



# **NEW WAKE COUNTY ANIMAL CENTER**

**REQUEST FOR QUALIFICATIONS – RFQ#25-082**

**CONSTRUCTION MANAGER AT RISK**

**AUGUST 8, 2025**



## **Table of Contents**

| <b><u>Section</u></b>                              | <b><u>Page</u></b> |
|--|--------------------|
| I. Project Introduction & Overview                 | 1                  |
| II. Project Timeline                               | 3                  |
| III. Funding Plan for the Project                  | 4                  |
| IV. Delivery Method for Development of the Project | 4                  |
| V. Scope of Professional Services                  | 5                  |
| VI. Submission Requirements                        | 6                  |
| VII. Questionnaire                                 | 8                  |
| VIII. Selection of CMAR Team                       | 9                  |
| IX. Due Date for Submitting Qualifications         | 10                 |
| X. General Comments or Clarifications              | 10                 |
| XI. Confidentiality of Documents                   | 11                 |
| XII. Submittal Certification Form                  | 12                 |

Appendix A – Animal Center Advanced Planning Report

Appendix B – Wake County Minority and Women Business Enterprise Resolutions for Construction Contracts

*This page intentionally left blank*

# **REQUEST FOR QUALIFICATIONS CONSTRUCTION MANAGER AT RISK SERVICES NEW WAKE COUNTY ANIMAL CENTER**

## **I. INTRODUCTION & PROJECT OVERVIEW**

Wake County Government is requesting Construction Manager at Risk qualifications packages for a new Animal Center in east Raleigh. The new Animal Center will replace the current shelter in Raleigh.

Wake County Government operates the only open admission shelter in the Wake County. The shelter takes in strays, abandoned and surrendered pets in Wake County and partners with five Animal Control jurisdictions in Wake County to hold bite quarantines, court case holds, strays and protective custody animals that Animal Control Officers bring to the facility. Together, with community partners and volunteers, they treat and re-home thousands of homeless animals every year.

Wake County has operated its Animal Center at the current Beacon Lake Drive facility in northeast Raleigh since 1998. It has been expanded and received multiple updates over the years to address consolidated sheltering, general population growth, and evolving sheltering strategies. The current property size limits further expansion, which has led to the proposed new Animal Center.

The future of animal welfare management is to embrace a more community-centric model of animal sheltering and that will be the focus of this new facility. The goal is to be a Community Animal Resource Center for pets and their families. This will include access to veterinary care, dog training, family-friendly activities to encourage community involvement. The new facility will be located in the eastern portion of Wake County and within the City of Raleigh ETJ.

Wake County worked with an animal shelter specialty consultant to assess its shelter strategies and develop an initial space needs program ahead of selecting the architectural-engineering design team in 2024. Wake County hired RND Architects of Durham, NC who is partnered with Animal Arts, an animal shelter specialist based in Boulder Colorado. The design team has assessed and validated the space needs program and has begun schematic design for the project.

Guidelines for Standards Care in Animal Shelters offered by the Association of Shelter Veterinarians will be followed. Some features recommended in the standards include:

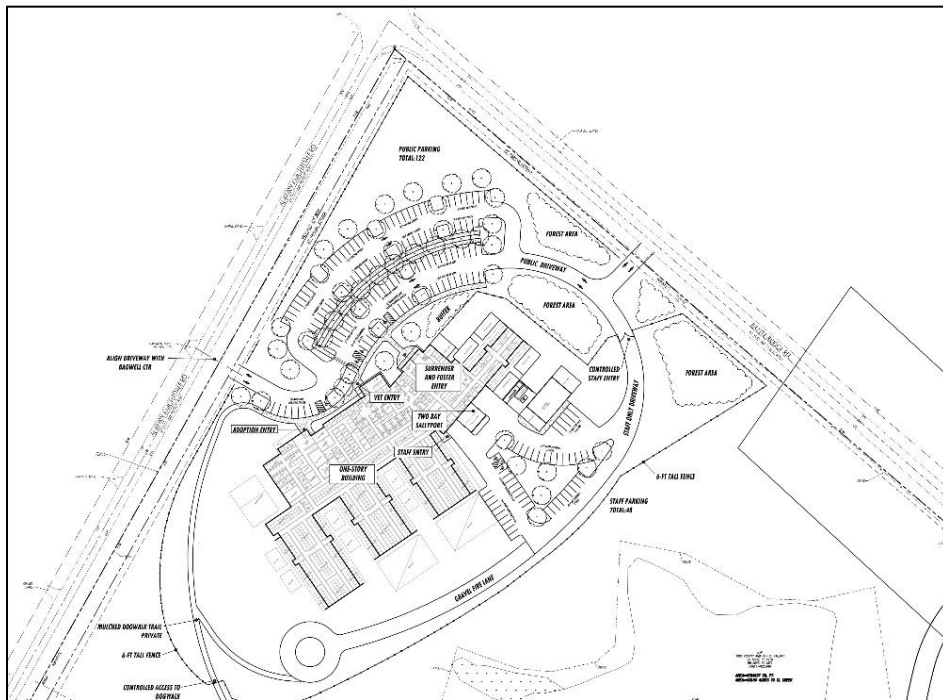
- Separate intake, adoption, and clinic entrances
- Separation of populations and animal flow
- Properly sized multi-compartment housing units to limit stress.
- Follow State requirements for HVAC, plumbing and electric/lighting
- Provide outdoor runs and spaces for meet-and-greet
- Real life adoption spaces

The new animal center will include approximately 56,000 square feet of interior conditioned space and 14,600 square feet of covered exterior space plus a 2,400 square foot warehouse. Animal housing will include kennels for 265 dogs and 198 cats. The building also includes space for veterinary services, animal intake, shelter staff, support spaces, a warehouse, space for public visitors and exterior animal exercise yards.

The site for the new animal center is located at 7800 Battle Bridge Rd. in Raleigh. The parcel is approximately 110 acres but the animal shelter will only use approximately 17 acres. The facility will be sited at the northwest corner near the intersection of Battle Bride Rd. and Auburn Knightdale Rd. The land is currently zoned R-4 which must be rezoned and obtain a special use permit for the intended use. The rezoning process was initiated in May 2025 and the approval process expected to run until Spring 2026.



