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

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TABLE OF CONTENTS

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

Section 1: INTENT 3

Section 2: DEFINITIONS 3

Section 3: OUTREACH PLAN 4

Section 4: RESPONSIBILITIES 5

Section 5: MISCELLANEOUS 8

Section 6: DISPUTE PROCEDURES 8

Section 7: MINORITY BUSINESS CONTRACT PROVISIONS (CONSTRUCTION) 16

Section 8: MINIMUM COMPLIANCE REQUIREMENTS 16

Affidavit A - Listing of Good Faith Efforts 18

Affidavit A Cont - Identification of Minority Business Participation 19

Affidavit B -Intent to Perform Contract with Own Workforce 20

Affidavit C - Portion of the Work to be Performed by Minority Firms 21

Affidavit D – Good Faith Efforts 22

Affidavit E - MBE Documentation For Contract Payments 23

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

In accordance with the City of Jacksonville's Resolution (1994-08) to establish a percentage goal for participation by minority business in the awarding of Construction Contracts (adopted March 22, 1994) and North Carolina 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 City construction projects in the amount of $300,000 or more unless the project receives State appropriations or grant funds; whereas the verifiable goal for grant funds is implemented on projects in the amount of $100,000 or more. The resolution provides that the City 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.

Section 1: INTENT

It is the intent of these guidelines that the City of Jacksonville, 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 goal of ten percent (10%) for participation by minority businesses in each construction project as mandated by G.S. 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 2: 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 City of Jacksonville, North Carolina.

6. Designer – Any person, firm, partnership, or corporation, which has contracted with the City of Jacksonville 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 City of Jacksonville 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.

11. Certified MBE Firms – As of July 1, 2009, MBE Firms must be registered through the Historically Underutilized businesses identified in the database for minority business purposes. Only firms listed in this database will count towards the minority participation goal.

Section 3: OUTREACH PLAN

The City of Jacksonville Minority and Small Business Participation Outreach Plan will:

1. Work with minority-focused and small business groups that support MBE and small business inclusion in the solicitation of bids.

2. Place emphasis on the importance of soliciting certified MBE firms and small businesses for subcontracting opportunities at pre-bid conferences and in the bid documents. Examine specifications to identify special subcontracting opportunities and encourage prime contractors to solicit for subcontracts from MBE firms.

3. Provide detailed information to Majority contractors concerning the "Guidelines for Recruitment and Selection of Minority Business", "Outreach Plan" and requirements of N.C.G.S. 143-129 by holding meetings with contractors.

4. Assess the effectiveness of the MBE Program and identify opportunities to enhance it by evaluating MBE participation and compliance in addition to reviewing the "good faith efforts" provided in bid packages.

5. Identify subcontracting opportunities unique to each construction contract and project and concentrate on targeting certified MBE firms and small businesses that have expressed an interest in City projects. Identify these opportunities and contact interested businesses no later than 10 days prior to the bid opening and provide a list of the prime contractors planning to participate in the project (plan holders).

6. Build new business relationships through networking with other North Carolina cities and counties to find out how their Outreach and MBE programs are working and sharing "best practices" and ideas to improve the program.

7. Participate in educational activities throughout the community as they become available and offer training sessions to share the City's Outreach Plan with interested businesses and organizations.

8. Enhance the City's webpage by including the Outreach Plan and Guidelines, listing good faith

efforts, creating links to MBE resources and creating awareness of specific subcontracting opportunities.

9. Notify the Jacksonville Onslow Chamber of Commerce at vpresident@jacksonvilleonline.org and the HUB Office at HUBOffice@doa.nc.gov.

10. Advertise upcoming bid opportunities in minority-focused media whenever possible.

11. Work with Architects and Engineers to make subcontracting opportunities more noticeable and more easily understood by potential contractors and subcontractors.

Section 4: RESPONSIBILITIES

OFFICE FOR HISTORICALLY UNDERUTILIZED BUSINESSES, DEPARTMENT OF ADMINISTRATION (Hereinafter referred to as the 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:

1. Identify those areas of work for which there are minority businesses, as requested;
2. Make available to interested parties, a list of prospective minority-business contractors and subcontractors;
3. 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:

a. Maintain a current list of minority businesses. The list shall include areas of work in which each minority business is interested;

b. Inform minority businesses on how to identify and obtain contracting and subcontracting opportunities through the public entity;

c. Inform minority businesses of the contracting and subcontracting process for public construction projects;

d. Work with the North Carolina trade and professional organizations to improve the ability of minority businesses to compete in the State construction projects;

e. The HUB Office also oversees the minority business program by:

1. Monitoring compliance with the program requirements;
2. Assisting in the implementation of training and technical assistance programs;
3. Identifying and implementing outreach efforts to increase the utilization of minority businesses;
4. Reporting the results of minority business utilization to the Secretary of the Department of Administration, the Governor, and the General Assembly.

