



**MINORITY, WOMEN, & SMALL BUSINESS ENTERPRISE PROGRAM
PROCEDURES MANUAL**

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Charlotte-Mecklenburg Schools
Minority, Women, Small Business Enterprise Program

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1.0 INTRODUCTION

1.1 Policy Statement

It shall be the policy of the Charlotte-Mecklenburg Board of Education to promote full and equal access to business opportunities with Charlotte-Mecklenburg Schools. Minority-owned, women-owned, and small business enterprises (collectively “MWSBE”) as well as other responsible vendors shall have a fair and reasonable opportunity to participate in CMS business opportunities.

The Superintendent shall implement an MWSBE Program which includes aspirational goals for M/WBE utilization in proportion to the availability of qualified vendors in particular areas of procurement. An annual report shall be made to the Board of Education regarding MWSBE utilization in comparison to the aspirational goals.

Policy Adopted: 01/12/93
Policy Amended: 07/09/96
Policy Amended: 02/22/05

This Minority, Women, Small Business Enterprise (MWSBE) Program procedures manual provides the procedures for carrying out Charlotte-Mecklenburg Board of Education Policy DJA (the “Policy”) and the supporting regulations. The Policy, which was adopted to promote full and equal access to business opportunities for all persons doing business with Charlotte-Mecklenburg Schools, applies to all departments and divisions of the district and all contractors, vendors, and consultants who seek business opportunities with the school system. Therefore all bids and request for proposals developed for procurement of supplies, services & equipment, design & construction services, and professional services must follow the procedures to ensure compliance with the policy, and all contractors, vendors and consultants must comply with the procedures in the submission of their bid/request for proposal documents.

The Office of Diversity & Inclusion shall administer and monitor compliance with the policy; establish goals of participation; provide forms, applications and documents; establish and maintain a vendor sourcing system of certified minority and women-owned businesses; and be a resource for internal and external users to identify certified firms.

All school district employees engaged in procurement, whether Construction and Repair, Goods, Professional Services, and Other Services should refer to this procedure manual for guidance in all matters relating to the policy. All questions regarding the interpretation of these procedures should be addressed to the Office of Supplier Diverstiy.

1.2 Objectives

- 1.2.1 To provide MWSBEs equal access to opportunity for participation in CMS contracts for Construction and Repair, Goods, Professional Services, and Other Services.

- 1.2.2 To encourage all Charlotte-Mecklenburg Schools' personnel involved in procurement and contracting activities to maintain good faith efforts and appropriate purchasing procedures.
- 1.2.3 To establish aspirational goals of participation for MWSBE firms capable of supplying those goods and services which are necessary for school system operations.
- 1.2.4 To provide procedures for determining and monitoring MWSBE participation and compliance with MWSBE requirements stated in the Policy.
- 1.2.5 To evaluate and report to the Superintendent and the Board of Education the results of contract activity subject to the provisions of the MWSBE Program.
- 1.2.6 To protect Charlotte-Mecklenburg Schools from becoming a passive participant in any unlawful discrimination.
- 1.2.7 To promote awareness of the MWSBE Program throughout Charlotte-Mecklenburg Schools and the Community.

2.0 DEFINITIONS

- 2.1 African American – A U.S. citizen or lawfully admitted permanent resident who originates from any of the black racial groups of Africa.
- 2.2 Asian American – A U.S. citizen or lawfully admitted permanent resident that originates from the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.
- 2.3 Aspirational Goal – A state of affairs that a plan is intended to achieve.
- 2.4 Bid – A response to an invitation to bid or a request for proposals.
- 2.5 Business Enterprise – A corporation, limited liability company, partnership, individual, sole proprietorship, joint stock company, joint venture, professional association, or any other legal entity authorized to do business in the State of North Carolina.
- 2.6 Certification – An application procedure completed by a business enterprise to participate as a minority, women, or small business enterprise under the MWSBE program.
- 2.7 Certified business enterprise – A Minority, Women-Owned or Small Business Enterprise that has been certified by certifying agencies approved by the Administration.
- 2.8 CMBE – Charlotte-Mecklenburg Board of Education
- 2.9 CMS – Charlotte-Mecklenburg Schools
- 2.10 Contract – A binding agreement between two or more persons that is enforceable by law.
- 2.11 Contractor – A person, firm, or legal entity with which Charlotte-Mecklenburg Schools has entered into a contract.
- 2.12 Control – For the purposes of determining whether a business is a minority business, woman business, or small business enterprise, means that the minority group member owners, women owners, or small business owners possess and exercises legal authority, power to manage business assets, goodwill, and daily operations.
- 2.13 Discrimination – To distinguish, differentiate, separate, or segregate solely, but not limited to, on the basis of age, race, religion, color, sex, national origin, handicap or veteran's status.

- 2.14 Good Faith Effort – All activity performed by bidders or departments to assure the participation of minority, women, and small business enterprises in contracts covered under the MWSBE policy.
- 2.15 Hispanic American – A U.S. citizen or lawfully admitted permanent resident of Mexico, Puerto Rico, Cuba, Central America, South America, or other Spanish or Portuguese culture or origin, regardless of race.
- 2.16 Joint Venture – A legal association between business enterprises that provides for a sharing of economic interest and risks.
- 2.17 LEA – Local Education Administration unit, thusly, Charlotte-Mecklenburg Schools.
- 2.18 Minority - As used in this policy means African American (all persons having origins in any of the African racial groups); Hispanic/Latino American (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin); Asian American (all subcontinent, or the Pacific Islands); and Native American (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
- 2.19 Minority Business Enterprise (MBE) – A business enterprise that is owned, operated, and controlled by one or more minority group members who have at least 51% ownership, operational and managerial control, interest in capital, earnings commensurate with their percentage of ownership and not created solely to meet the MWSBE requirements.
- 2.20 MWSBE – Collectively Minority-owned (M), Women-owned (W), Small (S), Business (B) Enterprises (E).
- 2.21 Native American – A U.S. citizen or lawfully admitted permanent resident who originates from any of the original peoples of North America and maintains cultural identification through tribal affiliation or other suitable authority in the community.
- 2.22 Other Services – Any agreement in which an independent contractor performs a service (i.e. maintenance of buildings or equipment, film production, employee training, food services, and forms printed to order).
- 2.23 Owner – Charlotte-Mecklenburg Schools.
- 2.24 Professional Services – Requires specialized knowledge, experience, expertise, or similar capabilities performed by an independent contractor.
- 2.25 Relevant Market Area – Is determined by summing the dollars paid in each county according to business category, number of firms paid contract dollars, and then by the dollar amounts paid up to seventy-five percent (75%) of the total dollars spent.

- 2.26 Small Business Enterprise (SBE) – A business enterprise owned, operated, and controlled by one (1) or more eligible owners who have 51% ownership, interest, holds the professional or contractor license necessary for operation, and is 25% or less of the applicable size standards established by the Small Business Administration (can also include non-minority males).
- 2.27 Socially and Economically Disadvantaged Business – A minority, woman, or small business enterprise owned, operated, and controlled by one (1) or more eligible owners who have 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.
- 2.28 Subcontractor- A business enterprise that has a direct contract with a contractor to perform part of the work on a contract.
- 2.29 Supplier – A business enterprise that furnishes needed items to a contractor; involved in the manufacturing or distribution of the supplies or materials; or otherwise warehouse and ships supplies.
- 2.30 Women Business Enterprise (WBE) – a business enterprise that is owned, operated, and controlled by one (1) or more women who have 51% ownership, interest in capital, earnings commensurate with their percentage of ownership and not created solely to meet the MWSBE requirements.

3.0 ANNUAL ASPIRATIONAL GOALS

Charlotte-Mecklenburg Schools has established annual aspirational goals of participation. The aspirational goals represent the percentage of MWSBE participation that could be attained in the available market. The aspirational goals are based upon an analysis of factors such as size and scope of the contract and the availability of MWSBEs to perform various elements of the contract.

Charlotte-Mecklenburg Schools accepts MWSBE certification and classification from a variety of entities. Only those firms certified by bona fide certifying agencies, including by way of example and not limitation, such as the City of Charlotte, State of North Carolina Historically Underutilized Business (HUB) Office, Carolinas-Virginia Minority Supplier Development Council, National Minority Supplier Development Council, and the Women Business Enterprise Network Council will be credited toward MWSBE utilization. Additionally, Charlotte-Mecklenburg Schools may classify businesses that are not certified by the above entities if a business demonstrates that it meets the certifying entities definition of an MWSBE.

The aspirational goals for MWSBE utilization is summarized in the following chart:

Recommended Aspirational Goals for Each Business Category by Race/Ethnic/Gender Classification Based on MGT Disparity Study

Category	MBE Goal	WBE Goal	Overall MWSBE Goal*
Construction	10%	6%	21%
Architecture & Engineering	4%	7%	16%
Professional Services	9%	9%	23%
Contracted Services (other than Architecture & Engineering and other Professional Services)	5%	4%	14%
Goods	3%	3%	11%

***NOTE: The overall MWSBE goal can be achieved by any combination of participation by MBE and/or WBE firms.**

The Office of Diversity & Inclusion, Procurement Services, and Chief Financial Officer will conduct a formal evaluation of the effectiveness of MWSBE regulations and aspirational goals prior to the sunset expiration. Recommended changes will be forwarded to the Superintendent's office for review. The Superintendent will determine whether the aspirational goals should be modified, eliminated, or remain in effect.