Location Plan



Conceptual Site Plan



Preliminary Floor Plan

With much success, Wake County has used the Construction Management at Risk (CMAR) delivery method for constructing numerous buildings. It is proposed that the CMAR method be used to implement this new animal center facility. This Request for Qualifications outlines the steps the County will take in selecting a CMAR for the project.

**II. PROJECT TIMELINE & CURRENT STATUS.**

It is anticipated the CMAR selection will be finalized during the Schematic Design Phase of the project. The animal shelter includes several advanced building systems and significant site development that necessitates the need for a construction manager. Kennels are designed for animal comfort and separation and include sloped floors with separate drains to prevent spread of disease and allow for proper cleaning. Heating and cooling requirements for the animals require 100% fresh air and isolation to each kennel room with attention to health, comfort and odors. Several fenced outdoor spaces used for dog exercise and adoption meet and greet require proper drainage and ability for staff to maintain a clean safe environment. These complexities necessitate the expertise of a CMAR, which will bring significant value to the project through constructability recommendations, cost control, schedule control and collaborative efforts that this delivery method offers.

A brief summary of the project milestones is shown below:

| <b><u>Activity/Task</u></b>                   | <b><u>Completion Date</u></b> |
|---|-------------------------------|
| Schematic Design Completion .....             | September 2025                |
| Design Development Phase Complete .....       | December 2025                 |
| Construction Document Phase Complete .....    | June 2026                     |
| Permitting/Agency Approval.....               | October 2026                  |
| Bidding & Contracting Phase .....             | July - October 2026           |
| Award Initial Construction GMP Contract ..... | October 2026                  |
| Begin Construction .....                      | November 2026                 |
| Construction Complete.....                    | March 2028                    |
| Grand Opening .....                           | May 2028                      |

\* This is a general schedule. The Owner will entertain recommendations to phase portions of the work in order to provide for an earlier start to construction of the project, including the possibility of multiple GMP contract bid packages.

### **III. FUNDING PLAN FOR THE PROJECT**

The funding for this project is captured in the Wake County Capital Improvement Plan. The budget set aside for construction of this project is **\$44.6 Million not including contingency**. This is the combined cost of the new building, site development, public art and, and includes general conditions, fee and overhead costs. Select FF&E equipment will be integrated into the building and in some cases is not part of the budget referenced above.

### **IV. DELIVERY METHOD FOR DEVELOPMENT OF THE PROJECT**

A general outline of the anticipated delivery approach to development of the project follows:

#### **A. Design, Bidding, Construction, Warranty Phase Professional Services**

The following design team has prepared the programming phase of this project. This team will serve as the design team of record for the length of the project:

##### New Animal Center Detailed Design Team

- RND Architects – Architectural Design
  - Animal Arts – Animal Shelter Specialist
  - CLH Design – Landscape Architecture & Civil Engineering
  - Lynch Mykins – Building Structural Engineering
  - 20/20 Engineering – Mechanical & Plumbing Engineering
  - AE Design – Electrical Engineering
  - Maria Lindqvist Designs – Interior Design
  - REI Engineers – Roofing & Building Enclosure Consultant
- Security Consultant – Protus3

#### **B. Construction Services - The County will select a well-established construction firm experienced with the North Carolina Construction Manager at Risk (CMAR) delivery method.**

- Preconstruction – Design Development and Construction Documents Phases: Construction Manager-at-Risk
- Procurement  
Minority Business Enterprise Outreach: Local firm with demonstrated success in recruitment and stimulation of interest by MBE firms (Part of CMAR Team)  
Bidding and Construction Contracting: Construction Manager-at-Risk

#### **C. Specialty Building Systems Consulting**

- Building Systems Commissioning: Commissioning Agent to be Selected by County
- Construction Quality Assurance: Testing and Inspection Firms under Direct Contract with County to supplement Project Team basic services

#### **D. Furniture, Furnishings, Equipment and Signage Procurement**

- Plans, Specifications, Bidding: RND Architects
- Contracting Entity: Wake County
- Installation Coordinator: Wake County (with assistance from Project Team)

- E. **Project Management Systems** - The CMAR will be expected to implement and maintain a Web based project management service for the duration of the project. These services shall be used to coordinate and track all project correspondence.

## V. **OUTLINE SCOPE OF SERVICES**

The following outline scope of services is meant to give the proposers an overview of the minimum services required for this project. The detailed scope of services will be contained in an Agreement for Construction Manager at Risk Services.

### A. **Design**

- Review plans and schedules for phased construction and provide phasing recommendations.
- Develop preliminary CPM schedule; identify critical path for regulatory approvals/permitting.
- Perform “constructability” and maintainability reviews of the construction documents
- Develop cost estimates and schedule; from design development phase to construction documents phase
- Provide detailed construction cost estimates, in CSI format and sorted by trade bid packages.
- Provide quality and cost analyses of different construction methods in each major trade group for potential quality, cost and schedule enhancements; develop value engineering options.
- Prepare construction delivery and staging

### B. **Bidding and Contracting**

- Prepare list of bid packages, advertise and distribute bidding documents
- Identify bidders, generate bid documents and prequalify bidders for all packages.
- Schedule and conduct pre-bid conferences in conjunction with the Designers.
- Conduct minority business outreach program to encourage their participation.
- Review and analyze bids and work with Owner to develop GMP recommendations.

### C. **Guaranteed Maximum Price** (Post Bid GMPs)

- Identify number of GMPs required to best suite project budget and schedule
- Develop draft Guaranteed Maximum Price (GMP) documents
- Reconcile schedule and cost against pre-established budget and schedule.
- Develop Final Guaranteed Maximum Price document
- Develop Minority Trade Contractor Participation summary

### D. **Construction Phase**

- Maintain on-site staff for management of construction activities.
- Develop and maintain detailed CPM schedule
- Prepare and submit change order documentation for approval of the Designer and Owner.
- Maintain a system for review and approval of shop drawings, samples and product data.
- Maintain records and submit formal monthly reports to Designer and Owner.
- Maintain quality control and ensure conformity to plans.
- Coordinate post-completion activities, including all closeout, warranty and record documents
- Coordinate and monitor the satisfactory resolution of “punch-list” items.
- Coordinate building systems commissioning activities.

