

The board affirms the State's commitment to encouraging the participation of minority businesses in the school system's construction contracts. For purposes of this policy, "minority business" is defined in accordance with G.S. 143-128.2(g).

A. Goals

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

1. Projects in which the cost exceeds \$100,000 and the board has received state appropriations or grants for the project:

Ten percent (10%) participation by minority businesses in the total value of work for each building project involving erection, construction, alteration, or repair.

2. Projects in which the cost exceeds \$300,000:

Ten percent (10%) participation by minority businesses in the total value of work for each building project involving erection, construction, alteration, or repair.

3. Projects in which the costs are at least \$30,000 but do not exceed \$300,000:

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

B. SCHOOL SYSTEM GOOD FAITH EFFORTS

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

1. make information about the school system's formal and informal bidding process readily available;
2. develop and implement a minority business participation outreach plan to identify minority businesses that can perform building projects and to implement outreach efforts to encourage minority business participation in such projects;

3. advertise for bids in media that reaches minority businesses and provide notice to minority businesses as provided in G.S. 143-128.2;
4. ensure that everyone who requests it has access to building documents needed for making bids on projects;
5. encourage businesses experiencing difficulty in meeting the bonding, licensing, and bid deposits required by state law in larger construction projects to utilize resources and assistance offered by local, state, and federal agencies; and
6. encourage contractors to attend the scheduled pre-bid conference.

C. GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS

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

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

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

D. NONDISCRIMINATION

The board will award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition. Nothing in this policy should be construed to require the board of contractors 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.

Legal References: *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); G.S. 143-128, -128.2, -128.3, -131

Cross References:

Adopted: