

Descriptor Term:  
PARTICIPATION BY WOMEN AND MINORITY-OWNED BUSINESSES

Descriptor Code:  
9.1250

Legal References: City of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989); G.S. 143-128, -128.2, -128.3

Cross References: 6.4020 Participation by Historically Underutilized Businesses, 9.1200 Bidding for Construction Work

#### A. GENERAL

The board affirms the State's commitment to encourage participation of minority-owned and female owned businesses in the school system's construction contracts.

After notice and public hearing, the board has adopted the following verifiable percentage goals for participation in the school system's contracts by historically underutilized businesses:

1. Projects in which the cost exceeds \$100,000 and the board has received state appropriations or grants for the project:  
  
Ten percent participation by minority-owned and female-owned businesses in the total value of work for each building project involving erection, construction, alteration or repair.
2. Projects in which the cost exceeds \$500,000 (i.e., for which formal bidding is required):  
  
Ten percent participation by minority-owned and female-owned businesses in the total value of work for each building project involving erection, construction, alteration or repair.

Except as otherwise required for projects in subsection 1 above, the board shall solicit participation by minority business enterprises and maintain a record of contractors solicited and efforts to recruit minority participation. The board also shall comply with any reporting and documentation requirements of the Department of Administration.

#### B. SCHOOL SYSTEM GOOD FAITH EFFORTS

The board has adopted the following guidelines to ensure that the school system's will make good faith efforts to reach diverse contractors and to encourage participation in the school system's construction contracts by such contractors. The school system shall:

- make information about the school system's formal and informal bidding process readily available;
- develop and implement a minority business participation outreach plan to identify minority businesses that can perform building projects and to implement outreach efforts to encourage minority business participation in such projects;
- advertise for bids in media that reaches minority businesses and provide notice to minority businesses as provided in G.S. 143-128.2;
- ensure access to building documents needed for making bids on projects;

- encourage businesses experiencing difficulty in meeting the bonding, licensing and bid deposits required by state law in larger construction projects to utilize resources and assistance offered by local, state and federal agencies; and
- attend the scheduled pre-bid conference.

C. GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS

All bidders on major school construction and renovation projects who intend to subcontract any part of the project must provide affidavits indicating that a good faith effort has been made in preparing the bid to meet the board of education's verifiable goal for participation by minority-owned and female-owned businesses.

The failure to make a good faith effort to meet the board's goal may result in the bid being considered non-responsive and being rejected.

The superintendent shall establish administrative procedures to verify qualified businesses and good faith efforts by bidders.