**E. Project Closeout/Warranty**

- Coordinate furniture, furnishings and equipment deliveries/ installation, procured by Owner
- Submit record drawings for approval of the Designer and the Owner
- Assist in transition to occupancy
- Receive, record and satisfactorily address all warranty issue
- Coordinate warranty period walk-throughs

**VI. SUBMISSION REQUIREMENTS**

Submittals shall be made on 8.5" x 11" paper, side bound with Table of Contents and reference tabs for key sections. The total submittal shall not exceed forty (40) single-sided pages. Supplemental proposal documents (legal history, trade contractor listing, team member resumes) are not included in the 40-page limitation. All pages are to be consecutively numbered. A thumb drive with a digital copy of the submission, PDF format, shall accompany the hardcopies when submitted. All materials not clearly labeled "Trade Secret" or "Confidential" shall become property of Wake County and will be considered public documents (Reference Section XI - Confidentiality). Submittals must include, at a minimum, the following:

**A. Qualifications and Experience**

Overview and Profile of CMAR Firm(s)

- Provide corporate history of firm, including year first organized, corporate structure, partners, confirmation of authority to conduct business in North Carolina, including all licenses and any subsidiary or affiliated companies in which principals have financial interest.
- Provide organizational chart of company, including joint venture partners
- Provide contact information for key executive(s) assigned to this project
- Describe years in business, length of time firm has provided construction services and dollar volume of all construction projects completed within the last 5 years by year.
- Provide the number of full-time employees within your company. If company has multiple branch offices, list the number of full-time employees within the local branch office, and/or the office from which the company proposes to provide services for this project.

Construction Management at Risk Services:

1. Provide the number of years the company has provided CMAR related services.
2. List all public or privately funded North Carolina CMAR projects completed or begun within the past 5 years (with completion date and dollar value)
3. Provide the following information on the three (3) listed projects that you believe to be most similar or relevant, completed in the past 5 years and include the following information:
  - a. Project Description
    - Location, basic project description, square footage, number of stories
    - Total cost at completion
    - CM fees earned for each project as a percentage of GMP (construction)
    - Preconstruction fee.
    - Bid date and comparison of final estimated cost for the GMP immediately before bids were opened and actual cost of work immediately after bid opening (before VE)
    - Provide a detailed explanation if project cost exceeded initial GMP or estimated cost
    - Identify the quantity and total value of approved change orders.
    - Minority Business Participation achieved as a percentage of the Total Contract Amount or GMP (as applicable) for each project.

- c. Time and Schedule
    - Show your record of meeting substantial completion dates for CMAR projects for each of the projects listed above.
    - Provide a detailed explanation if project completion date was beyond the completion date as adjusted by change order(s).
  - d. Reference Information - provide contact information for each of the following:
    - Developer (if appropriate)
    - Owner's Project Manager
    - Architect
    - Your firm's Project Manager
4. Provide a list of all the company's current "Construction Manager at Risk" project commitments in **North Carolina** including the name, location, time frame to complete, and the following information for each project:
- Total Project budget
  - Construction cost
  - CMAR preconstruction fee
  - CMAR construction management fee
  - Contact information for Owner and Lead Designer for each project
5. Information on Proposed Project Team
- Provide Project Staff Organization Chart (In-house and Consultant team members)
  - Provide brief resumes of each Project Team member; at minimum, list proposed Project Executive, Project Manager and Superintendent, list years of experience with the company, year of overall experience and relevant experience to this project  
**Resumes should be included in a Supplemental bound document and included with the CMAR's submittal package. The Resume Supplement will not count towards the proposal page limitation.**
6. Financial Stability (Information can be submitted in a separate envelope marked "Confidential-Do Not Release Publicly" – any information in the separate envelope will not count towards the proposal page limitation)
- Attach an original letter addressed to Wake County from a surety company or its agent licensed to do business in North Carolina verifying company's **capacity** to provide adequate performance and payment bonds for this project.
7. Legal History for Past Five (5) Years (Information can be submitted in a separate envelope marked "Confidential-Do Not Release Publicly – any information in the separate envelope will not count towards the proposal page limitation)
- Provide description of any claims not resolved within 180 days of substantial completion and/or any litigation for any project (CMAR or otherwise) completed within past 5 years
8. Project Approach
- a. Project Planning: Provide a brief narrative addressing how the proposer will provide professional construction services under the CMAR method of delivery for this project in both the pre-construction and construction phases for:
    - (1) Value Engineering
    - (2) Constructability Issues
    - (3) Cost Estimating and Budget Management
    - (4) Quality Control
    - (5) Adherence to Project Schedule

- b. Minority Business Enterprise (MBE) Outreach: Identify your five (5) most successful projects relative to MBE participation (i.e., goals were met or exceeded); Describe what strategies were used to make these projects successful; Specifically indicate the percent MBE participation on each of the five (5) projects.
- c. Identify how you will achieve maximum “Local” trade contractor and supplier involvement. Describe your relationship with local trade contractors by providing list of trade contractors with whom you have done business in North Carolina within the past five years. **(Information can be submitted in a separate envelope marked "Confidential-Do Not Release Publicly" – any information in the separate envelope will not count towards the proposal page limitation)**
- d. Describe how the project team proposes to use technology to manage and control the project, including Building Information Modeling and a shared submittal system.
- e. Description of the CMAR's Safety Program and historical safety record.

**Fully complete, sign, notarize and submit the “Submittal Certification Form” included as Attachment to this RFQ.**

#### **VII. QUESTIONNAIRE (considered as part of the 40-page limit)**

Respondents are required to provide responses to the following questions. Each question is to be listed in italics, followed by the response in normal type style.

