



MINORITY, WOMEN, DISADVANTAGED BUSINESS ENTERPRISE (MWDBE) PROGRAM

**NIKOLE BOHANNON, SLS PROGRAM MANAGER
8/24/2023**

- ▶ Development Timeline
- ▶ Program Highlights
- ▶ Purpose
- ▶ Objectives
- ▶ Goals
- ▶ Program Application
- ▶ Procedures
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Disparity Study
Completed
November 2022

MWDBE
Program
Adopted
June 28, 2023

MWDBE
Program
Effective
July 1, 2023

MWDBE
Information
Session
August 24, 2023



- ▶ Separate good faith efforts for construction contracts, A&E contracts, professional services, and general services
- ▶ New procurement process for informal bidding to ensure that MWDBEs are invited to quote
- ▶ New procurement processes for service agreements to ensure that MWDBEs are invited to quote
- ▶ Standardized bid documents and related procurement forms
- ▶ Prime contractor accountability and verifications of subcontractor opportunities

To support the utilization of Minority, Women, and Disadvantaged Businesses that meet the eligibility requirements by providing equal opportunities to participate in all aspects of PWC's procurement opportunities.



- ▶ Increase the participation of MWDBEs in PWC procurements.
- ▶ Increase PWC's local economic impact by encouraging a reinvestment of procurement dollars into the Geographical Statistical Area.
- ▶ Create an adaptable program by using data to support the decision-making process.
- ▶ Provide accurate reporting of the MWDBE Program by creating strategic measurements and provide periodic reporting of the program results.