OWNER: Before awarding a contract, the Owner shall do the following:

1. Develop and implement a minority business participation outreach plan to identify minority businesses that can perform public construction 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.

2. Attend the scheduled pre-bid conference.

3. 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:
    a. A description of the work for which the bid is being solicited.
    b. The date, time, and location where bids are to be submitted.
    c. The name of the individual within the owner's organization who will be available to answer questions about the project.
    d. Where bid documents may be reviewed.
    e. Any special requirements that may exist.

4. Utilize other media, as appropriate, likely to inform potential minority businesses of the bid being sought.

5. Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.

6. Review, jointly with the designer, all requirements of G.S. 143-128.2 (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 City Council.

7. Evaluate documentation to determine good faith efforts have been achieved for minority business utilization prior to recommendation of award to City Council.

8. Make documentation showing evidence of implementation of Owner's responsibilities available for review by Grantor organization and the HUB Office, upon request.

DESIGNER: Under the single-prime bidding, separate prime bidding, Construction Manager-at Risk, or alternative contracting method, the designer will:

1. Attend the scheduled pre-bid 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(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.

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, and forward copies to the City.

6. Make documentation showing evidence of implementation of Designer's responsibilities available for review by Grantor organization and the HUB Office, upon request.

PRIME CONTRACTOR(S), CONSTRUCTION MANAGER AT RISK, AND FIRST-TIER SUBCONTRACTORS under the single-prime bidding, the separate-prime bidding, Construction Manager-at-Risk and alternative contracting methods, contractor(s) must do all of the following:

1. Attend the scheduled pre-bid conference.

2. Identify or determine those work areas of a subcontract where minority businesses may have an interest in performing subcontract work.

3. 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:
   a. A description of the work for which the sub-bid is being solicited.
   b. The date, time and location where sub-bids are to be submitted.
   c. The name of the individual within the company who will be available to answer questions about the project.
   d. Where bid documents may be reviewed.
   e. 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 that 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.

4. During the bidding process, comply with the contractor(s) requirements listed in the proposal for minority participation.

5. Identify on the bid the minority businesses that will be utilized on the project with the corresponding total dollar value of the bid. Attach the Identification of Minority Business Participation form – "Exhibit A", and either the Listing of Good Faith Efforts (Affidavit A) listing the good faith efforts or Intent to Perform Contract with Own Workforce (Affidavit B) 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).

6. Make documentation showing evidence of implementation of Prime Contractor, Construction Manager at Risk and First-Tier Subcontractor responsibilities available for review by State Construction Office, Grantor organization, the HUB Office, and the City of Jacksonville upon request.

7. 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. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority business for participation in the contract. Failure to comply with these requirements is grounds for rejection of the bid and award to the next lowest responsible and responsive bidder.

8. 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 the General Conditions of the contract to facilitate payments to the subcontractors.

9. 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.

10. During the construction of a project, at any time, if it becomes necessary to replace a minority business subcontractor, immediately advise the City 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.

11. If during the construction of a project additional subcontracting opportunities become available, make a good faith effort to solicit bids from minority businesses.

12. It is the intent that these requirements apply to all contractors performing as Prime Contractor, First-Tier Subcontractor, or Construction Manager-at-Risk.

13. In accordance with G.S. 143-135.5(b), Contractors who have been found guilty of discrimination within the last two years are not allowed to bid.

MINORITY BUSINESS

1. The City of Jacksonville does not certify minority, disadvantaged or woman-owned businesses. Any business that desires to participate as an MBE will be required to complete and submit for certification, documents required by the North Carolina Department of Administration Office for Historically Underutilized Business (HUB) certification. Only those firms holding current certification will be considered for inclusion in meeting the MBE participation percentage goals. Interested businesses can contact the HUB office via their website at http://www.doa.state.nc.us/hub/.

