

May 27, 2026

**ADVERTISEMENT FOR BIDS**

Sealed bids for Forsyth Technical Community College Forsyth Building HVAC Replacement Project will be received by the Owner at 2100 Silas Creek Parkway, Winston-Salem NC 27103 by 2:00 p.m., June 16<sup>th</sup>, 2026, at which time bids will be publicly opened and read aloud.

The Owner is: Address: Forsyth Technical Community College  
2100 Silas Creek Parkway  
Winston-Salem, NC 27103  
Project Manager: Heather Brazell  
Email: [hbrazell@forsythtech.edu](mailto:hbrazell@forsythtech.edu)  
Phone: 336-971-1242

The Engineer is: Consultant **Engineering Service (CES)**  
Attention: Edward Djan  
Email: [edward@ceseng.net](mailto:edward@ceseng.net)  
Phone: 336-724-0139 ext. 104

All questions should be directed to the Engineer at email indicated above.

A Pre-Bid conference is schedule for June 2<sup>nd</sup>, 2026 @ 2:00 p.m. at Forsyth Community College main campus located at 2100 Silas Creek Parkway, Winston-Salem NC 27103. Meeting will begin at the Facilities Building on main campus off Oak Grove Drive. 2-story brick building with parking available.

This is not a mandatory pre-bid, but attendance is recommended.

The Owner reserves the right to reject any and all bids, to waive informalities, and to award contract to other than the low bidder should it be deemed in their best interest.

A place of promise.

**SECTION 00 21 13  
INSTRUCTIONS TO BIDDERS**

**PART 1 - GENERAL**

**1.1 SECURING DOCUMENTS**

- A. Obtain procurement documents for bidding purposes under conditions as set forth in the Advertisement for Bid.

**1.2 BID FORM**

- A. Submit Bids on the forms provided, properly executed and with all items filled out. Modification of the Bid Form, attachment of conditions or limitation of provisions may be cause for rejection of the Bid. Alterations, erasure or interlineations must be noted with explanation on the Bid Form over the signature of the Bidder.

**1.3 FAMILIARITY WITH WORK AND CONDITIONS:**

- A. Before preparing Bids, Bidders are urged to visit the site to inform and familiarize themselves with all conditions involved and under which the project is to be constructed or apparatus erected or installed. The Owner will not be responsible to the Contractor for payments other than as set out in the Construction Contract should construction conditions be different from those assumed or contemplated by the Contractor. The Contractor is required to satisfy himself, before bidding, as to the correctness of the site as indicated by the Contract Documents.

**1.4 SUBMISSION OF BIDS**

- A. Deliver Bid to the location indicated in the Advertisement for Bid before time set for receipt of bids. Submit Bid in an opaque, sealed envelope and marked in the lower left-hand corner with the following information:
  - 1. Bidder's Name
  - 2. Bidder's Address
  - 3. Bidder's Phone
  - 4. Contractor's License No.
  - 5. Title of Project
  - 6. Date and Time of the Bid Opening
- B. If not delivered in person, envelope shall be enclosed in a second envelope for posting to the location indicated for receipt of bids. Address outside envelope as follows:

**Heather Brazell  
Project Manager, Facilities  
Forsyth Technical Community College**

**2100 Silas Creek Parkway  
Winston Salem, NC 27103  
Label Packages "URGENT- TIME SENSITIVE BID ENCLOSED"**

- C. It is the sole responsibility of the Bidder to submit Bid prior to time fixed for receipt.
- D. Electronic submission of Bids or Bid modifications will not be accepted. Bids received after the time fixed for receipt will be considered late and will be returned to the Bidder unopened.

**1.5 BID SECURITY**

- A. A Bid Security in the amount of 5 percent of the Bid Sum shall be furnished with the submission of the Bid for each project. Acceptable Bid Securities include a bid bond, certified check, or other type of security, as stipulated by the North Carolina General Statutes. Submit Bid Security should be on the Owner's form, attached in the Project Manual.

**1.6 PERFORMANCE AND PAYMENT BONDS**

- A. Performance Bond and Labor and Material Payment Bonds, each in the amount of 100 percent of the Contract Sum, shall be furnished at the time of Contract execution. Submit Bonds on the Owner's forms attached in the Project Manual.

**1.7 EXAMINATION OF CONTRACT DOCUMENTS AND SITE OF WORK**

- A. Prior to submitting Bid, each Bidder shall carefully examine the proposed Contract Documents and visit the project site. Bidders shall fully inform themselves, prior to Bidding, as to all existing conditions and limitations under which the Work is to be performed and shall include in the Bid Sum an amount to cover the cost of all items necessary to perform the Work as set forth in the proposed Contract Documents. No allowance will be made due to lack of such examination or knowledge. The submission of a Bid shall be construed as conclusive evidence that the Bidder has made such an examination.

