

NONDISCRIMINATION CLAUSE

It is specifically agreed as part of the consideration of the signing of the Contract that the parties hereto, their agents, officials, employees or servants will not discriminate in any manner on the basis of age, handicap, race, color, creed, sexual orientation or national origin with reference to the subject matter of the Contract, no matter how remote. The parties hereto further agree in all respects to conform with the provisions and intent of the city of Raleigh, North Carolina Ordinance No. 1969-889 as amended.

This provision being incorporated for the benefit of the City of Raleigh and its residents may be enforced as set out in said ordinances, enforcement of this provision shall be by action for specific performance, injunctive relief, or other remedy as by law provided.

This provision shall be binding on the successors and assigns of the parties hereto with reference to the subject matter of this Contract.

(Use the following form for signatures by a CORPORATION):

Corporate Name

ATTEST:

(Assistant) Secretary

BY: _____
(Vice) President

(Printed Name)

(Printed Name)

(Corporate Seal)

(Use the following form for signatures by an INDIVIDUAL):

BY: _____ (SEAL)

(Printed Name)

WITNESS:

(Printed Name)

**COMMUNICATION OF CITY OF RALEIGH POLICY
TOWARD USE OF SMALL DISADVANTAGED MINORITY & WOMEN-OWNED BUSINESS
PROGRAM /CONTRACTORS**

The City's policy is to encourage Bidders to use small disadvantaged minority & women-owned business program as subcontractors. A presentation of that policy is made at the pre-bid conference. All construction Bid documents include the listing of the businesses in the construction-related fields that have been certified by the City is included following the Supplementary Conditions.

Formal Bid Process

The City requires all Bidders to submit a list of their subcontractors with their Bid and to identify all small disadvantaged minority & women-owned business. After the Bid opening, the City will attempt to verify if those listed by the low Bidder are small disadvantaged minority & women-owned business program and that those listed have had contact with the low Bidder relative to constructing a portion of the Project. It is understood that this information will be provided to the City Council in the agenda packet with the Bid tabulation on the Project. It is further understood that the Contract Documents include a provision that the City will be notified of any changes in subcontractors. The low Bidder will be informed of that responsibility prior to signing the Contract.

I have read and understand the City of Raleigh's policy as stated above.

Signature

Printed Name

Title

Date

SMALL DISADVANTAGED MINORITY & WOMEN-OWNED BUSINESS PROGRAM CONTRACT PROVISIONS (CONSTRUCTION)

APPLICATION:

The Guidelines for Recruitment and Selection of Small disadvantaged minority & women-owned business program for Participation in City 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 Purchasing Division of the Finance Department, (physical address) 222 West Hargett Street, Room 508, Raleigh, North Carolina, 27601, (mail address) P.O. Box 590, Raleigh, North Carolina, 27602, phone (919) 996-3840, Website: www.raleighnc.gov .

SMALL DISADVANTAGED MINORITY & WOMEN-OWNED BUSINESS PROGRAM SUBCONTRACT GOALS:

The goals for participation by small disadvantaged minority & women-owned business firms as subcontractors on this project have been set at 15%. (7% women & 8% minority)

The bidder must identify on its bid, the small disadvantaged minority & women-owned business 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 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 (f).

Within 72 hours the lowest responsible bidder must provide Affidavit C that includes a description of the portion of work to be executed by small disadvantaged minority & women-owned business, 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 small disadvantaged minority & women-owned 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.

The above information must be provided as required. Failure to submit these documents is ground for rejection of 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 City for performance of this contract. Failure to comply with any of these statements, affidavits or intentions or with the small disadvantaged minority & women-owned business program Guidelines shall constitute a breach of the contract. A finding by the City 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 City whether to terminate the contract for breach.

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

- (1) Contacting small disadvantaged minority & women-owned businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on the City 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 small disadvantaged minority & women-owned business program 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 small disadvantaged minority & women-owned business program participation.
- (4) Working with small disadvantaged minority & women-owned business trade, community, or contractor organizations identified by the Office for Business Assistance Program and included in the bid documents that provide assistance in recruitment of small disadvantaged minority & women-owned business program 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 small disadvantaged minority & women-owned businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a small disadvantaged minority & women-owned business based on lack of qualification should have the reasons documented in writing.
- (8) Providing assistance to an otherwise qualified small disadvantaged minority & women-owned 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 small disadvantaged minority & women-owned businesses in obtaining the same unit pricing with the bidder's suppliers in order to help small disadvantaged minority & women-owned businesses in establishing credit.
- (9) Negotiating joint venture and partnership arrangements with small disadvantaged minority & women-owned businesses in order to increase opportunities for small disadvantaged minority & women-owned business participation on a public construction or repair project when possible.
- (10) Providing quick pay agreements and policies to enable small disadvantaged minority & women-owned businesses contractors and suppliers to meet cash flow demands.