2. Minority Businesses contacted by owners or bidders must respond promptly, whether or not they wish to submit a bid.

Section 5: MISCELLANEOUS

These guidelines shall apply on City construction projects. Copies of these guidelines may be obtained from the City of Jacksonville, (mail address) P.O. Box 128, (physical address) 815 New Bridge Street, Jacksonville, North Carolina 28541. Phone (910) 938-5200. Website: www.ci.jacksonville.nc.us

Section 6: DISPUTE PROCEDURES

It is the policy of this State that, disputes involving 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 North Carolina G.S. 143-128(g) and more specifically according to the following City of Jacksonville Resolution:

RESOLUTION (#2002 - 28) SENATE BILL

914 DISPUTE RESOLUTION

WHEREAS, the General Assembly of North Carolina adopted Senate Bill 914, which enacted major changes to the laws governing construction by public entities; and

WHEREAS, included in these changes was the requirement that public entities adopt a Dispute Resolution; and

WHEREAS, any dispute arising from an agreement to construct a Project shall be subject to non-binding mediation in accordance with the rules as set forth for Mediation Settlement Conferences in Onslow County Superior Court and that these rules be incorporated as Attachment A;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville that:

1. It is understood and agreed that NCGS 143-128(g-h) requires that disputes arising under an agreement for the erection, construction, alteration or repair of a building be subject to a dispute resolution process specified by the Owner. In compliance with this statutory provision, the Owner specifies this Article as the dispute resolution process to be used on this Project. It is further understood and agreed that this dispute resolution process is based on non-binding mediation and will only be effective to the extent that the Parties to any mediated dispute participate in the mediation in good faith. It is also understood and agreed that the Owner is under no obligation under any circumstance to secure or enforce the participation of any other Party in the mediation of any dispute subject to this Article and GS 143-128(g-h).

2. Any dispute arising between or among the Parties listed in Section 4 of this Article that arises from an agreement to construct the Project, including without limitation a breach of such agreement, shall be subject to non-binding mediation in accordance with rules as set forth for Mediation Settlement Conferences in Onslow County Superior Court. To the extent any provision of the Rules is inconsistent with the provisions of this Article, the provisions of this Article shall control. The mediation provided in this Article shall be used pursuant to this Agreement and GS 143-128(g-h) and is in lieu of any dispute resolution process adopted by the North Carolina State Building Commission, which process shall not apply to this Project.

3. For purposes of this Article the following definitions shall apply:

Agreement to construct the Project means an agreement to construct the Project that is subject to the requirements of GS 143-128 and does not include any agreement related to the Project that is not subject to said statute.

Construct or construction refers to and includes the erection, construction, alteration or repair of the Project; and

Party or Parties refers to the parties listed in Section 4 of this Article; and

Project means the building to be erected, constructed, altered or repaired pursuant to this Agreement.

4. The Owner and any Party contracting with the Owner or with any first-tier or lower-tier subcontractor for the construction of the Project agree to participate in good faith in any mediation of a dispute subject to this Article and GS 143-128(g-h), including without limitation the following Parties (if any): architect(s), engineer(s), surveyor(s), construction manager, construction manager at risk, prime contractor(s), surety(ies), subcontractor(s), and supplier(s).

5. In order to facilitate compliance with GS 143-128(g-h), the Contractor, and all other Parties, shall include this Article in every agreement to which it (any of them) is a Party for the construction of the Project without variation or exception. Failure to do so will constitute a breach of this Agreement, and the Contractor or other Party failing to include this Article in any agreement required by this Article shall indemnify and hold harmless the remaining Parties from and against any and all claims, including without limitation reasonable attorney fees and other costs of litigation, arising in any manner from such breach. Notwithstanding the foregoing provisions of this Section, it is expressly understood and agreed that the Parties are intended to be and shall be third-party beneficiaries of the provisions of this Article and can enforce the provisions hereof.

6. a. The following disputes are not subject to mediation:

i. A dispute seeking a non-monetary recovery; and

ii. A dispute seeking a monetary recovery of $15,000 or less.

b. A dispute seeking the extension of any time limit set forth in an agreement to construct the Project shall be subject to mediation pursuant to this Article and GS 143-128(g-h), but only if the damages which would be suffered by the Party seeking the extension would exceed $15,000 if the disputed extension is denied. To the extent that liquidated damages are set forth in such agreement as the measurement of damages for failure by such Party to meet such time limit, such liquidated damages shall be the exclusive standard for determining the amount of damages associated with such dispute.

7. For purposes of this Article, a dispute is limited to the recovery of monetary damages from the same transaction or occurrence against a single Party or two or more Parties alleged to be liable jointly, severally or in the alternative. Two or more disputes may not be consolidated or otherwise combined without the consent of all Parties to such disputes.

