



REQUEST FOR QUALIFICATIONS 2021-097

Construction Manager at Risk Services for a new Southwest Regional Library and Associated Improvements

Due Date: July 16, 2021

Time: 2:00 PM, EST.

Submittal Location: Union County Government Center
Administrative Services
Procurement Division, Suite #709
500 North Main Street
Monroe, NC 28112

(Note: Follow the submittal instructions listed in this document to electronically upload a submittal/proposal package.)

Procurement Contact Person

Name: Cheryl Wright, CPPO, CLGPO

Title: Director, Procurement

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Telephone: 704-283-3563

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Notice of Advertisement

Advertisement
Union County, North Carolina
Is Soliciting Statements of Qualifications For
RFQ# 2021-097
Construction Manager at Risk Services
For a new Southwest Regional Library
and Associated Improvements

Electronic Statements of Qualifications (SOQs) will be received by the Union County's Procurement Department at the Union County Government Center, 500 North Main Street, Monroe, NC 28112 until **2:00PM EST (local time) on July 16, 2021.** *Follow the submittal instructions listed in this document to **electronically upload a SOQ submission package.** Late submittals will not be accepted.*

The scope of work in this project includes providing construction manager at risk services relating to design and construction of a new Southwest Regional Library and associated improvements. The firm selected will be required to provide construction manager at risk services in conjunction with the following firms currently under contract and providing professional services related to the design and construction of the Southwest Regional Library and associated improvements. Little Diversified is providing full architectural and engineering services. McDonough, Bolyard, Peck, (MBP, Inc) is providing building commissioning services and Kleinfelder will be performing special inspections and construction material testing services all relating to the design and construction of a new Southwest Regional Library and associated improvements.

This is a Request for Qualification (RFQ). Responding firms are not required to submit price information nor work product with submittal packages.

Companies or individuals must be licensed in the State of North Carolina, as set forth under Article 1 of Chapter 87 of the North Carolina Statutes. The company or individuals license number shall be designated on the outside of the envelope containing the bid.

Union County (UC) reserves the right to reject any or all submittals, to waive technicalities and to make such selection deemed in its best interest. With limited response, Union County reserves the right to extend the solicitation opening date as appropriate in order to assure a competitive procurement process. Union County encourages good faith effort outreach as described in UC MBE and Small Business Outreach Plan. Compliance with Union County Minority and Small Business Guidelines and Outreach Plan applies.

Responding firms are required to comply with the NC non-collision requirements. Union County reserves the right to reject any and or all bids.

For purposes of coordination, primary Procurement contact for project information is: Cheryl Wright, Procurement Department at, Cheryl.wright@unioncountync.gov

1. SUBMITTAL DEADLINE AND ADDENDUM INFORMATION

1.1 SUBMISSION DEADLINE AND DELIVERY ADDRESS

All submittals, for the services specified, are to be received by the Union County Procurement Department no later than **2:00 PM EST on July 16, 2021** per the instructions below. Any submittals received after this date and time shall be rejected without exception.

1.2 SUBMISSION REQUIREMENTS

The Statement of Qualifications (SOQ) **must be submitted electronically by using the following link:** <https://lfportal.unioncountync.gov/Forms/procurementsubmit>. The submittal, one complete document, must be signed by a person who is authorized to bind the proposing Company. Instructions for preparing the SOQ are provided herein.

Paper submissions will not be accepted.

There is no expressed or implied obligation for Union County to reimburse Offerors for any expenses incurred in preparing a response to this request.

Union County (UC) reserves the right to reject any or all submittals, to waive technicalities and to make such selection deemed in its best interest.

1.3 SUBMITTAL QUESTIONS

Submittal questions will be due on or before **July 1, at 4:00 PM EST**. The primary purpose is to provide participating Offerors with the opportunity to ask questions, in writing, related to the RFQ. Addendum will be issued prior to due date to answer applicable questions.

Submit questions by e-mail to **Cheryl Wright** at cheryl.wright@unioncountync.gov by the deadline shown above. The email should identify the RFQ number and project title. All questions and answers may be posted as addenda on www.unioncountync.gov and www.ips.state.nc.us.

1.4 PROPOSAL ADDENDUM

Union County may modify the RFQ prior to the date fixed for submission of SOQs by the issuance of an addendum.

Should an Offeror find discrepancies or omissions in this RFQ or any other documents provided by Union County, the Offeror should immediately notify the County of such potential discrepancy in writing via email as noted above.

Any addenda to these documents shall be issued in writing. No oral statements, explanations, or commitments by anyone shall be of effect unless incorporated in the written addenda. Receipt of Addenda shall be acknowledged by the Offeror on Appendix B.

Selection criteria are outlined in this document. Union County reserves the right to reject any or all submittals, to waive technicalities and to make such selection deemed in its best interest. With limited response, Union County reserves the right to extend the solicitation opening date as appropriate in order to assure a competitive procurement process.

1.5 COMMUNICATION

All communications, any modifications, clarifications, amendments, questions, responses or any other matters related to this Request for Qualifications must be made only through the Procurement Contact noted on the cover of this RFQ. A violation of this provision is cause for the County to reject a Company's proposal. No contact regarding this document with the Board of County Commissioners or other County employees is permitted and may be grounds for disqualification.

2. INTRODUCTION

Union County (Owner) hereby requests qualified consultants to submit a Statement of Qualifications (SOQ) for RFQ 2021-097 Construction Manager at Risk Services – Southwest Regional Library and Associated Improvements

2.0 GENERAL

Union County is soliciting Statements of Qualification (SOQ) proposals for construction manager at risk services relating to the construction of a new Southwest Regional Library and associated improvements. The County intends to acquire the services of construction manager at risk, (CMR) during the pre-construction and construction of the new Southwest Regional Library and associated improvements. Construction manager at risk firms will be required to provide professional services in conjunction with Little Diversified who is under separate contract to provide full architectural and engineering services. McDonough, Bolyard, Peck, (MBP, Inc) who is under separate contract to provide building commissioning services and Kleinfelder who is under separate contract to provide special inspection services and construction material testing services all relating to the design and construction of a new Southwest Regional Library and associated improvements.