- A.** Provide an overview of your team’s philosophy for managing construction of a state of the art public animal care facility.
- B.** Describe your approach to maintenance considerations during the various review stages of the design and construction of a project.
- C.** Explain your procedures for document quality control and coordination of the various trade packages in the design and procurement phases relative to review of drawings and specifications.
- D.** Describe how the team would provide cost management services on this project using the CMAR delivery method. Provide the best cost-model format you have used on other projects.
- E.** Describe your proposed method and time frame for developing the Guaranteed Maximum Price.
- F.** Explain the management tools, techniques and procedures you use to monitor and maintain the project schedule (from schematic design through closeout of the project).
- G.** Describe your approach to collaboration with the County and the Design Team relative to project design and materials/systems research that will assure the functional, aesthetic, and quality requirements are satisfactorily addressed for this project.
- H.** Describe your team’s approach to encouraging MBE participation to assure compliance with the County’s MBE Policy. County MBE ***Resolution is attached to this RFQ in Appendix B.***
- I.** How do you manage the time and quality aspects of the process of reviewing and approving subcontractor submittals, clarification requests, issuance of bulletin drawings, development of cost proposals, identification and justification of change orders, payment requests, commissioning, final inspections and assembly of the project close-out documents?
- J.** How do you manage project close out in a manner that quickly provides for occupancy with minimal punch list items and warranty issues?

- K. Describe your team’s commitment to the success of this project and why you believe your assembled team is the best choice for this project.

**VIII. SELECTION OF CMAR TEAM**

A selection committee will conduct a rigorous review and evaluation of the qualifications and experience of any firm that expresses interest in providing such services to the County. This approach ensures that the CMAR is selected in a fair and uniform manner, that the CMAR selected for the project is qualified and experienced in constructing public facilities and that every qualified CMAR has the opportunity to be considered for providing their services to the County.

**A. Process**

- Qualification Stage: A Request for Qualifications (RFQ) is being sent to construction firms identified on the County’s current “Capital Improvement Program” List of Firms that have previously expressed interest in being considered for providing CMAR services for this type of project. Upon receipt of Submittal Packages from respondents, Selection Committee members will review and identify (“short list”) those teams that appear to be most qualified to provide services for the project.
- Presentations and Interviews: Separate presentations and interview sessions will be scheduled with the “short-listed” firms to permit Selection Committee members to further evaluate each firm’s qualifications. Promptly after the interviews the Selection Committee will make their final selection.
- Contract Negotiations: Following the Selection Committee’s final selection, the Facilities Design & Construction office will be directed to negotiate final terms, conditions and fees of an agreement with the selected CMAR Team. In the event negotiations prove unsuccessful with this team, the County will initiate negotiations with the next highest ranked short listed firm.

**B. Proposal Submittal Timeline**

The key activities and milestone dates for the CMAR team selection and contracting process are listed below. Note that this is a very tight submittal schedule:

| <u>Activity</u>                                     | <u>Milestone Date(s)</u>           |
|---|------------------------------------|
| RFQ Published & Distributed                         | August 6, 2025                     |
| Deadline for Respondent Questions                   | August 22, 2025                    |
| <b>Proposal Submission Deadline</b>                 | <b>September 4, 2025 (2:00 PM)</b> |
| Announce “Short Listed” CMAR Teams                  | September 24, 2025                 |
| Selection Committee Interviews “Short Listed” CMARs | Reserve October 6-10, 2025         |
| CMAR Team Selection Completed                       | October 17, 2025                   |
| Contract Negotiations Completed                     | October 31, 2025                   |

**C. Evaluation Criteria**

Criteria similar to the following will be used to evaluate submittals from CMAR Teams and to select Teams for further consideration. The order in which criteria is listed does not indicate any priority, rank or relative importance. The Selection Committee will establish the relative importance and final listing of evaluation criteria.

1. Past performance on similar projects.
2. Qualifications and experience of CMAR team proposed for the project.
3. Capabilities and experience in the CMAR method on publicly funded projects.
4. Experience and successful relationship with local trade contractors and suppliers.
5. Proposed approach and proven success in encouraging minority participation.

6. Demonstrated success in cost control and maintaining schedules on publicly funded projects.
7. Current workload and staff availability for the project.
8. Proposed approach to delivering construction services for projects of this type (including satisfactory response to this RFQ).
9. Proximity to and familiarity with the area where the project is located.
10. Record of successfully completed projects without significant legal or technical problems.
11. Other factors that may be appropriate for the project.

**IX. DUE DATE FOR SUBMITTING QUALIFICATIONS**

**Seven (7) complete packages including (1) thumb drive must be received at the following address by 2:00 pm, EST, on Thursday, September 4, 2025, per the schedule above:**

To: County of Wake  
 Facilities Design & Construction  
 Attention: Patrick McHugh, Facilities Project Manager  
 email: patrick.mchugh@wake.gov  
 Phone: (919) 856-6357

Mailing Address:  
 PO 550  
 Wake County Office Building,  
 Suite 1100  
 Raleigh, NC 27602

Delivery Address:  
 336 Fayetteville St.  
 Wake County Office Building,  
 Suite 1100  
 Raleigh, NC 27601

**X. GENERAL COMMENTS OR CLARIFICATIONS**

- A. Any cost incurred by respondents in preparing or responding to this RFQ shall be the respondents' sole responsibility.
- B. All responses, inquiries or correspondence relating to this RFQ will become the property of Wake County when received (subject to Section XI - Confidentiality).
- C. Wake County has sole discretion and reserves the right to reject any and all responses received with respect to this RFQ and to cancel the RFQ process at any time prior to entering into a formal agreement. The County reserves the right to request additional information or clarification of information provided in the response without changing the terms of the RFQ.
- D. Respondents are advised to refrain from contact with Selection Committee members. **Any specific questions regarding the Request for Proposal should be directed to the Wake County Facilities Design & Construction office in writing to the email listed above for Patrick McHugh.**

## **XI. CONFIDENTIALITY OF DOCUMENTS**

In general, documents that are submitted as part of the response to this RFQ will become public records, and will be subject to public disclosure. North Carolina General Statutes Section 132-1.2 and 66-152 provide a method for protecting some documents from public disclosure. If the CMAR Team follows the procedures prescribed by those statutes and designates a document “confidential” or “trade secret”, the County will withhold the document from public disclosure to the extent that it is entitled or required to do so by applicable law.

If the County determines that a document that the CMAR Team has designated “confidential” or “trade secret” is not entitled to protection from public disclosure, the County will provide notice of that determination to the contact person designated by the CMAR Team, in any reasonable manner that the County can provide such notice, at least five business days prior to its public disclosure of the document. If the CMAR Team does not designate anyone to receive such notice, or if, within five business days after the designated person receives such notice, the CMAR Team does not initiate judicial proceedings to protect the confidentiality of the document, the County will not have any obligation to withhold the document from public disclosure.