8. In addition to such matters as are required by the Rules, a request for mediation shall include the amount of the monetary relief requested.

9. Prior to requesting mediation, a Party must form a good faith belief that it is entitled under applicable law to recover the monetary amount to be included in the request from one or more of the remaining Parties. Such belief must be based on a reasonable and prudent investigation into the dispute that is the subject of the request. The request for mediation must be based on such investigation and may not include any amount or the name of any remaining Party, unless supported by such investigation and good faith belief by the Party requesting the mediation.

10. If a Party breaches any provision of Section 9, it shall indemnify and hold harmless all other Parties from any costs, including reasonable attorney fees and other costs of litigation, and damages incurred by such other Parties that arise from such breach.

11. All expenses incurred by a Party to a dispute in preparing and presenting any claim or defense at the mediation shall be paid by the Party. Such expenses include without limitation preparation and production of witnesses and exhibits and attorney fees. All other expenses of the mediation, including filing fees and required traveling and other expenses of the mediator, shall be borne as follows: one half by the Party requesting the mediation, with the remaining parties paying equal shares of the remaining expenses and costs; provided that, if the Owner is named as a party to the mediation, the Owner shall pay at least one-third of the mediation expenses and costs divided among the Parties. If more than one Party to a dispute requests a mediation, the mediation expenses and costs to be divided among the Parties shall be borne equally by the Parties to the dispute; provided that, if the Owner is named as a party to the mediation, the Owner shall pay at least one-third of the mediation expenses and costs divided among the Parties.

12. The mediation shall be held at a location agreeable to the mediator and all of the Parties; provided that, if no agreement can be reached, the mediation will be held at such location in Onslow County, as the mediator shall determine.

13. The provisions of this Article are subject to any other provision of this Agreement concerning the submission, documentation and/or proof of any claim or dispute. Such other provisions shall apply in full force and shall be satisfied as a condition precedent to mediation pursuant to this Article.

14. The Parties understand and agree that mediation in accordance with this Article shall be a condition precedent to institution of any legal or equitable proceeding seeking monetary recovery based on any dispute that is subject to mediation pursuant to this Article.

Adopted by the Jacksonville City Council in regular session, the 20th day of August 2002.

ATTACHMENT A

JUDICIAL DISTRICT 4-B AMENDED RULES FOR SUPERIOR COURT MEDIATED SETTLEMENT CONFERENCES ONSLOW COUNTY APRIL 1997

RULE 1. ORDER FOR MEDIATED SETTLEMENT CONFERENCE

A. BY ORDER IN EACH ACTION

(1) Order by Senior Resident Superior Court Judge. The Senior Resident Superior Court Judge may, by written order, require all persons and entities identified in Rule 4 to attend a pre-trial mediated settlement conference in any civil action except an action in which a party is seeking the issuance of an extraordinary writ or is appealing the revocation of a motor vehicle operator's license.

(2) Timing of the Order. The Senior Resident Superior Court Judge shall issue the order as soon as practicable after the time for the filing of answers has expired. Rules 1.A.(3) and 3.B. herein shall govern the content of the order and the date of completion of the conference.

(3) Content of Order. The court's order shall (1) require the mediated settlement conference be held in the case; (2) establish a deadline for the completion of the conference; (3) state clearly that the parties have the right to select their own mediator as provided by Rule 2; (4) state the rate of compensation of the court appointed mediator in the event that the parties do not exercise their right to select a mediator pursuant to Rule 2; and (5) state that the parties shall be required to pay the mediator's fee at the conclusion of the settlement conference unless otherwise ordered by the court. The order shall be on a form prepared and distributed by the Administrative Office of the Courts.

(4) Motion for Court Ordered Mediated Settlement Conference. In cases not ordered to mediate settlement conference, any party may file a written motion with the Senior Resident Superior Court Judge requesting that such conference be ordered. Such motion shall state the reasons why the order should be allowed and shall be served on non-moving parties. Objections to the motion may be filed in writing with Senior Resident Superior Court Judge within 10 days after the date of the service of the motion. Thereafter, the Judge shall rule upon the motion without a hearing and notify the parties or their attorneys of the ruling.

