

RESOLUTION TO ESTABLISH A VERIFIABLE  
PERCENTAGE GOAL FOR PARTICIPATION  
BY MINORITY BUSINESS IN THE  
AWARDING OF BUILDING CONSTRUCTION  
CONTRACTS AWARDED PURSUANT TO N.C.G.S. 143-128

WHEREAS the North Carolina General Assembly enacted Chapter 480 and Section 74.17 of Chapter 770 of the 1989 Session Laws, thereby rewriting North Carolina General Statute 143-128;

AND WHEREAS N.C.G.S. 143-128(c) requires each city, county or other public body to adopt, after notice and a public hearing, an appropriate verifiable percentage goal for participation by minority businesses (as defined in that statute) in the total value of work for building contracts the costs of which exceed one hundred thousand dollars and which are awarded pursuant to N.C.G.S. 143-128;

AND WHEREAS N.C.G.S. 143-228(c) requires an authority awarding a building contract the cost of which exceeds one hundred thousand dollars under a separate prime or separate specification contract system to adopt written guidelines specifying actions that will be taken by the awarding authority to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts awarded under the separate prime or separate specification contract systems;

AND WHEREAS N.C.G.S. 143-128(c)(4) requires an authority awarding a building contract the cost of which exceeds one hundred thousand dollars under a single-prime contract system to adopt written guidelines specifying the action that the prime contractor must take to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts awarded under the single prime contract system; and requires that action taken by the prime contractor must be documented in writing by the contractor to the appropriate awarding authority;

AND WHEREAS N.C.G.S. 143-138(b) requires that a public body choosing to use a single-prime contract system must also seek bids for a building contract the cost of which exceeds one hundred thousand dollars under a separate prime or separate specification contract system and must award such building contract to the lowest responsible bidder or bidders for the total project;

AND WHEREAS N.C.G.S. 143-128(d) requires the state and its political subdivisions to award public building contracts the costs of which exceeds one hundred thousand dollars without regard to race, religion, color, creed, national origin, sex, age or handicapping condition;

AND WHEREAS notice of the public hearing was duly published in the Mount Airy News and the public hearing required by N.C.G.S. 143-128(c) was held June 5, 1990;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Mount Airy

1. That the City of Mount Airy shall have a verifiable goal of five percent for participation by minority businesses in building construction contracts awarded pursuant to N.C.G.S. 143-128.
2. That the official, employee or agent responsible for advertising such contracts shall compile a list of minority businesses within the bidding area, using information obtained from the North Carolina Department of Economic and Community Development, Minority Business Development Agency or from other institutions or agencies providing such information.

This list shall be updated on an annual basis and shall be open for inspection and shall be available so that minority businesses will have the opportunity to add their names to the list. Copies of this resolution shall be transmitted to the businesses on the list as soon as practicable along with the name of the official, employee or agent who shall serve as the contact person for minority businesses and be responsible for answering project related questions posed by minority businesses.

3. That for each such building contract put out for bids under the separate specification or the single prime contract systems, notice of the contract shall be transmitted to minority businesses on the above list.
4. That for each such building contract put out for bids under the separate specification or single prime contract systems, documents related to the contract shall be available for inspection at a convenient and accessible location of which minority businesses shall receive notice.
5. That for each such building contract put out for bids under the separate specification or single prime contract systems, the contact person designated pursuant to paragraph 3 above shall hold a pre-bid conference to orient contractors and subcontractors to the policy expressed in this resolution as well as bid procedures and regulations. Minority businesses on the list obtained and maintained as provided herein shall be notified of and invited to these pre-bid conferences.
6. That for each such building contract put out for bids under the separate specification or single prime contract system, published notice of the contract shall include a summary of this resolution.
7. That for any such building contract put out for bids under the separate specification contract system, the contact person designated herein shall maintain records with respect to:

(a) those contractors or subcontractors notified of the project and the number of these contractors and subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintained pursuant to paragraph 2 herein,

(b) those contractors or subcontractors that bid or otherwise respond to notice of the project and the number of these that are on the maintained list of minority businesses,  
(c) those contractors or subcontractors awarded contracts as part of the project and the number and identity of those that are on the list of minority businesses, and  
(d) the percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.

8. That for any such building contract put out for bids under the single prime contract system, the single prime contractor shall:
- (a) notify those minority businesses appearing on the list of minority businesses maintained pursuant to paragraph 2 of the portion of the project which will be subcontracted by the single contractor and solicit bids from those minority businesses.
  - (b) submit with his bids records with respect to:
    - 1) those subcontractors notified of the project and of those elements of the project for which subcontracts will be let and the number of these subcontractors that are minority businesses as defined in G.S. 143-128 appearing on the list of minority businesses maintained pursuant to paragraph 2 herein,
    - 2) those subcontractors that bid or otherwise respond to notice of the project and the number of these that are on the maintained list of minority businesses, and
    - 3) those subcontractors awarded contracts as part of the project and the number and identity of those that are on the maintained list of minority businesses, and
    - 4) the percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.
9. That these policies shall be a part of the request for proposals for any such contract, and noncompliance by any single prime bidder shall be grounds for declaring the bid non-responsive.
10. That this resolution shall become effective upon its adoption.

READ, APPROVED AND ADOPTED, this the 5th day of June, 1990.

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Mayor

Attest

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Clerk to the Board