

6050 MINORITY BUSINESS ENTERPRISE PARTICIPATION IN CONSTRUCTION AND CONTRACTS POLICY

It is the policy of the Edenton-Chowan Board of Education to provide minorities equal opportunity to participate in all aspects of the school system's contracting and purchasing programs, including but not limited to participation in procurement contracts for materials, supplies and equipment, and contracts for the construction, renovation or repair of school facilities and equipment.

It is further the policy of the Board to prohibit discrimination against any person or business enterprise on the basis of race, color, ethnic origin, sex, handicapping condition, or religion and to conduct its contracting and purchasing programs so as to prevent such discrimination.

It is the policy of the Board in concert with other local, state and federal agencies and with the assistance of minority groups and agencies, actively to seek and identify qualified minority business enterprises (MBEs) and to offer them the opportunity to participate, and to encourage them to participate, in the school system's contracting and purchasing programs. Under this policy, the Board adopts the definition of MBEs contained in [N.C. Gen. Stat. § 143-128.2](#) and [128.4](#).

It is not the policy of this Board to provide information or other opportunities to minority business enterprises that will not be available to all other business enterprises. It is the intent of this policy to establish procedures designed to assure MBEs access to information and opportunities available to other business enterprises.

It is not the intent of this policy to establish procedures that will increase the cost of the school system's construction and purchasing programs. It is the intent of this policy to widen opportunities for participation, to increase competition, and to reduce costs.

The Board will award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in [N.C. Gen. Stat. § 168A-3](#). The Board will award contracts to the lowest responsible, responsive bid.

For all contracts valued at \$1,000 or more, the board will require each bidder or vendor to certify that it is not listed on the state treasurer's Final Divestment List or Iran Parent and Subsidiary Guidance list, as required by G.S. 147, Article 6E, and that it will not engage subcontractors who are on either list.

- A. Construction or repair projects where the project cost is equal to or in excess of three hundred thousand dollars (\$300,000).

The Board shall have a verifiable goal of ten percent (10%) for participation by minority businesses in building construction and repair projects covered by this section. These projects shall be bid strictly in accordance with [N.C. Gen. Stat. § 143-128](#) and [129](#). The school system shall require bidders on school construction and renovation projects to provide documentation demonstrating that they have met the verifiable goal for participation by

minority business or that they have made good faith efforts to do so as specified in the accompanying regulations and in [N.C. Gen. Stat. § 143-128.2](#). Data generated pursuant to this section shall be reported to the Department of Administration, Office of Historically Underutilized Business, as required by [N.C. Gen. Stat. § 143-128.3\(a\)](#).

B. Construction or Repair Projects Using State Appropriations or Other State Grant Funds Where the Project Cost is Equal to or Greater than One Hundred Thousand Dollars (\$100,000).

The Board shall use the State's verifiable goal of ten percent (10%) for participation by minority business in building construction and repair projects covered by this section.

C. Purchase of Equipment and Materials Through State Purchase and Contract.

The school system shall continue to follow State Division of Purchase and Contract's guidelines for MBE participation and reporting procedures.

D. When the Board may Let Contracts on Informal Bids Greater than \$5,000 But Less than Three Hundred Thousand Dollars (\$300,000).

The school system shall solicit minority participation in the contracts for the erection, construction, alteration or repair of any building covered by this section. The school system shall maintain a record of contractors solicited and shall document efforts to recruit minority business participation in those contracts. Nothing in this section shall be construed to require formal advertisement of bids. The data generated pursuant to this section shall be reported to the Department of Administration, Office for Historically Underutilized Business, as required by [N.C. Gen. Stat. § 143-131\(b\)](#).

E. Regulations and Procedures.

The Superintendent shall develop regulations and procedures for implementation of this policy.

LEGAL REF: [N.C. Gen. Stat. § 115C-522](#), [143-48 to -63.1](#), and [143-128](#), [128.2](#) and [-129; 147, art. 6E](#)

ADOPTED: February 7, 2005

EDENTON-CHOWAN BOARD OF EDUCATION