4.0 GOOD FAITH EFFORT PROCEDURES

Charlotte-Mecklenburg Schools shall ensure equal opportunity for all MWSBEs to compete for all services, apparatus, supplies, materials or equipment. MWSBE participation is encouraged through the competitive bid process. These actions shall include the following:

4.1 Procurement Services

The Procurement Services is responsible for all purchasing of Goods and Other Services and shall ensure that there is full and equal opportunity for Minority, Women, and Small Businesses to compete for these goods, other services or equipment through:

- 4.1.1 Soliciting MWSBE firms listed in the vendor sourcing system of available firms.
- 4.1.2 Notifying the Director of Diversity & Inclusion of newly identified MWSBE firms for inclusion in the vendor sourcing system.
- 4.1.3 Being available to provide assistance to MWSBE firms regarding doing business with Charlotte-Mecklenburg Schools.
- 4.1.4 Obtaining names of MWSBE firms from the Office of Diversity & Inclusion to solicit for relevant bids and requests for proposals.
- 4.1.5 Participating in vendor conferences, meetings, and other outreach activities geared to increase opportunities for MWSBE firms.
- 4.1.6 Ensuring that bids and requests for proposals are not developed with language that is restrictive and/or limits competition.
- 4.1.7 Reviewing large procurement opportunities to determine if division into smaller segments would provide the opportunity for more competition particularly from MWSBE firms, and still be in the best interest of Charlotte Mecklenburg Schools.
- 4.1.8 Purchasing Agents shall collect the MWSBE Identification Forms supplied (when applicable) by bidders and submit to the Office of Diversity & Inclusion for review prior to recommending a vendor for award.
- 4.1.9 Purchasing Agent shall ensure that the policy and all relevant forms are included in the appropriate bid documents.
- 4.1.10 Purchasing Agents shall submit bid documents to Office of Diversity & Inclusion for review and additional MWSBE firms may be added prior to solicitation by telephone or advertisement. This prior review by the Office of Diversity & Inclusion will enable the department to provide a list of appropriate MWSBE firms that should receive the bid documents.

4.2 Submitting Schools and Departments

Submitting Schools and Departments are permitted to obtain written (fax and e-mail also permitted) or telephone quotes on the appropriate forms (See Exhibit A, Section 9.0) for purchases of Goods. In addition, there may be circumstances when a department procures purchases of Professional Services, Other Services, and Construction and Repair. If a department elects to procure goods and/or services in lieu of the Procurement Services, departments shall ensure that there is full and equal opportunity for Minority, Women, and Small Businesses to compete for these goods and/or services and the following good faith efforts shall apply:

- 4.2.1 Soliciting MWSBE firms listed in the vendor sourcing system of available firms.
- 4.2.2 Notifying the Director of Diversity & Inclusion of newly identified MWSBE firms for inclusion in the vendor sourcing system.
- 4.2.3 Providing assistance to MWSBE firms regarding doing business with the department.
- 4.2.4 Obtaining names of MWSBE firms from the Office of Diversity & Inclusion to solicit for relevant bids and requests for proposals.
- 4.2.5 Participating in vendor conferences, meetings, and other outreach activities geared to increase opportunities for MWSBE firms.
- 4.2.6 Ensuring that bids and requests for proposals are not developed with language that is restrictive and/or limits competition.
- 4.2.7 Reviewing large procurement opportunities to determine if division into smaller segments would provide the opportunity for more competition particularly from MWSBE firms, and still be in the best interest of Charlotte-Mecklenburg Schools.
- 4.2.8 Departments shall collect the MWSBE Identification Forms (when applicable) supplied by bidders and submit to the Office of Diversity & Inclusion for review prior to recommending a vendor for award.
- 4.2.9 Departments shall ensure that the policy and all relevant forms are included in the appropriate bid documents (when applicable).
- 4.2.10 Departments shall submit bid documents to Office of Diversity & Inclusion for review and additional MWSBE firms may be added prior to solicitation by telephone or advertisement. This prior review by the Office of Diversity & Inclusion will enable the department to provide a list of appropriate MWSBE firms that should receive the bid documents.

4.3 Office of Diversity & Inclusion

The Office of Diversity & Inclusion is responsible for the development, implementation, monitoring and reporting of the MWSBE Program. The responsibility includes, but is not limited to the following tasks:

- 4.3.1 Develop, recommend and implement policies and procedures for the program.
- 4.3.2 Review all facets of the procurement process to ensure equal access by all segments of the community.
- 4.3.3 Develop and maintain a database of available minority, women, and small businesses.
- 4.3.4 Review all participation submissions and determine whether bidder/proposers are in compliance with the policy and recommend appropriate action.
- 4.3.5 Monitor all contracts to determine whether contractors achieve the ranges of participation set forth on the Minority, Women, and Small Business Enterprise Identification Forms completed by the contractors.
- 4.3.6 Participating in vendor conferences, meetings, and other outreach activities geared to increase opportunities for MWSBE firms.
- 4.3.7 Attend pre-bid/proposal conferences.
- 4.3.8 Participate in proposal evaluations.
- 4.3.9 Assist external and internal customers in complying with the policy.
- 4.3.10 Conduct effective outreach activities to increase the number of vendors, contractors and consultants doing business with Charlotte-Mecklenburg Schools.
- 4.3.11 Review and evaluate the effectiveness of the policy.
- 4.3.12 Provide technical assistance and guidance to MWSBE's on contracting and procurement opportunities with Charlotte-Mecklenburg Schools.
- 4.3.13 Establish partnerships with existing certification entities to assist MWSBEs with certification assistance.
- 4.3.14 Establish partnerships with existing management and technical assistance providers in the Charlotte area to assist MWSBEs with bonding, access to capital, securing and performing CMS contracts.
- 4.3.15 Maintain statistics on utilization of MWSBE firms by department.

- 4.3.16 Develop appropriate forms, applications and documents.
- 4.3.17 Investigate violations of the policy and recommend remedial action.
- 4.3.18 Prepare and publish quarterly participation reports to the Superintendent and Submitting Departments.
- 4.3.19 Prepare and publish annual participation reports required by Board of Education policy.
- 4.3.20 Prepare quarterly reports required by State of North Carolina.
- 4.3.21 In conjunction with the Procurement Services and Chief Financial Officer, formal evaluation of the effectiveness of the MWSBE regulations. Recommend changes to the aspirational goals will be forwarded to the Superintendent for determination if goals should be modified, eliminated, or remain in effect.

5.0 COMPETITIVE BIDS & QUOTES (Solicitation & Documentation)

Competitive solicitation procedures are required for most procurements (see Purchasing Policy DJ and supporting Regulations DJ-R). The following solicitation documentation is required for the following categories:

5.1 Formal Construction (\$500,000 and up)

Formal construction work requiring the estimated expenditure in excess of \$500,000 shall be bid using formal bidding procedures in accordance with state law. Dividing contracts to evade these requirements is prohibited. All construction or repair contracts which require public advertising and competitive bidding shall be awarded by action of the Board of Education upon the recommendation of the Superintendent or designee. Building Services is responsible for all procurement related to new construction, renovation and maintenance of Charlotte-Mecklenburg School facilities. Building Services is responsible for ensuring that MWSBE firms have a full and equal opportunity to bid on CMS contracts through:

- 5.1.1 Soliciting MWSBE firms listed in the vendor sourcing system twenty-one (21) days prior to bid opening for contracts estimated in excess of \$500,000 by advertising of the available opportunities available and providing the following information:
 - 5.1.1.1 Project description;
 - 5.1.1.2 Locations where building documents may be reviewed;
 - 5.1.1.3 Name of a representative of the Owner who can be contacted during the advertising period to advise who the prospective bidders are;
 - 5.1.1.4 Date, time, and location of bid opening;
 - 5.1.1.5 Date, time, and location of pre-bid conference, if scheduled.
- 5.1.2 Notifying the Director of Diversity & Inclusion or designee of newly identified MWSBE firms to add to the vendor sourcing system.
- 5.1.3 Being available to provide technical assistance to MWSBE firms regarding doing business with the school district or referrals for assistance regarding insurance, bonding, and/or access to capital.
- 5.1.4 Obtaining names of MWSBE firms from the Director of Diversity & Inclusion (or designee) to solicit for relevant Bids, Request for Proposals and Request for Qualifications.
- 5.1.5 Participating in vendor conferences, meetings and other outreach activities geared to increase opportunities for MWSBE firms.

