

UNC Charlotte
“Good Faith Effort” Requirements
(Student Government Office Renovations)

This information is provided as a guide for firms who may be new to UNC Charlotte and may not be familiar with our expectations regarding minority business participation on University Managed Projects (UMP) projects. Bidders should be familiar with the ***Guidelines for Recruitment & Selection of Minority Businesses for Participation in University of North Carolina Construction Contracts*** as well as the applicable bid forms.

The minority participation goal for this project is ten percent (10%).

Identification of HUB Certified/Minority Business Participation form – Only list minority firms that you will use as construction subcontractors, vendors, suppliers or professional service providers on this project. The bidder *cannot* list himself on this form as he cannot subcontract to himself. **Note:** This form must be submitted with your bid. As a minimum, the Company name must be listed at the top of the form and **\$ Zero** is listed in the field at the bottom of the page. Bidder’s do not have to list the name of the minority firms they plan on using on this form.

Affidavit A – Listing of Good Faith Efforts – the bidder is certifying that he has made a good faith effort to comply under those areas checked on the form. Do not check a Good Faith Effort item unless you can provide the following;

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.
Example: Copies of written (emailed or faxed) notification to minority businesses and copies of quotes/proposals received for work solicited to minority businesses. Notification should include, at a minimum, project location, location where plans and specifications may be obtained or viewed, list of the scopes of work for which subcontracts are being solicited, contact person within the prime contractor’s organization.

Be sure to maintain a telephone log to confirm that minority firms received your Invitation for Bid (IFB)/Request For Quotes (RFQ). The log should contain the date contacted, telephone number, and name of the individual representing the minority firm who acknowledged receipt of your IFB/RFQ. ***Also maintain a telephone log to confirm that minority firms acknowledged a “bid/no bid” to your IFB/RFQ.*** The log should contain the date contacted, telephone number, and name of the individual representing the minority firm who acknowledged “bid/no bid” to your IFB/RFQ.

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.
Copies of written (emailed or faxed) notification to minority businesses should include, at a minimum, project location, location where plans and specifications may be obtained or viewed, list of the scopes of work for which subcontracts are being solicited, contact person within the prime contractor’s organization.
3. Breaking down or combining elements of work into economically feasible units to facilitate minority participation.
Document steps taken to segment elements of work into economically feasible units to meet minority business availability. Identify sub-contractors/suppliers/consultants and scopes of work involved in segmenting.

Be sure that you are soliciting quotes from **at least three (3) minority firms** in scopes of work that typically have adequate numbers of minority firms available that can perform the work required (hauling, concrete, flooring, masonry, painting, electrical suppliers, etc.). Do not solicit quotes from minority firms in those scopes of work that typically do not have minority firms available that can perform the work

required (elevators, fire suppression systems, roofing, etc.). If there are minority firms that you typically use on your projects then by all means, feel free to use them, if you are sure you are receiving reasonable pricing and quality work.

4. Working with minority trade, community or contractor organization identified by the Office for Historically Underutilized Businesses (HUB) and included in the bid documents that provide assistance in the recruitment of minority businesses. **Note 1:** Posting of your bid to Minority plan rooms does not satisfy this requirement. **Note 2:** Working with the UNC Charlotte HUB Coordinator does not satisfy this requirement.

Be able to provide a copy of meeting minutes and/or emails between the prime contractor and minority trade, community or contractor organization. At minimum the following topics should be discussed/reviewed during the meeting: project location; location where plans and specifications may be obtained or viewed; scopes of work for which subcontracts are being solicited; bonding requirements; insurance requirements; prime contractor's contact person; minority trade, community or contractor organization contact person; strategies to segment elements of the work into economically feasible units to meet minority business availability; strategies to increase minority business utilization through joint ventures and/or partnerships.

