



**Request for Qualifications No. 2024-002  
Construction Manager at Risk Services,  
Union County BARN Project**

**Due Date:** September 29, 2023  
**Time:** 11:00 AM Local Time  
**Receipt Location:** Electronic Submission  
Union County Government Center  
Procurement Department  
500 N. Main Street, Suite 709  
Monroe, NC 28112

**Non-Mandatory Pre-Submittal Conference**

**Date:** September 14, 2023  
**Time:** 10:00 AM Local Time  
**Location:** Union County Government Center  
Board Room – 1<sup>st</sup> Floor  
500 N. Main Street  
Monroe, NC 28112

**Procurement Contact:**

Cheryl Wright, CLGPO, CPPO  
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## 1 NOTICE OF ADVERTISEMENT

**Union County, North Carolina  
Request for Qualifications No. 2024-002  
Construction Manager at Risk Services  
Union County BARN Project**

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 **11:00 AM local time on September 29, 2023**. Late submittals will not be accepted.

A Non-Mandatory, Pre-Submittal Conference will be held on **September 14, 2023 at 10:00 AM local time** at the Union County Government Center Board Room – 1<sup>st</sup> Floor, 500 N. Main Street, Monroe, NC 28112. Representatives from Union County Facilities Management will be on-hand to give a brief overview of the project and to answer questions. Attendance at this meeting is strongly encouraged.

Union County is soliciting SOQs from well-qualified firms, interested in providing construction manager at risk services related to construction of the Union County BARN project. The firm selected will be required to provide construction manager at risk services in conjunction with an architectural and/or engineering, (A/E) firm, yet to be selected to provide architectural and engineering services for design and construction administration of the Union County BARN project.

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.

This solicitation may be examined at the Union County Government Center, Procurement Department, 500 North Main Street, Suite 709, Monroe, NC 28112, Monday through Friday between the hours of 8:00 am and 5:00 pm. Copies of the solicitation may be obtained from the locations listed below:

1. Download the Solicitation Documents from the Union County Website  
<https://www.unioncountync.gov/departments/bids-procurement/current-bids>
2. Download the Solicitation Documents from the State of North Carolina IPS website  
<https://evp.nc.gov> (Bid by Departments, search County of Union).

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.

Offerors are required to comply with the non-collusion requirements set forth in the Solicitation Documents. Union County reserves the right to reject any and or all submissions.

Union County encourages good faith effort outreach to Minority Businesses (HUB Certified) and Small Businesses.

## 2 Submittal Details

### 2.1 SUBMISSION DEADLINE AND DELIVERY ADDRESS

All submittals, for the services specified, are to be received by the Union County Procurement Department no later than **11:00 AM local time on September 29, 2023** per the instructions below. Any submittals received after this date and time shall be rejected without exception.

### 2.2 SUBMISSION REQUIREMENTS

The Statement of Qualifications must be submitted electronically using the following link: <https://lfportal.unioncountync.gov/Forms/procurementsubmit>. Select the Solicitation drop down arrow and choose this RFQ from the list. Complete the form, upload the SOQ as one complete document and select submit. The maximum size accepted is 20 MB. An email response will be sent to the address entered on the form as your confirmation of receipt.

The submittal **must be signed** by a person who is authorized to bind the proposing Company. Instructions for preparing the SOQ are provided herein.

**Paper nor e-mail 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 reserves the right to reject any or all submittals, to waive technicalities and to make such selection deemed in its best interest.

Union County reserves the right to cancel this RFQ.

### 2.3 SUBMITTAL QUESTIONS

Submittal questions will be due on or before **4:00 PM local time on September 15, 2023**. The primary purpose is to provide participating Offerors with the opportunity to ask questions, in writing, related to the RFQ. Addenda will be issued prior to the due date to answer applicable questions.