By submitting to the County a document that the CMAR Team designates as “confidential” or “trade secret”, the CMAR Team agrees that in the event a third party brings any action against the County or any of its officials or employees to obtain disclosure of the document the CMAR Team will indemnify and hold harmless the County and each organization’s affected officials and employees from all costs, including attorney’s fees incurred by or assessed against any defendant, of defending against such action. The CMAR Team also agrees that at the County’s request the CMAR Team will intervene in any such action and assume all responsibility for defending against it, and that the CMAR Team’s failure to do so will relieve the County of all further obligations to protect the confidentiality of the document.

**An electronic version of this RFQ is available at the Wake County’s website under Purchasing/Bids and Notices: <http://www.wakegov.com/finance/business/rfp/Pages/bids.aspx>**

**XII. SUBMITTAL CERTIFICATION FORM FOR WAKE COUNTY WESTERN REGIONAL CENTER PROJECT CMAR RFQ**

**\*\*COMPANY NAME\*\***

Title:  
Attest:

(SEAL)

License number under which the project will be executed:  
Name license number above is held in

**REQUEST FOR QUALIFICATIONS**

VERIFICATION (Provide separate verifications for each Joint Venture or Partnership entity)

I HEREBY CERTIFY THAT THE RESPONSES OF ARE CORRECT AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE AND FOR THOSE RESPONSES GIVEN WHICH ARE BASED ON INFORMATION AND BELIEF, THOSE RESPONSES ARE TRUE AND CORRECT BASED ON MY PRESENT BELIEF AND INFORMATION

This the day of , \_\_\_\_\_ 2025.

**\*\*COMPANY NAME\*\***

Title:

STATE OF

COUNTY OF

I, a Notary Public in and for the County and State aforesaid, do hereby certify that personally came before me this day and acknowledged that he is of and by that authority duly given and as an act of, the foregoing instrument was signed by, its, attested by him/herself as Secretary, and sealed with the common seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the \_\_\_\_\_ day of 2025

Notary Public

My commission expires:

**REQUEST FOR QUALIFICATIONS  
CONSTRUCTION MANAGER AT RISK SERVICES  
NEW WAKE COUNTY ANIMAL CENTER**

**APPENDIX A**

**[Wake County Animal Center Advanced Planning Report](#)**

Provided upon request via email to [patrick.mchugh@wake.gov](mailto:patrick.mchugh@wake.gov)

**REQUEST FOR QUALIFICATIONS  
CONSTRUCTION MANAGER AT RISK SERVICES  
NEW WAKE COUNTY ANIMAL CENTER**

**APPENDIX B**

**Wake County MBE Resolution**

*As Follows:*

**PART 1 WAKE COUNTY MINORITY AND WOMEN BUSINESS ENTERPRISE  
RESOLUTIONS FOR CONSTRUCTION CONTRACTS**

**1.1 R-02-52 RESOLUTION UPDATING WAKE COUNTY PROCEDURES AND  
POLICIES RELATING TO COUNTY CONSTRUCTION  
PROJECTS AWARDED PURSUANT TO N.C.G.S. §143-128 ET  
SEQ.**

WHEREAS, the North Carolina General Assembly has recently amended Article 8 of N.C.G.S. Chapter 143, Public Contracts, to increase the threshold for public contracts which must be bid, and to make other changes related to construction methods, construction management and minority business participation, and

WHEREAS, Wake County has adopted resolutions directing the County Manager to prepare and maintain minority and women business enterprise programs for all construction projects funded by Wake County (R-88-20) and establishing a verifiable percentage goal for minority business in awarding construction contracts the costs of which exceed one hundred thousand dollars (\$100,000) (R-90-13), and

WHEREAS, recent amendments to N.C.G.S. §143-129(a) have increased the threshold amount of public construction contract which must be bid from one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000), and

WHEREAS, N.C.G.S. §143-128(a1) has increased the permissible methods that public bodies may use in awarding construction contracts, and

WHEREAS, N.C.G.S. §143-128.2 now requires more extensive efforts and detailed record keeping related to minority business participation in construction projects,

NOW, THEREFORE, BE IT RESOLVED by the Wake County Board of Commissioners

Section 1. That Resolutions R-90-13 and R-88-20 be amended to provide that the County Manager be directed to establish policies and procedures for bidding and awarding County building projects which comport with the requirements of Article 8 of N.C.G.S. Chapter 143, Public Contracts, as it is from time to time amended, and which are consistent with the policies contained in those Resolutions.

**1.2 R-90-13 RESOLUTION TO ESTABLISH A VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY BUSINESS IN THE AWARDING OF BUILDING CONSTRUCTION CONTRACTS AWARDED PURSUANT TO N.C.G.S. §143-128**

WHEREAS, N.C.G.S. §43-128(c) requires each county to adopt, after notice and a public hearing, an appropriate verifiable percentage goal for participation by minority businesses (as defined in that statute) in the total value of work for building contracts the costs of which exceed one hundred thousand dollars (\$100,000) and which are awarded pursuant to N.C.G.S. §143-128; and

WHEREAS, N.C.G.S. §143-128(c)(3) requires a county awarding a building contract the cost of which exceeds one hundred thousand dollars (\$100,000) under a separate prime or separate specification contract system to adopt written guidelines specifying actions that will be taken by the county to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts awarded under the separate prime or separate specification contract system; and

WHEREAS, N.C.G.S. §143-128(c)(4) requires a county awarding a building contract the costs of which exceeds one hundred thousand dollars (\$100,000) under a single-prime contract system to adopt written guidelines specifying the action that the prime contractor must take to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts awarded under the single prime contract system; and requires that action taken by the prime contractor must be documented in writing by the contractor to the County; and

WHEREAS, N.C.G.S. §143-128(b) requires that a county choosing to use a single-prime contract system must also seek bids for a building contract the cost of which exceeds one hundred thousand dollars (\$100,000) under a separate prime or separate specification contract system and must award such building contract to the lowest responsible bidder or bidders for the total project; and

WHEREAS, N.C.G.S. §143-128(d) requires the county to award public building contracts the costs of which exceed one hundred thousand dollars (\$100,000) without regard to race, religion, color, creed, national origin, sex, age or handicapping condition; and

WHEREAS, notice of the public hearing was duly published and the public hearing required by N.C.G.S. §143-128(c) was held February 19, 1990;

NOW THEREFORE, BE IT RESOLVED BY the Wake County Board of Commissioners

Section 1. That Wake County shall have a verifiable goal of ten percent (10%) for participation by minority businesses in building construction contracts awarded pursuant to N.C.G.S. §143-128.