Little Diversified, MBP, Kleinfelder and the project team will fully cooperate and coordinate conveyance of drawing and specifications presently in the construction document phase, (CD Phase) to the CMR. CMR firms with relevant experience and qualifications as described above with successful project delivery performing as a team along-side architectural and engineering firms are encouraged to submit SOQ. The CMR firm ultimately selected by the County will provide full construction manager at risk services beginning with the review of construction drawings and specifications, and throughout the pre-construction and construction phase of the new Southwest Regional Library and associated improvements, as directed by the County. The construction period is expected to begin in the Fall of 2021 and span over a 12-month period of time. The purpose of the RFQ process is to identify the most qualified respondents.

2.1 OBJECTIVE

The County's objective in using the CMR delivery method for this project is to:

- Provide optimum coordination of subcontractors under the operational constraints of constructing the facility.
- Allow prequalification of subcontractors in accordance with NC General Statute and Union County Policy.
- Provide a team approach between the County and CMR in controlling risks, costs, and schedule.
- Have transparency of costs.

3. PROJECT DESCRIPTION

3.0 PROJECT DESCRIPTION:

The site is approximately 16-acres located on Cuthbertson Road adjacent to Cuthbertson Middle School. The site is predominantly wooded with an existing wetland and stream in the center of the site. The site work will include 71 new paved parking spaces along with a new book drop loop and service area for the new 21,000 SF building. The site will also include an extensive sidewalk network connecting to the residential neighborhood to the south and the middle school to the north. The water connection will come from the opposite side of Cuthbertson Road to the site and the sewer will connect to an existing public sewer manhole at the northwest corner of the site.

This project consists of a new single-story, approximately 21,000 square foot, branch library including main reading rooms for children, adult and youth patrons, administrative spaces, maker space, large meeting room, study and storage spaces. The exterior skin includes brick masonry, aluminum metal and composite wood veneer panels over metal stud framing, aluminum storefront, as well as sloped standing seam metal and flat SBS modified bitumen roof systems. Interior work includes mainly painted gypsum board over metal framing, wood doors, hollow metal frames, aluminum storefront windows, architectural millwork and wood details, restroom fixtures and accessories, and finishes as scheduled.

The structural system is a one-story, steel-framed building supported by shallow spread footings. The roof framing consists of 1 ½" and 3 ½" corrugated metal roof deck supported by wide flange steel beams and bar joists which are in turn supported by wide flange or HSS steel columns. The lateral force resisting system is a combination of steel braced frames and moment frames not specifically detailed for seismic resistance. The mechanical room and yard are to be constructed with concrete masonry units.

The mechanical design includes the use of a hydronic heating and cooling plant with each respective plant designed with a primary-secondary distribution loop. The mechanical system consists of an air-cooled chiller, cast iron boilers, pumps with variable speed drives, variable air volume air handling unit, and variable air volume terminal air units with hot water reheat coils. The chilled water system is configured to service planned future additions by adding a chiller, while the heating water system as well as the chilled water distribution piping and pumping systems are sized for the anticipated future expansion of the facility.

The project includes an 800-Amp, 480-Volt, 3-Phase electrical system with underground service from utility transformer. Main electrical room, plus two small closets for power distribution. Interior lighting includes recessed fixtures in areas with ceilings and suspended fixtures in areas that are open to structure. Exterior lighting includes pole-mounted fixtures, floodlights, and building-mounted fixtures. Automatic lighting control with relay panel for exterior lighting and common area lighting, and occupancy sensors in smaller spaces. Addressable fire alarm system. Security system, including cameras and card readers. Telecom system, including cable tray and empty conduit system.

The CMR shall contract directly with the County for all construction; shall publicly advertise as prescribed in NCGS 143-129; and shall prequalify and accept bids from first tier sub-contractors for all construction work under this section. The CMR shall use the prequalification process determined by the County in accordance with NCGS 143-135.8, provided that the County and the CMR shall jointly develop the assessment tool and criteria for the specific project, which include the prequalification scoring and minimum required score for prequalification on the project (refer to UC Pre-Qualification Policy). The County shall require the CMR to submit its plan for compliance with NCGS 143-128.2 for approval by the County prior to soliciting bids for the project's first-tier subcontractors.

4. CONSTRUCTION MANAGER AT RISK SCOPE OF SERVICES OVERVIEW

The following representative list of services to be provided by the construction management at risk (CMR) is for illustrative purposes only and is not intended to be exhaustive or exclusive.

4.1 GENERAL OVERVIEW

The CMR shall provide consulting, scheduling, estimating, cost control services and will function as one of the key team members along with the County, the Architect's consulting team, and the Commissioning Agent. The CMR will collaborate with all members of the project team in the assembly of logical work packages to break the project into tasks and will manage the work related to the project.

The work of the Construction Manager-at-Risk may be performed in various phases under separate contracts for each phase. Phases may include preconstruction services, preliminary GMP and Final GMP. Since the Construction Manager-at-Risk will be providing only professional services for the benefit of the Owner based on a fee for such services, this procurement will be made in accordance with provisions of North Carolina General Statute (N.C.G.S) 143-64.31 which require that firms qualified to provide such services be selected on the basis of demonstrated competence and qualification for the type of professional service required without regard to fee and thereafter negotiate a contract for those services at a fair and reasonable fee with the best qualified firm.

All work performed under this contract shall be in accordance with the General Conditions of the Contract hereinafter set as modified or supplemented by any Contract Amendments, Special Conditions, or other Contract Documents as listed hereinafter any addenda, and other components of the Contract.

PRE-CONSTRUCTION PHASE SERVICES

Pre-construction Phase Services may include, but are not limited to the following:

- Collaboration with the County, Architect, and Commissioning Agent in the review of the existing construction drawings and specifications.
- Performing constructability reviews and value engineering services.
- Identification and mitigation of risk through analysis and assessment cost control scheduling and sequencing coordination.
- Developing and updating project schedules.
- Providing a site logistics plan and building excavation plan.
- Developing detailed cost estimates.
- Collaboration with County and Architect in development of early work packages.
- Providing a Guaranteed Maximum Price, (GMP) to construct the project and related work
- Review request for information, (RFI's) and shop drawings.
- Performing constructability review services.