Submit questions by e-mail to **Cheryl Wright** at [cheryl.wright@unioncountync.gov](mailto: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](http://www.unioncountync.gov) and/or <https://evp.nc.gov>.

### 2.4 ADDENDA

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, Addendum and Anti-Collusion form.

## 2.5 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.

## 3 INTRODUCTION

### 3.1 PURPOSE

Union County is soliciting Statements of Qualifications proposals for construction manager at risk services related to the BARN project, a new facility to support agricultural start-up companies and agricultural producers/growers. The County intends to acquire professional services of construction manager at risk, (CMAR) firm, during site investigation and planning, all phases of design, pre-construction phase services, and construction phase services of the BARN project for a fixed price. Construction manager at risk firms will be required to provide professional services in conjunction with the services of an architectural and/or engineering, A/E firm. The A/E firm, once selected, will be under separate contract by the County to develop a program document as the basis of design for the BARN project and provide full architectural and engineering services and will coordinate and fully cooperate with the selected CMAR firm. The purpose of the RFQ process is to identify the most qualified respondents.

### 3.2 COUNTY

The County (estimated population 237,477) is located in the central, southern piedmont. The County provides its citizens with a full array of services that include public safety, water/wastewater utilities and sanitation, human services, cultural and recreational activities, and general government administration.

## 4 PROJECT BACKGROUND

The Union County BARN Project is, as a concept, a Food Systems Strategic Initiative. In an effort to support Union County agricultural producers with a focus on creating a sustainable and all-encompassing "Food System", the project is intended to accomplish the following:

- Generate markets for crops and protein-based products harvested within Union County
- Provide career opportunities in an area of the County that has fewer local prospects
- Enable educational partnerships and internships with Wingate University, South Piedmont Community College, and Union County Public Schools
- Promote healthier eating by the residents of County

- Support organizations, such as Meals on Wheels, The Food Hub, and others that assist the County's at-risk population

The Barn Project is a multi-purpose facility to serve a dual mission. First, to support the farm community with raw product storage, packaging and/or preparation for wholesale. Secondly, to enable the public and small businesses who need value-added processing, cooking and final packaging which directly serves the consumer market. The proposed facility would house kitchen spaces, as well as freezer, refrigeration, and dry storage space to support raw food preparation and general food processing.

## **5 PROJECT DESCRIPTION AND SCOPE OF SERVICES**

The project description and scope of work includes but is not limited to:

The project is currently proposed to be constructed on a parcel in Wingate, NC, in close proximity to Wingate University. The anticipated building size is approximately 30,000 sq. ft. and will contain commercial kitchens with customized and specialty kitchen equipment, scaled cold and dry storage, multi-use warehouse space, general offices and conference/training room(s).

The A/E and CMAR contracts will be separately led and managed by Union County. The CMAR shall contract directly with the County for all construction; shall publicly advertise as prescribed in NCGS 143-129; and shall pre-qualify and accept bids from first tier sub-contractors for all construction work under this section. The CMAR shall use the prequalification process determined by the County in accordance with (N.C.G.S) 143-135.8, provided that the County and CMAR shall jointly develop the assessment tool and criteria for the specified project, which includes the prequalification scoring and minimum required score for prequalification on the project (refer to Pre-Qualification Policy). The County shall require the CMAR to submit its plan for compliance with (N.C.G.S) 143-128.2 for approval by the County prior to soliciting bids for the project's first-tier subcontractors.

The following representative list of services to be provided by the CMAR, is for illustrative purposes and is not intended to be exhaustive or exclusive.

The CMAR shall provide consulting, scheduling, estimating, cost control services and will function as one of the key team members along with the County, the A/E, the A/E's consulting team, and the commissioning agent yet to be selected. The CMAR 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 CMAR may be performed in various phases under separate contracts for each phase. Phases may include pre-construction 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 as addenda, and other components of the Contract.

