

NC Division of Water Infrastructure MBE/WBE (DBE) Compliance Supplement Instructions for CDBG-I Program

(This package combines the various aspects of State of NC HUB program requirements and Federal DBE requirements into a single compliance supplement to eliminate redundancy and ambiguity)

ITEM:	WHAT TO DO WITH IT:
Good Faith Efforts Form	Provided by all bidders to be responsive
Table A (summary of firms on job)	Provided by all bidders to be responsive
Table B (per trade being subcontracted)	Provided by all bidders to be responsive (if subcontracting is achieved)
Provide documentation of anything you did that is mentioned later in this supplement. Documentation includes, but not limited to: <ul style="list-style-type: none"> • Proof of trade paper advertisement • Print out of DBE sources used • Solicitation via emails and/or letters 	Provided by all bidders to be responsive (if subcontracting is achieved) Local Governments must retain copies in grant files.

NOTES ON THIS COMPLIANCE SUPPLEMENT

MBE = Minority Owned Business Enterprise
WBE = Women Owned Business Enterprise

HUB = Historically Underutilized Business
DBE = Disadvantaged Business Enterprise

State of NC MBE/WBE participation goal: 10% (combined)

These are goals that the State of North Carolina reports against and are not quotas. The good faith efforts must be adhered to and all forms provided regardless of what percentage utilization is achieved.

DBE (MBE or WBE) Certification:

For a firm to count towards the goals, a firm must be properly certified. **Table A** and **Table B** both provide spaces to note who certified the firm. The North Carolina Department of Administration (NCDOA) (<https://ncadmin.nc.gov/businesses/hub>) and North Carolina Department of Transportation (NCDOT) (<https://www.ebs.nc.gov/VendorDirectory/default.html>) are the most common certifications we see listed. However, some contractors do not register with both agencies; therefore, check both lists. **All certifications will be verified during the review of bids.**

You have any questions on complying with this requirements, please contact the HUB office at 984-236-0130 or visit their website at <https://ncadmin.nc.gov/businesses/hub>.

GUIDANCE ON MBE/WBE OUTREACH

1. Minimum Acceptable Outreach Standards

The program shall include minority and woman-owned businesses in all contracting activities entered by the participating jurisdiction to facilitate the provision of any federal **and state** law applicable to such jurisdiction. Minimum HUD standards require that each participating jurisdiction's outreach effort to minority and women-owned businesses be:

- A good faith, comprehensive and continuing endeavor **to solicit bids from M/WBEs;**
- Supported by a statement of public policy and commitment published in the print media of widest local circulation;

- Supported by an office and/or a key, ranking staff person with oversight responsibilities and access to the chief elected official; and
- Designed to utilize all available and appropriate public and private sector local resources.

2. Guidelines for a Minority/Women Business Outreach Program

Under the minimum HUD standards cited above, the following guidelines are provided for use by participating jurisdictions in implementing outreach programs to ensure the inclusion, to the maximum extent possible, of entities owned by minorities and women. Each participating jurisdiction should:

- Develop a systematic method for identifying and maintaining an inventory of certified minority and women's business enterprises (MBEs and WBEs), their capabilities, services, supplies and/or products;
- Utilize the local media, electronic and print, to market and promote contract and business opportunities for MBEs and WBEs;
- Develop informational and documentary materials (fact sheets, program guides, procurement forecasts, etc.) on contract/subcontract opportunities for MBEs and WBEs;
- Develop procurement procedures that facilitate opportunities for MBEs and WBEs to participate as vendors and supplies of goods and services;
- Sponsor business opportunity-related meetings, conferences, seminars, etc., with minority and women business organizations; and
- Maintain centralized records with statistical data on the utilization and participation of MBEs and WBEs as contractors/subcontractors in all HUD-assisted program contracting activities.