CONSTRUCTION PHASE SERVICES

Construction Phase Services shall include, but are not limited to the following:

- Comply with General Conditions
- Provide construction trailers, storage, equipment, barriers, etc.
- Collaborate with the County and Architect to execute the project
- Develop and update construction schedules
- Prequalify subcontract bidders in compliance with NCGS 143-135.8 and Union County

- Policy
- Manage subcontract bidding
- Provide reporting and project management of CMR forces
- Provide construction management services during construction
- Develop safety and quality assurance measures
- Maintain a system for tracking submittals
- Coordinate, conduct, and document regular construction meetings
- Reconcile construction contract requirements with the construction budget
- Obtain permits and inspections
- Coordinate all types of testing and inspections
- Document activities associated with administration, management, and construction of the project
- Certify monthly all work in place and approve all subcontractor and vendor payment requests
- Deliver the project to the County within the approved GMP
- Project closeout

4.2 PROJECT PROCUREMENT SCHEDULE

The following is the Project Procurement Schedule. The Owner reserves the right to modify the Project Procurement Schedule via Addenda or by contacting Shortlisted firms directly (if applicable).

Date	Activity
July 01, 2021	Deadline for Questions
July 16, 2021	RFQ Due Date

5. GENERAL INFORMATION

5.1 GENERAL INFORMATION

5.1.1 Compliance with Legal Requirements

This Procurement will be in accordance with N.C.G.S. 143-128.1 and all applicable federal, state and local laws, and Owner policies and procedures.

5.1.2 Conflict of Interest and Communication with the Owner

- a) Offerors are required to conduct the preparation of their SOQ's with professional integrity and free of lobbying activities. Communication with the Owner regarding this Project shall be via email only and directed to the Procurement contact person listed under Deadline for Questions.

From and after the issuance date of this RFQ. Offerors shall not communicate about the Project or the Procurement with any other Owner employees, representatives, or consultants. Communication with other Owner employees, representatives, or consultants regarding the Procurement may cause the firm involved to be disqualified from submitting under this Procurement. Any verified allegation that a responding Offeror or Team Member or an agent or consultant of the foregoing has made such contact or attempted to influence the evaluation, ranking, and/or selection of short-listed Offerors may be cause for Owner to disqualify the Offeror team from submitting an SOQ, to disqualify the Team Member from participating in the Procurement, and/or to discontinue any further consideration of such Offeror or Team Member.

6. SOQ SUBMITTAL REQUIREMENTS AND INSTRUCTIONS

6.1 PROPOSAL FORMAT

Respondents bear the responsibility of examining all parts of this RFQ and furnishing the information required by this RFQ. All requirements outlined in this RFQ must be filled in and completed. Each proposer must answer all questions and provide all requested information, where applicable. If the answer to any questions is “none” or if the question is not applicable, please state in writing. Any response failing to do so may be deemed to be nonresponsive with respect to this qualification at the sole discretion of Union County. All costs incurred in the preparation and submission of proposals shall be covered by the respondent.

Offerors should prepare their SOQ in accordance with the instructions outlined in this section. The submittal should be one (1) complete document. Each Offeror is required to submit the SOQ electronically – Refer to item 1.2. The SOQ should be prepared as simply as possible and provide a straightforward, concise description of the Offeror’s capabilities to satisfy the requirements of the RFQ.

Utmost attention should be given to accuracy, completeness, and clarity of content. All parts, pages, figures, or tables should be numbered and clearly labeled. Response information should be limited to pertinent information only. Marketing and sales type information is not to be included.

The total length of the submittal, including cover letter, should be no more than 50 single-sided pages. Submittals should be on 8 ½” x 11” paper with an 11-point minimum text size.

Font size should be no smaller than Arial Narrow 11pt. Key personnel resumes may also be provided as an appendix to the document and will not count against the page limit. Covers and tabs do not count against the page limit.

Please provide the following information in the sequence of the major headings described below.

The submittal should be organized into the following sections:

- **Section 1** – Cover Letter
- **Section 2** – Minimum Qualifications
- **Section 3** – Current Organization & Structure of Business
- **Section 4** – Experience
- **Section 5** – History of Construction Manager at Risk Experience
- **Section 6** – Qualifications
- **Section 7** – Project Team or Key Personnel
- **Section 8** – Project Approach and Management
- **Section 9** – Financial
- **Section 10** – UC Minority & Small Business...
- **Section 11** – Legal
- **Section 12** – Appendix A – Signature Page and
Appendix B – Addenda and Anti-Collusion

Omissions and incomplete answers may be deemed unresponsive. Please initial any corrections.

TAB -1: COVER LETTER

Provide an executive summary to include company name, corporate history, and number of years in business under the current organizational name and structure, services offered, location of principal place of business and evidence of authority to do business in North Carolina. List the type of firm or organization (corporation, partnership, joint venture, etc.) that will serve as the prime contracting party. Describe your interest in this project and the unique advantage your firm and team bring. The cover letter may be a maximum of three (3) pages.

TAB – 2: MINIMUM QUALIFICATIONS

- The firm must have bonding capacity to provide a payment and performance bond for the total cost of the work. A letter from a surety stating that the firm has sufficient bonding capacity must be submitted with the cover letter. The letter should also indicate the grade of the bonding agency.
- The firm must be able to obtain a Builder's Risk Insurance policy for the total cost of the work; provide verification with the cover letter.
- The firm shall hold a valid North Carolina General Construction License.

TAB – 3: CURRENT ORGANIZATION AND STRUCTURE OF THE BUSINESS

- Provide a current organizational chart. Identify total number of employees in each position of the organizational chart.
- Indicate the number of years the organization has provided construction management at risk services on projects of similar type to those in the RFQ
- Provide annual work load for each of the last (5) years; number of projects and total dollar value.
- List projects for which the company is currently committed including name & location of each project, time frame to complete & dollar volume of each project.

TAB – 4: EXPERIENCE

- Provide a representative summary of your company's specialized experience or expertise as it relates to providing construction management at risk services during the design and construction of a similar size, complexity and scope governmental projects. Provide a minimum of four (4) client references. Two references should be from owner's similar in function to Union County. Information should include contact name, address, phone number and e-mail. Information should describe the services provided.
- Describe your firms experience providing building information modeling (BIM) services including completed projects and those currently in progress. Describe your BIM process (in- house or our sourced) and how you engage the design team and the Owner.

