

**RESOLUTION
MARTIN COUNTY BOARD OF COMMISSIONERS
ESTABLISHING APPROPRIATE VERIFIABLE PERCENTAGE GOAL
FOR PARTICIPATION BY MINORITY BUSINESSES**

WHEREAS, pursuant to NCGS 143-128.2 the Martin County Board of Commissioners desires to establish an appropriate verifiable percentage goal for participation by minority businesses; and

WHEREAS, the Martin County Board of Commissioners seeks to award contracts without regard to race, religion, color, creed, national origin, sex, age or handicapping condition, as defined in NCGS 143-128.2; and

WHEREAS, the term “minority business” means a business in which at least fifty-one percent (51%) is owned by one or more minority persons or socially and economically disadvantaged individuals, or in the case of a corporation, in which at least fifty-one (51%) of the stock is owned by one or more minority persons; and of which the management and daily business operations are controlled by one or more minority persons who own it; and

WHEREAS, the term “minority person” means a person who is a citizen or lawful permanent resident of the United States and who is:

1. Black, that is, a person having origins in any of the black racial groups in Africa;
2. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
3. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, or the Pacific Islands;
4. American Indian, that is, a person having origins in any of the original Indian peoples of North America; or
5. Female; and


WHEREAS, the term “socially and economically disadvantaged individual” means the same as defined in U.S.C. 637; and

WHEREAS, the term “verifiable goal” means that the Martin County Board of Commissioners has adopted written guidelines specifying the actions that will be taken to ensure good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded.


NOW, THEREFORE, BE IT RESOLVED THAT: The Martin County Board of Commissioners does hereby establish an appropriate verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each project when the entire cost of such work shall exceed \$300,000 or \$100,000 where any amount of North Carolina appropriations and grant funds are used.

Adopted this the 28th day of March 2018.




Elmo “Butch” Lilley, Chairman

ATTEST:


Marion B. Thompson, NCCCC
Clerk to the Board

**MARTIN COUNTY
MINORITY BUSINESS PARTICIPATION OUTREACH PLAN**

1. Goal

The goal of the Martin County Board of Commissioners in adopting this Minority Business Participation Outreach Plan is to provide minority businesses, as defined in G.S. 143-128.2(g), equal access and opportunity to participate fully in all aspects of construction projects subject to this plan. Martin County encourages all those associated with construction projects subject to this plan to commit to this goal through a good faith effort.

2. Statement of Policy

It is the policy of Martin County to award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3. [143-128.2(h)]

3. Plan Objectives and Applicability

The Martin County Minority Business Participation Outreach Plan is developed to comply with State Law 2001-496 (Senate Bill 914, signed 19 December 2001, and effective 1 January 2002).

This plan has further been developed to assist Martin County in reaching its verifiable percentage goal of 10% minority business participation in all construction contracts, adopted by resolution March 28, 2018.

It is not the intent of this plan to require Martin County to take additional steps beyond those required by G.S. 143-128.2. Rather, it is the intent of this plan to establish the procedures that Martin County will use to comply with G.S. 143-128.2. This plan establishes the good faith efforts that Martin County will take to meet the plan objectives and accomplish the plan's goal.

4. Plan Administration

The County Manager of the Martin County will cause this policy to be implemented and will be responsible for all activities contained in this policy.

5. Good Faith Efforts

In an effort to encourage minority business participation in all construction contracts, Martin County will undertake the following actions for projects to which this plan applies.

I. The Martin County Board of Commissioners establishes these procedures as the "Minority Business Participation Outreach Plan" required by 143-128.2(e)(1).

a. The Martin County Board of Commissioners, its employees, and its consultants will take whatever measures it deems appropriate to encourage the education, recruitment, and interaction between minority businesses, non-minority business and the Martin County. [143-128.2(e)(1)]

b. Martin County will make efforts to require bidders and contractors to undertake the good faith efforts in 143-128.2(f).