**1.8 SUBSTITUTIONS**

- A. Each Bidder represents that their Bid is based upon the materials and equipment described in the proposed Contract Documents. Substitutions will be considered during the Bidding process in accordance with Document 00 26 00 - Procurement Substitution Procedures. Substitutions after the execution of the Agreement will only be considered in strict accordance with Section 01 25 00 - Substitution Procedures.

**1.9 MODIFICATION AND WITHDRAWAL OF BIDS**

- A. Bids may be withdrawn upon request from the Bidder prior to opening

time. Withdrawn Bids may be resubmitted up to opening time. Negligence or error on the part of the Bidder in preparing his Bid confers no right for withdrawal of the Bid after it has been opened. No Bid may be withdrawn for 90 calendar days after opening except as provided by North Carolina G.S. 143-129.1.

#### 1.10 AWARD OR REJECTION OF BIDS

- A. Award of Contract, if awarded, will be based on, but not limited to, the following criteria:
  - 1. Award the contract to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.
  - 2. Submission of the Owner's required qualification documents before or with the Bid.
  - 3. Acceptance of the contractor's qualifications based on the response to the contractor qualification documents demonstrating his past performance and ability to complete similar work.
  - 4. Conformance with contract documents
  - 5. Acceptable date of delivery
  - 6. Acceptable Form of Bid Security
  - 7. Other reasonable factors deemed fit, by the Owner.
- B. A single Contract will be awarded.
- C. To be considered, a minimum of three Bidders must submit for the Contract.
- D. All bids are subject to the Owner's right to reject any or all bids and to waive any informality in the bids or in the bidding. Failure to provide qualifications, complete all information required on the bid form, or provide adequate bid security may result in rejection of bid.

#### 1.11 EXECUTION OF AGREEMENT

- A. The successful Bidder, to whom the Contract is awarded by the Owner, shall, within 10 days after Notice of Award from the Owner, sign and deliver to the Owner all required copies of the Agreement.
- B. Prior to or in conjunction with delivery of the executed Agreement, the Contractor shall deliver to the Owner documents described in the Project Manual and the policies or certificates of insurance as required by the Contract Documents. The Owner shall approve all bonds and policies or certificates of insurance before the Contractor may proceed with the Work.
- C. Failure or refusal to furnish Bonds or insurance policies or certificates in a form satisfactory to the Owner shall subject the Bidder to forfeiture of Bid Security.

#### 1.12 INTERPRETATION OF CONTRACT DOCUMENTS PRIOR TO BIDDING

- A. If any person contemplating submitting a Bid for the construction of the Work is in doubt as to the true meaning of any part of the proposed Contract Documents or finds discrepancies in or omissions from any part of the Contract Documents, they may submit to the Architect a written request for interpretation or correction thereof, no later than 7 calendar days prior to the receipt of Bids.
- B. Communications regarding this Work should be addressed to the Architect indicated in the Advertisement for Bids.
- C. Interpretation or correction of the Contract Documents shall be made by written addendum and will be mailed, faxed, or delivered to each Bidder of record. The Owner will not be responsible for any other explanations or interpretation of the Contract Documents.
- D. It is the responsibility of each Bidder to verify that they have received all Addenda before submitting a Bid. It is the responsibility of all sub-bidders and material suppliers to be familiar with and to include in their price, all Addenda issued up to the time of Bid opening. Requests for clarification or additional information shall be accepted only from Bidder submitting as the General Contractor, sub-Bidders and suppliers shall coordinate their requests through these Bidders.

#### 1.13 PRE-BID CONFERENCE

- A. A pre-bid conference will be held at time and location indicated in the Advertisement for Bids. All prospective bidders are requested to attend. The conference will include a discussion of the proposed site of the work, discussion of the scope and nature of the work, review of the proposed Contract Documents, and discussion of questions submitted by the Bidders.

#### 1.14 CONSTRUCTION TIME AND LIQUIDATED DAMAGES

- A. The Conditions of the Contract include stipulations that the Work be completed within the Contract Time expressed in calendar days.

Article 1.5: TIME OF CONSTRUCTION, of the Supplementary Conditions of the includes a stipulation, states that Liquidated Damages accrue per calendar day for each day Work remains incomplete beyond the Contract Completion Date. Refer to the Document 00 31 13 - Preliminary Schedule included in the Project Manual for proposed start, completion, and intermediate milestones.