Maintain a copy of the request, and have the date, telephone number and name of the individual who acknowledged receipt of your request and information regarding any/all assistance provided by the organization

5. Attending any pre-bid meetings scheduled by the public owner.
Attendance will be verified by conference sign-in sheet.
6. Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.
Have documentation describing the type of assistance provided or offered to minority businesses. Provide names and contacts of minority businesses to which assistance was offered and names of the contact person of bonding companies or financial institutions offering assistance.
Be sure to mention that 'assistance with bonding and/or insurance will be provided' in your IFB/RFQ.
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.
Document the number of bids received from minority businesses in the trade or scopes of work for which subcontracts are being solicited, the number of minority businesses that submitted low bids or proposals, the number of minority businesses the bidder has offered to negotiate prices or services, and the number of minority businesses the bidder has agreed to utilize on the project, outline steps taken.
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 or assisting minority businesses in obtaining the same unit pricing with the bidder's supplier.
Document names, addresses and telephone numbers of minority businesses to which assistance was offered, outline steps taken. Give dates assistance was offered and document outcome.
Be sure to mention that 'assistance with equipment, loan capital, lines of credit or joint pay agreements to secure loans, supplies, or letters of credit will be provided' in your IFB/RFQ.
9. Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.

Provide a copy of joint venture or partnership arrangements between bidder and minority businesses.

10. Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

Be sure to mention that 'quick pay agreements will be provided to assist contractors with cash-flow demands' in your IFB. Do not include stipulations that require the contractor to prove they need the quick pay. Net 30 or 45 is not quick pay.

Be able to provide a copy of quick pay agreements and/or policies and document the number of minority businesses that will utilize the quick pay agreement. Provide a copy of the quick pay agreement signed between bidder and minority businesses.

Quick Pay will be paid whether or not the bidder has been paid or the Owner has approved the minority subcontractor's work.

Note: Referencing the Good Faith Efforts listed above in your IFB is not enough. You must be able to document your efforts.

Affidavit B – Intent to Perform Contract with Own Workforce – In making this certification the bidder is stating that he does not customarily subcontract elements of this type project and normally performs and has the capability to perform and will perform all elements of the work on this project with his own current workforce. The bidder agrees to make a Good Faith Effort to utilize minority suppliers where possible. **“Self-performing”** means the contractor has all equipment, personnel and supplies on hand to perform the contract. If the contractor needs to purchase supplies or rent equipment and operators to perform the work, then the contractor **is not** self-performing and should make efforts to purchase supplies or equipment, or temporary labor from minority firms. **Note:** No other Affidavits are required if the bidder meets this criteria.

Affidavit C – Portion of the Work to be Performed by HUB Certified/Minority Businesses – This form is to be submitted only by the apparent lowest responsible, responsive bidder with equal to or greater than 10% minority participation.

Affidavit D – Good Faith Efforts – This form is to be submitted only by the apparent lowest responsible, responsive bidder with less than 10% minority participation along with their backup documentation. **Note:** Backup documentation will be provided for any Good Faith Effort item indicated on the bidder's Affidavit A form.

Minority-owned Pre-qualified Bidders – **must also** meet the minority participation goals set for the project. Work performed by the minority-owned pre-qualified bidder will be counted towards the minority participation goal **only if** the minority contractor is **self-performing** and submitted Affidavit B.

Certification Requirements – Ensure the minority firms you contact for subcontracting opportunities are listed in the Statewide Uniform Certification (SWUC) Vendor database as **only firms** listed in the SWUC Vendor database, at the time of contract award, **will be counted** towards the minority participation goal for this project. Go to <https://www.ips.state.nc.us/Vendor/searchvendor.aspx?t=h> for access to the SWUC Vendor database.

Assistance:

Email the UNC Charlotte HUB Coordinator, Dorothy Vick (704-687-0527), **no later than 5:00 PM Tuesday, November 16, 2021** to dlvick@uncc.edu (**Email Subject: Student Government Office Renovations**) for the following;

1. **Assistance in finding certified minority firms who have worked on UNC Charlotte projects and who can perform the scopes of work (site work, concrete, electrical, etc.) you are seeking, and/or**
2. **A list of minority trade, community or contractor organizations** identified by the Office for Historically Underutilized Businesses that provide assistance in the recruitment of minority businesses.