).

GCS will, to the extent possible (barring the unforeseen and unforeseeable), develop construction schedules with reasonable timeframes and specifications of work for projects. GCS M/WSEDDBE Coordinator will attend all pre-bid meetings.

Supplier Price Parity

Contractors shall assist M/WSEDDBEs in obtaining the same unit pricing with the contractor's suppliers. See Attachment B for an example/draft of such a price parity assistance agreement.

Contractors shall purchase supplies and materials from their suppliers for the M/WSEDDBEs who are acting as subcontractors. This will assist the M/WSEDDBEs with regard to bonding and cash flow.

Quick Pay Agreements

Contractors shall execute quick pay agreements that enable M/WSEDDBE contractors and suppliers to meet cash-flow demands. See Attachment C for an example/draft of such a quick pay agreement.

Post-Bid Document Review

All bid documents will be reviewed and analyzed to ensure that Good Faith Effort rules and measures have been met. **All M/WSEDBE Good Faith Effort Affidavits must be attached to bids.**

The Bidder awarded the Contract shall not replace an M/WSEDBE Subcontractor without the consent of the Purchasing Officer at any time. The Purchasing Officer must be notified in writing immediately upon the need to replace an M/WSEDBE Subcontractor. Permission will not be unreasonably withheld.

If **ANY** Subcontractor is **added** or **replaced** after the bid is submitted, the successfully Bidder shall make good faith efforts to solicit bids from M/WSEDBE for the work to be performed. Documentation of these efforts is required, and must be submitted to Purchasing Officer or designee prior to any changes to be made. Contact the Purchasing Officer for any questions on this procedure.

Penalties for Failure to Comply with GCS Good Faith Effort Policy

Failure to comply with the requirements of the Good Faith Effort Policy may lead to the contractor's disqualification from bidding on and receiving other GCS contracts.

Likewise, in the event that any contractor or subcontractor fails to provide requested good faith efforts documentation for inspection, such failure shall constitute a material breach of the contract and may also lead to the contractor's disqualification from bidding on and receiving other GCS contracts.

M/WSEDBE Staffing

The M/WSEDBE Coordinator will report directly to the Chief Financial Officer for GCS and will operate independently of the purchasing department. This position is in the 2006-07 budget. It is also recommended that a support position be added to this department to assist the M/WSEDBE coordinator with reporting requirements, managing the vendor data base and assisting in various other duties as required. Excellent communication and technology skills will be a must for this support position. This position is currently unfunded.

VENDOR DATA BASE AND COMMODITY/TRADE DESCRIPTORS

We are updating our vendor data base to include M/WSEDBE designation, commodity/trade descriptor, and bonding capacity. We have updated the data base to reflect the M/WSEDBE designation and commodity/trade descriptor and are in the process of securing and adding the bonding capacity information (see attached EXCEL spreadsheet).

We will be able to query the data base to provide contractors with vendor listings sorted by M/WSEDBE designation and/or commodity/trade description and/or bonding capacity. For example, if a contractor seeking to identify potential subcontractors wanted to see a subset of our vendor file listing all African American M/WSEDBE vendors that are plumbers and that have at least \$100,000 bonding capacity, we could generate such a listing by filtering the data base.

CONSTRUCTION CONTRACTS GOAL
FOR MINORITY PARTICIPATION
GUILFORD COUNTY SCHOOLS

GOOD FAITH EFFORT GOALS AND REQUIREMENTS

The BOE is committed to providing equal opportunities for participation in all aspects of the GCS contracting and purchasing programs including, but not limited to, participating in procurement contracts for, materials, services, construction and repair work activities, and lease agreements in the GCS. The BOE prohibits discrimination against any person or business in the pursuit of these opportunities on the basis of race, color, gender, religion, handicap or national origin, and will make every effort to conduct its contracting and purchasing program so as to prevent any discrimination. The BOE actively seeks to identify qualified minority, handicapped, and women-owned business enterprises so as to widen opportunities for participation as providers of goods and services, increase competition and ensure the proper and diligent use of public funds.

In accordance with N.C.G.S. 143-128, the BOE is adopting a verifiable goal of 12.46% for participation by Minority, Women, and Economically and Socially Disadvantaged Owned Business Enterprises (M/WSEDBE) in construction projects in excess of \$300,000. This recommendation is based on the North Carolina Department of Administration's Disparity Study conducted by MGT of America, Inc, Tallahassee, Florida, on December 30, 2003. This report used available data from Region G, (Guilford, Davidson, Montgomery, and Randolph, Rockingham, Caswell and Alamance counties) that depicts by race/ethnicity/gender classification and by construction region the number and percentage of prime contractors and subcontractors available to provide construction-related services in the state. This 12.46% good faith effort goal replaces the 10% good faith effort goal approved by the Board of Education in December, 1994 and reaffirmed on June 11, 1996.