Each participating jurisdiction, utilizing the standards and guidelines listed above, shall prescribe procedures and actions it will undertake in implementing a minority and women's business enterprise outreach program. The above items represent basic outreach-related activities and are not all-inclusive actions a participating jurisdiction may undertake.

Pertinent State of North Carolina Administrative Code Regarding M/WBE Compliance. The provisions in this Compliance Supplement constitute compliance with the Rules below.

Owner Requirements	01 NCAC 30I .0306
Contractor Requirements	01 NCAC 30I .0308

RESOURCES

Some sources for identifying MBE/WBE (DBE) firms:

- <https://www.ips.state.nc.us/vendor/SearchVendor.aspx> (NCDOA)
- <https://www.ebs.nc.gov/VendorDirectory/default.html> (NCDOT)
- http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm (US SBA)
- <https://portalapps.hud.gov/Sec3BusReg/BRegistry/SearchBusiness> (HUD Section 3 Business Registry)

Some sources for finding minority trade papers for potential solicitation advertisements and Federal advertising options:

- <http://web.sba.gov/subnet/> (US SBA Subnet advertising website)
- <https://www.mbda.gov/> (US Dept. of Commerce)
- <https://ncadmin.nc.gov/businesses/hub> (NC HUB Office)

GOOD FAITH EFFORTS FORM

Attempts to provide subcontracting opportunities for MBE/WBE firms. Per 01 NCAC 30I .0101, 50 points must be claimed below by the bidder. (*This is identical to State of NC Affidavit A*)

- 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 pre-bid 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 to help minority businesses in establishing credit.
- 9 – (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses 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.

Results of Good Faith Efforts Undertaken (you must check one box below)

- No subcontractors are being used for this contracted work. Fill out **Table A** listing only the Prime Contractor. *(This statement takes the place of State of NC Affidavit B)*
- Subcontractors are being used. Fill out **Table A** to list the Prime Contractor and selected subcontractors. Fill out **Table B** for each trade. **Each Table B lists a minimum of 3 firms.**
- Subcontractors are being used. If any **Table B** has fewer than 3 solicitations, you must also advertise in an M/WBE trade paper and indicate what source of M/WBE firms you used (**must list at least one**). Some possible papers and sources of M/WBE firms are listed in the Instructions of this Supplement.

Name of the Trade Paper: _____

Submit proof of advertisement with package

M/WBE Sources: Source: _____ Source: _____

Submit printouts from M/WBE source(s)

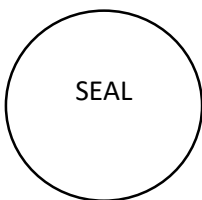
Certification Statement and Affidavit of Contractor.

The below affidavit constitutes compliance with 01NCAC 301 .0308(7)(a) and (b) and takes the place of State of North Carolina Affidavits C and D.

I have read the information in this compliance supplement and all information provided to the State in this package is accurate and true to the extent of my knowledge including the calculated percentages and the good faith efforts presented herein.

Prime Contractor Company Name (Print)

Prime Contractor Representative (Sign & Date)



State of _____, County of _____

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

Notary Public _____

My Commission Expires _____

Table A: Prime Contractor and list of selected subcontractors

List Prime and ALL of the selected subcontractors (both DBE’s and non-DBE’s) being used on the project (use multiple **Table A** if needed). Each Trade listed on this sheet should have a **completed Table B: Subcontract Solicitation List** showing the **MWBE/DBE firms (and Section 3 firms**)** contacted and given opportunities to bid.

Company Name (list prime first then subs)	Company Address and Phone	Trade (Above) and Price (Below)	MBE or WBE certified by which state agency (NCDOT, NCDOA)? if applicable*	(Local Governments Only) Listed on federal and state debarred lists?
		\$		
		\$		
		\$		
		\$		

Calculate M/WBE utilization as a percent (00.00%) of the prime contract. Limited to 100% even if the Prime is a DBE.