The total value of small disadvantaged minority & women-owned business contracting will be (\$)
_____ (M\$ _____ Women _____
Total estimated SDMWOB percentage _____% Minority _____% Women _____%

City of Raleigh AFFIDAVIT A-Listing in Good Faith Effort

County of _____

Affidavit of _____

(Name of Bidder)

I have made a good faith effort to comply under the following areas checked:
(A minimum of 50 points must be obtained in order to have achieved a "good faith effort")

- 1-Contacted small disadvantaged minority & women-owned 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. Value= 10 points.
- 2-Made the construction plans, specifications and requirements available for review by prospective small disadvantaged minority & women-owned businesses, or providing these documents to them at least 10 days before the bids are due. Value=10 points.
- 3-Broken down or combined elements of work into economically feasible units to facilitate small disadvantaged minority & women-owned business participation. Value = 15 points.
- 4-Worked with small disadvantaged minority & women-owned business trade, community, or contractor organizations identified by the Office of Business Assistance Program and included in the bid documents that provide assistance in recruitment of small disadvantaged minority & women-owned business program businesses. Value=10 points.
- 5-Attended prebid meetings schedule by the public owner. Value=10 points.
- 6-Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors. Value=20 points.
- 7-Negotiated in good faith with interested small disadvantaged minority & women-owned businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a small disadvantaged minority & women-owned business based on lack of qualification should have the reasons documented in writing. Value =15 points.
- 8-Provided assistance to an otherwise qualified small disadvantaged minority & women-owned 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 small disadvantaged minority & women-owned businesses in obtaining the same unit pricing with the bidder's suppliers in order to help small disadvantaged minority & women-owned businesses in establishing credit. Value=25 points.
- 9-Negotiated joint venture and partnership arrangements with small disadvantaged minority & women-owned businesses in order to increase opportunities for small disadvantaged minority & women-owned business participation on a public construction or repair project when possible. Value =20 points.
- 10-Provided quick pay agreements and policies to enable small disadvantaged minority & women-owned business contractors and suppliers to meet cash flow demands. Value=20 points.

TOTAL POINTS OBTAINED _____

In accordance with GS143-128.2 (d) the undersigned will enter into a formal agreement with the firms listed in the Identification of Small Disadvantaged Minority & Women-Owned Business Program 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 small disadvantaged minority & women-owned business program 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 _____

SEAL

City of Raleigh –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 sates 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 work on this project wit his/her own current work forces; and

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

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

Date: _____ Name of Authorized Officer: _____

Signature: _____

Title: _____

Seal

State of North Carolina, County of _____

Subscribed and sworn before me this _____ day of _____ 20__

Notary Public _____

My commission expires _____

Date: _____

Name of Authorized Officer: _____

Signature: _____

Title: _____

State of North Carolina, County of _____

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

SEAL

Notary Public _____ My commission expires _____

City of Raleigh

AFFIDAVIT D-Good Faith Efforts

County of _____

If the goal of 15% participation by Small Disadvantaged Minority & Women Businesses is not achieved, the Bidder shall provide the following documentation to the Owner of his Good Faith Efforts:

(Name of Bidder)

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

(Attach additional sheets if required)

Name and Phone Number	Small Disadvantaged Minority & Women-Owned Business Program Category	Work Description	Dollar Value

*Small disadvantaged minority & women-owned business program Categories:
Black, African American (B), Hispanic (H), White Female (CF) Asian American (AA) American Indian (AI)

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) small disadvantaged minority & women-owned business firms from the source list provide by the City of Raleigh 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 contract, 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 small disadvantaged minority & women-owned 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 small disadvantaged minority & women-owned business program. Community, or contractor organizations in an attempt to meet the goal.
- F. Copy of the pre-bid letter.
- G. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for small disadvantaged minority & women-owned business program business.
- H. Letter detailing reasons for rejections of small disadvantaged minority & women-owned business program business due to lack of qualification.
- I. Letter documenting proposed assistance offered to small disadvantaged minority & women-owned business program 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.

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 _____

SEAL