~~has adopted a verifiable goal of 10% for participation by minority, women, and economically and socially disadvantaged owned business enterprises in construction projects in excess of \$100,000 of schools at its December, 1994 Board meeting and reaffirmed at It's June 11, 1996 Board meeting.~~ The Superintendent shall establish appropriate guidelines and procedures.

OBJECTIVES/STATEMENTS

A. Definitions

1. Bidder/Participant -Any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract or subcontract.
2. Contract - A mutually binding legal document which defines a business relationship or any modification at the level of performance which obligates the seller to furnish supplies, equipment, materials or services, knowledge in performing construction and procurements, and obligating the buyer to pay for services.

3. Contractors - Any person, firm, partnership, corporation, association, or joint venture awarded a contract purchase or service agreement at any level with GCS or has contracted with the GCS to perform construction work or repair.
4. Discrimination - To distinguish, differentiate, separate, or segregate solely on the basis of age, race, religion, color, sex, national origin, handicap or veteran's status.
5. Equipment - Includes materials, supplies, commodities, apparatus.
6. Goal - An objective, expressed numerically to evaluate the type and amount of public contract awards and performance of M/WSEDBEs.
7. Good Faith Effort - An activity performed by bidders to assure the participation of M/WSEDBEs in contracts covered under this plan.
8. Joint Venture - A legal merger of two or more separately owned businesses/firms for the purpose of submitting a single bid, to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills or knowledge.
9. LEA - Local Education Administration unit, thusly, Guilford County Schools. (GCS).
10. Minority or Women or Socially and Economically Disadvantaged Business Enterprises-M/WSEDBE - A business enterprise owned and controlled at a minimum of 51 % by one or more members of a group defined as a minority or women. A business certified as an M/WSEDBE will show evidence of ownership and management interests and the daily business operations are real and continuing not created solely to meet the M/WSEDBE requirements.
11. Owner - The Guilford County Board of Education. (BOE)
12. Subcontractor - A firm under contract with the prime contractor for supplying materials or labor and materials and/or installation. The subcontractor may or may not provide materials in his subcontract. Work subcontracted in an emergency and which could not have been anticipated is excluded as a part of this program.
13. 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 that are not socially disadvantaged".
14. Verifiable Goal
 - a. For purposes of separate prime contract system, that the awarding

authority has adopted written guidelines specifying the actions that will be taken to ensure a good faith effort in the recruitment and selection of M/WSEDBEs for participation in contracts awarded;

- b. For purposes of separate prime contract system, that the awarding authority has adopted written guidelines specifying the actions that the prime Contractor must take to ensure a good faith effort in the recruitment and selection of M/WSEDBEs for participation in the contract awarded; and
- c. The required actions must be documented in writing by the prime contractors to the GCS.

B. GCS's Duties

1. Identification/Certification of Minority, Women and Socially and Economically Business Enterprises

- a. The school system shall affirmatively seek out and gain knowledge of minority and women-owned business enterprises (hereinafter M/WSEDBE) in the construction trades.
- b. The school system shall assist in certifying the eligibility of M/WSEDBE and joint venture involving M/WSEDBEs.
- c. The school system will maintain a list of products and services provided by M/WSEDBEs.
- d. Attend the scheduled prebid conference.
- e. At least 10 days prior to the scheduled day of bid opening, notify M/WSEDBEs ~~businesses~~ that have requested notices from the ~~GCS public entity~~ for public construction or repair work and M/WSEDBEs ~~businesses~~ that have indicated to the ~~Office for Historically Underutilized Businesses~~ **M/WSEDBE Coordinator's office** 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.
 - f. Utilize other media, as appropriate, likely to inform potential M/WSEDDBE businesses of the bid being sought.
 - g. Maintain documentation of any contacts, correspondence, or conversation with M/WSEDDBE business firms made in an attempt to meet the goals.
 - h. 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 M/WSEDDBEs 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~~ **Guilford County Board of Education**.
 - i. Evaluate **and analyze** documentation to determine good faith effort has been achieved for M/WSEDDBE utilization prior to recommendation of award to Guilford County School Board of Education.
 - j. Review prime contractors’ pay applications for compliance with M/WSEDDBE utilization commitments prior to payment.
 - k. Make documentation showing evidence of implementation of GCS’s responsibilities available for review by State Construction Office and HUB Office, and other interested parties upon request.