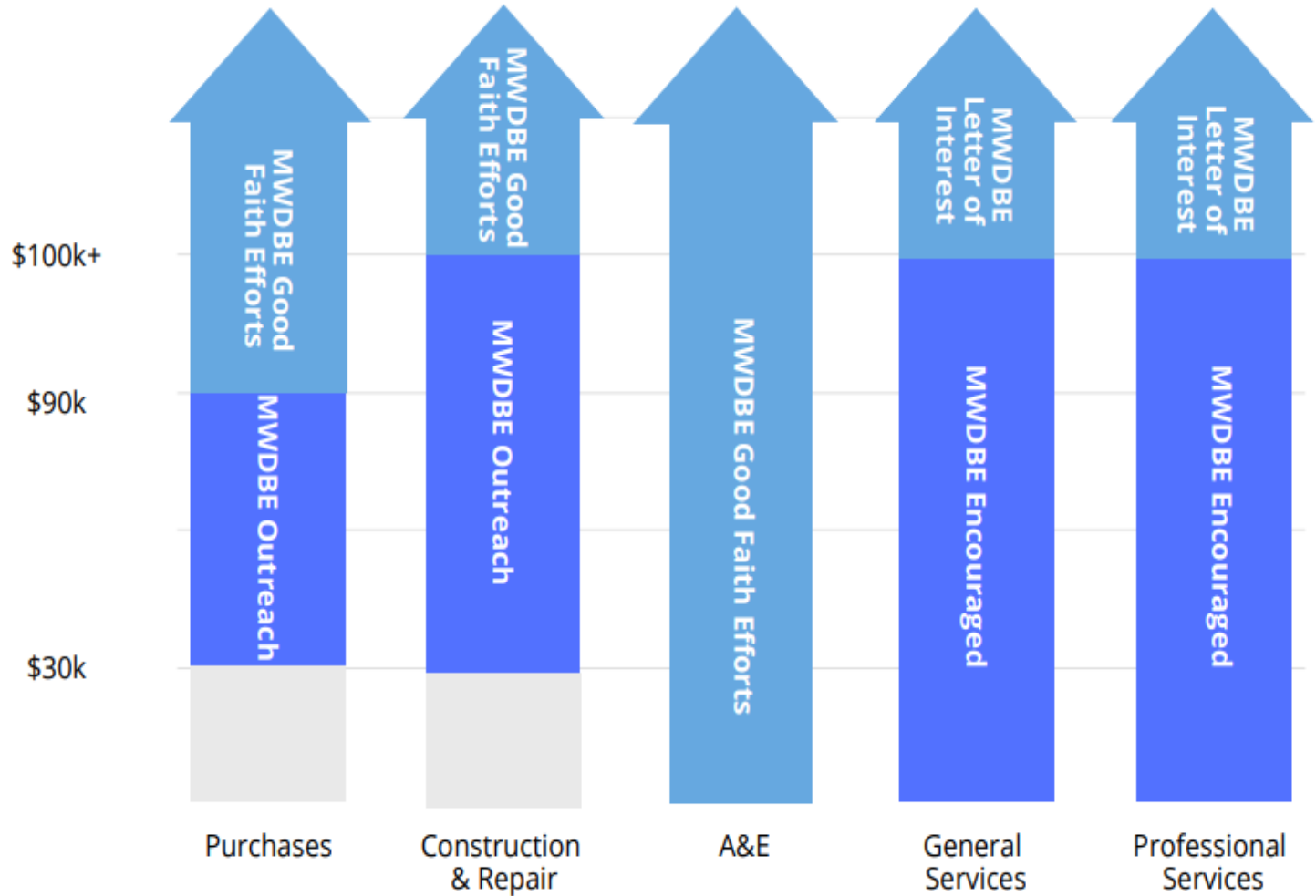
Aspirational Goals/Internal Measure

MBE Aspirational Goals				
	Availability	Aspirational Goal	Compliance Target	Utilization
Construction	23.99%	14%	9%	3.59%
A&E (Architecture & Engineering)	10.58%	6%	4%	0.65%
Professional Services	18.82%	19%	19%	24.46%
Other Services	16.61%	9%	6%	0.50%
Goods	6.19%	4%	4%	2.35%

WBE Aspirational Goals				
	Availability	Aspirational Goal	Compliance Target	Utilization
Construction	11.93%	11%	11%	10.66%
A&E (Architecture & Engineering)	10.13%	5%	3%	0.00%
Professional Services	6.79%	3%	3%	0.00%
Other Services	5.03%	4%	4%	3.34%
Goods	6.49%	4%	4%	0.94%

Availability + utilization / 2 = aspirational goals

MWDBE Program Application



- ▶ Procedures will apply to all categories of PWC Procurements
- ▶ Procedures for each procurement category can be found within the program documents available on PWC's Procurement webpage
- ▶ Prime Contractors and MWDBEs are strongly encouraged to familiarize themselves with the procedures



PWC Departments

- Support the MWDBE Program
- Follow the Procurement Guidelines and Processes
- Utilization of MWDBEs
- Shift from 10% construction goal to a procurement category-specific and project-specific goals program

Contractors

- Build relationships and solicit MWDBE subcontractors within the relevant market area
- Accountability and integrity for MWDBE utilization
- Shift from a strongly encouraged program to a required program

PWC Departments

- Identify subcontracting opportunities
- Encourage MWDBE utilization of primes
- Be forthcoming with project documentation
- Participate in advance planning & networking events
- Utilize standardized templates

Contractors

- Satisfy subcontracting Goals
- Extend true consideration to MWDBEs for subcontracting needs
- Provide accurate MWDBE forms with Pay Applications
- Participate in networking events and build relationships with MWBEs



MWDBE Compliance Forms

ATTACH TO BID

ATTACH TO BID

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FAYETTEVILLE PUBLIC WORKS COMMISSION'S MWDBE COMPLIANCE PROVISIONS

APPLICATION:

The requirements of Fayetteville Public Works Commission (PWC) Minority, Women, and Disadvantaged Business Enterprise (MWDBE) Program for participation specific contracts are hereby made part of the Contract Documents. Copies of the Program may be obtained from:

Fayetteville Public Works Commission
Economic Inclusion Programs
P.O. Box 1089
Fayetteville, North Carolina 28302
Phone (910) 223-4016 Fax (910) 483-1429
E-mail: EIPProgram@faypwc.com

NCDOT DBE Directory: www.ebs.nc.gov/VendorDirectory
HUB Directory: <https://ncadmin.nc.gov/businesses/hub>

MWDBE Compliance Requirements:

1. The Bidder shall provide, with their Bid Form, at the time bids are due, the documents set forth below, properly executed. Returning executed copies indicates and establishes that the Bidder understands and agrees to any incorporated MWDBE contract provisions.
2. All Bidders must provide with their Bid Form, at the time bids are due, a properly completed and executed copy of **either**:
 - Affidavit A – Listing of Good-Faith Efforts **OR**
 - *Affidavit B – Intent to Self-Perform with Own Workforce.

*Affidavit B should **only** be used if the Contractor will perform **ALL Elements** of the Work on this project with their own forces **AND** will complete **ALL Elements** of this project **WITHOUT** the use of subcontractors, material suppliers, or providers of professional services.
3. Upon being identified as the apparent lowest responsive, responsible Bidder, a Bidder shall, within twenty-four (24) hours of PWC's notification provide a properly completed and executed copy of **either**:
 - Affidavit C – Percentage of MWDBE Participation **OR**
 - Affidavit D – Good-Faith Efforts.
4. All Bidders must provide with their Bid Form, at the time bids are due, a properly completed and executed copy of Affidavit E- Identification of MWDBE/Local Participation Form

Affidavit A: Listing of Good Faith Efforts

- ▶ To be provided if the contractor does not intend to self perform
- ▶ Due at the time bids are due and properly completed and executed
- ▶ There are 155 total good faith effort points available and bidders are required to meet at least 50 points
- ▶ Good faith efforts will be assessed by PWC