- Describe your firm’s approach to quality control and assurance and the name of the person in charge of your quality assurance program from pre-construction through closeout.
- Describe your approach to the collaboration with the Owner and the design team throughout design and construction and how you present and resolve budget issues when the owner’s or designer’s estimates do not align with your estimates?
- Describe your firm’s project closeout process and provide the average number of days it has taken you to achieve building substantial completion from the contacted substantial completion date on your projects over the past 3 years.
- Describe your approach to warranty service and management.

TAB – 5: HISTORY OF CONSTRUCTION MANAGER AT RISK EXPERIENCE

Since 2012, has your firm completed and reached substantial completion on three (3) or more CM@Risk type projects having equal or greater size, complexity and construction dollar value of this project for which subcontractor bids are to be submitted that comply with North Carolina CM@Risk requirements. The prospective CMR must have been the Construction Manager at Risk (CMR) for the projects:

- Y
- N

If yes (Y), provide the following information on such projects:

If no, provide the same information for each project, a minimum of three (3) maximum of five (5) projects:

- Name of the project
- Address of the project
- Date completed
- Names of construction manager, project staff, senior executive, project manager, site manager
- Name, address and telephone number of project architect
- Name, address and telephone number of Owner’s representative
- Type of project
- Extent of pre-construction and construction phase services
- GMP contract amount
- CM fee percent
- CM general conditions as a percent of work
- Final cost of project

- Number of executed change orders
- Original contract time
- Authorized contract time extensions
- Final contract time
- Duration from substantial completion to completion of closeout
- Original MWSBE percentage
- MWSBE percent at completion

TAB – 6: QUALIFICATIONS

- Firms seeking construction management at risk work must be licensed general contractors registered with the State of North Carolina.
- List and provide all license numbers, classifications, limits, qualifier’s name, date of issue, expiration date exactly as on file with the North Carolina Licensing Board. Provide a copy of all licenses listed above.
- Has the license ever been revoked or suspended? (applies to all parties of a joint venture) If yes, provide an explanation including dates, alleged misconduct fining and terms of revocation suspension.
- Has a complaint ever been filed with the State Licensing Board against your company that required a formal hearing or inquiry? If yes, provide explanation.
- Has your organization had any OSHA violations within the last three years? If so, provide an explanation and include dates etc.

TAB – 7: PROJECT TEAM OR KEY PERSONNEL

List of key personnel who will be assigned to the project. Attach sworn statement that the above-named persons will be exclusively assigned to this project for its duration.

For each person listed above, list what aspects of per-construction or construction the person will handle. For those persons who will divide their time between pre-construction and construction phases, indicate what percentages of their time will be devoted to each phase.

For each person listed in the response above, list his/her experience with firm, their job function for this project, years in present job function and other prior and/or relevant experience with projects of similar size and scope in construction/design, and the persons location. Attach the resumes and references for each person listed.

List only professional and relevant project qualifications for up to three (3) projects the individual(s) assigned to this project had a significant role.

Office location and number of year’s employee has worked with their current firm.

Available time (in percent) that each team member may commit to this project.

Sub-consultants to be utilized in the execution of the project must be clearly identified within the organizational chart. Provide relevant qualifications for up to three (3) projects for each sub-consultant proposed as part of the project team. Projects listed shall demonstrate prior successful teaming with the respondent.

Attach project organizational chart indicating the placement of each of the persons listed in response the above.

TAB – 8: PROJECT APPROACH AND MANAGEMENT

Provide a brief, overall description of how the project will be organized and managed, and how the services will be performed in both Pre-Construction and Construction Phases. Project planning that offers the same project manager for pre-construction and construction phases shall be given preference.

- Value engineering
- Constructability issues
- Cost / Model Estimates
- Project tracking / reporting
- Request for information (RIFG) and shop drawings
- Quality control
- Schedule and staffing plan
- Safety program

TAB – 9: FINANCIAL

- Submit a notarized statement from the proposer's surety company confirming the proposer has currently available bonding capacity.
- Provide the name of proposer's Bonding Company/Surety including name of Surety agent, address and telephone number, firm's total bonding capacity and current available bonding capacity and Surety's A.M. Best rating. Include this information for Surety's utilized over the past three (3) years. Firms must be able to provide 100% Performance and Payment Bonds.
- Union County reserves the right to request financial data during the final stage of the solicitation process. If requested, provide a copy of audited financial statements for the three (3) previous fiscal years and the last quarterly report. Statements must include auditor's letter of opinion, auditor's noted balance sheet, statement of income/loss. All financial statements provided will be recognized as confidential material for Union County's review only. Each prime or joint venture partner must submit the requested information.

TAB – 10: UNION COUNTY MINORITY AND SMALL BUSINESS GUIDELINES,
OUTREACH PLAN

The Union County Minority and Small Business Guidelines and Outreach Plan and applicable goal applies. Firms are encouraged to consider any and all possibilities for MBE/WBE NC Historically Underutilized Business (HUB) participation.

MBE Goal: May be satisfied by an entity that qualifies as a Minority Business Enterprise under N.C. Gen. Stat. § 143-128, and that has been certified as a Historically Underutilized Business (HUB) by the State of North Carolina. Please note, when identifying MBE's for inclusion towards the MBE Goal, only HUB-certified MBEs will be counted towards the MBE Goal.

Proposers are required to include a MBE/WBE/SBE Participation Plan under this tab which describes your approach and past history (three projects) M/W/SBE Utilization. Provide up to three examples of MBE/WBE NC HUB Participation Plans that your firm prepared for past CM@Risk projects.

The selected CMR firm for this project will be required to submit its plan for compliance with NCGS 143-128.2 and the Union County Minority and Small Business Guidelines and Outreach Plan for approval by the County prior to soliciting bids for the project's first-tier subcontractors.

TAB – 11: LEGAL

- Describe any claims, disputes ending in mediation, arbitration or litigation associated with any current project(s) and/or project(s) completed in the past five years. Also note any project(s) where your firm has been terminated.
- Has your firm or any of its owners, officers or partners ever been found liable in a civil suit, found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity, or been convicted of a crime involving any federal, state or local law related to construction?
- If YES, explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.
- Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft or any other act of dishonesty?