Section 2. That for each such building contract put out for bids under the separate specification or the single prime contract systems, notice of the contract shall be transmitted to the Minority Business Development Agency in Raleigh, North Carolina and the North Carolina Institute of Minority Economic Development in Durham, North Carolina (hereinafter "minority agencies").

Section 3. That for each such building contract put out for bids under the separate specification or single prime contract systems, documents related to the contract shall be available for inspection at a convenient and accessible location of which minority agencies shall receive notice.

Section 4. That for any such building contract put out for bids under the separate specification contract system, the County shall maintain records with respect to:

- a. those contractors or subcontractors that bid or otherwise respond to notice of the project,
- b. those contractors or subcontractors awarded contracts as part of the project, and
- c. the percentage of work on the project that is to be performed by minority businesses.

Section 5. That for any such building contract put out for bids under the single prime contract system, the single prime contractor shall:

- a. notify appropriate minority businesses of the portion of the project which will be subcontracted by the single contractor and solicit bids from those minority agencies.
- b. submit with his bids records with respect to:
  1. those minority subcontractors notified of the project and of those elements of the project for which subcontracts will be let, and
  2. those minority subcontractors that bid or otherwise respond to notice of the project, and
  3. those minority subcontractors awarded contracts as part of the project, and
  4. the percentage of work on the project that is to be performed by minority businesses.

Section 6. That these policies shall be a part of the request for proposals for any such contract, and noncompliance by any single prime bidder shall be grounds for declaring the bid non-responsive.

Section 7. The County Manager is hereby authorized to impose additional requirements, not inconsistent with the requirements of this resolution and pursuant to the resolution of this Board enacted February 28, 1988, the purposes of which are to promote the goal and intent of this resolution.

Commissioner Heater moved the adoption of the foregoing resolution. Commissioner Ward seconded the motion and, upon vote, the motion passed unanimously this the 19th day of February, 1990.

**1.3 R-88-20 WAKE COUNTY, NORTH CAROLINA MINORITY AND WOMEN BUSINESS ENTERPRISE RESOLUTION FOR CONSTRUCTION CONTRACTS**

WHEREAS, the Board of County Commissioners of Wake County, North Carolina desires that all segments of the population of Wake County have equal opportunity to compete for contracting and subcontracting work offered by the County; and

WHEREAS, it is in the best interest of Wake County to develop and maintain as large a pool of qualified, prospective contractors to draw upon as possible;

WHEREAS, it is the judgment of the Wake County Board of Commissioners that the County has a compelling interest to implement a minority/women business enterprise program to ensure the representative participation of all segments of the population in the County's economy; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Wake County declares that it is their policy to provide minorities and women equal opportunity to participate in all aspects of the County's construction program consistent with Chapter 143, Article 8 of the General Statutes of the State of North Carolina.

BE IT FURTHER RESOLVED that the Board of Commissioners of Wake County hereby directs the County Manager to prepare and maintain a minority and women business enterprise program for all construction projects funded by the County.

Upon motion of Commissioner Stout, seconded by Commissioner Zieverink, and upon roll call vote, the Board adopted the above resolution this 29<sup>th</sup> day of February 1988

**PART 2      MINORITY BUSINESS ENTERPRISE PARTICIPATION IN WAKE COUNTY  
BUILDING CONSTRUCTION AND REPAIR CONTRACTS**

**2.1      POLICY STATEMENT**

It is the policy of the County to encourage minorities to participate in its building construction, renovation and repair projects.

It is further the policy of the County to prohibit illegal discrimination against any person or business enterprise and to conduct its building construction, renovation and repair programs so as to prevent such discrimination.

It is the policy of the County in concert with other local, state and federal agencies and with the assistance of minority groups and agencies, to seek and identify qualified minority business enterprises (MBEs) and to offer them the opportunity to participate, and to encourage them to participate, in the County's building construction and repair programs. Under this policy, the County adopts the definition of MBEs contained in N.C.G.S. § 143-128.2.

It is the policy of the County to provide information and opportunities to minority business enterprises that are available to other business enterprises, and to establish procedures providing MBEs access to information and opportunities available to other business enterprises.

It is the intent of this policy to secure contractors' participation and ensure competition. Nothing in this policy shall be construed to require contractors or the County to award contracts or subcontracts 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.

The County will award public building construction and repair contracts to the lowest responsible, responsive bidder as provided by Article 8 of Chapter 143 of the North Carolina General Statutes.

**2.2      SCOPE:      This Policy Applies To Minority Business, Minority Persons, and  
Socially and Economically Disadvantaged Individuals [Ref: N.C.G.S.  
§143-128.2(g)]**

- A.      A Minority Business (MBE) is a business:
  - 1.      In which at least fifty-one percent (51%) is owned by one or more minority persons or socially and economically disadvantaged individuals, 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

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.
- B. A Minority Person<sup>1</sup> is a person who is a citizen or lawful permanent resident of the United States, and who is:
1. Black, that 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 or Alaskan Native, that is, a person having origins in any of the original peoples of North America; or
  5. Female.
- C. A Socially and Economically Disadvantaged Individual is defined by 15 U.S.C. 637 as a socially disadvantaged individual 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. In determining the degree of diminished credit and capital opportunities, the federal government considers factors such as assets and net worth. This category includes members of economically disadvantaged Indian tribes.