**PRE-CONSTRUCTION PHASE SERVICES**

Pre-construction Phase Services shall include, but are not limited to, collaboration with the County, Architect/Engineer consulting team and Commissioning Agent to develop the project, charettes, design meetings and general meetings to determine constructability, constructability reviews, site logistics, budget reconciliation and project value decision making, value engineering, identification and mitigation of risk thru analysis and assessment cost control, scheduling and sequencing coordination, developing and updating project schedules, developing detailed cost estimates, collaboration with A/E in developing early work packages, construction document conversion into subcontractor bid packages, developing a Guaranteed Maximum Price, (GMP) to construct the project and related work, review requests for information, (RFI's) and shop drawings

**CONSTRUCTION PHASE SERVICES**

Construction Phase Services shall include, but are not limited to, complying with General Conditions, providing construction trailers, storage, equipment, barriers, etc., collaborating with the County and A/E team to execute the project, developing and updating construction schedules, prequalifying subcontract bidders in compliance with (N.C.G.S) 143-135.8 and Union County Policy, managing subcontract bidding, providing reporting and project management of CMR forces, providing construction management services during construction, developing safety and quality assurance measures, maintaining a system for tracking submittals, coordinating, conducting, and documenting regular construction meetings, reconciling construction contract requirements with the construction budget, obtaining permits and inspections, coordinating all types of testing and inspections, coordinating with Owners Consultant, under separate contract for special inspections and construction material testing, documenting activities associated with administration, management, and construction of the project, certifying monthly all work in place and approve all subcontractor and vendor payment requests, delivering the project to the County within the approved GMP, and ensuring proper project closeout procedures.

**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.

<b>Date (estimated)</b>	<b>Activity</b>
August 22, 2023	Issue/Advertise RFQ
September 14, 2023	Non-Mandatory Pre-Submittal (attendance is strongly encouraged)
September 15, 2023	Deadline for Questions
September 29, 2023	RFQ Due Date
Week of October 23 <sup>rd</sup>	Interviews with Shortlisted Firms

## 6 DETAILED SUBMITTAL REQUIREMENTS AND INSTRUCTIONS

### 6.1 TERMS OF SUBMISSION

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.

### 6.2 PROPOSAL FORMAT

**The County desires all responses to be identical in format.** While the County’s format may represent a departure from the offeror’s preference, the County requests adherence to the format. All responses are to be in the format described below.

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 page 3, item 2.2. 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.

Key personnel resumes may also be provided as an appendix to the document and will not count against the page limit. Covers, section acknowledgements, and the required forms, do not count against the page limit.

**The submittal should be organized into the following sections:**

- **Section A** – Cover Letter
- **Section B** – Background and Experience
- **Section C** – History of Construction Manager at Risk Experience
- **Section D** – Qualifications
- **Section E** – Project Team
- **Section F** – Project Management and Quality Control
- **Section G** – Project Approach and Methodology
- **Section H** - Financial
- **Section I** – MBE/WBE/SBE Participation Plan
- **Section J** – Legal
- **Section K** – Required Forms
  - Appendix A – Statement of Qualifications Submission Form
  - Appendix B – Addenda Receipt and Anti-Collusion

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

**6.2.1 SECTION A – COVER LETTER**

In your cover letter, include the following information about your company:

- Legal Company Name and DBA (if applicable)

Corporate Headquarters:

Address  
Telephone Number  
Website Address

Location Providing Service (if different from headquarters):

Address  
Telephone Number

- **Name of Single Point of Contact (*required in this section*)**  
**Title**  
**Direct Telephone Number and/or extension**  
**Direct Email Address**

- Name of Person with Binding Authority  
Title  
Address  
Direct Telephone Number and/or extension  
Email Address
- Describe your interest in this project and the unique advantage your firm and team bring.
- ***Make the following representations and warranty in the cover letter, the falsity of which might result in rejection of its proposal:*** “The information contained in this SOQ or any part thereof, including any exhibits, schedules, and other documents and instruments delivered or to be delivered to the County, is true, accurate, and complete. This SOQ 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.”