C. MINORITY BUSINESS SUBCONTRACT GOALS:

The goals for participation by M/WSEDDBE as subcontractors **have been set at 12.46%**.

The bidder must identify on its bid, the M/WSEDDBE 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 which **must be attached to bid**, that includes a description of the portion of work to be executed by M/WSEDDBE expressed as a percentage of the total contract price, which is equal to or more than the applicable goal.

OR

Provide Affidavit D which **must be attached to bid**, that includes a description of the portion of work to be executed by M/WSEDBE 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 GCS 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/information is grounds for rejection of the bid.

D. Communications with M/WSEDBE

GCS shall provide information to M/WSEDBEs about the GCS's construction program. This shall be accomplished by:

1. Sending a notice to each M/WSEDBE engaged in any aspect of school construction that is identified and certified for each school construction project that is advertised for bids;
2. Insuring that prospective M/WSEDBE bidders and subcontractors have access to bidding documents; and
3. Furnishing M/WSEDBE subcontractors with the name of prospective bidders on a project, upon request, and providing prospective bidders with the school system's list of known M/WSEDBEs.

E. 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 assist in the explanation of M/WSEDBE requirements to the prospective bidders.
- b. Assist the owner to identify and notify prospective M/WSEDBE prime and subcontractors of potential contracting opportunities.
- c. Maintain documentation of any contacts, correspondence, or conversation with M/WSEDBE 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 M/WSEDBE 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 “M/WSEDDBE Documentation for Contract Payment” – (Appendix E) for compliance with M/WSEDDBE utilization commitments. Submit Appendix E form with monthly pay applications to the owner.
- f. Make documentation showing evidence of implementation of Designer’s responsibilities available for review by State Construction Office and HUB Office, upon request.

F. Anticipated Assurances from Contractors

- 1. Upon adoption of its verifiable goal, GCS is expected to require bidders on projects are to provide assurances in writing that they will make a good faith effort to solicit M/WSEDDBE’s as subcontractors should they be awarded the construction contract. The successful Bidder shall provide the following information to GCS and any other information requested in the attached forms:
 - a. The names and addresses of M/WSEDDBEs that will participate in the contract and the names of firms contacted that are not participating; **(Identification of M/WSEDDBE Participation form)**
 - b. A description of the work each named M/WSEDDBE will perform; **(AFFIDAVIT C)**
 - c. The dollar amount of participation by each M/WSEDDBE **(AFFIDAVIT C)**; and
 - d. Copies of any advertisements or correspondence the bidder has used to attract M/WSEDDBE subcontractors.
- 2. A contractor’s good faith effort to involve M/WSEDDBEs in the project can be demonstrated by using, among other factors, the following:
 - a. Contacted five M/WSEDDBEs that reasonably could have been expected to submit a quote and that were known to the contractor, or available on approved lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed. **“Contact” means contact by letter, fax, e-mail or other means to a viable and active address. Contractor must attach evidence of this contact to bid document.**
 - b. Made the construction plans, specifications and requirements available for review by prospective M/WSEDDBEs or providing these documents to them at least 10 days before the bids are due.

- c. Broken down or combined elements of work into economically feasible units to facilitate M/WSEDBE participation.
- d. Worked with M/WSEDBE trade, community, or contractor organizations identified by the M/WSEDBE Coordinator's Office and included in the bid documents that provide assistance in recruitment of M/WSEDBEs.
- e. Attended prebid meetings scheduled by the public owner.
- f. Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- g. Negotiated in good faith with interested M/WSEDBEs and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of an M/WSEDBE based on lack of qualification should have the reasons documented in writing.
- h. Provided assistance to an otherwise qualified M/WSEDBE 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 M/WSEDBEs in obtaining the same unit pricing with the bidder's suppliers in order to help M/WSEDBEs in establishing credit.
- i. Negotiated joint venture and partnership arrangements with M/WSEDBEs in order to increase opportunities for M/WSEDBE participation on a public construction or repair project when possible.
- j. Provided quick pay agreements and policies to enable M/WSEDBE and suppliers to meet cash-flow demands.

G. M/WSEDBE Responsibilities

M/WSEDBE firms do not have to be certified to be listed on the bid documents; however, M/WSEDBE firms that have been awarded contracts will not be credited towards the Bidder's M/WSEDBE Participation Plan unless they are certified with the State, any Local Governmental entity, the Triad Minority Supplier Development Council and Carolina Minority Supplier Development Council.