PART 2 – PRODUCTS (NOT USED)

PART 3 – EXECUTION (NOT USED)

END OF SECTION 00 21 13

**SECTION 00 26 00**  
**PROCUREMENT SUBSTITUTION PROCEDURES**

**PART 1 - GENERAL**

**1.1 SUMMARY**

- A. Administrative and procedural requirements for handling requests for substitutions prior to the Owner's receipt of bids.

**1.2 DEFINITIONS**

- A. Definitions used in this Article are not intended to change or modify the meaning of other terms used in the Contract Documents.
- B. Substitutions: Requests for changes in products, materials, and equipment, of construction required by Contract Documents proposed by the Contractor are considered requests for substitutions. The following are not considered substitutions:
  - 1. Substitutions that are requested by Bidders beyond the 10 days prior to bid opening submittal period
  - 2. Revisions to Contract Documents requested by the Owner or Engineer
  - 3. Specified options of products and construction methods included in Contract Documents
  - 4. The Contractor's determination of and compliance with governing regulations and orders issued by governing authorities

**1.3 SUBSTITUTION REQUEST**

- A. No Substitutions

**SECTION 00 31 13  
PRELIMINARY SCHEDULE**

Pre-Construction		
	Start	Finish
Construction Bid Advertisement		
Pre-Bid Meeting		
Receive Bids		
Board Approval		
◆ Issue Notice to Proceed		
Construction Period		
◆ Milestone 1 (rename as necessary/delete as necessary)		
◆ Milestone 2 (rename as necessary/delete as necessary)		
◆ Milestone 3 (rename as necessary/delete as necessary)		
◆ Milestone 4 (rename as necessary/delete as necessary)		
◆ Substantial Completion		
◆ Final Completion		
☒ = Contractor milestone completion dates.		

**END OF SECTION**

00 41 13

**BID FORM STIPULATED SUM (SINGLE-PRIME CONTRACT)**

**PROJECT:** Forsyth Building HVAC Replacement Project  
Forsyth Technical Community College

**FACILITIES:** Main Campus - Forsyth Building

**BID DOCUMENTS:** May 2026

**CONTRACTOR:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

(Telephone w/Area Code) \_\_\_\_\_

**DATE:** \_\_\_\_\_

**LICENSE/LIMITS:** \_\_\_\_\_

**NC LICENSE NUMBER:** \_\_\_\_\_

**INSURANCE CARRIER:** \_\_\_\_\_

**PRICE FOR WORK INCLUDED IN THE BID DOCUMENTS AND AS  
OUTLINED IN THE SUMMERY OF WORK INCLUDING CONTINGENCIES:**

Base Bid: (Roof Area 01.01 including \$5,000 contingency)

\$ \_\_\_\_\_

Having visited the site of proposed Work and checked all dimensions of areas included in the Scope of Work.

**AREA OF BASE BID:** \_\_\_\_\_ square feet

**TIME TO COMPLETION IN CALENDAR DAYS, BASE BID:** \_\_\_\_\_

Time to completion may be considered in the award of the Contract.

We understand the requirements of the Specifications and Drawings for the project.

We acknowledge receipt of the following addenda to the Specifications (if none received, so state):

Prebid Meeting Minutes: \_\_\_\_\_

Addendum #1: \_\_\_\_\_

Addendum #2: \_\_\_\_\_

**UNIT PRICES:**

Unit prices shall be used for adjustments to the Contract at the discretion of the Owner in accordance with the General Conditions of the Contract and the Bid Documents. Unit Prices shall be for Work in place and shall include all costs, taxes, profit, and overhead.

- Attach Unit Pricing Sheet, Section 01 22 00, 3.1 LIST OF UNIT PRICES, to bid.

If additional work is required and is not covered by the Unit Prices, the Contractor shall perform the work at his actual cost plus the overhead and profit percentage given below. Percentages for extra work will be considered in the award of the Contract.

Cost plus \_\_\_\_\_% Overhead and Profit

Cost shall be substantiated by certified material invoices and labor records maintained by the Contractor to be submitted to the Owner with his request for payment for additional required/requested Work.

**SUB-CONTRACTORS:** List all proposed sub-contractors by firm name. If no sub-contractors are anticipated, so state (NA).

Trade	Contractor	License
General Contractor	_____	_____
Plumbing Contractor	_____	_____
Mechanical Contractor	_____	_____
Electrical Contractor	_____	_____

The undersigned has enclosed the following with this Proposal:

- \_\_\_\_\_ Proposal
- \_\_\_\_\_ Unit Prices: Section 01 22 00 (Page 2)
- \_\_\_\_\_ 5% Bid Bond
- \_\_\_\_\_ MBE Affidavit A or B
- \_\_\_\_\_ E-Verify Affidavit
- \_\_\_\_\_ Identification of Minority Business Participation (As required)
- \_\_\_\_\_ Roof Manufacturer's Acknowledgement
- \_\_\_\_\_ Iran Divestment Act

**CONTRACTOR:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

This Proposal shall be valid for 60 days from the date of submittal.