(5) Motion to Dispense With Mediated Settlement Conference. A party may move the Senior Resident Superior Court Judge, within 10 days after the Court's order, to dispense with the conference for good cause shown. Such motion shall state the reasons the relief is sought. The motion shall be mailed to the Senior Resident Superior Court Judge in care of the Judicial Assistant and to all opposing parties who may file objections with the Senior Resident Superior Court Judge within 7 days of the date of the motion. The Senior Resident Superior Court Judge will rule upon all motions and objections without hearing and notify all parties of the ruling.

(6) Consent Motion to Authorize the Use of Other Settlement Procedures. No later than 10 days after issuance of the Court's mediation order, a party may move the Senior Resident Superior Court Judge to authorize the use of some other settlement procedure in lieu of a mediated settlement conference. Such motion shall state the reasons the authorization is requested and that all parties consent to the motion. The Court may order the use of any agreed upon settlement procedure authorized by Supreme Court or local rules. The deadline for completion of the authorized settlement procedure shall be the same as ordered for the mediated settlement conference.

(7) Exemption from Mediated Settlement Conferences. The Senior Resident Superior Court Judge may be required by the Administrative Office of the Courts to exempt from such conferences a random sample of cases so as to create a control group to be used for comparative analysis.

RULE 2. SELECTION OF MEDIATOR

A. Selection of Certified Mediator by Agreement of Parties. The parties may select a mediator certified pursuant to these Rules by agreement within 21 days of the court's order. The plaintiff's attorney shall file with the court a Notice of Selection of Mediator by Agreement within 21 days of the court's order. Such notice shall state the name, address and telephone number of the mediator selected; state the rate of compensation of the mediator; state that the mediator and opposing counsel have agreed upon the selection and rate of compensation; and state that the mediator is certified pursuant to these Rules. The notice shall be on a form prepared and distributed by the Administrative Office of the Courts.

B. Nomination and Court Approval of a Non-Certified Mediator. The parties may select a mediator who does not meet the certification requirements of these Rules but who, in the opinion of the parties and the Senior Resident Superior Court Judge, is otherwise qualified by training or experience to mediate all or some of the issues in the action and who agrees to mediate indigent cases without pay.

If the parties select a non-certified mediator, the plaintiff's attorney shall file with the court a Nomination of Non-Certified Mediator within 21 days of the court's order. Such nomination shall state the name, address and telephone number of the mediator; state the training, experience or other qualifications of the mediator; state the rate of compensation of the mediator; and state that the mediator and opposing counsel have agreed upon the selection and rate of compensation.

The Senior Resident Superior Court Judge shall rule on said nomination without a hearing, shall approve or disapprove of the parties' nomination and shall notify the parties of the court's decision. The nomination and approval or disapproval of the court shall be on a form prepared and distributed by the administrative Offices of the Courts.

C. Appointment of Mediator by the Court. If the parties cannot agree upon the selection of a mediator, the plaintiff or plaintiff's attorney shall so notify the court and request, on behalf of the parties, that the Senior Resident Superior Court Judge appoint a mediator. The motion must be filed within 21 days after the court's order and shall state that the attorneys for the parties have had a full and frank discussion concerning the selection of a mediator and have been unable to agree. The motion shall be on a form prepared and distributed by the Administrative Office of the Courts. The motion shall state whether any party prefers a certified attorney mediator, and if so, the Senior Resident Judge shall appoint a certified attorney mediator. The motion may state that all parties prefer a certified, non-attorney mediator, and if so, the Senior Resident Judge shall appoint a certified non-attorney mediator if one is on the list of certified mediators desiring to mediate cases in the district. If no preference is expressed, the Senior Resident Judge may appoint a certified attorney mediator or a certified non-attorney mediator.

Upon receipt of a motion to appoint a mediator, or in the event the plaintiff's attorney has not filed a Notice of Selection or Nomination of the Non-Certified Mediator with the court within 21 days of the court's order, the Senior Resident Superior Court Judge shall appoint a mediator certified pursuant to these Rules, under a procedure established by said Judge. Only mediators who agree to mediate indigent cases without pay and have indicated their desire to mediate cases in Judicial District 4B shall be appointed.

Mediator Information Directory. To assist the parties in the selection of a mediator by agreement, the Senior Resident Superior Court Judge shall prepare and keep current a central directory of information on all certified mediators who wish to mediate cases in Judicial District 4B. This information shall be collected on loose leaf forms provided by the Dispute Resolution Commission and be kept in one or more notebooks made available for inspection by attorneys and parties in the office of the Clerk of Court in Onslow County.