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Affidavit of _____ (Name of Bidder)

I have made a good faith effort to comply under the following areas checked:

Total Available Points	GFE Points	Minimum Number GFE Points Required
10	155	50
10		
15		
10		
10		
20		
15		
25		
20		
20		
Total GFE Points (Claimed by Bidder):		Total GFE Points (Assessed by PWC):

In accordance with NCGS 143-128.2(d) the undersigned will enter into a formal agreement with the firms listed in the Identification of Small Disadvantaged Business Participation schedule conditional upon execution of a contract with the Owner. Failure to abide by any applicable statutory provision may constitute a breach of the contract. The undersigned hereby certifies that he or she has read the terms of the MWDBE business commitment and is authorized to bind the Bidder to the commitment herein set forth.

Date: _____

SEAL

Name of Authorized Officer: _____
 State of North Carolina, County of _____
 Subscribed and sworn to before me this _____ day of 20____
 Notary Public _____
 My commission expires _____

Affidavit B: Intent to Perform Contract with Own Workforce

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Affidavit B: Intent to Perform Contract with Own Workforce

Affidavit of _____ (Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for contract: _____ (Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform **all elements of the work** on this project with his/her own current workforces; and will complete all elements of this project **without** the use of subcontractors, material suppliers, or providers of professional services.

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

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

Date: _____

Name of Authorized Officer:

State of North Carolina, County of _____ day of 20 ____

Notary Public

My commission expires _____

SEAL

- ▶ To be provided if the contractor intends to self-perform the entire contract. This includes all elements including subcontractors, material suppliers, or providers of professional services
- ▶ Due at the tie bids are due and properly completed and executed



Affidavit C: Percentage of MWDBE Participation

- ▶ To be provided if the contractor meets the minimum percentage goal for the bid opportunity
- ▶ Strongly encouraged to submit with bid submittal but not required
- ▶ Due within 24 hours of being identified as the apparent lowest, responsive, responsible bidder

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Affidavit C: Percentage of MWDBE Participation

Affidavit of _____
(Name of Bidder)

I hereby certify that on contract: _____
(Name of Project)

\$ _____
(Dollar Amount of Total Bid)

I will expend a minimum of _____% of the total dollar amount of the contract with Minority, Women, and Disadvantaged Business Enterprises (MWDBE). MWDBEs will be employed as subcontractors, vendors, or providers of professional services. Such work will be subcontracted to the following firms listed below.

<u>Name, Address, & Phone No.</u>	<u>*MWDBE Category</u>	<u>NAICS</u>	<u>Dollar Value</u>	<u>% of Contract</u>

*MWDBE categories: Black-African Americans (B), Hispanic-Americans (H), Asian- Americans (A), Native-Americans (I), Women (F), Socially/Economically Disadvantaged (D)

Affidavit D: Good Faith Efforts

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Affidavit D: Good Faith Efforts

If Owner determines using reasonable discretion that Affidavit C is insufficient, Bidder agrees to provide the following information regarding any good-faith efforts.

<u>Name, Address, & Phone No.</u>	<u>*MWDBE Category</u>	<u>NAICS</u>	<u>Dollar Value</u>

*MWDBE categories: Black-African Americans (B), Hispanic-Americans (H), Asian- Americans (A), Native-Americans (I), Women (F), Socially/Economically Disadvantaged (D)

Bidder may be requested to provide documentation of the Bidder's good-faith efforts. Examples of documentation may include the following:

- a. Copies of solicitations for quotes to MWDBEs. Each solicitation may include a specific description of the work to be subcontracted, location where bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.
- b. Copies of quotes or responses received from each firm responding to the solicitation.
- c. A telephone log of follow-up calls to each firm sent a solicitation.
- d. For subcontracts where a MWDBE is not considered the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
- e. Documentation of any contacts or correspondence to MWDBE, community or contractor organizations in an attempt to meet the goal.
- f. Copy of pre-bid roster.
- g. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for MWDBEs.
- h. Letter detailing reasons for rejection of a MWDBE due to lack of qualification.
- i. Letter documenting proposed assistance offered to MWDBEs in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letter of credit, including waiving credit that is ordinarily required.

Failure to provide the documentation as listed in these provisions may result in rejection of the bid and award to the next lowest responsible and responsive Bidder.

Date: _____ Name of Authorized Officer: _____



State of North Carolina, County of _____
 Subscribed and sworn to before me this _____ day of 20____
 Notary Public _____
 My commission expires _____

- ▶ To be provided if the contractor does not meet the minimum percentage goal for the bid opportunity
- ▶ Strongly encouraged to submit with bid submittal but not required
- ▶ Due within 24 hours of being identified as the apparent lowest, responsive, responsible bidder



Affidavit E: Identification of MWDBE / Local Participation

- ▶ To be provided with all bid submittals
- ▶ Due at the time bids are due and properly completed and executed

ATTACH TO BID ATTACH TO BID ATTACH TO BID ATTACH TO BID

Affidavit E: Identification of MWDBE/Local Participation

I hereby certify that on contract: _____ (Name of Bidder)

_____ (Name of Project)

We will use the following Minority, Women, and Disadvantaged Business Enterprises (MWDBE), and Local (Cumberland, Hoke, Harnett County) as construction subcontractors, vendors, suppliers, or providers of professional services.