**E-VERIFY AFFIDAVIT**

FORSYTH TECHNICAL COMMUNITY COLLEGE  
WINSTON SALEM, NORTH CAROLINA

\*\*\*\*\*

I, \_\_\_\_\_ (the individual attesting below), being duly authorized by and on behalf of \_\_\_\_\_ (the entity bidding on project hereinafter "Employer") after first being duly sworn hereby swears or affirms as follows:

1. Employer understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with NCGS §64-25(5).
2. Employer understands that Employers Must Use E-Verify. Each employer, after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS§64-26(a).
3. Employer is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in this State. (mark Yes or No)
  - a. YES \_\_\_\_\_, or
  - b. NO \_\_\_\_\_
4. Employer's subcontractors comply with E-Verify, and if Employer is the winning bidder on this project Employer will ensure compliance with E-Verify by any subcontractors subsequently hired by Employer.

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

\_\_\_\_\_  
Signature of Affiant

Print or Type Name: \_\_\_\_\_

FORSYTH TECHLICAL COMMUNITY COLLEGE  
WINSTON SALEM, NORTH CAROLINA

Signed and sworn to (or affirmed) before me, this the \_\_\_\_

day of \_\_\_\_\_, 2026.

My Commission Expires:

\_\_\_\_\_  
\_\_\_\_\_

Notary Public

(Affix Official/Notarial Seal)

**IRAN DIVESTMENT ACT**

RFP Number (if applicable): \_\_\_\_\_

Name of Vendor or Bidder: \_\_\_\_\_  
\_\_\_\_\_

**IRAN DIVESTMENT ACT CERTIFICATION**

**REQUIRED BY N.C.G.S. 14 -**

As of the date listed below, the vendor or bidder listed above is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58.

The undersigned hereby certifies that he or she is authorized by the vendor or bidder listed above to make the foregoing statement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

*Notes to persons signing this form:*

N.C.G.S. 147-86.58 requires this certification for bids or contracts with the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina. The certification is required at the following times:

- When a bid is submitted
- When a contract is entered into (if the certification was not already made when the vendor made its bid)
- When a contract is renewed or assigned

N.C.G.S. 147-86.58 requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer’s Final Divestment List.

The State Treasurer’s Final Divestment List can be found on the State Treasurer’s website at the address [www.nctreasurer.com/Iran](http://www.nctreasurer.com/Iran) and will be updated every 180 days.

00 43 13  
FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_  
\_\_\_\_\_ as principal, and  
\_\_\_\_\_, as surety, who is duly licensed to act as  
surety in North Carolina, are held and firmly bound unto the Forsyth Technical Community College  
through \_\_\_\_\_ as obligee, in the penal sum of  
\_\_\_\_\_ DOLLARS, lawful money of the United States of America, for the  
payment of which, well and truly to be made, we bind ourselves, our heirs, executors,  
administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this \_\_\_\_ day of \_\_\_\_\_ 2

WHEREAS, the said principal is herewith submitting proposal for  
and the principal desires to file this bid bond in lieu of making  
the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the principal  
shall be awarded the contract for which the bid is submitted and shall execute the contract and  
give bond for the faithful performance thereof within ten days after the award of same to the  
principal, then this obligation shall be null and void; but if the principal fails to so execute such  
contract and give performance bond as required by G.S. 143-129, the surety shall, upon demand,  
forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided further,  
that the bid may be withdrawn as provided by G.S. 143-129.1

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

## **GUIDELINES FOR RECRUITMENT AND SELECTION OF MINORITY BUSINESSES FOR PARTICIPATION IN STATE CONSTRUCTION CONTRACTS**

In accordance with G.S. 143-128.2 (effective January 1, 2002) these guidelines establish goals for minority participation in single-prime bidding, separate-prime bidding, construction manager at risk, and alternative contracting methods, on State construction projects in the amount of \$300,000 or more. The legislation provides that the State shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each project for which a contract or contracts are awarded. These requirements are published to accomplish that end.