TAB – 12: APPENDIX A – SIGNATURE PAGE and APPENDIX B-ADDENDUM
and ANTI-COLLUSION

- These form must be signed by an authorized representative who has ability to sign contracts for the organization.

NOTE: *This is a Request for Qualifications (RFQ). Responding firms are not required to submit project specific scope information nor price. Do not submit price information nor work product with your submittal package. Each submittal package will be reviewed based on qualification criteria listed in this RFQ. In accordance with NC G.S. 143-64.31, the county will negotiate a contract with the best qualified firm based on the Scope of Work listed in this RFQ.*

7. EVALUATION CRITERIA AND SELECTION PROCESS

- 7.1** Maintaining the integrity of the RFQ process is of paramount importance for the County. To this end, please do not contact any members of Union County or its staff regarding the subject matter of this RFQ until a selection has been made, other than the County's designated contact person identified in the introduction to this RFQ. Representatives of Union County will read, review, and evaluate the qualifications independently based on the evaluation criteria. Union County reserves the right to conduct interviews with a shortlist of selected respondents. Failure to abide by this requirement shall be grounds for disqualification from this selection process.
- a) The Owner will establish an RFQ Evaluation Team to review and evaluate the SOQs. The RFQ Evaluation Team will evaluate the SOQs independently in accordance with the published evaluation criteria. Union County reserves the right to conduct interviews with a shortlist of selected respondents.
 - b) At its sole discretion, the Owner may ask written questions of Offerors, seek written clarification, and conduct discussions with Offerors on the SOQs.
 - c) At the Owner's discretion, it will initiate negotiations with the Preferred Offeror. The "Preferred Offeror" is the Offeror that the Owner determines achieves the apparent best overall ranking/score. If the Owner is unable to execute a contract with the Preferred Offeror, negotiations with the Preferred Offeror may be terminated, and provided that such negotiations are terminated in writing, the Owner may proceed to negotiate with the next Preferred Offeror. The Owner will continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated. Negotiations are at the Owner's sole discretion.

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7.2 EVALUATION AND RANKING OF OFFERORS

- a) In the evaluation and ranking of Offerors, the Owner will consider the information submitted in the SOQ as well as the meetings with the respect to the evaluation criteria set forth in the RFQ.

The initial evaluation criteria/factors and relative weights listed below will be used to recommend selection of the Proposed Offeror or for the purpose of selecting Short-Listed Offerors. The County may choose to award without engaging in interview discussions.

SOQ	Criteria	Weight
	Experience and Structure of Business	30
	Construction Manager at Risk Experience and Qualifications	25
	Project Team and Availability of Resources	25
	Overall Project Approach and remaining information in RFQ	20

- b) After identification of Short-Listed Offerors, the Owner may or may not decide to invite Short-Listed firms to interviews. If interviews are scheduled with the Short-Listed Offerors, previous evaluation and rankings/scores are not carried forward. For the purpose of selecting a Preferred Offeror, the evaluation criteria will be given the following relative weights.

Interviews	Criteria	Weight
	Project Team and Availability of Resources Construction Manager at Risk Experience Project Approach and Project Management	75
	Quality and Relevance of Interview as it relates to the scope of the RFQ	25

8. GENERAL CONDITIONS AND REQUIREMENTS

TERM OF CONTRACT

The contract term extends the duration of the project.

EXPENSES OF OFFERORS AND PUBLIC DISCLOSURE

All material received from a person or company (“Respondent”) in response to this solicitation shall become the property of Union County and will not be returned to the Respondent. Any and all costs incurred by a Respondent in preparing, submitting, or presenting submissions are the Respondent’s sole responsibility and Union County shall not reimburse the Respondent. All responses to this solicitation will be considered a public record and subject to disclosure under applicable public records law.

Any material in a response which the Respondent considers a trade secret and exempt from disclosure as a public record under applicable law, including N.C.G.S. §§ 132-1.2 and 66-152, must be properly designated as a trade secret. In order to properly designate such material, the Respondent must: (i) submit any trade secret materials in a separate envelope, or file, from all other submitted material, being clearly marked as “Trade Secret – Confidential and Proprietary Information,” and (ii) stamp the same trade secret/confidentiality designation on each page of the materials therein which contain trade secrets.

To the extent consistent with public records law, Union County will make reasonable efforts to maintain the confidential nature of trade secrets, as determined by Union County and subject to the conditions set forth herein. Respondent understands and agrees by submitting a response to this solicitation, that if a request is made to review or produce a copy of any information in the Respondent’s materials which was properly labeled by the Respondent as a trade secret, Union County will notify the Respondent of the request and the date that such materials will be released to the requestor unless the Respondent obtains a court order enjoining that disclosure. If the Respondent fails to obtain the court order enjoining disclosure prior to that date, Respondent understands and agrees that Union County will release the requested information to the requestor on that date.

Furthermore, the Respondent also agrees to indemnify and hold harmless Union County and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that has been designated as a trade secret by Respondent.

E-VERIFY

E-Verify is the federal 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. Contractor shall ensure that Contractor and any Subcontractor performing work under this contract: (i) uses E-Verify if required to do so; and (ii) otherwise complies with applicable law.

MINORITY AND SMALL BUSINESS PARTICIPATION OUTREACH PLAN – GOOD FAITH EFFORT

Minority Businesses (MBEs), Women Businesses (WBEs), Disadvantaged Business Enterprises (DBEs) and other small businesses shall have the opportunity to compete fairly in contracts financed in whole or in part with public funds. Consistent with this policy, Union County will not allow any person or business to be excluded from participation in, denied the benefits of, or otherwise is discriminated against in connection with the award and performance of any contract because of sex, race, religion, or national origin. Review Union County’s Minority and Small Business Guidelines and Outreach Plan which can be found [here](#).

EQUAL EMPLOYMENT OPPORTUNITY

All Firms will be required to follow Federal Equal Employment Opportunity (EEO) policies. Union County will affirmatively assure that on any project constructed pursuant to this advertisement, equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, and marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age. All submittals submitted in response to this request shall become the property of Union County and as such, may be subject to public review. All payroll taxes, liability and worker’s compensation are the sole responsibility of the Proposer. The Proposer understands that an employer/employee relationship does not exist under this contract.