- 5.1.6 Ensuring that bids, Request for Proposals, and Request for Qualifications are developed with language that is not restrictive and/or limits competition.
- 5.1.7 Reviewing large procurement opportunities to determine if division into smaller segments would provide the opportunity for more competition particularly from MWSBE firms, and still be in the best interest of the school district.
- 5.1.8 Notifying the Office of Diversity & Inclusion (or designee) seven (7) days prior to all pre-bid/proposal meetings.
- 5.1.9 Submitting MWSBE Identification Forms to the Director of Diversity & Inclusion (or designee) for review of compliance before determining the lowest responsible/responsive bidder.

5.2 Informal Construction or Repair Work (\$5,000 - \$499,999)

Informal bids \$5,000 to \$499,999.99 require a minimum of three quotes for obtaining competition when available. Notification of at least one available MWSBE vendor of the opportunity is required. A listing of available vendors can be found on the State of North Carolina Interactive Purchasing System or by contacting the Office of Diversity & Inclusion.

Written (fax and e-mail permitted) or telephone quotes shall be communicated on the appropriate supplier and/or telephone quote forms (see Exhibit A, section 9.0) or displayed in the comments section of the requisition that identify the quotes received and the MWSBE vendor solicited.

All contracts for construction or repair work costing less than \$499,999.99 shall comply with the requirements of state law. Dividing contracts to evade the informal bidding requirements is prohibited. Informal contracts shall be awarded to the lowest responsible bidder, considering quality and the time specified in the bid for performance on the contract.

Documentation and records of contractors solicited and efforts to recruit MWSBE participation of all informal bids shall be kept by the initiator of the purchase requisition for the time required by statute or regulation and shall be available for public inspection after award. Such records shall include the date the bid is received, from whom it is received, and for what project. If an award is made to other than the low bidder, the reasons for such an award should be thoroughly documented.

All bids and requisitions above \$5,000 shall be reviewed by the Director of Diversity & Inclusion through the Lawson system. Non-compliance of MWSBE notification procedures can result in rejection of the requisition and additional solicitations may be required.

The MWSBE notification procedures may be waived by the Superintendent or designee or Office of Diversity & Inclusion for any reason including, by way of example, limited staff time and need for a quick response.

5.3 Small Construction and Repair Work (Less than \$5,000)

Notification of MWSBE vendors is not required; however, rotation of awards to multiple vendors including MWSBE vendors is recommended.

5.4 Professional Services (including Architecture, Engineering, & Surveying)

Requirements for architectural, engineering, and surveying services must be “announced,” and providers must be selected based on demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information. Good faith efforts must be used to notify minority firms of the opportunity to submit qualifications for consideration by the public entity.

5.5 Formal Bids – Apparatus, Supplies, Materials, and Equipment (\$90,000 and Greater not on state term contract)

All formal solicitations and documentation for the purchase of apparatus, supplies, materials, and equipment shall be performed by the Procurement Services. Notification of at least one available MWSBE vendor is required when available. A listing of available vendors can be found on the State of North Carolina Interactive Purchasing System or by contacting the Office of Diversity & Inclusion.

5.6 Informal Bids – Apparatus, Supplies, Materials, and Equipment (\$5,000 - \$89,999 not on state term contract)

Purchases between \$5,000 and \$89,999 require a minimum of three quotes for obtaining competition when available. Notification of at least one available MWSBE vendors of the opportunity is required. A listing of available vendors can be found on the State of North Carolina Interactive Purchasing System or by contacting the Office of Diversity & Inclusion.

Written (fax and e-mail permitted) or telephone quotes shall be communicated to the Procurement Services on the appropriate telephone quote forms (see Exhibit A, Section 9.0) or displayed in the comments section of the requisition that identify the quotes received and the MWSBE vendor solicited.

All requisitions above \$5,000 shall be reviewed by the Director of Diversity & Inclusion through the Lawson system. Non-compliance of MWSBE notification procedures can result in rejection of the requisition and additional solicitations may be required.

The MWSBE notification procedures may be waived by the Superintendent or designee or the Office of Diversity & Inclusion for any reason including, by way of example, limited staff time and need for a quick response.

In addition, the Director of Procurement Services may waive competition by justification as outlined in the “Waiver of Competitive Bidding Procedure” (see

Exhibit B, section 9.0). A waiver must be attached to the purchase order for file documentation.

5.7 Small Order Purchases of Supplies and Materials (Less than \$5,000)

Notification of MWSBE vendors is not required; however, rotation of awards to multiple vendors including MWSBE vendors is recommended.

5.8 State Term Contract Purchases

No additional competitive procedures beyond those used by the State of North Carolina are required. Notification of MWSBE vendors is not required; however, rotation of awards to multiple state contract vendors to the extent available, including MWSBE vendors, is recommended.

5.9 P-Card Purchases

Notification of MWSBE vendors is not required; however, rotation of awards to multiple vendors including MWSBE vendors is recommended.

5.10 Contracted Services (non-construction related)

The Administration contracts for services to be utilized by the various schools, departments and administrative units. With the exception of certain professional services (e.g. surveying, architectural, and engineering), competitive procedures are not required for service contracts less than \$5,000. Service Contracts greater than or equal to \$5,000; however, will follow specific procedures determined collectively in advance by the Procurement Services, in consultation with submitting department and Office of Diversity & Inclusion on a case by case basis. Submitting departments are encouraged to submit a description of all projects planned for the year to the Purchasing and Office of Diversity & Inclusion s.

A service contract is defined as any agreement in which an independent contractor performs a service. The services may include, but are not limited to, the following:

- maintenance of buildings or equipment
- film production
- employee training
- food services, and
- forms printed to order

A professional service contract is defined as any agreement in which an independent contractor performs services requiring specialized knowledge, experience, expertise, or similar capabilities. These services include, but are not limited to, the following:

- auditing services
- banking services
- legal services, and

- consultants

MWSBE procedures for services may be waived by the Superintendent or designee, or the Office of Diversity & Inclusion for any reason including, by way of example, limited staff time and need for quick response. All requests for waivers must be in writing with justification presented by the requisitioning School or Department on the appropriate form (See Exhibit B, section 9.0).

SUMMARY CHART – See Documentation & Forms

6.0 PROGRAM GRADUATION CRITERIA AND SUNSET PROVISIONS

Graduation Criteria

Graduation from the MWSBSEE Program applies only to the aspirational goals should they be implemented. A participating MWSBE shall graduate from this Program upon achieving certain levels of average annual receipts or other indication of growth in its respective industry as specified below and shall be presumed to have reached a competitive status in the market place:

1. Where federal or state income tax returns evidence that the firm has earned average annual receipts for two consecutive years that are in excess of the average annual receipts of a Small Business Enterprise; or
2. Where by virtue of its size, a firm exceeds the definition and standards of a “small business enterprise” as herein defined; or
3. Where a firm’s primary industry classification falls within an industry subcategory in which the aspirational goals for that subcategory have been achieved consistently for the past three (3) fiscal years, and that firm has meaningfully participated in CMS contracting and procurement, as determined by a designated amount of purchasing dollars going to that firm during that period.

If an MWSBE is engaged in more than one industry, then its graduation levels shall be determined by weighted average of sales for all industries in which the MWSBE is engaged.

Re-Entry After Graduation

Upon achieving the above-described status, said firms shall be deemed to have graduated from the Program and shall thereafter be ineligible for MWSBE status. Generally, a graduated MWSBE may not subsequently re-enter the Program. However, after graduation, an MWSBE may re-enter the Program after two (2) years if the firms demonstrates:

- a. That its average annual receipts have declined to levels below those identified above, and
- b. That during said two (2) calendar years, it was unable to participate in Charlotte-Mecklenburg Schools contracting/procurement and/or in the public and private sectors despite its good faith efforts to do so.

Sunset Provisions

The race/gender-conscious elements of the Minority, Women, and Small Business Enterprise Program, if implemented, shall expire on June 30, 2023. However all elements of this Program may be extended if the Board of Education, after review and consideration of all Annual Reports, assessment of other relevant information, and public hearing testimony, finds that there is a continuing need for the Program.

7.0 Evaluation & Remedies

The successful bidder's compliance with the requirements of the policy is material to the contract. Any failure to comply with these requirements constitutes a substantial breach of the contract. In determining whether a contractor has made Good Faith Efforts, Charlotte-Mecklenburg Schools will evaluate all efforts made by the Contractor and will determine compliance in regards to quantity, intensity, and results of these efforts.

A finding by Charlotte-Mecklenburg School's Administration 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 the contract. Any such breach may result in the assessment of a penalty equal to the dollar amount of the infraction (amount of subcontract in question), not to exceed 5% of the total contract amount, or termination of the contract in accordance with the termination provisions contained in the agreement. It shall be solely at the option of the Administration whether to assess the penalty or terminate the contract for breach.

Breach of any contract may also be considered in the determination of the lowest responsible bidder in the award of future Charlotte-Mecklenburg School contracts.

**Charlotte-Mecklenburg Schools
Minority, Women, Small Business Enterprise Program**

**Section 8.0
Instructions to Contractors Submitting Bids**

**Charlotte-Mecklenburg Schools
Minority, Women, Small Business Enterprise Program**

**Section 8.1
Goods and Contracted Services
(Non-construction related)**

These instructions shall be included with each formal bid, formal request for proposal or public solicitation. The names and addresses of bona fide M/W/BEs that are available for contracting or joint-venture opportunities may also be included with the solicitation.