### **SECTION A: INTENT**

It is the intent of these guidelines that the State of North Carolina, as awarding authority for construction projects, and the contractors and subcontractors performing the construction contracts awarded shall cooperate and in good faith do all things legal, proper and reasonable to achieve the statutory goal of ten percent (10%) for participation by minority businesses in each construction project as mandated by GS 143-128.2. Nothing in these guidelines shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

### **SECTION B: DEFINITIONS**

1. **Minority** - a person who is a citizen or lawful permanent resident of the United States and who is:
  - a. Black, that is, a person having origins in any of the black racial groups in Africa;
  - b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
  - c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
  - d. American Indian, that is, a person having origins in any of the original peoples of North America; or
  - e. Female
2. **Minority Business** - means a business:
  - a. In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and
  - b. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.
3. **Socially and economically disadvantaged individual** - means the same as defined in 15 U.S.C. 637. "Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities". "Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged".
4. **Public Entity** - means State and all public subdivisions and local governmental units.
5. **Owner** - The State of North Carolina, through the Agency/Institution named in the contract.
6. **Designer** - Any person, firm, partnership, or corporation, which has contracted with the State of North Carolina to perform architectural or engineering, work.
7. **Bidder** - Any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract or subcontract.

8. Contract - A mutually binding legal relationship or any modification thereof obligating the seller to furnish equipment, materials or services, including construction, and obligating the buyer to pay for them.
9. Contractor - Any person, firm, partnership, corporation, association, or joint venture which has contracted with the State of North Carolina to perform construction work or repair.
10. Subcontractor - A firm under contract with the prime contractor or construction manager at risk for supplying materials or labor and materials and/or installation. The subcontractor may or may not provide materials in his subcontract.

### **SECTION C: RESPONSIBILITIES**

1. Office for Historically Underutilized Businesses, Department of Administration (hereinafter referred to as HUB Office).

The HUB Office has established a program, which allows interested persons or businesses qualifying as a minority business under G.S. 143-128.2, to obtain certification in the State of North Carolina procurement system. The information provided by the minority businesses will be used by the HUB Office to:

- a. Identify those areas of work for which there are minority businesses, as requested.
- b. Make available to interested parties a list of prospective minority business contractors and subcontractors.
- c. Assist in the determination of technical assistance needed by minority business contractors.

In addition to being responsible for the certification/verification of minority businesses that want to participate in the State construction program, the HUB Office will:

- (1) Maintain a current list of minority businesses. The list shall include the areas of work in which each minority business is interested.
- (2) Inform minority businesses on how to identify and obtain contracting and subcontracting opportunities through the State Construction Office and other public entities.
- (3) Inform minority businesses of the contracting and subcontracting process for public construction building projects.
- (4) Work with the North Carolina trade and professional organizations to improve the ability of minority businesses to compete in the State construction projects.
- (5) The HUB Office also oversees the minority business program by:
  - a. Monitoring compliance with the program requirements.
  - b. Assisting in the implementation of training and technical assistance programs.
  - c. Identifying and implementing outreach efforts to increase the utilization of minority businesses.
  - d. Reporting the results of minority business utilization to the Secretary of the Department of Administration, the Governor, and the General Assembly.

2. State Construction Office

The State Construction Office will be responsible for the following:

- a. Furnish to the HUB Office a minimum of twenty-one days prior to the bid opening the following:
  - (1) Project description and location;
  - (2) Locations where bidding documents may be reviewed;
  - (3) Name of a representative of the owner who can be contacted during the advertising period to advise who the prospective bidders are;
  - (4) Date, time and location of the bid opening.
  - (5) Date, time and location of prebid conference, if scheduled.
- b. Attending scheduled prebid conference, if necessary, to clarify requirements of the general statutes regarding minority-business participation, including the bidders' responsibilities.

- c. Reviewing the apparent low bidders' statutory compliance with the requirements listed in the proposal, that must be complied with, if the bid is to be considered as responsive, prior to award of contracts. The State reserves the right to reject any or all bids and to waive informalities.
- d. Reviewing of minority business requirements at Preconstruction conference.
- e. Monitoring of contractors' compliance with minority business requirements in the contract documents during construction.
- f. Provide statistical data and required reports to the HUB Office.
- g. Resolve any protest and disputes arising after implementation of the plan, in conjunction with the HUB Office.