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INSURANCE

One or more of the following insurance limits may be required if it is applicable to the project. The County reserves the right to require additional insurance depending on the nature of the agreement.

At Contractor's sole expense, Contractor shall procure and maintain the following minimum insurances with insurers authorized to do business in North Carolina and rated A-VII or better by A.M. Best, or as otherwise authorized by the Union County Risk Manager.

A. WORKERS' COMPENSATION

Statutory (coverage for three or more employees) limits covering all employees, including Employer's Liability with limits of:

\$500,000	Each Accident
\$500,000	Disease - Each Employee
\$500,000	Disease - Policy Limit

B. COMMERCIAL GENERAL LIABILITY

(for any agreement unless otherwise waived by the Risk Manager)
Covering Ongoing and Completed Operations involved in this Agreement.

\$2,000,000	General Aggregate
\$2,000,000	Products/Completed Operations Aggregate
\$1,000,000	Each Occurrence
\$1,000,000	Personal and Advertising Injury Limit

C. COMMERCIAL AUTOMOBILE LIABILITY

(for any agreement involving the use of a contractor vehicle while conducting services associated with the agreement)

\$1,000,000	Combined Single Limit - Any Auto
-------------	----------------------------------

D. PROFESSIONAL LIABILITY

(only for any agreement providing professional services such as engineering, architecture, surveying, consulting services, etc.)

\$1,000,000	Claims Made
-------------	-------------

Contractor shall provide evidence of continuation or renewal of Professional Liability Insurance for a period of two (2) years following termination of the Agreement.

E. NETWORK SECURITY & PRIVACY LIABILITY (CYBER)

(for any agreement involving software applications)

\$1,000,000	Claims Made
-------------	-------------

Contractor shall provide evidence of continuation or renewal of Network Security & Privacy Liability Insurance for a period of two (2) years following termination of the Agreement.

ADDITIONAL INSURANCE REQUIREMENTS

- A. The Contractor's General Liability policy shall be endorsed, specifically or generally, to include the following as Additional Insured:

**UNION COUNTY, ITS OFFICERS, AGENTS AND EMPLOYEES ARE INCLUDED AS
ADDITIONAL INSURED WITH RESPECTS TO THE GENERAL LIABILITY INSURANCE POLICY.**

Additional Insured status for Completed Operations shall extend for a period of not less than three (3) years from the date of final payment.

- B. Before commencement of any work or event, Contractor shall provide a Certificate of Insurance in satisfactory form as evidence of the insurances required above.
- C. Contractor shall have no right of recovery or subrogation against Union County (including its officers, agents and employees).
- D. It is the intention of the parties that the insurance policies afforded by contractor shall protect both parties and be primary and non-contributory coverage for any and all losses covered by the above-described insurance.
- E. Union County shall have no liability with respect to Contractor's personal property whether insured or not insured. Any deductible or self-insured retention is the sole responsibility of Contractor.
- F. Notwithstanding the notification requirements of the Insurer, Contractor hereby agrees to notify County's Risk Manager at 500 N. Main Street # 130, Monroe, NC 28112, within two (2) days of the cancellation or substantive change of any insurance policy set out herein. Union, in its sole discretion, may deem failure to provide such notice as a breach of this Agreement.
- G. The Certificate of Insurance should note in the Description of Operations the following:

Department: _____
Contract #: _____

- H. Insurance procured by Contractor shall not reduce nor limit Contractor's contractual obligation to indemnify, save harmless and defend Union County for claims made or suits brought which result from or are in connection with the performance of this Agreement.
- I. Certificate Holder shall be listed as follows:
- Union County
Attention: Keith A. Richards, Risk Manager
500 N. Main Street, Suite #130
Monroe, NC 28112
- J. If Contractor is authorized to assign or subcontract any of its rights or duties hereunder and in fact does so, Contractor shall ensure that the assignee or subcontractor satisfies all requirements of this Agreement, including, but not limited to, maintenance of the required insurances coverage and provision of certificate(s) of insurance and additional insured endorsement(s), in proper form prior to commencement of services.

INDEMNIFICATION

The Firm agrees to protect, defend, indemnify and hold Union County, its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind in connection with or arising out of this Agreement and/or the performance hereof that are due, in whole or in part, to the negligence of the Firm, its officers, employees, subcontractors or agents. The Firm further agrees to investigate, handle, respond to, provide defense for, and defend the same at its sole expense and agrees to bear all other costs and expenses related thereto. In addition, the Firm shall defend, indemnify, and hold Union County harmless from and against any and all losses, damages, expenses and liabilities suffered by Union County or to which Union County becomes subject, resulting from, arising out of or relating to any claim of copyright or infringement occurring in connection with or in any way incidental to or arising out of the occupancy, use, service, operations or performance of work under this Request.

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Appendix A – Signature Page

RFQ 2021-097

Construction Manager at Risk Services for a new Southwest Regional Library and Associated Improvements

Qualification Package Submitted by:

Company Full Legal Name:	
Contact Person for RFQ Process:	
Address:	
City/State/Zip	
Telephone Number:	
Fax Number:	
Email Address:	
<p>Submission of a response to this RFQ constitutes certification that the Firm and all proposed team members are not currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Project by any State or Federal department or agency. Submission is also agreement that the County will be notified of any change in this status.</p> <p>The information contained in this Statement of Qualifications package, including its forms and other documents, delivered or to be delivered to the County, are true, accurate, and complete. This Statement of Qualifications package includes all information necessary to ensure that the statements therein do not in whole or in part mislead the County as to any material facts.</p>	
Represented and Warranted by (Signature):	
Printed Name and Title:	
Date Signed:	

Appendix B – Addendum and Anti-Collusion

RFQ 2021-097, new Southwest Regional Library and Associated Improvements

Please acknowledge receipt of all addenda by including this form with your Proposal. Any questions or changes received will be posted as an addendum on www.co.union.nc.us and/or www.ips.state.nc.us. It is your responsibility to check for this information.