### 6.2.2 SECTION B – FIRM BACKGROUND AND EXPERIENCE

Provide a representative summary of your firm’s specialized experience or expertise as it relates to providing CMAR services as mentioned in the scope above. Reference recent experience with project costs and schedules as well as past performance on similar assignments.

### 6.2.3 SECTION C– HISTORY OF CONSTRUCTION MANAGER AT RISK EXPERIENCE

Since 2018, has your firm completed and reached substantial completion on three (3) or more CMAR type projects having equal or greater size and complexity for which subcontractor bids are to be submitted that comply with North Carolina Construction Manager at Risk requirements. The prospective CMAR must have been the Construction Manager at Risk (CMAR) for the projects.

YES

NO

Provide the information listed below for each project, a minimum of three (3) maximum of five (5) projects:

- Name of the project
- Address of the project
- Date completed
- Name of construction manager, project staff, senior executive, project manager, site manager
- Name, address, and telephone number of Owner
- Name, title, telephone number and e-mail address of Owner’s representative or Owner’s contact
- Type of project

- Description of services provided and the 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

#### **6.2.4 SECTION D – 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, qualifiers 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 finding and term of revocation suspension.
- The firm must have bonding capacity to provide a payment & 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 Builders Risk insurance policy for the total cost of the work; provide verification with the cover letter.

#### **6.2.5 SECTION E – PROJECT TEAM**

Provide a detailed organization chart that presents the team to be dedicated to these services. This should include key personnel, assigned to the project and other supporting staff to be used throughout completion of the work. Information to be included in this section shall include:

For each person listed above, list what aspects of pre-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.

- Professional, relevant qualifications for up to five (5) projects, including the projects listed under the “History of Similar Projects” section of the response, the individual(s) had a significant role;
- Office location and number of year’s employee has worked with the current firm;
- Available time (in percent) that each team member may commit to this service;
- Current work load and municipal projects awarded;
- Familiarity with the area where project is to be located;
- Administration capabilities;
- The specific experience the proposed program manager has in managing related or similar programs;
- Subconsultants to be utilized in the execution of the project must be clearly identified within the organizational chart. Provide relevant qualifications for up to five projects for each subconsultant proposed as part of the project team. Projects listed should demonstrate prior successful teaming with the respondent.

#### **6.2.6 SECTION F – PROJECT MANAGEMENT AND QUALITY CONTROL**

Provide a brief description of the systems and methods employed by the firm to effectively manage proposed projects, including a summary on the management of: goal setting, managing client expectations, communications, scope, quality control, managing project schedule, cost, quality control/assurance, risk and stakeholders within prescribed budgets and change management.

#### **6.2.7 SECTION G – PROJECT APPROACH AND METHODOLOGY**

Provide a brief summary to include the approach for this project including the team and consultants as it relates to the previously defined scope.

#### **6.2.8 SECTION H – 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.

- 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?

#### **6.2.9 SECTION I – MBE/WBE/SBE PARTICIPATION PLAN**

The Union County Minority and Small Business Guidelines and Outreach Plan and applicable goal applies. Firms are encouraged to consider 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. General Statute § 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 an 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 CMAR 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.

#### **6.2.10 SECTION J – 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 (5) 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.

## 6.2.11 SECTION K – REQUIRED FORMS

Submittals must include the following documents:

- Appendix A – Statement of Qualifications Submission (signed)
- Appendix B – Addenda Receipt and Anti-Collusion (signed)

*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 SELECTION PARTICIPANTS

1. Maintaining the integrity of the RFQ process is of paramount importance for the County. To this end, do not contact any member of the Union County Board of Commissioners or any member of the Union County staff regarding the subject matter of this RFQ until a selection is made, other than the County’s designated contact person identified in the introduction to this RFQ. Failure to abide by this requirement shall be grounds for disqualification from this selection process.
2. The Owner will establish an RFQ Evaluation Team to review and evaluate the submittals independently in accordance with the published evaluation criteria.
3. Union County reserves the right to conduct interviews with a shortlist of selected respondents.
4. At its sole discretion, the Owner may ask written questions of Offerors, seek written clarification, and conduct discussions with Offerors on the submittals.
5. 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. 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.