### **2.3 VERIFIABLE GOALS FOR MINORITY BUSINESS ENTERPRISE PARTICIPATION<sup>2</sup>**

- A. County Funded Building Construction or Repair Projects costing \$5000 or more.
1. The County has established a verifiable goal of ten percent (10%) for participation by minority businesses in building construction and repair projects covered by this section. [Ref: N.C.G.S. §143-128.2 (a)]
- B. For Building Construction or Repair Projects Using State Appropriations or Other State Grant Funds Where the Project Cost is Equal to or Greater than One

---

<sup>1</sup> For building projects funded in whole or in part with federal funds, Hasidic Jews are also considered minority persons.

<sup>2</sup> Projects funded in whole or in part with federal funds will comply with applicable federal thresholds regarding Minority and Woman Owned Business Enterprises participation.

Hundred Thousand Dollars (\$100,000), the County shall use the State's verifiable goal of ten percent (10%) for participation by minority business in building construction and repair projects covered by this section. [Ref: N.C.G.S. §143-128.2 (a)]

**PART 3 REGULATIONS AND PROCEDURES FOR IMPLEMENTING MINORITY BUSINESS ENTERPRISE PARTICIPATION POLICY**

**3.1 INFORMAL BUILDING PROJECTS:** Building construction and repair projects costing more than Five Thousand Dollars (\$5,000), but less than Three Hundred Thousand Dollars (\$300,000).

A. County Responsibilities:

1. Notify Minority Business Enterprises of bidding opportunities by one of the following methods:
  - a) Advertise the project at the Raleigh/Durham/Triad Minority Business Development Center or similar institution, or;
  - b) Advertise the project in an identified Minority Business Enterprise targeted newspaper(s) or;
  - c) Attempt to contact Minority Business Enterprises totaling at least 30% of the total number of vendors contacted [Ref.: N.C.G.S. §143-129. (b)]
2. Record all contractors contacted, along with the list of contractors provided with bidding documents.
3. Identify Minority Business firms contacted and record their minority category.
4. Record all contractors submitting bids, along with the amount of each bid.
5. Within five (5) days of project completion, submit a completed "Informal Construction Project Report Form" to the Wake County Finance Department.
6. The Wake County Finance Department will collect store, and report data and forms referenced in this Section 00600. See Section 3.3

B. Contractor Responsibilities:

1. The Contractor will provide the following documentation, Wake County Form MBE-6, at contract closeout and prior to final payment by the county.
  - a) A list of minority business's used on the project, identifying the businesses name, type of work performed, and minority category.
  - b) List the dollar amount paid to each minority business and the percentage it represents of the final project value.

**3.2 FORMAL BUILDING PROJECTS:** Building construction and repair projects costing Three Hundred Thousand Dollars (\$300,000) or more.

A. County Responsibilities:

1. Advertise Building Projects. When soliciting bids for formal building construction and repair projects, the county must
  - a) Advertise or post notice of bid opportunities to MBE and other potential bidders in trade publications (or whatever it is that we use now) and MBE targeted publications, plans review rooms or newspaper(s) with general circulation at least fourteen (14) days prior to the scheduled bid opening date. [Ref: N.C.G.S. §143-128.2(e)(3)]
  - b) Include the following in each advertisement or notice published: (i) a description of the work for which the bid is being solicited; (ii) the date, time, and location where bids are to be submitted; (iii) the name of the individual within the public entity who will be available to answer questions about the project; (iv) where bid documents may be reviewed; (v) notice of the date, time, and location of the prebid conference. [Ref: N.C.G.S. §143-128.2(e)(3)]
2. Hold a prebid conference prior to bid opening for each project and assure a County representative is in attendance. [Ref: N.C.G.S. §143-128.2(e)(2)]
3. Allow contractors to obtain, at least 10 days before the bid date, a complete set of Bidding Documents by providing a refundable deposit as outlined in the project Advertisement or published notice. Deposits will be refunded as stipulated in the Bidding Documents. [Ref: N.C.G.S. §43-128.2(e)(2)]

4. Include in the bidding documents for each project the following forms and a statement that all contractors submitting bids must include all applicable forms, fully completed, and that failure to file required forms with bids may be grounds for rejection of the bid. [Ref: N.C.G.S. §143-128.2.(c)(1)b.]
  - a) Wake County Form MBE-1, identifying minority business participation;
  - b) Wake County Form MBE-2, affidavit listing contractor's good faith efforts to meet the 10% goal for MBE participation, including any advertisements, solicitations, and evidence of other specific actions to recruit minority businesses for participation in the project;
  - c) Wake County Form MBE-3, affidavit evidencing contractor's intent to perform all contract work with its own workforce; and
  - d) A copy of the County's MBE policy and procedures.
5. Maintain all public records created for each project, including all records and documentation relating to MBE procedures, for a period of three years from the date of project completion. See Section 3.3. [Ref: N.C.G.S. §143-128.2(i)]
6. In any building or repair project financed in whole or in part with federal funds, the County must include a statement that all federal guidelines associated with the source of the federal funds must be complied with. For example, projects funded by HUD must comply with all requirements of 24 CFR §135.

B. Contractor Responsibilities:

1. All bidders on formal building construction or repair projects shall undertake a good faith effort to recruit minority businesses and provide documentation of meeting the minimum requirements of N.C. Gen. Stat. § 143-128.2.
  - a) Failure to comply with these procedural requirements and requirements for submittal of information in the Request for Proposals may render the bid non-responsive and may result in rejection of the bid. [Ref: N.C.G.S. §143-128.2.(c)(1)]
  - b) All contractors, including first-tier subcontractors on construction manager at risk projects, that do not propose to do all of the contract work with their own workforce must advertise for

minority subcontractor, vendors and suppliers at least ten days prior to submission of the contractor's bid. [Ref: N.C.G.S. §143-128.2.(f)(1)]