- a. M/WSEDBEs should make every effort to establish contacts and relationships with contractors for potential future business, including attending pre-bid conferences and subscribing to industry and trade journals.
- b. M/WSEDBEs should also document all contacts and communications made with contractors above so as to be able to assist the Grievance Designee in

determining whether a complaint lodged by a M/WSEDDBE against a bidder for failure to use good faith efforts is valid.

- c. In addition, M/WSEDDBEs who are contacted by GCS or bidders should respond promptly as to whether or not they wish to submit a bid.
- d. **All M/WSEDDBEs are strongly encouraged to seek certification.** M/WSEDDBEs who are not certified at the time the firm commits to provide services, should apply for certification with the **State, any Local Governmental entity Triad Minority Supplier Development Council or Carolina Minority Supplier Development Council** within thirty (30) days. If the M/WSEDDBE that fails to submit an application within the specified time frame or if the M/WSEDDBE is not- granted certification by **any of these approved certification programs** that M/WSEDDBE's contract dollars will not be counted as M/WSEDDBE participation.
- e. M/WSEDDBEs are urged to take advantage of appropriate technical assistance and training when it is available.

H. Penalties for Contractor Noncompliance

- 1. The low bidder or bidders on a school construction project must provide an assurance in writing to the BOE prior to the acceptance of their bid that they have met, intend to meet or have made a good faith effort to meet the verifiable goal for M/WSEDDBE participation adopted by the BOE.
- 2. When deciding whether or not a bidder has made a good faith effort, the BOE shall consider the criteria set forth above; the number of certified M/WSEDDBEs available and capable of performing the work and the amount of other work being awarded or performed in the market area of the GCS.
- 3. Failure of a low bidder to meet the M/WSEDDBE verifiable action goal adopted by the BOE or to make a good faith effort to meet the goal shall result in the bid being considered as non-responsive and being rejected.
- 4. **Failure to comply with the requirements of this GCS Good Faith Effort policy may lead to the contractor's disqualification from bidding on and receiving other GCS contracts.**
- 5. **In the event that any contractor or subcontractor fails to provide requested records for inspection, such failure shall constitute a material breach of the contract and will permit the imposition of remedies noted in this section.**

I. Criteria for Certification of Minority, Women and Socially and Economically Disadvantaged Business Enterprises

- 1. A M/WSEDDBE is a business, which is at least 51 %, owned and controlled by M/WSEDDBEs. A M/WSEDDBE is bona fide only if the M/WSEDDBE ownership interests are real and continuing and not created solely to meet the M/WSEDDBE requirement. In addition, the M/WSEDDBE must itself perform satisfactory work or services or provide supplies under the contract and not act as a mere conduit.

2. The term M/WSEDDBE means a person who is a citizen or lawful permanent resident of the United States and who is;
 - a. African-American that is, a person having origins in any of the original racial groups in Africa;
 - b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South of Central America, or the Caribbean Island, regardless of race;
 - c. Native-American that is, a person having origins in any of the original peoples of North America;
 - d. Asian-American, that is, persons having origin in any of the countries of the Far East, Southeast Asia, or the Indian areas; or
 - e. Female.
 - f. 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 that are not socially disadvantaged".
3. The term "owned and controlled" means a business, which is, a: 1) Sole proprietorship legitimately owned by a person who is a minority or female; 2) a partnership or joint venture controlled by minorities and/or women, and in which at least 51 % of the beneficial ownership interests legitimately are held by minorities and/or women; 3) a corporation or other entity controlled by minorities and/or females, and in which at least 51 % of the voting stock or interested 51 % of the beneficial ownership interests are legitimately held by minorities and/or females. In addition, these persons must control the management and operations of the business on a day-to-day basis.
4. The Superintendent shall appoint an M/WSEDDBE Certification Review Committee to resolve any and all disputes concerning a business' eligibility for certification as an M/WSEDDBE. The Committee shall include at least one member from the Triad Minority Supplier Development Council, one from the Better Business Bureau and one representative from the Greensboro and High Point Chambers of Commerce.

J. Competitive Bids

1. Nothing contained herein is to be construed as to require the GCS or contractors to purchase supplies and equipment or award contracts to M/WSEDDBEs whom do not submit the lowest responsible bid.