## 7.2 EVALUATION SELECTION PROCESS

A weighted analysis of the evaluation criteria will be utilized to determine the Vendor that represents the best value solution for the County.

In the evaluation and scoring/ranking of Offerors, the Owner will consider the information submitted in the RFQ as well as the meetings (if applicable) with the respect to the evaluation criteria set forth in the RFQ as follows on next page:

SOQ Evaluation Criteria	Weights
<b>- Experience</b> <ul style="list-style-type: none"> <li>Specialized or appropriate project experience;</li> <li>Past performance on similar projects;</li> <li>Understanding of specific needs for this project;</li> <li>Record of successfully completed projects without major legal or technical difficulties.</li> </ul> <b>-History of Construction Manager at Risk Experience</b>	30%
<b>- Project Team and Availability of Resources</b> <ul style="list-style-type: none"> <li>Qualified staff and proposed consultant team for the project;</li> <li>Current workload and availability to support the project;</li> <li>Familiarity with the area where the project is located;</li> <li>Administration capabilities.</li> </ul>	25%
<b>- Qualifications - Construction Manager at Risk</b> <b>- Project Management and Quality Control</b>	25%
<b>- Project Approach and Methodology</b> <ul style="list-style-type: none"> <li>Proposed approach for the project including team and consultants.</li> </ul> <b>-MBE/WBE/SBE Participation Plan</b>	20%

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.

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

Interview Evaluation Criteria	Weights
-Project/Construction Manager at Risk Experience -Project Team and Availability of Resources -Project Management, Approach, and Quality Control	75%
-Quality and Relevance of Interview as it Relates to the Scope of the RFQ	25%

### **7.3 AWARD PROCEDURE**

The County reserves the right to make an award without further discussion of the submittals received. It is understood that any SOQ submitted will become part of the public record.

A submittal may be rejected if it is incomplete. Union County may reject any or all submittals and may waive any immaterial deviation in a submittal.

The County may accept that SOQ that best serves its needs, as determined by County officials in their sole discretion.

More than one submittal from an individual, firm, partnership, corporation or association under the same or different names, will not be considered.

County may select and enter into negotiations with the next most advantageous Offeror if negotiations with the initially chosen Offeror are not successful.

The award document will be a Contract incorporating, by reference, all the requirements, terms and conditions of the solicitation and the Offeror's SOQ as negotiated.

## **8 GENERAL CONDITIONS AND REQUIREMENTS**

### **8.1 CONTRACTUAL OBLIGATIONS**

The contents of this submittal and the commitments set forth in the selected SOQ shall be considered contractual obligations, if a contract ensues. Failure to accept these obligations may result in cancellation of the award. All legally required terms and conditions shall be incorporated into final contract agreements with the selected Service Provider(s).

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.

### **8.2 CONTRACTS/AMENDMENTS**

Information regarding the contract document for this project will be provided to the selected firm accordingly. The County plans to use AIA Document A133-2019, Standard Form of Agreement Between Owner and Architect, Construction Manager as Constructor Edition, as modified by Owner.

### **8.3 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.

### **8.4 EXPENSE OF FIRM**

The Owner accepts no liability for the cost and expenses incurred by firms in responding to this Procurement. Each Firm that enters into the Procurement process shall prepare the required materials and the SOQ at its own expense and with the express understanding that the Firm cannot make any claims whatsoever for reimbursement from the Owner for the costs and expenses associated with the process, even in the event the Owner cancels this Project or rejects all submittals.