Charlotte-Mecklenburg Board of Education promotes full and equal access to business opportunities with Charlotte-Mecklenburg Schools. Minority-owned, women-owned, and small business enterprises (collectively “MWSBE”) as well as other responsible vendors shall have a fair and reasonable opportunity to participate in CMS business opportunities.

Prime suppliers (i.e., those who deal directly with CMS) should support Charlotte-Mecklenburg School MWSBE Program by making an effort to engage minority, women, and/or small businesses as subcontractors for goods and services for CMS to the extent available. Prime supplier’s spending with MWSBE subcontractors constitutes Second Tier supplier diversity spending by CMS and the results of Second Tier spending are tracked within our program.

Each bidder or respondent to the solicitation shall submit with their bid a Minority, Women, and Small Business Identification Form and either Affidavit B or Appendix III for documentation purposes of Second Tier spending. If the bidder or respondent customarily self-performs all of the scope of services related to this contract, then they should submit Affidavit B (Intent to Perform Contract with Own Workforce).

Appendix III should be submitted if the contractor intends to utilize an MWSBE firm under the contract in a joint venture, subcontracting and/or material supplier capacity. A listing of MWSBE firms and the CMS MWSBE guidelines may be obtained by contacting the Director of Diversity & Inclusion at 980-343-8638 or at www.cms.k12.nc.us/departments/mwsbe/.

Failure to complete the forms prior to submittal may render bid or proposal response invalid.

**Charlotte-Mecklenburg Schools
Minority, Women, Small Business Enterprise Program**

**Section 8.2
Informal Construction**

These instructions shall be included with each informal bid, informal request for proposal or public solicitation. The names and addresses of bona fide M/W/BEs that are available for contracting or joint-venture opportunities may also be included with the solicitation.

**CHARLOTTE-MECKLENBURG SCHOOLS
MINORITY, WOMEN, AND SMALL BUSINESS ENTERPRISE PROGRAM**

Informal Construction Guidelines for MWSBE Participation

In accordance with G.S. 143-148, it shall be the policy of the Charlotte-Mecklenburg Board of Education to promote full and equal access to business opportunities with Charlotte-Mecklenburg Schools. Minority-owned, women-owned, and small business enterprises (collectively “MWSBE”) as well as other responsible vendors shall have a fair and reasonable opportunity to participate in CMS business opportunities.

“Minority” as used in this policy means African American (all persons having origins in any of the African racial groups); Hispanic/Latino American (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin); Asian American (all subcontinent, or the Pacific Islands); and Native American (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

“Woman” as used in this policy means a non-minority woman who has 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business.

“Small” as used in this policy means a business enterprise owned, operated, and controlled by one (1) or more eligible owners who have 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.

“Socially and Economically Disadvantaged” as used in this policy means a minority, woman, or small business enterprise owned, operated, and controlled by one (1) or more eligible owners who have 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.

Bidders responding to this solicitation shall comply with the MWSBE Program by making a Good Faith Efforts to utilize the following aspirational goals for MWSBE participation under this contract for construction services:

Category	MBE Goal	WBE Goal	*Overall MWSBE Goal
Construction	10%	6%	21%
Architecture & Engineering	4%	7%	16%
Professional Services	9%	9%	23%
Contracted Services (other than Architecture, Engineering, and other Professional Services)	5%	4%	14%
Goods	3%	3%	11%

***NOTE: *The overall SBE goal can be achieved by any combination of participation by MBE, WBE and/ or SBEs.**

The Bidder shall provide, with the bid the following documentation:

- Minority, Women, and Small Business Enterprise Identification Form** (including suppliers)
- Affidavit A** (if subcontracting)

OR

- Minority, Women, and Small Business Enterprise Identification Form** (including suppliers)
- Affidavit B** (if self-performing all work with own workforce **AND** the bidder will not purchase any materials or supplies in the performance of the contract. Upon request, provide sufficient information for the Administration to determine that the Bidder does not customarily subcontract work on this type of project)

Within 72 hours after notice to proceed, the low bidder who is subcontracting anything must provide the following information:

- Affidavit C** (if aspirational goals are met or exceed established goal of MWSBE participation)
- Appendix I** (Signed by the MWSBE subcontractors, may come in after 72-hr deadline)

OR

- Affidavit D** and all documentation as requested on the form (if aspirational goals are not met or exceed goal of MWSBE participation)
- Appendix I** (Signed by the MWSBE subcontractors, may come in after 72-hr deadline)

With each pay request the prime contractors will submit Appendix IV listing payments made to all subcontractors. Failure to submit these and all documents as requested is grounds for rejection of the bid.

Compliance Documentation

All written statements, affidavits or intentions made by the Bidder shall become a part of the agreement between the Contractor and Charlotte-Mecklenburg Schools for performance on this contract. Failure to comply with any of these statements, affidavits or intentions or with the MWSBE Program Guidelines shall constitute a breach of contract. A finding by Charlotte-Mecklenburg Schools 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 the 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 Charlotte-Mecklenburg Schools whether to terminate the contract for breach.

In determining whether a contractor has made Good Faith Efforts, Charlotte-Mecklenburg Schools will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts.

Good Faith Effort Documentation – The bidder’s documentation to meet the goals set forth in these provisions shall include, but not limited to, the following evidence:

1. Copies of solicitations for quotes to at least three (3) MWSBE firms for each subcontract to be let under this contract. Each solicitation shall contain a specific description of the work to be subcontracted, location where the bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.
2. Copies of quotes or responses received from each firm responding to the solicitation.
3. A telephone log of follow-up calls to each firm sent a solicitation.

4. For subcontracts where an MWSBE firm is not considered to be the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
5. Documentation of any contacts, correspondence or conversation with MWSBE firms made in an attempt to meet the aspirational goals.
6. The successful bidder shall maintain records relating to all commitments for a period of at least one year following acceptance of final payment.

Note: Additional Good Faith Efforts are identified in Affidavit A.

After review of the Bidder's Good Faith Efforts, the Bidder may request and be granted a Waiver Request for Good Faith Efforts for the MWSBE aspirational goals that have not been met for that particular project. A Waiver may be granted upon review of the Bidder's documentation and determination that, in fact, a Good Faith Effort has been put forth. The Contractor's MWSBE Utilization Commitment shall be incorporated into the contract.

The Administration is authorized to establish specifications requiring bidders to subcontract a certain designated percentage of the construction and repair work amount, provided that nothing contained in these requirements shall be construed to require that the award of subcontracts be made to subcontractors who do not submit the lowest responsive bid.

Dispute Resolution Procedures

Under G.S. 143-128, Senate Bill 914 states that a public entity shall use the dispute resolution process adopted by the State Building Commission (See Attachment) pursuant to G.S. 143-135.26(11), or shall adopt another dispute resolution process, which shall include mediation, to be used an alternative to the dispute resolution process adopted by the State Building Commission. This dispute resolution process shall be available to all the parties involved in the public entity's construction project including the public entity, the architect, the construction manager, the contractor, and the first-tier and lower-tier subcontractors and shall be available for any issues arising out of the contract or construction process.

The public entity may set a reasonable threshold, not to exceed fifteen thousand dollars (\$15,000), concerning the amount in controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity may require that the cost of the process be divided between the parties to the dispute with at least one-third of the cost to be paid by the public entity, if the public entity is a party to the dispute. The public entity may require in its contract that a party participate in mediation concerning a dispute as a precondition to initiating litigation concerning the dispute.

NOTE: Charlotte-Mecklenburg Schools reserves the right to waive any irregularities in MWSBE documentation if they can be resolved prior to award of the contract, and Charlotte-Mecklenburg Schools finds it to be in its best interest to do so and award the contract.

**Charlotte-Mecklenburg Schools
Minority, Women, Small Business Enterprise Program**

**Section 8.3
Professional Services
(Including Surveying, Architecture, & Engineering)**

These instructions shall be included with each formal and informal request for proposal or public solicitation. The names and addresses of bona fide M/W/BEs that are available for contracting or joint-venture opportunities may also be included with the solicitation.

**CHARLOTTE-MECKLENBURG SCHOOLS
MINORITY, WOMEN, AND SMALL BUSINESS ENTERPRISE PROGRAM**

**Request for Qualifications MWSBE Participation Guidelines
For Professional Services
(Including Surveying, Architecture, and Engineering)**

In accordance with G.S. 143-64.31, it shall be the policy of the Charlotte-Mecklenburg Board of Education to promote full and equal access to business opportunities with Charlotte-Mecklenburg Schools. Minority-owned, women-owned, and small business enterprises (collectively "MWSBE") as well as other responsible vendors shall have a fair and reasonable opportunity to participate in CMS business opportunities.

The Superintendent shall implement an MWSBE Program which includes aspirational goals for M/WBE utilization in proportion to the availability of qualified vendors in particular areas of procurement. An annual report shall be made to the Board of Education regarding MWSBE utilization in comparison to the aspirational goals.