Disqualification of Mediator. Any party may move the Senior Resident or Presiding Superior Court Judge of Judicial District 4B for an order disqualifying the mediator. For good cause, such order shall be entered. If the mediator is disqualified, a replacement mediator shall be selected or appointed pursuant to Rule 2. If such order is entered, the moving party shall provide a copy of the order to the Trial Court Administrator within 5 days of the date of the order. Nothing in this provision shall preclude mediators from disqualifying themselves upon written notice to the Trial Court Administrator and all parties.

RULE 3. THE MEDIATED SETTLEMENT CONFERENCE

A. Where Conference is to be Held. Unless all parties and the mediator otherwise agree, the mediated settlement conference shall be held in the courthouse or other public or community building in the county where the case is pending. The mediator shall be responsible for reserving a place and making arrangements for the conference and for giving timely notice of the time and location of the conference to all attorneys, unrepresented parties and other persons and entities required to attend.
B. When Conference is to be Held. As a guiding principle, the conference should be held after the parties have had a reasonable time to conduct discovery but well in advance of the trial date

The court's order issued pursuant to Rule 1.A.(1). Shall state a date of completion for the conference which shall be not less than 120 days nor more than 180 days after issuance of the court's order.

C. Request to Extend Date of Completion. A party, or the mediator, may request the Senior Resident Superior Court Judge to extend the deadline for completion of the conference. Such request shall state the reasons the extension is sought and shall be served by the moving party upon the other parties and the mediator. If any party does not consent to the request, said party shall promptly communicate its objection to the office of the Senior Resident Superior Court Judge.

The Senior Resident Superior Court Judge may grant the request by entering a written order setting a new date for the completion of the conference, which date may be set at any time prior to trial. Said order shall be delivered to all parties and the mediator by the person who sought the extension.

D. Recesses. The mediator may recess the conference at any time and may set times for reconvening. No further notification is required for persons present at the recessed conference.

E. The Mediated Settlement Conference is Not To Delay Other Proceedings. The mediated settlement conference shall not be cause for the delay of other proceedings in the case, including the completion of discovery, the filing or hearing of motions, or the trial of the case, except by order of the Senior Resident Superior Court Judge.

RULE 4. DUTIES OF PARTIES, ATTORNEYS AND OTHER PARTICIPANTS

A. Attendance.

(1) The following persons shall attend a mediated settlement conference:

(a) Parties

(i) All individual parties;

(ii) Any party that is not a natural person or governmental entity shall be represented at the conference by an officer, employee or agent who is not such party's outside counsel and who has been authorized to decide on behalf of such party whether and on what terms to settle the action;

(iii) Any party that is a governmental entity shall be represented at the conference by an employee or agent who is not such party's outside counsel and who has authority to decide on behalf of such party whether and on what terms to settle the action; provided, if under law proposed settlement terms can be approved only by a board, the representative shall have authority to negotiate on behalf of the party and to make a recommendation to that board;

(b) Insurance Company Representatives. A representative of each liability insurance carrier, uninsured motorist insurance carrier, and underinsured motorist insurance carrier which may be obligated to pay all or part of any claim presented in the action. Each such carrier shall be represented at the conference by an officer, employee or agent, other than the carrier's outside counsel, who has the authority to make a decision on behalf of such carrier or who has been authorized to negotiate on behalf of the carrier and can promptly communicate during the conference with persons who have such decision-making authority;

(c) Attorneys. At least one counsel of record for each party or other participant, whose counsel has appeared in the action.

(2) Any party or person required to attend a mediated settlement conference shall physically attend until an agreement is reduced to writing and signed as provided in Rule 4.C. or an impasse has been declared. Any such party or person may have the attendance requirement excused or modified, including the allowance of the party's or person's participation without physical attendance:

(a) By agreement of all parties and persons required to attend and the mediator; or

(b) By order of the Senior Resident Superior Court Judge, upon motion of a party and notice to all parties and persons required to attend and the mediator.

B. Notifying Lien Holders. Any party or attorney who has received notice of a lien or other claim upon proceeds recovered in the action shall notify said lien holder or claimant of the date, time, and location of the mediated settlement conference and shall request said lien holder or claimant to attend the conference or make a representative available with whom to communicate during the conference.

C. Finalizing Agreement. If an agreement is reached in the conference, parties to the agreement shall

reduce its terms to writing and sign it along with their counsel. By stipulation of the parties and at their expense, the agreement may be electronically or stenographically recorded. A consent judgment or one or more voluntary dismissals shall be filed with the court by such persons as the parties shall designate.