II. Martin County will schedule and hold a pre-bid meeting for potential bidders and interested HUB subcontractors. [143-128.2(e)(2)]

a. At this pre-bid meeting, the Martin County will furnish a copy of the Martin County solicitation list.

III. Martin County will establish a solicitation list of HUBs:

- a. The Martin County will research the Historically Underutilized Business web site for each contract from time to time and record all HUBs who have registered on the site, in the general geographical area of the county.
- b. In the same time frame, Martin County will research Federal web sites that also list HUBs (currently including SBA SUB-Net), and record those HUBs who have registered on the site, in the general area of Martin County.
- c. Martin County or representative will also record HUBs who directly contact Martin County to request that they be contacted in the event of a public bid offering.

IV. Martin County will directly solicit HUBs in the Martin County solicitation list. [143-128.2(e)(3)]

- a. At least 10 days prior to bid opening, Martin County or representative will furnish HUBs on the Martin County solicitation list with a copy of advertisements for bid in the categories that they have requested. The advertisement will include a description of the work for which the bid is being solicited, the date, time and location where the bids may be submitted and where the bids will be opened, the name of the Martin County employee or representative who is available to answer questions about the project, where the bid documents may be reviewed or a copy obtained, and any other special requirements that may exist.
- b. Martin County may contact such HUBs by email, mail, FAX or other means.

V. Martin County will advertise opportunities to bid so as to be open to HUB bidders. [143-128.2(e)(4)]

- a. Martin County will advertise opportunities to bid in one or more of the following:
 - 1. in a local newspaper circulated in the general population area
 - 2. in a regional urban newspaper
 - 3. in a newspaper serving the area which currently serves a large minority population
 - 4. on the county website
 - 5. trade magazines
 - 6. in State of NC's HUB Office website

6. Post Award Monitoring

To enable Martin County to properly report MBE participation, Martin County will require contractors engaged in the construction projects subject to this plan to submit **Appendix E "MBE Documentation for Contract Payment"** with each request for payments. Martin County will not consider the request for payment to be complete and will not process it without **Appendix E "MBE Documentation for Contract Payment"**.

A Contractor who has been awarded a project based upon a given level of minority business participation is responsible for ensuring that the minority business participation does not materially vary from that originally specified when receiving the contract award.

Contractors must follow the requirements G. S. 143-128.2 and the contract documents. Martin County will consider failure to comply with the law and contract documents will be a breach of contract and may subject the contractor to annulment of the contract.

7. Professional Services

Martin County will review and consider the utilization of minority business consultants when evaluating professional service proposals. The goals for the participation of minority businesses will be consistent

with their general availability within the professional communities involved. Advertisements for professional services will encourage participation by minority business firms.

8. Reporting and Review

With respect to each building project, Martin County will report the following to the North Carolina Department of Administration's Office for Historically Underutilized Businesses (HUB) annually [G.S. 143-128.3]:

1. The verifiable percentage goal.
2. The type and total dollar value of the project, minority business utilization by minority category, trade, total dollar value of contracts awarded to each minority group for each project, the applicable good faith effort guidelines or rules used to recruit minority business participation, and good faith documentation accepted by the public entity from the successful bidder.
3. The utilization of minority businesses under the various construction methods under G.S. 143-128(a).

The reports shall be in the format and contain in the data prescribed by the Secretary of Administration.

The Martin County will make the report even if there is no building project to report during that period.

Adopted this 28th day of March 2018.


Elmo "Butch" Lilley, Chairman
Martin County Board of Commissioners

CERTIFICATION OF MINORITY BUSINESS PARTICIPATION

MARTIN COUNTY

CONTRACT

This is to certify that the Contract project for Martin County will incorporate the minority business goals as adopted by the attached resolution dated March 28, 2018 in accordance with N.C.G.S. 143-128, as amended. Martin County will report the attained goals to the North Carolina Department of Administration in accordance with the Martin County's Minority Business Participation Outreach Plan.

This the 28th day of March, 2018.


Elmo "Butch" Lilley, Chairman

ATTEST:


Marion B. Thompson, NCCCC
Clerk to the Board