Policy Adopted: 01/12/93
Policy Amended: 07/09/96
Policy Amended: 02/22/05

Requirements

The fundamental requirement of the policy is that all contractors, vendors and consultants, who contact with the Board of Education, will: (i) not discriminate against any person in regard to race, color, religion, age, national origin, sex, or disability; and (ii) provide a full and fair opportunity for participation of MWSBEs in contracts. Participation shall be measured in terms of the actual dollars received by MWSBEs.

"Minority" as used in this policy means African American (all persons having origins in any of the African racial groups); Hispanic/Latino American (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin); Asian American (all subcontinent, or the Pacific Islands); and Native American (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

"Woman" as used in this policy means a non-minority woman who has 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the.

"Small" as used in this policy means a business enterprise owned, operated, and controlled by one (1) or more eligible owners who have 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.

"Socially and Economically Disadvantaged" as used in this policy means a minority, woman, or small business enterprise owned, operated, and controlled by one (1) or more eligible owners who have 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.

Responders responding to this solicitation shall comply with the MWSBE Program by making a Good Faith Efforts to utilize the following aspirational goals for MWSBE participation under this contract for professional service and construction contracts:

Category	MBE Goal	WBE Goal	*Overall MWSBE Goal
Construction	10%	6%	21%
Architecture & Engineering	4%	7%	16%
Professional Services	9%	9%	23%
Contracted Services (other than Architecture, Engineering, and other Professional Services)	5%	4%	14%
Goods	3%	3%	11%

***NOTE: *The overall SBE goal can be achieved by any combination of participation by MBE, WBE and or SBEs.**

Responders will describe how your firm will address the MWSBE Objectives. This may include the forms listed below and a commitment to obtain a certain overall percentage.

Responders shall include in their proposals, the following documentation:

- Minority, Women, and Small Business Enterprise Identification Form** (including suppliers)
- Affidavit A** (if subcontracting)

OR

- Minority, Women, and Small Business Enterprise Identification Form** (including suppliers)
- Affidavit B** (if self-performing all work with own workforce **AND** the bidder will not purchase any materials or supplies in the performance of the contract. Upon request, provide sufficient information for Charlotte-Mecklenburg Schools to determine that the Bidder does not customarily subcontract work on this type of project)

The forms ask for the scope of work and the dollar amount. Respondents may not be able to give specific dollar amounts until you know the project scope assigned. However, you may list an overall percentage based on the scopes of work intended to be performed by MWSBE consultants and subcontractors.

The overall participation committed for the school is based upon all activities associated with the project including design sub-consultants, lower tier subcontractors, printing, courier services, suppliers and other services.

Upon receipt of notice of award, the low responder who is subcontracting anything must provide the following information:

- Appendix II**

With each pay request the prime contractors will submit Appendix IV listing payments made to all subcontractors. Failure to submit these and all documents as requested is grounds for rejection of the bid.

Compliance Documentation

All written statements, affidavits or intentions made by Respondents shall become a part of the agreement between the Consultant and Charlotte-Mecklenburg Schools for performance on this contract. Failure to comply with any of these statements, affidavits or intentions or with the MWSBE Program Guidelines shall constitute a breach of contract. A finding by Charlotte-Mecklenburg Schools 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 the 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 Charlotte-Mecklenburg Schools whether to terminate the contract for breach.

In determining whether a contractor has made Good Faith Efforts, Charlotte-Mecklenburg Schools will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts.

Good Faith Effort Documentation – The bidder’s documentation to meet the goals set forth in these provisions shall include the following evidence:

1. Copies of solicitations for quotes to at least three (3) MWSBE firms for each subcontract to be let under this contract. Each solicitation shall contain a specific description of the work to be subcontracted, location where the bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.
2. Copies of quotes or responses received from each firm responding to the solicitation.
3. A telephone log of follow-up calls to each firm sent a solicitation.
4. For subcontracts where an MWSBE firm is not considered to be the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
5. Documentation of any contacts, correspondence or conversation with MWSBE firms made in an attempt to meet the aspirational goals.
6. The successful bidder shall maintain records relating to all commitments for a period of at least one year following acceptance of final payment.

Note: Additional Good Faith Efforts are identified in Affidavit A.

After review of the Respondent’s Good Faith Efforts, the Respondent may request and be granted a Waiver of the MWSBE aspirational goals that have not been met for that particular project. A Waiver may be granted upon review of the Respondent’s documentation and determination that, in fact, a Good Faith Effort has been put forth. The Respondent’s MWSBE Utilization Commitment shall be incorporated into the contract.

Charlotte-Mecklenburg Schools is authorized to establish specifications requiring bidders to subcontract a certain designated percentage of the construction and repair work amount, provided that nothing contained in these requirements shall be construed to require that the award of subcontracts be made to subcontractors who do not submit the lowest responsive bid.

NOTE: Charlotte-Mecklenburg Schools reserves the right to waive any irregularities in MWSBE documentation if they can be resolved prior to award of the contract, and Charlotte-Mecklenburg Schools finds it to be in its best interest to do so and award the contract.

Dispute Resolution Procedures

Under G.S. 143-128, Senate Bill 914 states that a public entity shall use the dispute resolution process adopted by the State Building Commission (See Attachment) pursuant to G.S. 143-135.26(11), or shall adopt another dispute resolution process, which shall include mediation, to be used as an alternative to the dispute resolution process adopted by the State Building Commission. This dispute resolution process shall be available to all the parties involved in the public entity's construction project including the public entity, the architect, the construction manager, the contractor, and the first-tier and lower-tier subcontractors and shall be available for any issues arising out of the contract or construction process.

The public entity may set a reasonable threshold, not to exceed fifteen thousand dollars (\$15,000), concerning the amount in controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity may require that the cost of the process be divided between the parties to the dispute with at least one-third of the cost to be paid by the public entity, if the public entity is a party to the dispute. The public entity may require in its contract that a party participate in mediation concerning a dispute as a precondition to initiating litigation concerning the dispute.

**Charlotte-Mecklenburg Schools
Minority, Women, Small Business Enterprise Program**

**Section 8.4
Formal Construction Guidelines**

These instructions shall be included with each formal bid solicitation. The names and addresses of bona fide M/W/BEs that are available for contracting or joint-venture opportunities may also be included with the solicitation.

CHARLOTTE-MECKLENBURG SCHOOLS MINORITY, WOMEN, AND SMALL BUSINESS ENTERPRISE PROGRAM

Guidelines for MWSBE Participation In Construction

In accordance with G.S. 143-64.31, it shall be the policy of the Charlotte-Mecklenburg Board of Education to promote full and equal access to business opportunities with Charlotte-Mecklenburg Schools. Minority-owned, women-owned, and small business enterprises (collectively "MWSBE") as well as other responsible vendors shall have a fair and reasonable opportunity to participate in CMS business opportunities.

The Superintendent shall implement an MWSBE Program which includes aspirational goals for M/WBE utilization in proportion to the availability of qualified vendors in particular areas of procurement. An annual report shall be made to the Board of Education regarding MWSBE utilization in comparison to the aspirational goals.

Policy Adopted: 01/12/93
Policy Amended: 07/09/96
Policy Amended: 02/22/05

Requirements

The fundamental requirement of the policy is that all contractors, vendors and consultants, who contact with the Board of Education, will: (i) not discriminate against any person in regard to race, color, religion, age, national origin, sex, or disability; and (ii) provide a full and fair opportunity for participation of MWSBEs in contracts. Participation shall be measured in terms of the actual dollars received by MWSBEs.

"Minority" as used in this policy means African American (all persons having origins in any of the African racial groups); Hispanic/Latino American (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin); Asian American (all subcontinent, or the Pacific Islands); and Native American (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

"Woman" as used in this policy means a non-minority woman who has 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business.

"Small" as used in this policy means a business enterprise owned, operated, and controlled by one (1) or more eligible owners who have 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.

"Socially and Economically Disadvantaged" as used in this policy means a minority, woman, or small business enterprise owned, operated, and controlled by one (1) or more eligible owners

who have 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.

Program Objectives

1. To provide MWSBEs equal access to opportunity for participation in Capital Improvement Projects construction (additions, renovations, and new construction), procurement, professional services and system-wide purchasing contracts.
2. To encourage all Charlotte-Mecklenburg Schools' personnel involved in procurement and contracting activities to maintain good faith efforts and appropriate purchasing procedures.
3. To establish aspirational goals of participation for MWSBE firms capable of supplying those goods and services which are necessary for school system operations.
4. To provide procedures for determining and monitoring MWSBE participation and compliance with MWSBE requirements stated in the Board of Education policy and in contract documents.
5. To evaluate and report to the Superintendent and the Board of Education the results of contract activity subject to the provisions of the MWSBE Program.
6. To protect Charlotte-Mecklenburg Schools from becoming a passive participant in any unlawful discrimination.
7. To promote awareness of the MWSBE Program throughout Charlotte-Mecklenburg Schools and the Community.