Addendum No.	Date Downloaded
_____	_____
_____	_____
_____	_____
_____	_____

I certify that this proposal is made in good faith and without collusion with any other offeror or officer or employee of Union County.

Company Name: _____
Name: _____
Title: _____
Email Address: _____
Signature: _____
Date: _____



Appendix - C

RFQ 2021-097

**Construction Management at Risk Services
for Southwest Regional Library and
Associated Improvements**

Union County Minority and Small Business Guidelines and Outreach Plan

UNION COUNTY

MINORITY AND SMALL BUSINESS GUIDELINES AND OUTREACH PLAN



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GUIDELINES FOR RECRUITMENT AND SELECTION OF MINORITY BUSINESSES FOR PARTICIPATION IN UNION COUNTY CONSTRUCTION CONTRACTS

In accordance with G.S. §143-128.2, these Guidelines establish goals for minority participation in single-prime bidding, separate-prime bidding, construction manager at risk, and alternative contracting methods on County building construction, erection, alteration, and repair projects (“building projects”) in the amount of \$300,000 or more and on County building projects involving State funding where the total project cost \$100,000 or more.

Union County has established a verifiable goal of 10% for participation by minority businesses in the aforementioned building project contracts. The overall goal will be reviewed annually or as soon as relevant data is available.

SECTION A: INTENT

It is the intent of these Guidelines that Union County, as awarding authority for building projects, and the contractors and subcontractors performing the building project contracts awarded, shall cooperate and in good faith do all things legal, proper and reasonable to achieve the goal of ten percent (10%) for participation by minority businesses in each construction project as mandated by G.S. §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.

A copy of these Guidelines will be issued with each bid package for applicable Union County building projects. These Guidelines shall apply to all contractors on such projects, regardless of ownership.

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 Indian peoples of North America; or
 - e. Female

2. Minority Business - means a business that meets all of the following conditions:
 - a. At least fifty-one percent (51%) of the business is owned by one or more minority persons or socially and economically disadvantaged individuals, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and
 - b. 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; and
 - c. The business is certified as a Historically Underutilized Business by the North Carolina Department of Administration Office for Historically Underutilized Business.

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 the State and all public subdivisions and local governmental units.

5. Owner - Union County.

6. Designer - Any person, firm, partnership, or corporation, which has contracted with the Owner 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 Owner to perform building construction, erection, alteration, or repair work.

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.

11. HUB Office – N.C. Department of Administration’s Office for Historically Underutilized Businesses.

SECTION C: RESPONSIBILITIES

1. Owner:

The Owner shall do the following:

- a. Implement the attached “Union County’s Minority and Small 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 nonminority businesses.
- b. Attend the scheduled prebid conference and explain the minority goals and objectives.
- c. At least 10 days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the Owner for public construction or repair work and minority businesses that otherwise indicated to the Office of 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 public entity 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) prior to recommendation of award.
- g. Evaluate documentation to determine that a good faith effort has been achieved for minority business utilization prior to recommendation of award.
- h. Forward documentation showing evidence of implementation of Owner’s requirements to the State Construction Office and the HUB Office upon request.

In addition, after a contract has been awarded the Owner shall:

- a. Review prime contractors' pay applications for compliance with minority business utilization commitments prior to payment.
- b. Submit the report to the HUB Office as required by G.S. 143-128.3(a).

2. Designer:

Under the single-prime bidding, separate prime bidding, dual bidding, construction manager at risk, or alternative contracting method, the Designer must do all of the following:

- a. Attend the scheduled pre-bid 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 and provide documentation of this assistance for the Owner's records.
- c. Maintain documentation of any contacts, correspondence, or conversations with minority business firms made in an attempt to meet the goals and forward the documentation to the Owner.
- 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 an 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.
- f. Make documentation showing evidence of implementation of Designer's responsibilities available for review by the Owner and State officials upon request.

3. Prime Contractor(s), Construction Manager at Risk, and Its First-Tier Subcontractors:

The following requirements apply to all contractors utilizing single-prime bidding, separate-prime bidding, construction manager at risk and alternative contracting methods, as well as to all contractors performing as contractors and first-tier subcontractors under construction manager at risk. For purposes of this subsection, the term "contractor(s)"

shall also include first-tier subcontractors under a construction manager at risk. The contractors shall:

- a. Attend the scheduled prebid conference and any prebid meetings scheduled by the Owner.
- 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 or due date for proposals, notify minority businesses of potential subcontracting opportunities listed in the proposal. The notification must include all of 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 within a 75 mile radius 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 these Guidelines and any contractor requirements listed in Union County's Minority and Small Business Participation Outreach Plan.
- e. Identify on the bid the minority businesses that will be utilized on the project with corresponding total dollar value of the bid and submit affidavit listing Good Faith Efforts (Affidavit A) as required by G.S. §143-128.2(c) and G.S. §143-128.2(f). If the contractor will be performing all of the work with its own workforce, the contractor may submit Affidavit B, Intent to Perform Contract with Own Workforce," in lieu of Affidavit A. Failure to comply with these requirements is grounds for rejection of the bid and award to the next lowest responsible and responsive bidder.
- f. Make documentation showing evidence of implementation of Prime Contractor, Construction Manager-at-Risk and First-Tier Subcontractor responsibilities available for review by the Owner and State officials upon request.

- g. Provide one of the following to Owner upon being named the apparent low bidder:
 - (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; or
 - (2) if the percentage is not equal to the applicable goal, then an affidavit (Affidavit D) and documentation of all Good Faith Efforts taken to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitation, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract. Failure to comply with these requirements is grounds for rejection of the bid and award to the next lowest responsible and responsive bidder.
- h. Within thirty (30) days after award of the contract, the apparent lowest responsible, responsive bidder shall file with Owner a list of all identified subcontractors that the contractor will use on the project.
- i. 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 the General Conditions of the Contract to facilitate payments to the subcontractors.
- j. Submit with each monthly pay request and final payment request the “MBE Documentation for Contract Payment” - (Appendix E), for Designer’s review.
- k. If at any time during the construction of a project, if it becomes necessary to replace a minority business subcontractor, immediately advise the Owner 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.
- l. Make a good faith effort to solicit subbids from minority businesses during the construction of a project if additional subcontracting opportunities become available.