3. Owner

Before awarding a contract, owner shall do the following:

- a. Develop and implement a minority business participation outreach plan to identify minority businesses that can perform public building projects and to implement outreach efforts to encourage minority business participation in these projects to include education, recruitment, and interaction between minority businesses and non-minority businesses.
- b. Attend the scheduled prebid conference.
- c. At least 10 days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the public entity for public construction or repair work and minority businesses that otherwise indicated to the Office for Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. The notification shall include the following:
  - 1. A description of the work for which the bid is being solicited.
  - 2. The date, time, and location where bids are to be submitted.
  - 3. The name of the individual within the owner's organization who will be available to answer questions about the project.
  - 4. Where bid documents may be reviewed.
  - 5. Any special requirements that may exist.
- d. Utilize other media, as appropriate, likely to inform potential minority businesses of the bid being sought.
- e. Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.
- f. Review, jointly with the designer, all requirements of G.S. 143-128.2(c) and G.S. 143-128.2(f) – (i.e. bidders' proposals for identification of the minority businesses that will be utilized with corresponding total dollar value of the bid and affidavit listing good faith efforts, or affidavit of self-performance of work, if the contractor will perform work under contract by its own workforce) - prior to recommendation of award to the State Construction Office.
- g. Evaluate documentation to determine good faith effort has been achieved for minority business utilization prior to recommendation of award to State Construction Office.
- h. Review prime contractors' pay applications for compliance with minority business utilization commitments prior to payment.
- i. Make documentation showing evidence of implementation of Owner's responsibilities available for review by State Construction Office and HUB Office, upon request

4. Designer

Under the single-prime bidding, separate prime bidding, construction manager at risk, or alternative contracting method, the designer will:

- a. Attend the scheduled prebid conference to explain minority business requirements to the prospective bidders.
- b. Assist the owner to identify and notify prospective minority business prime and subcontractors of potential contracting opportunities.
- c. Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.
- d. Review jointly with the owner, all requirements of G.S. 143-128.2(c) and G.S.143-128.2(f) – (i.e. bidders' proposals for identification of the minority businesses that will be utilized with

- corresponding total dollar value of the bid and affidavit listing Good Faith Efforts, or affidavit of self-performance of work, if the contractor will perform work under contract by its own workforce) - prior to recommendation of award.
- e. During construction phase of the project, review "MBE Documentation for Contract Payment" – (Appendix E) for compliance with minority business utilization commitments. Submit Appendix E form with monthly pay applications to the owner and forward copies to the State Construction Office.
  - f. Make documentation showing evidence of implementation of Designer's responsibilities available for review by State Construction Office and HUB Office, upon request.
5. Prime Contractor(s), CM at Risk, and Its First-Tier Subcontractors  
Under the single-prime bidding, the separate-prime bidding, construction manager at risk and alternative contracting methods, contractor(s) will:
- a. Attend the scheduled prebid conference.
  - b. Identify or determine those work areas of a subcontract where minority businesses may have an interest in performing subcontract work.
  - c. At least ten (10) days prior to the scheduled day of bid opening, notify minority businesses of potential subcontracting opportunities listed in the proposal. The notification will include the following:
    - (1) A description of the work for which the subbid is being solicited.
    - (2) The date, time and location where subbids are to be submitted.
    - (3) The name of the individual within the company who will be available to answer questions about the project.
    - (4) Where bid documents may be reviewed.
    - (5) Any special requirements that may exist, such as insurance, licenses, bonds and financial arrangements.

If there are more than three (3) minority businesses in the general locality of the project who offer similar contracting or subcontracting services in the specific trade, the contractor(s) shall notify three (3), but may contact more, if the contractor(s) so desires.
  - d. During the bidding process, comply with the contractor(s) requirements listed in the proposal for minority participation.
  - e. Identify on the bid, the minority businesses that will be utilized on the project with corresponding total dollar value of the bid and affidavit listing good faith efforts as required by G.S. 143-128.2(c) and G.S. 143-128.2(f).
  - f. Make documentation showing evidence of implementation of PM, CM-at-Risk and First-Tier Subcontractor responsibilities available for review by State Construction Office and HUB Office, upon request.
  - g. Upon being named the apparent low bidder, the Bidder shall provide one of the following: (1) an affidavit (Affidavit C) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal; (2) if the percentage is not equal to the applicable goal, then documentation of all good faith efforts taken to meet the goal. Failure to comply with these requirements is grounds for rejection of the bid and award to the next lowest responsible and responsive bidder.
  - h. The contractor(s) shall identify the name(s) of minority business subcontractor(s) and corresponding dollar amount of work on the schedule of values. The schedule of values shall be provided as required in Article 31 of the General Conditions of the Contract to facilitate payments to the subcontractors.
  - i. The contractor(s) shall submit with each monthly pay request(s) and final payment(s), "MBE Documentation for Contract Payment" – (Appendix E), for designer's review.
  - j. During the construction of a project, at any time, if it becomes necessary to replace a minority business subcontractor, immediately advise the owner, State Construction Office, and the Director of the HUB Office in writing, of the circumstances involved. The prime contractor shall make a good faith effort to replace a minority business subcontractor with another minority business subcontractor.