## 8.5 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. Vendor/Firm shall ensure that Firm and any Subcontractor performing work under this contract: (i) uses E-Verify if required to do so; and (ii) otherwise complies with applicable law.

## 8.6 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 service such as engineering, architecture, surveying, consulting services, etc.)

\$1,000,000	Claims Made
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Contractor shall provide evidence of continuation or renewal of Professional 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, MONROE-UNION COUNTY ECONOMIC DEVELOPMENT COMMISSION, (MUCEDC) 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.

## **8.7 INDEMNIFICATION**

Contractor 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 Contractor, its officers, employees, subcontractors or agents. Contractor 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.

*--Intentionally Left Blank--*

**9 APPENDIX A – SOQ SUBMISSION FORM**

**Request for Qualifications No. 2024-002  
Construction Manager at Risk Services,  
Union County BARN Project**

**Submit with SOQ**

***This SOQ is submitted by:***

**Company Legal Name:** \_\_\_\_\_

**Representative Name:** \_\_\_\_\_

**Representative Signature:** \_\_\_\_\_

**Representative Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Website Address:** \_\_\_\_\_

**It is understood that Union County reserves the right to reject any and all submittals, to make awards according to the best interest of the County, to waive formalities, technicalities, to recover and re-advertise this project. Statement of Qualifications is valid for 120 calendar days from the due date and is submitted by an executive of the company that has authority to contract with Union County, NC.**

**Name of Authorized  
Company Representative:** \_\_\_\_\_

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

**Signature of Authorized  
Company Representative:** \_\_\_\_\_

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

**10 APPENDIX B – ADDENDUM AND ANTI-COLLUSION**

**Request for Qualifications No. 2024-002  
Construction Manager at Risk Services,  
Union County BARN Project**

**Submit with SOQ**

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

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

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

Legal Company Name: \_\_\_\_\_

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

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

Email Address: \_\_\_\_\_

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

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

## 11 APPENDIX C – SAMPLE VENDOR PAYMENT NOTIFICATION

**Request for Qualifications No. 2024-002  
Construction Manager at Risk Services  
Union County BARN Project**

**Do Not Submit with SOQ**

**--Informational Purposes Only--**

**Finance Department**

500 North Main Street Suite #714

Monroe, NC 28112 T. 704-283-3813

[www.unioncountync.gov](http://www.unioncountync.gov)

**ATTENTION: ACCOUNTS PAYABLE VENDORS**

As part of our Fraud Prevention Program, Union County now prefers two methods for payments to vendor accounts. These methods allow for faster and easier payments to vendors.

The first and preferred method available is to accept a VISA card payment from the County. If you accept payment via VISA, payment is made at the time of the transaction or upon receipt and approval of the invoice.

The second method is an Electronic Funds Transfer. (EFT) This means that you will receive payment of invoices due directly into your bank account. With this method, you will get an email confirmation giving you the date, invoice numbers, and total amount paid. Your payment will be available to you on Monday (or the first banking day if Monday is a bank holiday) following receipt of an approved invoice from the County department invoiced.

An EFT Enrollment Form to enroll in the program is attached for your convenience. You can also visit the Union County website at [www.unioncountync.gov](http://www.unioncountync.gov) at any time to get a new form if your banking information changes. If the banking information changes and you do not notify us, it will delay receipt of payment for invoices.

If you wish to receive payment via the County's VISA card, please contact Heather Howey at 704-283-3539, or send an email to [ap@unioncountync.gov](mailto:ap@unioncountync.gov) and you will be added to the list of vendors accepting the VISA card method of payment.

Union County prefers all vendors participate in one of the two methods described above.

Thank you in advance for your participation.

**12 APPENDIX D – UNION COUNTY MINORITY AND SMALL BUSINESS  
GUIDELINES AND OUTREACH PLAN**

----- *Refer to Attached* -----



**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](http://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.