Section 2:

Procedures for Implementation

The Office of General Counsel and Office of Diversity & Inclusion will develop language to be included in bid solicitations and requests for proposals which clearly sets forth the objective of the Policy. District employees shall include the Solicitation Language in all bids, public solicitations and requests for proposals. Charlotte-Mecklenburg Schools may employ additional staffing or contract with other public or private entities to assist in the implementation of the Policy. Copies of the MWSBE Program may be obtained from the Director of Diversity & Inclusion, 3301 Stafford Drive, Charlotte, NC, 28208.

Promotion of MWSBEs

Charlotte-Mecklenburg Schools recognizes the importance of having meaningful and substantial MWSBE participation in all contracts. To that end, Charlotte-Mecklenburg Schools will take steps to ensure that MWSBEs are afforded a fair and equal opportunity to participate.

Grievance Procedures

It is the policy of this Local Education Administration (LEA) unit, thusly, Charlotte-Mecklenburg Schools, that disputes, which involve a person's rights, duties or privileges, should be settled through informal procedures. Any participant feeling himself/herself aggrieved by implementation of the MWSBE Program may present such grievance to the Director of Diversity & Inclusion. The grievance (internal compliant resolution) procedure is a resource available to all contractors, subcontractors, and vendors doing business with Charlotte-Mecklenburg Schools under the MWSBE Program. Grievance related to the administration of the MWSBE Program will be processed through the Director of Diversity & Inclusion as follows:

1. The grievance shall first be discussed with the responsible operating department. If the grievance is not resolved exercise item #2, as stated below.
2. The grievance (complaint) must be reported in writing, a brief description and supporting documentation and evidence to Charlotte-Mecklenburg Schools, Director of Diversity & Inclusion, Building Services Department, 3301 Stafford Drive, Charlotte, NC 28208.
4. Charlotte-Mecklenburg Schools Director of Diversity & Inclusion and Departmental Representatives will review the basis and the issue(s) of the compliant and may request additional supporting evidence. A response to the grievance will be completed within fifteen (15) working days unless circumstances mandate otherwise. Parties involved will be notified of any and all delays in processing the grievance.
5. In the event the participant is not satisfied, said participant may appeal the grievance by filing a written description thereof and supporting evidence with the Assistant Superintendent of Building and Construction. The Assistant Superintendent or his designee shall hear the grievance within a reasonable period of time and shall make a decision based on upon a review of the record.
6. Any participant not satisfied with the Assistant Superintendent's decision may avail himself/herself or any remedies available under the Federal, State and Local law.

To that end, MWSBE disputes arising under these guidelines should be resolved.

Section 3:

Bid Provisions

The requirements of Charlotte-Mecklenburg Schools Minority, Women, Small Business Enterprise (MWSBE) Provisions and Guidelines are hereby made part of these contract documents. The requirements shall apply to all contractors regardless of ownership. Copies of the MWSBE Program may be obtained from the Director of Diversity & Inclusion, Building Services Department, and 3301 Stafford Drive, Charlotte, NC 28208.

The Aspirational Goals for participation established by Charlotte-Mecklenburg Schools will be included with each bid, request for proposal or public solicitation. The names and addresses

of bona fide M/W/BEs that are available for contracting or joint-venture opportunities may also be included with the solicitations. Each bidder or respondent shall be required to submit a “Minority, Women, and Small Business Identification Form and Affidavit A or B”. Submission of the Minority Business Identification Form may be considered an element of responsiveness.

If the aspirational goals in a bid or proposal meets or exceeds the level determined by Charlotte-Mecklenburg Schools to be meaningful and substantial, there shall be a presumption of compliance with the Policy. If, however, the proposed aspirational goals fall below the level determined by Charlotte-Mecklenburg Schools to be meaningful and substantial, the bidder or respondent must prove to the satisfaction of CMS that it did not discriminate in the solicitation of potential subcontractors and/or joint venture partners.

M/W/S/BE Subcontract Aspirational Goals

The aspirational goals for participation by Minority, Women, and Small Business Enterprises as subcontractors on this project have been set at:

Category	MBE Goal	WBE Goal	*Overall MWSBE Goal
Construction	10%	6%	21%
Architecture & Engineering	4%	7%	16%
Professional Services	9%	9%	23%
Other Services (other than Architecture & Engineering and other Professional Services)	5%	4%	14%
Goods	3%	3%	11%

***NOTE:** *The overall SBE goal can be achieved by any combination of participation by MBE, WBE and or SBEs.

The Bidder shall provide, with the bid the following documentation:

- Minority, Women, and Small Business Enterprise Identification Form** (including suppliers)
- Affidavit A** (if subcontracting)

OR

- Minority, Women, and Small Business Enterprise Identification Form** (including suppliers)
- Affidavit B** (if self-performing all work with own workforce AND will not purchase any materials or supplies in the performance of the contract. Upon request, provide sufficient information for Charlotte-Mecklenburg Schools to determine that the Bidder does not customarily subcontract work on this type of project)

Within 72 hours after notice to proceed, the low bidder who is subcontracting anything must provide the following information:

- Affidavit C** (if aspirational goals are met or exceed established goal of M/WBE participation)
- Appendix I** (Signed by the MWSBE subcontractors, may come in after 72-hr deadline)

OR

- **Affidavit D** and all documentation as requested on the form (if aspirational goals are not met or exceed established goal of M/WBE participation)
- **Appendix I** (Signed by the M/WBE subcontractors, may come in after 72-hr deadline)

With each pay request the prime contractors will submit Appendix IV listing payments made to all subcontractors. Failure to submit these and all documents as requested is grounds for rejection of the bid.

Compliance Documentation

All written statements, affidavits or intentions made by the Bidder shall become a part of the agreement between the Contractor and Charlotte-Mecklenburg Schools for performance on this contract. Failure to comply with any of these statements, affidavits or intentions or with the MWSBE Program Guidelines shall constitute a breach of contract. A finding by Charlotte-Mecklenburg Schools 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 the 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 Charlotte-Mecklenburg Schools whether to terminate the contract for breach.

In determining whether a contractor has made Good Faith Efforts, Charlotte-Mecklenburg Schools will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts.

Good Faith Effort Documentation – The bidder’s documentation to meet the goals set forth in these provisions shall include, but not limited to, the following evidence:

1. Copies of solicitations for quotes to at least three (3) MWSBE firms for each subcontract to be let under this contract. Each solicitation shall contain a specific description of the work to be subcontracted, location where the bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.
2. Copies of quotes or responses received from each firm responding to the solicitation.
3. A telephone log of follow-up calls to each firm sent a solicitation.
4. For subcontracts where an MWSBE firm is not considered to be the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
5. Documentation of any contacts, correspondence or conversation with MWSBE firms made in an attempt to meet the aspirational goals.
6. The successful bidder shall maintain records relating to all commitments for a period of at least one year following acceptance of final payment.

Note: Additional Good Faith Efforts are identified in Affidavit A.

After review of the Bidder's Good Faith Efforts, the Bidder may request and be granted a Waiver of the MWSBE aspirational goals that have not been met for that particular project. A Waiver may be granted upon review of the Bidder's documentation and determination that, in fact, a Good Faith Effort has been put forth. The Contractor's MWSBE Utilization Commitment shall be incorporated into the contract.

Charlotte-Mecklenburg Schools is authorized to establish specifications requiring bidders to subcontract a certain designated percentage of the construction and repair work amount, provided that nothing contained in these requirements shall be construed to require that the award of subcontracts be made to subcontractors who do not submit the lowest responsive bid.

NOTE: Charlotte-Mecklenburg Schools reserves the right to waive any irregularities in MWSBE documentation if they can be resolved prior to award of the contract, and Charlotte-Mecklenburg Schools finds it to be in its best interest to do so and award the contract.

Section 4:

Prime Contractor, Bidder or Offeror Responsibilities

Contractors performing under the Single Prime, Separate Prime, Design Builder and Construction Manager at Risk will be responsible for the following:

1. Attend the scheduled pre-bid conferences
2. Identify or determine those work areas where MWSBEs may have an interest in performing subcontractor work.
3. Submit with the bid a description of the portion of the work to be executed by the MWSBEs expressed as a percentage of the total contract price.
4. At least fourteen (14) days prior to the scheduled day of bid opening, notify certified MWSBEs 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 the 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) certified MWSBEs in the area of the project, the contractor(s) shall notify three (3), but may contact more, if the contractor(s) so desires.
5. During the bidding process, comply with the contractor(s) requirements listed in the proposal for participation in the MWSBE Program.