In addition, a construction manager at risk shall submit its plan for compliance with N.C. Gen. Stat. § 143-128.2 for approval by the County prior to soliciting bids for the project’s first-tier subcontractors.

4. Minority Business Responsibilities

Union County does not certify minority businesses. Any business which desires to participate as a minority business under these Guidelines will be required to register and become certified as a historically underutilized business (“HUB”) by the North Carolina Department of Administration Office for Historically Underutilized Businesses (“HUB Office”). This system will replace all other HUB certification or registration programs currently (or formerly) used by public entities in North Carolina. Pursuant to G.S. 143-128.4(e), as of July 1, 2009, State agencies and local governments may count **only** those businesses that are certified as HUBs through the new statewide system to determine whether their participation goals have been met. In other words, a business that was registered as a HUB through a local government’s registration system but has not been certified as a HUB through the new statewide system will not count towards that local government’s participation goals.

Businesses seeking HUB certification need to go to:
<http://www.doa.state.nc.us/hub/prog-certification.htm>.

Minority HUB contractors shall make a good faith effort to participate in construction projects as demonstrated by:

- a. Attending the scheduled prebid conference.
- b. Responding promptly whether or not they wish to submit a bid when contacted by the Owner or bidders.
- c. Attending training and contractor outreach sessions given by the Owner, contractors and state agencies, when feasible.
- d. Participating in Mentor/Protégé programs, training, or other business development programs offered by the Owner, contractors or state agencies.
- e. Negotiating in good faith with the Owner or contractors.

SECTION D: DISPUTE PROCEDURES

It is the policy of this State that disputes that involve 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 the dispute resolution process adopted by the State Building Commission pursuant to G.S. 143-135.26(11).

MINORITY BUSINESS CONSTRUCTION CONTRACT PROVISIONS

APPLICATION:

The **Guidelines for Recruitment and Selection of Minority Businesses for Participation in Union County Construction Contracts** are hereby made a part of these contract documents.

MINORITY BUSINESS SUBCONTRACT GOALS:

The goal for participation by minority firms as subcontractors on this project has 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).

In addition, the lowest responsible, responsive bidder must do one of the following:

(1) 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

(2) If the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, is less than the applicable goal, provide Affidavit D as well as documentation of Good Faith Efforts.

OR

(3) Provide Affidavit B, which includes sufficient information for the Owner 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 Union County for the performance of the 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 Union County 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 Union County whether to terminate the contract for breach.

In determining whether a contractor has made Good Faith Efforts, Union County will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts. Bidders are required to earn at least 50 points from the good faith efforts listed below for their bid to be considered responsive. Failure to file a required affidavit or documentation demonstrating that the bidder made the required good faith efforts is grounds for rejection of the bid. 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. Value = 10 points.
- (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. Value = 10 points.
- (3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation. Value = 15 points.
- (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. Value = 10 points.
- (5) Attending any prebid meetings scheduled by the public Owner. Value = 10 points.
- (6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors. Value = 20 points.
- (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. Value = 15 points.

- (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. Value = 25 points.
- (9) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public building construction or repair project when possible. Value = 20 points.
- (10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands. Value = 20 points.

UNION COUNTY'S MINORITY AND SMALL BUSINESS PARTICIPATION

OUTREACH PLAN

In addition to the good faith efforts set forth in the Guidelines for Recruitment and Selection of Minority Businesses for Participation in Union County Construction Contracts, Union County will also make the following good faith efforts in order to make it feasible for minority businesses to submit successful bids or proposals for contracts for building projects. Union County shall also make the following good faith efforts in the selection process for architectural, engineering, and construction manager at risk services.

1. Work with minority-focused and small business groups that support minority business and small business inclusion in the solicitation of bids. These groups include the Small Business Center Network (SBCN) (Anson & Union Counties), The Small Business and Technology Development Center (SBTDC), and The Union County Chamber of Commerce.
2. Place more emphasis on the importance of soliciting certified minority businesses and small businesses for subcontracting opportunities at pre-bid conferences and in the bid documents. Examine specifications to identify special subcontracting opportunities and strongly encourage prime contractors to solicit bids for subcontracts from minority businesses.
3. Provide detailed information to majority contractors concerning the Guidelines for Recruitment and Selection of Minority Business for Participation in Union County Construction Projects and this Outreach Plan (hereinafter referred to collectively as the "MBE Program") and provide information on G.S. 143-129 by holding meetings with the contractors.
4. Assess the effectiveness of the MBE Program, and identify opportunities to enhance it, by evaluating minority business participation and compliance and reviewing the "good faith efforts" provided in bid packages.
5. Identify subcontracting opportunities unique to each construction contract and project and concentrate heavily on targeting certified minority businesses and small businesses that have expressed an interest in Union County projects. Identify these opportunities and contact interested businesses no later than 10 days prior to the bid opening and provide a list of prime contractors plan to participate in the project.
6. Build new business relationships through networking and continue networking with other North Carolina cities and counties to find out how this MBE Program is working and sharing "best practices" and ideas to improve the program.

7. Participate in education opportunities throughout the community as they become available and offer training sessions to share the County's Outreach Plan with interested businesses and organizations.
8. Be visible through participation in trade shows and business organizations of interest to minority businesses, majority contractors and small businesses, and provide information to the general public about the MBE Program, and continue outreach efforts to the business community.
9. Enhance the County's web page by including the MBE Program, listing good faith efforts, and creating links to minority business resources, and creating awareness of specific subcontracting opportunities.
10. Make available to minority-focused agencies, a list of subcontracting opportunities when they are identified, no later than 10 days prior to the bid opening, and a list of prime bidders that subcontractors may wish to contact for subcontracting consideration.
11. Direct minority businesses to the Statewide historically underutilized business certification program in order to ensure those firms wishing to do business with Union County or any other public entity have access to up to date information.
12. Advertise upcoming bid opportunities in minority-focused media and on the county website at www.co.union.nc.us.
13. Work with architects and engineers to make subcontracting opportunities more noticeable and more easily understood by potential contractors and subcontractors.
14. Document telephone calls, emails and correspondence with or on behalf of minority businesses and encourage interested eligible firms to become NCDOT certified.