D. Provide Copy of Agreement. Upon reaching a settlement agreement before or during the conference, the parties and others with settlement authority, shall provide a copy of the executed written agreement to the mediator within 7 days of the settlement. The mediator shall attach a copy of the agreement to the Report of Mediator and mail both to the Trial Court Administrator. Failure of the parties to provide a copy of the written agreement to the mediator on a timely basis will result in sanctions as for failure to attend (see Rule 5.)

E. Payment of Mediator's Fee. The parties shall pay the mediator's fee as provided by Rule 7.

RULE 5. SANCTIONS FOR FAILURE TO ATTEND

If a party or other person required to attend a mediated settlement conference fails to attend without good cause, the Senior Resident or Presiding Judge may impose upon the party or person any appropriate monetary sanction including, but not limited to, the payment of fines, attorneys fees, mediator fees, expenses and loss of earning incurred by persons attending the conference.

A party seeking sanctions against another party or person shall do so in a written motion stating the grounds for the motion and the relief sought. Said motion shall be served upon all parties and on any person against whom sanctions are being sought. If the court imposes sanctions, it shall do so, after notice and a hearing, in a written order, making findings of fact supported by substantial evidence and conclusions of law.

RULE 6. AUTHORITY AND DUTIES OF MEDIATORS

A. Authority of Mediator.

(1) Control of Conference. The mediator shall at all times be in control of the conference and the procedures to be followed.

(2) Private Consultation. The mediator may communicate privately with any participant or counsel prior to and during the conference. The fact that private communications have occurred with a participant shall be disclosed to all other participants at the beginning of the conference.

(3) Scheduling the Conference. The mediator shall make a good faith effort to schedule the conference at a time that is convenient with the participants, attorneys and mediator. In the absence of agreement, the mediator shall select the date for the conference.

(1) The mediator shall define and describe the following at the beginning of the conference.

(a) The process of mediation;

(b) The differences between mediation and other forms of conflict resolution;

(c) The cost of the mediated settlement conference;

(d) The fact that the mediated settlement conference is not a trial, the mediator is not a judge, and the parties retain their right to trial if they do not reach settlement;

(e) The circumstances under which the mediator may meet and communicate privately with any of the parties or with any other person;

(f) Whether and under what conditions communications with the mediator will be held in confidence during the conference;

(g) The inadmissibility or conduct and statements as provided by G.S. 7A-38.1(1);

(h) The duties and responsibilities of the mediator and the participants; and

(i) The fact that any agreement reached will be reached by mutual consent.

(2) Disclosure. The mediator has a duty to be impartial and to advise all participants of any circumstance bearing on possible bias prejudice or partiality.

(3) Declaring Impasse. It is the duty of the mediator timely to determine that an impasse exists and that the conference should end.

(4) Reporting Results of Conference. The mediator shall report to the Court in writing whether or not an agreement was reached by the parties during the conference and any prior settlement of issues sent for mediation. If an agreement was reached, the report shall state whether the action will be concluded by consent judgment or voluntary dismissal and shall identify the persons designated to file such consent judgment or dismissals. The mediator's report shall inform the court of the absence of any party, attorney, or insurance representative known to the mediator to have been absent without permission from the mediated settlement conference. This report shall be filed within 10 days of the conclusion of the conference or in the event the case is settled before mediation, 10 days of the scheduled conference. The

Administrative Office of the Courts may require the mediator to provide statistical data for evaluation of the mediated settlement conference program on forms provided by it.

(5) Scheduling and Holding the Conference. It is the duty of the mediator to schedule the conference and conduct it prior to the conference completion deadline set out in the court's order. Deadlines for completion of the conference shall be strictly observed by the mediator unless said time limit is changed by the written order of the Senior Resident Superior Court Judge.

(6) Sanctions for Failure to Comply. The Senior Resident Superior Court Judge shall reserve the right to withhold future appointments of any mediator who fails to comply with these Rules.

B. Duties of Mediator.

RULE 7. COMPENSATION OF THE MEDIATOR

A. By Agreement. When the mediator is stipulated to by the parties, compensation shall be as agreed upon between the parties and the mediator.

B. By Court Order. When the mediator is appointed by the court, the parties shall compensate the mediator for mediation services at the rate of $100.00 per hour. The parties shall also pay to the mediator a one time, per case administrative fee of $100.00.