6. If the Contractor elects to use a MWSBE firm that is not certified by the City of Charlotte, Carolinas-Virginia Minority Supplier Development Council, or other governmental entities, it will be the Contractor's responsibility to notify the MWSBE firm that they should submit an application for certification with thirty (30) days of signing the Letter of Intent. If the firm does not submit an application within the specified time frame or fails to meet the certification criteria, the contract amount with that MWSBE firm will not be considered as MWSBE participation.
7. If the Contractor elects to utilize suppliers to satisfy the goal(s) in whole or in part, the small, minority, or women-owned businesses must perform a commercially useful function. Supplier participation may be approved upon review of the following factors:
 - a. The nature and amount of supplies to be furnished;
 - b. Whether the minority, woman-owned, or small business firm is a manufacturer, wholesaler or distributor of the supplies and has the capabilities to deliver same in accordance with its certification;
 - c. Whether the minority, woman-owned, or small business firms actually performs, manages and supervises the work to furnish the supplies; and
 - d. Whether the minority, woman-owned or small business firm intends to purchase supplies from a non-minority, woman-owned or small business firm and simply resell same to the general or prime contractor for allowing those supplies to be counted towards fulfillment of the aspirational goal(s).
8. Upon being named the apparent low bidder, the Bidder shall submit to the Director of Diversity & Inclusion their good faith backup documentation if they have not met their MWSBE goal. Failure to comply with procedural requirements as defined in contract documents may render the bid as non-responsive and may result in rejection of the bid and award to the next lowest and responsive bidder.
9. If during the construction of a project additional subcontracting opportunities become available, the prime or general contractors must make a good faith effort to solicit sub-bids from MWSBEs.

MWSBE Responsibilities

MWSBE firms do not have to be certified to be listed on the bid documents, however, MWSBE firms that have been awarded contracts will not be credited towards CMS' MWSBE Program unless they are certified by a bona fide certifying entity, including by way of example and not limitation, certification from such entities as the City of Charlotte, Carolinas-Virginia Minority Supplier's Development Councils, Women Business Enterprise Network Council, or other governmental entity. In addition MWSBE firms will be responsible for the following:

1. MWSBEs should make every effort to establish contacts and relationships with contractors for potential future business, including attending pre-bid conferences and subscribing to industry and trade journals.
2. MWSBEs should also document all contacts and communications made with Contractors above so as to be able to assist the Director of Diversity & Inclusion in determining whether a complaint lodged by an M/WBE firm against a Bidder for failure to use good faith efforts is valid.

3. In addition, MWSBEs who are contacted by Owners or Bidders should respond promptly whether or not they wish to submit a bid. If an MWSBE firm is listed as a subcontractor or supplier, they will be responsible for completing a Letter of Intent (Appendix I) in a timely manner and returning it to the Prime Contractor.
4. MWSBE who are not certified at the time the firm commits to provide services, should apply for certification with the City of Charlotte, Carolinas-Virginia Minority Supplier Development Council, or other governmental entities within thirty (30) days. If the MWSBE firm fails to submit an application within the specified time frame or if the MWSBE firm is not granted certification by the Certification Committee, that M/W/SWBE firm's contract dollars will not be counted as MWSBE participation; however, not getting certification does not release the MWSBE from contractual obligations to the primary contractor.
5. MWSBEs are urged to take advantage of appropriate technical assistance and training when it is available.

Section 5:

Subcontractor Payment Requirements

North Carolina General Statute 143-134.1 states that the percentage of retainage on payments made by the prime contractor to the subcontractor shall not exceed the percentage of retainage on payments made by Charlotte-Mecklenburg Schools to the prime contractor. Failure to comply with this provision shall be considered a breach of the contract, and the contract may be terminated in accordance with the termination provisions of the contract.

The Contractor shall provide the Documentation of ALL Payments Form (Appendix IV) which is an itemized statement of payments to all contractors, subcontractors, suppliers, and service providers with each request for payment and before final payment is processed.

Changes In Work or Replacement of Subcontractors:

During the construction of a project, if it becomes necessary to replace an MWSBE subcontractor, the contractor shall submit written justification to the Director of Diversity & Inclusion (or designee) and Project Manager as to why the subcontractor is being replaced. The contractor shall make a Good Faith Effort to replace the subcontractor with another MWSBE subcontractor. Failure to comply with these provisions shall be considered a breach of the contract, and the contract may be terminated in accordance with the termination provisions of the contract.

The Contractor shall also advise Charlotte-Mecklenburg Schools or designee of any significant problems and of termination proceedings against any MWSBE subcontractor. Charlotte-Mecklenburg Schools representative and contact person for the MWSBE Program is the Director of Diversity & Inclusion, (980) 343-8638.

Section 6:

Closeout Documentation

The Contractor is required to submit a **Final Appendix IV** totaling all payments made to subcontractors, suppliers, and service providers for the entire project.

Dispute Resolution Procedures

Under G.S. 143-128, Senate Bill 914 states that a public entity shall use the dispute resolution process adopted by the State Building Commission (See Attachment) pursuant to G.S. 143-135.26(11), or shall adopt another dispute resolution process, which shall include mediation, to be used as an alternative to the dispute resolution process adopted by the State Building Commission. This dispute resolution process shall be available to all the parties involved in the public entity's construction project including the public entity, the architect, the construction manager, the contractor, and the first-tier and lower-tier subcontractors and shall be available for any issues arising out of the contract or construction process.

The public entity may set a reasonable threshold, not to exceed fifteen thousand dollars (\$15,000), concerning the amount in controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity may require that the cost of the process be divided between the parties to the dispute with at least one-third of the cost to be paid by the public entity, if the public entity is a party to the dispute. The public entity may require in its contract that a party participate in mediation concerning a dispute as a precondition to initiating litigation concerning the dispute.

Section 7:

Penalty

A finding by Charlotte-Mecklenburg Schools 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 the contract. Any such breach may result in the assessment of a penalty equal to the dollar amount of the infraction (amount of subcontract in question), not to exceed 5% of the total contract amount, or termination of the contract in accordance with the termination provisions contained in the agreement. It shall be solely at the option of Charlotte-Mecklenburg Schools whether to assess the penalty or terminate the contract for breach.

Breach of any contract as listed above shall also be considered in the determination of the lowest responsible bidder in the award of future School Board contracts.

**Charlotte-Mecklenburg Schools
Minority, Women, Small Business Enterprise Program**

**Section 9.0
Documentation Forms**

TELEPHONE QUOTE FORM – See Documentation & Forms

WAIVER OF COMPETITIVE BIDDING PROCEDURES

**For purchase of apparatus, supplies, materials, and equipment
*****Important***** (construction and repair contracting utilizes different procedures)**

Request of waivers greater than \$90,000.00 - ONLY the CMS Board of Education can approve.

Must be approved by CMS Board of Education at a regular meeting prior to the award of the contract.

Request of waivers up to \$89,999.99 – CMS Director of Purchasing can approve

- 1. Each request must be in writing**
- 2. Justification presented by requisitioning School/Department**

Conditions permitting waiver (Subject to Board of Education or Purchasing Dept's approval) include, but are not limited to, the following:

1. When performance or price competition are not available
2. When a needed product is available from only one source of supply
3. When competition has been solicited but no satisfactory bid has been received
4. When standardization or compatibility is the overriding consideration
5. When a donation predicates the source of supply
6. When personal or professional services are required
7. When a particular medical product, service, or prosthetic appliance is needed
8. When a product is needed for the blind or severely disabled and there are overriding considerations for its use
9. When additional products or services are needed to complete an ongoing job or task (same vendor source)
10. When products are bought for "over-the-counter" resale (and not for use in administering any office, school, or department of the school system).
11. When a particular product or service is desired for educational, training, experimental, developmental, or research work
12. When equipment is already installed, connected, and in service, and purchase of the equipment is deemed advantageous
13. When items are subject to rapid price fluctuation or immediate acceptance
14. When there is evidence of resale price maintenance or other control of prices, lawful or unlawful, or collusion on the part of companies that thwarts normal competitive bidding procedures.

- 15. When the amount of the purchase is too small to justify soliciting competition or when a small purchase is being made and a satisfactory price is available from a previous contract
- 16. When the requirement is for an authorized cooperative project with another governmental unit or charitable nonprofit organization
- 17. When a used item is available on short notice and subject to prior sale
- 18. When emergency action or pressing need is indicated
*Emergencies: In case of **any emergency or pressing need** arising from unforeseen causes including but not limited to delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work, the **Secretary of Administration** shall have power to obtain or authorize obtaining in the open market any necessary supplies, materials, equipment, printing or services for immediate delivery to any department, institution or agency of the State government.*

The statute does not define “emergency” or “pressing need” and only one North Carolina case (interpreting a different statute) addresses the issue of emergency provisions. The administrative code, however, offers the following definition:

...a **pressing need** is one arising from unforeseen causes including but not limited to delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work; while emergencies are defined as situations which endanger lives, property or the continuation of a vital program and which can be rectified only by immediate on the spot purchases or rental of commodities, printing, or services.

When a school needs to make a purchase in emergency circumstances, the school must obtain verbal approval from the CMS Director of Purchasing if time permits.