- k. If during the construction of a project additional subcontracting opportunities become available, make a good faith effort to solicit subbids from minority businesses.
- l. It is the intent of these requirements apply to all contractors performing as prime contractor and first tier subcontractor under construction manager at risk on state projects.

6. **Minority Business Responsibilities**

While minority businesses are not required to become certified in order to participate in the State construction projects, it is recommended that they become certified and should take advantage of the appropriate technical assistance that is made available. In addition, minority businesses who are contacted by owners or bidders must respond promptly whether or not they wish to submit a bid.

**SECTION 4: DISPUTE PROCEDURES**

It is the policy of this state that disputes that involves a person's rights, duties or privileges, should be settled through informal procedures. To that end, minority business disputes arising under these guidelines should be resolved as governed under G.S. 143-128(g).

**SECTION 5:** These guidelines shall apply upon promulgation on state construction projects. Copies of these guidelines may be obtained from the Department of Administration, State Construction Office, (physical address) 301 North Wilmington Street, Suite 450, NC Education Building, Raleigh, North Carolina, 27601-2827, (mail address) 1307 Mail Service Center, Raleigh, North Carolina, 27699-1307, phone (919) 807-4100, Website: [www.nc-sco.com](http://www.nc-sco.com)

**SECTION 6:** In addition to these guidelines, there will be issued with each construction bid package provisions for contractual compliance providing minority business participation in the state construction program.

## **MINORITY BUSINESS CONTRACT PROVISIONS (CONSTRUCTION)**

### **APPLICATION:**

The **Guidelines for Recruitment and Selection of Minority Businesses for Participation in State Construction Contracts** are hereby made a part of these contract documents. These guidelines shall apply to all contractors regardless of ownership. Copies of these guidelines may be obtained from the Department of Administration, State Construction Office, (physical address) 301 North Wilmington Street, Suite 450, NC Education Building, Raleigh, North Carolina, 27601-2827, (mail address) 1307 Mail Service Center, Raleigh, North Carolina, 27699-1307, phone (919) 807-4100, Website: <http://www.nc-sco.com>

### **MINORITY BUSINESS SUBCONTRACT GOALS:**

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

The bidder must identify on its bid, the minority businesses that will be utilized on the project with corresponding total dollar value of the bid and affidavit (Affidavit A) listing good faith efforts **or** affidavit (Affidavit B) of self-performance of work, if the bidder will perform work under contract by its own workforce, as required by G.S. 143-128.2(c) and G.S. 143-128.2(f).

The lowest responsible, responsive bidder must provide Affidavit C, that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal.

**OR**

Provide Affidavit D, that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, **with documentation of Good Faith Effort, if the percentage is not equal to the applicable goal.**

**OR**

Provide Affidavit B, which includes sufficient information for the State to determine that the bidder does not customarily subcontract work on this type project.

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

## **MINIMUM COMPLIANCE REQUIREMENTS:**

All written statements, affidavits or intentions made by the Bidder shall become a part of the agreement between the Contractor and the State for performance of this contract. Failure to comply with any of these statements, affidavits or intentions, or with the minority business Guidelines shall constitute a breach of the contract. A finding by the State 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 the State whether to terminate the contract for breach.

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

- (1) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed.
- (2) Making the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bid or proposals are due.
- (3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation.
- (4) Working with minority trade, community, or contractor organizations identified by the Office for Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- (5) Attending any prebid meetings scheduled by the public owner.
- (6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.
- (7) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- (8) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- (9) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- (10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

**APPENDIX E**

**MBE DOCUMENTATION FOR CONTRACT PAYMENTS**

Prime Contractor/Architect: \_\_\_\_\_

Address & Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

Pay Application #: \_\_\_\_\_ Period: \_\_\_\_\_

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

MBE FIRM NAME	* INDICATE TYPE OF MBE	AMOUNT PAID THIS MONTH	TOTAL PAYMENTS TO DATE	TOTAL AMOUNT COMMITTED

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

Date: \_\_\_\_\_ Approved/Certified By: \_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

**SUBMIT WITH EACH PAY REQUEST & FINAL PAYMENT**



# AFFIDAVIT A Listing of Good Faith Efforts

County of \_\_\_\_\_

Affidavit of \_\_\_\_\_

(Name of Bidder)

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

**Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive.  
(1 NC Administrative Code 30 I.0101)**

- 1 – (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- 2 --(10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- 3 – (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- 4 – (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- 5 – (10 pts)** Attended prebid meetings scheduled by the public owner.
- 6 – (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- 7 – (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- 8 – (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- 9 – (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- 10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: \_\_\_\_\_

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

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

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



State of \_\_\_\_\_, County of \_\_\_\_\_

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

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

Attach to bid (as appropriate)

Attach to bid (as appropriate)

Attach to bid (as appropriate)

## AFFIDAVIT B Intent to Perform Contract with Own Workforce

This affidavit shall be provided by the apparent lowest responsible, responsive bidder within **72 hours** after notification of being low bidder.