M/WBE/DBE subs total	\$	_____ %
Prime Contract Price	\$	

**Submit documentation of certification*

***MWBE/DBE/HUB outreach should be done concurrently with Section 3 firm outreach. Ask the M/WBE firms if they may qualify for Section 3 and if they will complete the Section 3 self-certification.*

Note: Table A substitutes the State of NC “Identification of Minority Participation” form

Table B: Subcontract Solicitation List

Each Trade being subcontracted should have a completed **Table B** showing the DBE firms (and Section 3^{***}) contacted and given opportunities to bid. Use as many of these sheets as necessary to cover every trade being subbed out.

Trade: _____ (enter the trade being solicited, paving, hauling etc.)

- List the firm being used on the project first. If **a minimum of three** MWBE/DBE firms are not listed, additional information must be provided showing advertisements and/or sources used to identify MWBE/DBE subs.

Company Name	Company Address and Phone	MBE or WBE and certified by which state agency (NCDOT, NCDOA), if applicable*	How was this firm contacted (email, letter, phone) and what was the result of the solicitation? **

**Submit documentation of certification*

***Must all solicitation documentation, including but not limited to: copies of emails, letters, contact lists, advertisement in trade newspaper, etc. If phone calls were made this sheet can serve as documentation of calls.*

****MWBE/DBE/HUB Outreach should be done concurrently with Section 3 firm outreach. Ask the MWBE firms if they may qualify for Section 3 and if they will complete the Section 3 self-certification.*

MBE/WBE (DBE) – Change or Add a Subcontractor Form

If a DBE subcontractor fails to complete work under the subcontract for any reason, the **local government** must require the prime contractor to employ the six good faith efforts if soliciting a replacement subcontractor. **Please note that with CDBG projects, Section 3 outreach is concurrent with DBE outreach. Ask the DBE firms if they also qualify as Section 3 and can complete the self-certification form.**

Please provide the information below **if the subcontracted work in question was included in previously submitted good faith efforts documentation:**

Prime Contractor:			
Subcontracted work:			
Previous Subcontractor:			
Reason this firm did not complete the work:			
New subcontractor and DBE status:	<input type="checkbox"/> MBE	<input type="checkbox"/> WBE	<input type="checkbox"/> N/A

If this is a new trade being subcontracted, or was not documented in the original Project Bid Information submittal to the State then good faith efforts to solicit a DBE firm must be documented. As the original DBE instructions indicate, please provide a Table B from those original instructions, showing all the DBE firms contacted to perform this work. If three (3) firms are not listed on Table B, then additionally you must submit proof of an advertisement in a minority trade paper and evidence that there were not three reasonably available firms in the work area. Good faith efforts are to be carried out to the fullest extent practicable. If solicitations were not carried out due to being impracticable, please attach this explanation to this form.

Please follow the steps below for new subcontracted work:

Indicate the new trade being subcontracted:			
Indicate the firm being used and DBE status:	<input type="checkbox"/> MBE	<input type="checkbox"/> WBE	<input type="checkbox"/> N/A
<i>Attach completed Table B and supporting documentation</i>			

(Owner/ State use Only) Is this sub debarred?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Project Owner/Applicant:

.....
Project Name & Number:

.....
Prime Contractor's Representative Name & Title:

.....
Signature of Prime Contractor's Representative:

APPENDIX E

MBE DOCUMENTATION FOR CONTRACT PAYMENTS

Prime Contractor/Architect: _____

Address & Phone: _____

Project Name: _____

Pay Application #: _____ Period: _____

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

FIRM NAME	* Minority Category	PAYMENT AMOUNT	OWNER USE ONLY

*Minority categories: Black (B), Hispanic (H), Asian American (AA), American Indian (AI), White Female (WF), Socially and Economically Disadvantaged (SED)

Approved/Certified By:

Name

Title

Date

Signature

****THIS DOCUMENT MUST BE SUBMITTED WITH EACH PAY REQUEST & FINAL PAYMENT****