If the purchase exceeds \$90,000, a report covering:

1. the circumstances of the emergency
2. the resulting transactions,

must be made a matter of record, **and are reported to the CMS Board of Education in writing as a matter of record.**

CHARLOTTE-MECKLENBURG SCHOOLS BUILDING SERVICES

WAIVER OF COMPETITIVE BIDDING PROCEDURES OPERATIONAL EMERGENCY PURCHASE JUSTIFICATION

DEFINITION: Any purchase required preventing injury to students/employees, damage or destruction of equipment, land or buildings, partial or complete shutdown of operations or when conditions make it impossible or impractical to contact authorized Procurement personnel.

INSTRUCTIONS

Place a check in the block that best describes the reason for the "Emergency Purchase".

	To prevent injury to students/employees
	To prevent damage or destruction of equipment, land or buildings
	To prevent partial or complete shutdown of operations
	Conditions made it impossible or impractical to contact authorized Procurement personnel

Briefly describe the emergency situation:
(Attach any additional documentation, i.e., city inspection letter, fire inspection report, etc.)

SCHOOL OR DEPT #:	SIGNATURE:	DATE:
--------------------------	-------------------	--------------

**MWSBE Documentation Form Overview –
See Documentation & Forms**

Minority, Women, and Small Business Enterprise Identification Form

I, _____
(Name of Bidder)

do hereby certify that on this project, we will use the following minority, women, or small business enterprises as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #
Category

Work type

*MWSBE

Firm Name, Address and Phone # Category	Work type	*MWSBE

*MWSBE categories: Black, African American (B), Hispanic (H), Asian American (A), American Indian (I), Female (F), Small (S), or Socially and Economically Disadvantaged (D)

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

Attach this form and AFFIDAVIT A or this form and AFFIDAVIT B to the Bid

Attach AFFIDAVIT A or AFFIDAVIT B to the Bid

State of North Carolina AFFIDAVIT A – Listing of the Good Faith Effort

County of _____

Affidavit of _____
(Name of Bidder)

I have made a good faith effort to comply under the following areas checked:

Bidder must earn at least 50 points from the Good Faith Efforts list for their bid to be considered responsive.

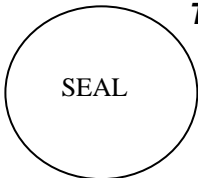
- 1 – (10 Points)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- 2 – (10 Points)** 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 Points)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- 4 – (10 Points)** 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 Points)** Attended probed meetings scheduled by the public owner.
- 6 – (20 Points)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- 7 – (15 Points)** 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 Points)** 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 Points)** 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 Points)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

In accordance with GS143-128.2(d) the undersigned will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon execution of a contract with the Owner. 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 _____

DO NOT USE AFFIDAVIT 'B' UNLESS YOU ARE ONLY PROVIDING LABOR AND NOT PURCHASING ANY MATERIALS OR SUPPLIES

Attach AFFIDAVIT A or AFFIDAVIT B to the Bid

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 will not purchase any materials or supplies in the performance of the contract

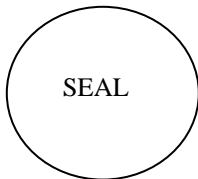
The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

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 _____

State of North Carolina - AFFIDAVIT C - Portion of the Work to be Performed by M/WBE Firms

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 minority businesses as defined in GS143-128.2(g) is equal to or greater than the M/WBE goal for construction 16%, Other Services 9%, and/or Goods 6% 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, women, or small business enterprises. M/WBEs 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

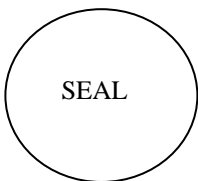
Name and Address	*M/WBE Category	Work description	Dollar Value

*MWSBE categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) Native American Indian (**N**), 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 _____ 20____

Notary Public _____

My commission expires _____

State of North Carolina AFFIDAVIT D – Good Faith Efforts
 County of _____

If the Overall MWSBE goal for construction 16%, Other Services 9%, and/or Goods 6% participation by M/WBE businesses **is not** achieved, the Bidder shall provide the following documentation to the Owner of his good faith efforts **and** the M/WBE firms that **will** be used on the project:

(Name of Bidder)

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

I will expend a minimum of _____% of the total dollar amount of the contract with minority, women, or small business enterprises. M/WBEs 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 Address	*M/WBE Category	Work description	Dollar Value

*MWSBE 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. 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. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for minority business.
- G. Letter detailing reasons for rejection of minority business due to lack of qualification.
- H. 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.

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 _____

APPENDIX I
LETTER OF INTENT TO
PERFORM AS A
SUBCONTRACTOR OR SUBCONSULTANT
(PROVIDE MATERIALS OR/& SERVICES)

PROJECT:

_____ (Project Name)

TO: _____
(Name of Prime Bidder/Architect)

The undersigned intends to perform work in connection with the above project as

_____ Minority Business Enterprise _____ Women's Business Enterprise

_____ Small Business Enterprise

The MWSBE status of the undersigned is/is not certified by the City of Charlotte or the Carolinas Minority Suppliers Development Council or other governmental entities. Our MWSBE certification number is _____.

The undersigned is prepared to perform the following described work or provide materials or services in connection with the above project (specify in detail particular work items, materials or services to be performed or provided) at the following price: _____.

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

Items	Projected Commencement Date	Projected Completion Date

Subcontracting at any tier must be reported and is subject to all MWSBE compliance requirements. This form shall be used for MWSBE subcontracting at any level.

Date: _____

_____ (Name & Phone No. of M/WBE Company)

_____ (Name & Title of Authorized Office)

_____ (Signature)

THE PRIME CONTRACTOR OR ARCHITECT MUST GET THIS FORM COMPLETED BY THE SUBCONTRACTORS/SUPPLIERS

**APPENDIX II
MWSBE UTILIZATION COMMITMENT FORM
FOR
PROFESSIONAL SERVICES**

We, _____, do certify that on the

 (Architect)

 (Project Name)
 _____,

 (Project Number) (Dollar Amount of Bid)

If the bidder intends to subcontract, this form must be completed regardless of the amount or lack of MWSBE participation attained.

I will expend a minimum of _____% of the total dollar amount of the contract with minority, women, or small business enterprises. MWSBEs 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 Address	*MWSBE Category	Work description	Dollar Value

*MWSBE categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) Native American Indian (**N**), Female (**F**), Small (**S**), or Socially and Economically Disadvantaged (**D**)

The undersigned will enter into a formal agreement with Minority/Women/ Small Business Firms for work listed in this schedule conditional upon execution of a contract with the Charlotte-Mecklenburg Board of Education. 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 _____ 20____
 Notary Public _____
 My commission expires _____

**APPENDIX III
MWSBE UTILIZATION COMMITMENT FORM
FOR
PURCHASES OF GOODS & OTHER SERVICES**

We, _____, do certify that on the _____,
(Bidder)

(Project Name)

(Project Number)

(Dollar Amount of Bid)

If the bidder intends to subcontract, this form must be completed regardless of the amount or lack of MWSBE participation attained.

I will expend a minimum of _____% of the total dollar amount of the contract with minority, women, or small business enterprises. MWSBEs 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

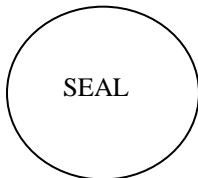
Name and Address	*MWSBE Category	Work description	Dollar Value

*MWSBE categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) Native American Indian (**N**), Female (**F**), Small (**S**), or Socially and Economically Disadvantaged (**D**)

The undersigned will enter into a formal agreement with Minority/Women/ Small Business Firms for work listed in this schedule conditional upon execution of a contract with the Charlotte-Mecklenburg Board of Education. 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 _____ 20____

Notary Public _____

My commission expires _____

APPENDIX IV

DOCUMENTATION FOR ALL PAYMENTS TO CONTRACTORS, SUBCONTRACTORS, SUPPLIERS, AND SERVICE PROVIDERS

Prime Contractor/Architect: _____

Address & Phone: _____

Project Name: _____

Pay Application #: _____ Period: _____

Current Requested Payment Amount _____

The following is a list of payments to be made to all contractors/suppliers & other providers on this project for the above-mentioned period.

Firm Name and Address	*MWSBE Category	Amount to be Paid form this pay Request	Total Payments to date	Total Amount Committed
Totals				

*MWSBE categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) Native American Indian (N), Female (**F**), Small (**S**), or Socially and Economically Disadvantaged (**D**)

Date: _____

Approved/Certified By: _____

Name

Title

Signature

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

**APPENDIX V
WAIVER REQUEST
FOR GOOD FAITH EFFORTS**

PROJECT: _____
COMPANY: _____
ADDRESS: _____
CITY: _____ **STATE:** _____ **ZIP:** _____
CONTACT PERSON: _____ **PHONE NO:** _____
TITLE: _____

The said company request a Full () or Partial () waiver for the MWSBE aspirational goals for this particular project for the following reasons:

Signature: _____ Date: _____

CMS USE ONLY

Good Faith Efforts Verified: _____

Request of Waiver Granted: **YES** (_____) **NO** (_____) _____

Comments:

Supplier Divesity Program Manager: _____ **Date:** _____

**Charlotte-Mecklenburg Schools
Minority, Women, Small Business Enterprise Program**

**Section 10.0
Attachments – See Documentation & Forms**