County of \_\_\_\_\_

Affidavit of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Name of Bidder)

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

\_\_\_\_\_ contract.  
(Name of Project)

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

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement. The Bidder agrees to make a Good Faith Effort to utilize minority suppliers where possible.

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

Date: \_\_\_\_\_

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

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

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



State of \_\_\_\_\_, County of \_\_\_\_\_

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

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

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

Do not submit with bid

Do not submit with bid

Do not submit with bid

Do not submit with bid

### AFFIDAVIT C

## Portion of the Work to be Performed by HUB Certified/Minority Businesses

If the portion of the work to be executed by HUB certified/minority businesses as defined in GS143-128.2(g) and 128.4(a),(b),(e) is equal to or greater than 10% of the bidder's 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.

County of \_\_\_\_\_

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

\_\_\_\_\_ contract.  
(Name of Project)

Project ID# \_\_\_\_\_ Amount of Bid \$ \_\_\_\_\_

I will expend a minimum of \_\_\_\_\_% of the total dollar amount of the contract with minority business enterprises. Minority businesses will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below.

Attach additional sheets if required

Name and Phone Number	*Minority Category	**HUB Certified	Work Description	Dollar Value
		Y / N		
		Y / N		
		Y / N		
		Y / N		
		Y / N		
		Y / N		

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

\*\* HUB Certification with the State HUB Office is required to be counted toward state participation goals.

Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: \_\_\_\_\_

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

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

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



State of \_\_\_\_\_, County of \_\_\_\_\_

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

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

## AFFIDAVIT D Good Faith Efforts

This affidavit shall be provided by the apparent lowest responsible, responsive bidder within **72 hours** after notification of being low bidder.

If the goal of 10% participation by HUB Certified/minority business **is not** achieved, the Bidder shall provide the following documentation to the Owner of his good faith efforts:

County of \_\_\_\_\_

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

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

Project ID# \_\_\_\_\_ Amount of Bid \$ \_\_\_\_\_

I will expend a minimum of \_\_\_\_\_% of the total dollar amount of the contract with HUB certified/minority business enterprises. Minority businesses will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below.

(Attach additional sheets if required)

Name and Phone Number	*Minority Category	**HUB Certified	Work Description	Dollar Value
		Y / N		
		Y / N		
		Y / N		
		Y / N		
		Y / N		

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

\*\* HUB Certification with the State HUB Office required to be counted toward state participation goals.

**Examples** of documentation that may be required to demonstrate the Bidder's good faith efforts to meet the goals set forth in these provisions include, but are not necessarily limited to, the following:

- A. Copies of solicitations for quotes to at least three (3) minority business firms from the source list provided by the State for each subcontract to be let under this contract (if 3 or more firms are shown on the source list). Each solicitation shall contain a specific description of the work to be subcontracted, location where bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.
- B. Copies of quotes or responses received from each firm responding to the solicitation.
- C. A telephone log of follow-up calls to each firm sent a solicitation.
- D. For subcontracts where a minority business firm is not considered the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
- E. Documentation of any contacts or correspondence to minority business, community, or contractor organizations in an attempt to meet the goal.
- F. Copy of pre-bid roster
- G. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for minority business.

- H. Letter detailing reasons for rejection of minority business due to lack of qualification.
- I. Letter documenting proposed assistance offered to minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letter of credit, including waiving credit that is ordinarily required.

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

Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: \_\_\_\_\_

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

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

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



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

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

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

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

**APPENDIX E  
MBE DOCUMENTATION FOR CONTRACT PAYMENTS**

Prime Contractor/Architect: \_\_\_\_\_

Address & Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

Pay Application #: \_\_\_\_\_ Period: \_\_\_\_\_

The following is a list of payments to be made to minority business contractors on this project for the above-mentioned period.

MBE FIRM NAME	* INDICATE TYPE OF MBE	AMOUNT PAID THIS MONTH	TOTAL PAYMENTS TO DATE	TOTAL AMOUNT COMMITTED

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

Date: \_\_\_\_\_

Approved/Certified By: \_\_\_\_\_

Name

Title

Signature

Signature certifies that any minority firms not previously verified in the bid/award process have been appropriately verified, services have been rendered, and payment is due as processed.