

**A RESOLUTION SETTING A PUBLIC HEARING TO REPEAL RESOLUTION NO.  
10/90-91 AND ESTABLISHING A NEW VERIFIABLE PERCENTAGE GOAL  
Resolution No. 167/2006-07**

**THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:**

**Section 1. That a public hearing be set for April 24, 2007.**

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Jay Bryan.

A RESOLUTION ESTABLISHING A VERIFIABLE PERCENTAGE GOAL  
FOR PARTICIPATION BY MINORITY BUSINESSES IN THE  
AWARDING OF BUILDING CONSTRUCTION CONTRACTS  
AWARDED PURSUANT TO N.C.G.S. 143-138  
Resolution No. 10/90-91

WHEREAS, the North Carolina General Assembly enacted Chapter 480 and Section 74.17 of Chapter 770 of the 1989 Session Laws, thereby rewriting N.C. General Statute 143-138; 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 (\$100,000) and which are awarded pursuant to N.C.G.S. 143-128; and

WHEREAS, N.C.G.S. 143-128(c)(3) requires an authority awarding a building contract the cost of which exceeds \$100,000 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 system; and

WHEREAS, N.C.G.S. 143-128(c)(4) requires an authority awarding a building contract the cost of which exceeds \$100,000 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. 143-128(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 \$100,000 under a separate prime or separate specification contract system and must award such building contract to the lowest responsible bidder(s) 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 \$100,000 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 Chapel Hill Newspaper on September 7 and 14, 1990, and the public hearing required by N.C.G.S. 143-128(c) was held on September 18, 1990;

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Town of Carrboro shall have a verifiable goal of 15% for participation by minority business in building construction contracts awarded pursuant to N.C.G.S. 143-128.

Section 2. The Purchasing officer will be responsible for advertising such contracts and shall compile a list of minority businesses within the bidding area, using information obtained from the N.C. Department of Economic and Community Development, Minority Business Development Agency, Association of Minority Businesses, Orange County, or from other institutions or agencies providing such information. This list shall be updated on a semi-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 purchasing officer, who shall serve as the contract person for minority businesses and be responsible for answering project related questions posed by minority businesses.

Section 3. For each such building contract put out for bids under the separate specification or the single prime contract systems, notice of the construct shall be transmitted to minority businesses on the above-mentioned list.

Section 4. 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.

Section 5. For each such building contract put out for bids under the separate specification or single prime contract systems, the purchasing officer 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.

Section 6. 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.

Section 7. For any such building contract put out for bids under the separate specification contract system, the purchasing officer 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 N.C.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.

Section 8. For any such building contract put out for bids under the single prim contract system, the single prime contractor shall:

(a) Notify those minority businesses appearing on the list of minority business, maintained by the purchasing officer, 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/her bid 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 by the purchasing agent;
- (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 business; 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.

Section 9. 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.

Section 10. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 18th day of September, 1990:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None