K. Grievance Procedures

It is the policy of this BOE that disputes, which involve a person's rights, duties or privileges, should be settled through informal procedures. Any participant feeling himself/herself aggrieved by implementation of the MWSEDBE Program may present such grievance to the Superintendent or his designee. The grievance (internal complaint resolution) procedure is a resource available to all contractors, subcontractors, and vendors doing business with the Guilford County Schools under the M/WSEDBE Program. Grievances related to the administration of the M/WSEDBE Program will be processed as follows:

1. The grievance shall first be discussed with the responsible operating department. If the grievance is not resolved, exercise item #2
2. The grievance (complaint) must be reported in writing, including a brief description and supporting documentation and evidence to the Superintendent's designee at
712 N. Eugene Street, Greensboro, North Carolina, 27401.
3. The Superintendent's designee will review the basis and the issue(s) of the complaint and may request additional supporting evidence. A response to the grievance will be completed within fifteen (15) working days unless circumstances mandate otherwise. Parties involved will be notified of any and all delays in processing the grievance.
4. Any participant not satisfied with the decision of the Superintendent's designee may available himself/herself or any remedies available under the Federal, State and Local law.

To that end, M/WSEDBE disputes arising under these guidelines should be resolved.

MUST ATTACH TO BID

**Identification of M/WSEDBE Business Participation
Submission of Affidavits which include statements of "To Be Determined"
or failure to submit the required information as outlined in the
Specifications shall also be deemed non-responsive and subject to
rejection.**

I, _____
_____.

(Name of Bidder)

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

Firm Name, Address and Phone #
M/WSEDBE Category

Work type

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**Guilford County Schools AFFIDAVIT A
TO BID**

MUST ATTACH

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:

(A minimum of 5 areas must be checked in order a bidder must have earned 50 points to have achieved a "good faith effort")

- 1 -** Contacted M/WSEDDBE 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. **"Contact" means contact by letter, fax, e-mail or other means to a viable and active address. Contractor must attach evidence of this contact to bid document. Value = 10 points.**
- 2.-**Made the construction plans, specifications and requirements available for review by prospective M/WSEDDBE or providing these documents to them at least 10 days before the bids are due. **Value =10 points.**
- 3 -** Broken down or combined elements of work into economically feasible units to facilitate M/WSEDDBE participation. **Value = 15 points.**
- 4 -** Worked with M/WSEDDBE trade, community, or contractor organizations identified by and included in the bid documents that provide assistance in recruitment of M/WSEDDBEs. **Value = 10 points.**
- 5 -** Attended prebid meetings scheduled by the public owner. **Value = 10 points.**
- 6 -** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors. **Value = 20 points.**
- 7 -** Negotiated in good faith with interested M/WSEDDBE and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of an M/WSEDDBE based on lack of qualification should have the reasons documented in writing. **Value = 15 points.**
- 8 -** Provided assistance to an otherwise qualified M/WSEDDBE 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 M/WSEDDBE businesses in establishing credit. **Value = 25 points.**
- 9 -** Negotiated joint venture and partnership arrangements with M/WSEDDBE businesses in order to increase opportunities for M/WSEDDBE business participation on a public construction or repair project when possible. **Value = 20 points.**
- 10 -** Provided quick pay agreements and policies to enable M/WSEDDBE 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 M/WSEDDBE 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 M/WSEDDBE 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 _____

**Guilford County Schools AFFIDAVIT B
BID**

MUST ATTACH TO

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 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 North Carolina, County of _____

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

Notary Public _____

My commission expires _____

Guilford County Schools AFFIDAVIT C MUST ATTACH TO BID

Portion of the Work to be Performed by M/WSEDBEs

County of _____

If the portion of the work to be executed by M/WSEDBE as defined in GS143-128.2(g) is equal to or greater than 12.46% of the bidders total contract price, then the bidder must complete this affidavit.

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 M/WSEDBE. M/WSEDBE 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	*M/WSEDBE Category	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**)

Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with M/WSEDBEs 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 North Carolina, County of _____
Subscribed and sworn to before me this _____ day of _____
20_____
Notary Public _____
My commission expires _____

Guilford County Schools **AFFIDAVIT D** **MUST ATTACH TO BID**

Good Faith Efforts

County of _____

If the goal of 12.46% participation by M/WSEDBE **is not** achieved, the Bidder shall provide the following documentation to the Owner of his good faith efforts:

(Name of Bidder)

Affidavit of:

I do certify the attached documentation as true and accurate representation of my good faith efforts.

(Attach additional sheets if required)

Name and Phone Number	*M/WSEDBE Category	Work description	Dollar Value

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

Documentation of the Bidder's good faith efforts to meet the goals set forth in these provisions. Examples of documentation include, but are not limited to, the following evidence:

- A. Copies of solicitations for quotes to at least three (3) M/WSEDBEs 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 M/WSEDBE 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 M/WSEDBE, 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 M/WSEDBE.
- H. Letter detailing reasons for rejection of M/WSEDBE due to lack of qualification.
- I. Letter documenting proposed assistance offered to M/WSEDBE 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.

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

END OF REPORT