C. Indigent Cases. No party found to be indigent by the court for the purposes of these rules shall be required to pay a mediator fee. Any mediator conducting a settlement conference pursuant to these shall waive the payment of fees from parties found by the court to be indigent. Any party may move the Senior Resident Superior Court Judge for a finding of indigence and to be relieved of the party's obligation to pay a share of the mediator's fee.

Said motion shall be heard subsequent to the completion of the conference or, if the parties do not settle their case, subsequent to the trial of the action. The Judge may take into consideration the outcome of the action and whether a judgment was rendered in the movant's favor. The court shall enter an order granting or denying the party's request.

D. Payment of Compensation by Parties. Unless otherwise agreed to by the parties or ordered by the court, the mediator's fee shall be paid in equal shares by the parties. For purposes of this rule, multiple parties shall be considered one party when they are represented by the same counsel. Parties obligated to pay a share of the fees shall pay them equally. Payment shall be due upon completion of the conference. Parties who contend indigent status must immediately upon completion of the conference file a copy of the motion described in Rule 7.C. with the mediator. The mediator shall attach this copy with the final report.

E. Sanctions for Failure to Pay Mediator's Fee . Except when excused by order of the court, failure of a party to make timely payment of their share of a mediator's fee, or failure of parties contending indigent status to file motions described in Rule 7.C. shall constitute contempt of court and will result in the imposition of any and all lawful sanctions.

RULE 8. COMMUNICATIONS WITH THE COURT

All communications with the court concerning mediated settlement conferences in Judicial District 4B should be addressed to the Trial Court Administrator's Office at 625 Court Street, Jacksonville, NC 28540. Telephone number: (910) 455-4541.

Section 7: MINORITY BUSINESS CONTRACT PROVISIONS (CONSTRUCTION)

APPLICATION:
The Guidelines for Recruitment and Selection of Minority Businesses for Participation in City 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 City of Jacksonville, (mailing address) P.O. Box 128, (physical address) 815 New Bridge Street, Jacksonville, North Carolina 28541. Phone (910) 938-5200.

MINORITY BUSINESS SUBCONTRACT GOALS:

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

ALL BIDDERS MUST:

The bidder must identify on their bid, the minority businesses that will be utilized on the project with the corresponding total dollar value of the bid by submitting with their bid the Identification of Minority Business Participation form – "Exhibit A", the Listing of Good Faith Efforts (Affidavit A) listing the good faith efforts and the Intent to Perform Contract with Own Workforce (Affidavit B) 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:

The lowest responsible, responsive bidder must then 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, which includes a description of the portion of work to be executed by minority businesses expressed as a percentage of the total contract price, and includes a documentation of the bidders Good Faith Efforts to achieve the Goal of 10% participation by Minority Business if the percentage is not equal to the 10% minimum or other 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 of project.

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

Section 8: 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 City 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 contract. A finding by the City 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 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 City whether to terminate the contract for breach.

In determining whether a contractor has made Good Faith Efforts, the City will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts. Contractor's are required to earn at least 50 points to comply with the State of North Carolina General Statute 143-128.2 requirements. Failure to file a required Affidavit or documentation that demonstrates the Contractor made the required Good Faith Effort is grounds for rejection of the bid.

(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. (10 points)

(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. (10 points)

(3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation. (15 points)

(4) Working with minority trade, community, or contractor organizations to identify Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses. (10 points)

(5) Attending any pre-bid meetings scheduled by the public owner. (10 points)

(6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors. (20 points)

(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. (15 points)

(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. (25 points)

(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. (20 points)

(10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands. (20 points)

Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid

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:_____

SEAL

State of_____, County of_____

Subscribed and sworn to before me this _____day of _____20____

Notary Public_____

My commission expires _____

Identification of HUB Certified/ Minority Business Participation

I,_____,
(Name of Bidder)
do hereby certify that on this project, we will use the following HUB Certified/ minority business as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #	Work Type	*Minority Category	**HUB Certified (Y/N)

*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.**

The total value of minority business contracting will be ($)_____.

MBForms 2002-Revised July 2010

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:_____

SEAL

State of _____, County of_____

Subscribed and sworn to before me this _____day of _____20____

Notary Public _____

My commission expires_____

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:_____

SEAL

Title:_____

State of _____, County of _____
Subscribed and sworn to before me this _____day of _____20____
Notary Public_____
My commission expires_____

MBForms 2002-Revised May 2010 -1-

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 Name)

Project ID#_____ 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.

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:_____

SEAL

State of_____, County of _____

Subscribed and sworn to before me this _____day of _____20____

Notary Public_____

My commission expires _____