Name, Address, & Phone No.	*MWDBE Category / **Local	NAICS	Dollar Value

*MWDBE categories: Black-African Americans (B), Hispanic-Americans (H), Asian- Americans (A), Native-Americans (I), Women (F), Socially/Economically Disadvantaged (D)

**Local: Fayetteville Metropolitan Statistical Area (MSA) comprising of Cumberland County, Hoke County, and Harnett County. PWC is requesting this information for reporting purposes only, and use of local entities will not be considered for compliance with the requirements of the MWDBE Program.

The total value of MWDBE/local business contracting will be \$ _____

Date: _____

Name of Authorized Officer:

State of North Carolina, County of _____
Subscribed and sworn to before me this _____ day of 20____
Notary Public _____
My commission expires _____

SEAL

MWDBE Add / Change Form

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**FAYETTEVILLE PUBLIC WORKS COMMISSION
MWDBE ADD / CHANGE FORM**

If a MWDBE subcontractor fails to complete work under the subcontract for any reason, the recipient must require the prime contractor to employ the good faith efforts set forth in the MWDBE Program if soliciting a replacement or additional subcontractor.

For MWDBE Change Request, please provide all information below:

Prime Contractor: _____

Subcontracted Work: _____

Previous Subcontractor: _____

Reason this for change request:

New Subcontractor: _____ MWDBE Category: _____

To Add MWDBE Subcontractor/Subcontracted work:

If this is a new trade being subcontracted or a subcontractor that was not documented in the original Project Bid Information submittal, then good faith efforts to solicit a MWDBE must be documented, as the original MWDBE instructions indicate. Please provide all good faith efforts below showing all the MWDBE firms contacted to perform this work along with any additional good faith efforts or evidence that there are not reasonably available firms in the work area. PWC's MWDBE Program requires that good faith efforts are to be carried out to the fullest extent practicable. If solicitations were not carried out due to being impracticable, please attach this explanation to this form.

Name, Address, & Contact Information	MBE or WBE and Certifying agency	How was this firm contacted (email, letter, or Phone) and what was the result of the solicitation? *

*Must submit copies of emails or letters. If phone calls were made this sheet can serve as documentation of calls

Date: _____ Name of Authorized Officer: _____



State of North Carolina, County of _____
 Subscribed and sworn to before me this _____ day of 20____
 Notary Public _____
 My commission expires _____

- ▶ Utilized upon contract award and/or notice to proceed
- ▶ Must be presented prior to utilizing the new MWDBE
- ▶ PWC will review and provide approval
- ▶ For all new and replaced MWDBEs, contractors are required to complete good faith efforts. These efforts are due when the Add/Change Form is submitted
- ▶ If pay applications are received with contractors that are not listed on the affidavits or a change form hasn't been received, it can delay application reviews and payments

SLS / MWDBE SUBCONTRACTOR DISCLOSURE FORM

- ▶ To be provided with all pay applications
- ▶ Form should include all subcontractors, material suppliers, professional service providers, etc.
- ▶ Submitted pay applications without the disclosure form will result in delayed application review and payment

**SMALL LOCAL SUPPLIER / MWDBE SUBCONTRACTOR
 DISCLOSURE FORM**

Contractor: _____
 Address & Phone: _____
 Project: _____
 Name: _____
 Pay Application # _____

Please complete the below form by providing the necessary information for the payments made to each subcontractor, vendor, or supplier for the work associated with the identified pay application. This form must be fully completed and attached to each pay application.

Firm Name, Address, and Contact Information	Payment Amount	Type of Work/Commodity (Include NAICS Code)

Signature _____
 Printed Name _____
 Date _____ Title _____

- ▶ Engagement Sessions
- ▶ Designated SharePoint
 - ▶ Resource library on the PWC website
- ▶ Training
- ▶ Review and maintain MWDBE Program documents and affidavits
 - ▶ Match-Making
 - ▶ Bidders Lists
 - ▶ Target Outreach
 - ▶ One-On-One with vendors
 - ▶ Assist vendors who meet requirements with the necessary resources to get certified





**MINORITY WOMEN DISADVANTAGED
BUSINESS ENTERPRISE**

**Fayetteville Public Works Commission
Economic Inclusion Program
P.O. Box 1089
Fayetteville, North Carolina 28302
Phone (910) 223-4271
E-mail: EIProgram@faypwc.com**