2. Each bidder, including first-tier subcontractors for construction manager at risk projects, must submit a completed Wake County Form MBE-1 and Wake County Form MBE-2. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit a Wake County Form MBE-3 in lieu of Wake County Form MBE-2 otherwise required under this subsection. [Ref: N.C.G.S. §143-128.2.(c)]
3. The apparent lowest responsible, responsive bidder, must submit the following documents within 72 hours after notification of being the low bidder:
  - a) Form Wake County Form MBE-4, an affidavit 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 10% of the total cost of the contract; or
  - b) Form Wake County Form MBE-5, documentation of good faith effort to recruit MBE participation in the project, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment of minority businesses for participation in the project. [Ref: N.C.G.S. §143-128.2.(c)(1)]
4. Within 30 days after the award of the contract, or sooner if stipulated in the Bidding Documents, the contractor shall provide to the County with a list of all subcontractors that the contractor will use on the project. [Ref: N.C.G.S. §143-128.2.(c)(2)]
5. During the construction of a project, if it becomes necessary to replace an MBE subcontractor, the prime contractor shall advise the Owner in writing. No MBE subcontractor may be replaced with a different subcontractor except for the following:
  - a) If the subcontractor's bid is later determined by the contractor or construction manager at risk to be nonresponsive or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work; or
  - b) With the approval of the County for good cause. [Ref: N.C.G.S. §143-128.2.(d)]

Prior to substituting a subcontractor, the contractor shall identify the substitute subcontractor and inform the County, in writing, of its good faith efforts to replace with another MBE Subcontractor. Good faith efforts as set forth in N.C.G.S. § 143-131(b) apply to the selection of a substitute subcontractor. [Ref: N.C.G.S. §143-128.2(d)]

6. Prior to the final payment being due to the contractor Wake County Form MBE 6, which provides certification of actual work performed by Minority Businesses, must be submitted

### **3.3 COUNTY RECORD KEEPING PROCEDURES FOR MONITORING CONTRACTOR COMPLIANCE ON COUNTY BUILDING CONSTRUCTION AND REPAIR PROJECTS.**

A. FORMAL CONTRACTS. The County shall maintain for three years from project completion date all records with respect to:

1. Those contractors notified or solicited for each building construction or repair projects, noting all that are minority businesses and their minority category.
2. Those contractors that bid or otherwise responded to advertisements or notices of building construction or repair projects, noting all that are minority businesses and their minority category.
3. Prime contracts awarded, the amount of the contracts, identity of those that are minority business.
4. The subcontractors utilized on projects, identity of minority subcontractors, type work performed by minority subcontractors amount paid minority businesses as reported by the prime contractor(s) awarded the bid.
5. The percentage of work on the project performed by minority businesses as reported by the prime contractor. [Ref: N.C.G.S. §143-128.2(i)]

B. INFORMAL CONTRACTS: Documents required to be kept by the County under this section will be maintained in the County Finance Department.

1. The requirements for record keeping for Informal Contracts are the same as for Formal Contracts listed above.

### **3.4 COMPLAINT PROCEDURES.**

#### **A. Formal and Informal Contracts:**

1. Alleged violations of the provisions of this MBE plan by any party should be reported in writing to the County Manager or his/her designee.
2. The County Manager or his/her designee shall review all facts available and respond in writing. Unresolved complaints may be presented to the Board of County Commissioners. The decision rendered by the Board will be final.



**Attach to Bid**

**Wake County – Form MBE-2 (2002)**

**Listing of the Good Faith Effort**

Affidavit of \_\_\_\_\_  
(Name of Bidder)

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 1.0101)**

- 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 GS 143-128.2(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: \_\_\_\_\_



State of North Carolina, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

**{Note: Attach to Bid Only if Bidder Performs All Work With Own Workforces }**

**Wake County Form MBE-3 (2002)**

**Intent to Perform Contract with Own Workforce**

Affidavit of \_\_\_\_\_  
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the project

\_\_\_\_\_  
(Name of Project)

**In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and**

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



State of North Carolina, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

# Wake County Form MBE-4 (2002)

## Portion of the Work to be Performed by Minority Firms

**\*\* (NOTE: THIS FORM IS NOT TO BE SUBMITTED WITH THE BID PROPOSAL) \*\***

If the portion of the work to be executed by minority businesses as defined in GS143-128.2(g) 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, to the Owner, by the apparent lowest responsible, responsive bidder within 72 hours after notification of being the apparent low bidder.

Affidavit of \_\_\_\_\_ I do hereby certify that on the  
(Bidder Name)

\_\_\_\_\_  
(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 | Work description | Dollar Value |
|-----------------------|--------------------|------------------|--------------|
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |

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

Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with 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: \_\_\_\_\_



State of North Carolina, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2003

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

# Wake County Form MBE-5 (2002)

## Good Faith Efforts

**\*\* (NOTE: THIS FORM IS NOT TO BE SUBMITTED WITH THE BID PROPOSAL) \*\***

If the goal of 10% participation by minority business is not achieved, this affidavit shall be provided, to the Owner apparent lowest responsible, responsive bidder within 72 hours after notification of being the apparent low bidder.

Affidavit of: \_\_\_\_\_  
(Bidder)

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

(Attach additional sheets if required)

| Name and Phone Number | *Minority Category | Work Description | Dollar Value |
|-----------------------|--------------------|------------------|--------------|
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |

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

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

- A. Copies of solicitations for quotes to at least three (3) 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 c joint pay agreements to secure loans, supplies, or letter of credit, including waiving credit that is ordinarily required.

Failure to provide the documentation as listed in these provisions may result in rejection of the bid and award to the next lowest responsible and responsive bidder.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_



Signature: \_\_\_\_\_

Title: \_\_\_\_\_

State of North Carolina, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

# Wake County Form MBE-6 (2002)

## CERTIFICATION of Actual Work Performed by Minority Businesses

**NOTE: THIS FORM IS TO BE SUBMITTED PRIOR TO FINAL PAYMENT BEING DUE THE CONTRACTOR**

Affidavit of \_\_\_\_\_  
(Contractor Name)

\_\_\_\_\_  
(Project Name)

Project ID# \_\_\_\_\_ Final Contract Amount \$ \_\_\_\_\_

I do hereby certify that \_\_\_\_\_% of the total dollar amount of the contract was performed with minority business. Such work was subcontracted to the firms listed below.

Attach additional sheets if required

| Name and Phone Number | *Minority Category | Work description | Dollar Value |
|-----------------------|--------------------|------------------|--------------|
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |
|                       |                    |                  |              |

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

**\*\*\*Must list all businesses used, including Prime Contractor, and note which are minority and category\*\*\***

The undersigned hereby certifies that above information is correct to the best of his/her knowledge, information and belief.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_



State of North Carolina, County of \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2002  
Notary Public \_\_\_\_\_  
My commission expires \_\_\_\_\_