

Minority Business Participation Outreach Plan

I. General Statement of Policy

- A. It is the policy of the Water and Sewer Authority of Cabarrus County (WSACC) Board of Directors (Board) to provide minority persons equal opportunity to participate in all aspects of WSACC contracts for the construction, renovation or repair of WSACC facilities.
- B. It is further the policy of the Board to prohibit discrimination against any person or business enterprise on the basis of race, color, ethnic origin, sex, or religion and to conduct its building contract programs so as to prevent such discrimination.
- C. The goal of this Plan is to expand the participation by Minority Businesses as defined in GS 143-128.2(g), to equal access and opportunity to participate fully in all aspects of construction projects subject to this Plan. WSACC encourages all those associated with construction projects subject to this Plan to commit to this goal through a good faith effort.

II. Definitions

The following definitions, conforming to N.C.G.S. 143-128.2 apply to this policy:

- A. Minority – a person who is a citizen or lawful permanent resident of the United States and who is:
 - 1. Black, this is, a person having origins in any of the black racial groups in Africa;
 - 2. 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;
 - 3. 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;
 - 4. American Indian, that is, a person having origins in any of the original peoples of North America; or
 - 5. Female.
- B. Minority Business – means a business:

1. In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of 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
 2. 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.
- C. 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”.

III. Plan Objectives and Applicability

This Plan is developed to comply with State Law 2001-496 (Senate Bill 914, signed 19 December 2001, and effective 1 January 2002).

This Plan has further been developed to assist WSACC in reaching its verifiable percentage goal of ten-percent (10%) minority business participation in all construction contracts, originally adopted by resolution dated May 20, 1999.

It is not the intent of this Plan to require WSACC to take additional steps beyond those required by G.S. 143-128.2. Rather, it is the intent of this Plan to establish the procedures to comply with G.S. 143-128.2. This Plan establishes the good faith efforts that will be taken to meet the Plan objectives and accomplish the Plan goal.

This Plan applies only to projects required to have a verifiable percentage goal under G.S. 143-128.2(a).

IV. Good Faith Efforts

- A. WSACC shall require bidders on construction and renovation projects subject to this Plan to make good faith efforts to solicit minority businesses. In addition, the lowest responsible, responsive bidder shall submit documents consistent with G.S. 143-128.2(c)(1). The good faith efforts will be consistent with G.S. 143-128.2(f). Until such time that administrative rules governing the good faith efforts are established by the Secretary of Department of Administration, the bidder must demonstrate compliance with a minimum of five (5) of the following:

1. Notifying minority businesses of building projects at least 10 days before bid date;
 2. Making bidding documents available for review by minority business;
 3. Breaking down or combining elements of work to facilitate minority participation;
 4. Working with minority business groups that assist in recruitment of minority businesses;
 5. Attending prebid meetings;
 6. Assisting minority businesses in satisfying bonding/insurance requirements;
 7. Negotiating in good faith with minority businesses on participation and only rejecting minority business as unqualified for sound reasons that are documented in writing;
 8. Assisting minority business to secure needed loans, supplies, letters of credit (including waiving credit conditions ordinarily required) and assisting minority businesses in getting same unit pricing as bidder from bidder's suppliers;
 9. Negotiating joint venture and partnership arrangements to increase minority business participation; and
 10. Providing quick pay options to minority businesses to enable minority businesses to meet cash-flow demands.
- B. WSACC will make the following good faith efforts to solicit minority businesses to participate bidding process:
1. WSACC will establish a minority business solicitation list. The Office for Historically Underutilized Businesses (HUB Office) in the North Carolina Department of Administration certifies businesses qualifying as minority businesses. Public entities, designers, and contractors may access this listing of minority business firms at www.state.nc.us/pandc or <http://164.109.58.120/resources/vendorlistbyclasscode0103.pdf>. 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.
 2. WSACC will research the Historically Underutilized Business web site periodically and record all HUBs who have registered on the site, in the general geographical area of Cabarrus County.

3. WSACC will also research Federal web sites that list HUBs and record those HUBs who have registered on the site, in the general area of Cabarrus County.
4. WSACC will also record HUBs who make direct contact and request that they be contacted in the event of a public bid offering.
5. WSACC will advertise bid opportunities to encourage HUB bidders by the following methods:
 - a. In a local newspaper, currently serving the Cabarrus County area (i.e. Independent Tribune);
 - b. In a regional urban newspaper, currently serving the Cabarrus County area (i.e. Charlotte Observer);
 - c. WSACC will also post on its web site (currently <http://www.wsacc.org>) advertisements for bids for applicable construction contracts. The posting will note that all bidders, especially HUBs, are invited and encouraged to bid;
 - d. Attend the scheduled prebid conference; and
 - e. 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; and
 6. Utilize other media, as appropriate, likely to inform potential minority businesses of the bid being sought.

- C. Under the single-prime bidding, separate prime bidding, construction manager at risk, or alternative contracting method, WSACC's Engineer will be responsible for the following:
1. Attend the scheduled prebid conference to explain minority business requirements to the prospective bidders;
 2. Assist the owner to identify and notify prospective minority business prime and subcontractors of potential contracting opportunities;
 3. Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals;
 4. Review jointly with the owner, all requirements of G.S. 143-128.2© 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; and
 5. 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.

V. Reporting and Review

Minority business participation will be calculated for each project applicable to this Plan and awarded pursuant to N.C.G.S. 143-128.

- A. With respect to each applicable construction project, WSACC will report the following to the North Carolina Department of Administration's Office for Historically Underutilized Businesses (HUB) semiannually:
1. The verifiable percentage goal;
 2. The type and total dollar value of the project, minority business utilization by minority category, trade, total dollar value of contracts awarded to each minority group for each project, the applicable good faith effort guidelines or rules used to recruit minority business participation, and good faith documentation accepted by the public entity from the successful bidder;
 3. The utilization of minority businesses under the various construction methods under G.S. 143-128(a1); and
 4. The reports shall be in the format and contain in the data prescribed by the Secretary of Administration.

VI. Competitive Bids

Nothing in this policy nor the guidelines or goals set forth in this Plan shall be construed to require WSACC or contractors to award contracts to minority businesses who do not submit the lowest responsible responsive bid.

Adopted this the 16th day of May 2014

WATER AND SEWER AUTHORITY OF
CABARRUS COUNTY, NORTH CAROLINA

Troy W. Barnhardt
Troy Barnhardt, Chairman

ATTEST: Tammy M. Garifo
Tammy M. Garifo, Secretary
(Seal)

