



## **MECKLENBURG COUNTY GOVERNMENT Minority, Women, and Small Business Enterprises Program**

### **POLICY STATEMENT**

It shall be policy of Mecklenburg County Government to provide minority-owned, women-owned, and small business enterprises (collectively “MWSBE”) as well as other responsible vendors with fair and reasonable opportunity to participate in Mecklenburg County’s business opportunities.

Mecklenburg County’s MWSBE Program is committed to support the economic development of small business enterprises and the minority community. The MWSBE program encourages contractors to actively and aggressively seek MWSBE participation. It is further the intent of the program to widen opportunities for participation, increase competition, and ensure the proper and diligent use of public funds.

The County Manager shall implement an MWSBE Program that includes aspirational goals for MWSBE utilization in proportion to the availability of qualified vendors in particular areas of procurement as recommended in MGT of America’s 2003 Disparity Study. On an annual basis, the County Manager shall report to the Board of County Commissioners regarding MWSBE utilization in comparison to the aspirational goals. The County Manager is authorized to make changes in MWSBE procedures consistent with this policy and applicable laws. The Board of County Commissioners shall then determine whether the aspirational goals should be modified, eliminated, or remain in effect.

### **MWSBE PROGRAM**

1. **Background/Purpose.** Mecklenburg County Government (hereafter referred to as the "County"), procures supplies, materials and equipment (“Goods”), construction, alteration and repair work of buildings (“Construction and Repair”), and other services (“Other Services”). In connection with such procurements, The County desires that minority-owned, women-owned and small business enterprises (“MWSBE”) have a fair and reasonable opportunity to participate. (Minority-owned and women-owned business enterprises are referred to herein as “MWBE,” and small business enterprises are referred to herein as “SBE.”) County Policy authorizes the creation of a MWSBE Program. The purpose of these procedures is to implement this Policy.
2. **Definitions**
  - a. **Minority** –African American (all persons having origins in any of the African racial groups), Hispanic/Latino American (all persons of Mexican, Puerto



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Rican, Cuban, Central or South American or other Spanish culture or origin), Asian American (all subcontinent, or the Pacific Islands), and Native American (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

- b. **Minority Business Enterprise (MBE)** - A business enterprise that is owned, operated, and controlled by one or more minority group members who have at least 51% ownership, operational and managerial control, interest in capital, earnings commensurate with their percentage of ownership and continuing not created solely to meet the MWBE requirements.
- c. **Women Business Enterprise (WBE)** – a business enterprise that is owned, operated, and controlled by one (1) or more non-minority women who have 51% ownership, interest in capital, earnings commensurate with their percentage of ownership and continuing not created solely to meet the MWBE requirements.
- d. **Small Business Enterprise (SBE)** – a business enterprise owned, operated, and controlled by one (1) or more eligible owners who have 51% ownership, interest, holds the professional or contractor license necessary for operation, and is 25% or less of the applicable size standards established by the Small Business Administration.

### MWSBE GOALS

- 3. **Goals.** Aspirational goals for MWBE utilization are summarized in the following chart<sup>1</sup>:

**Table 1**  
**Recommended Goals for Each Business Category**  
**by Race/Ethnic/Gender Classification Based on MGT Study**

Category	MBE Goal	WBE Goal
Construction	10%	6%
Architecture & Engineering	4%	7%
Professional Services	9%	9%

<sup>1</sup> MWBE goals are based upon reasonable estimates of relative MWBE availability. Initial annual aspirational goals (for the remainder of the 2004-2005 fiscal year and the 2005-2006 fiscal year) for the percentage of procurements dollars paid to MWBEs are based on recommendations of the MGT Study.



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Other Services (other than Architecture & Engineering and other Professional Services)	5%	4%
Goods	3%	3%

**Aspirational Small Business Goals**

<b>Category</b>	<b>SBE Goal</b>
Construction	21%
Architecture & Engineering	16%
Professional Services	23%
Other Services (other than Architecture & Engineering and other Professional Services)	14%
Goods	11%

**Note:** Data will be collected and tracked by the various race/ethnic/gender classifications identified in the MGT Study and defined above in Section 2. Businesses that count towards the MBE or WBE goals can also count towards the SBE goals if they meet the required size standard criteria. MWSBE participation will be monitored to evaluate the success of the remedial program. In addition, the County will track MWSBE spending on p-card transactions.

The County Manager shall periodically conduct a formal evaluation of the effectiveness of these procedures and shall recommend proposed changes to these procedures, including these aspirational goals.

**MWSBE PROCEDURES**

- Certification of MWSBEs.** MWSBE are certified and classified as such by a variety of entities. The County shall accept MWBE certification from any bona fide certifying entity, including by way of example and not limitation, certification from such entities as the City of Charlotte, State HUB Office, Carolinas Minority Supplier Development Council, and National Minority Supplier Development Council. The County shall accept SBE certification from the City of Charlotte. Additionally, The County staff may classify businesses that are not certified by the above entities if a business demonstrates that it meets the certifying entities' definition of an MWSBE.



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5. **Vendor Databases.** County procurement staff may rely on the State of North Carolina’s Interactive Purchasing System or the North Carolina E-Procurement System for a list of available vendors. Additionally, the MWSBE Office may also provide a separate listing of vendors to be included in County solicitations. Sources of the separate listing of vendors may include, but are not limited to: North Carolina Department of Transportation, City of Charlotte, Minority Supplier Development Council, BizHub and Women’s Business Enterprise National Council. The County MWSBE Office will also provide directories of MWSBEs that can be used for purchasing card (hereinafter referred to as “P-card”) transactions.
  
6. **Pre-Award County MWSBE Procurement Procedures; Exceptions.** County staff involved in purchasing shall make good faith efforts to utilize MWSBE vendors in accordance with the following procedures:

**Table 2**  
**MWSBE Pre-Award County Good Faith Efforts per Category**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Category</b>	<b>Responsible Department</b>	<b>Competitive Procurement Procedure</b>	<b>MWSBE Efforts –Pre award</b>
Construction & Repair >= \$300,000	Building Services	Formal bids as required by and in accordance with state law.	Compliance with NCGS 143-128 regarding MWBEs; notification of available MWSBE vendors using one or more of the databases referenced in Section 3 above; bidders required to complete good faith efforts to include MWBE subcontractors in accordance with state law. SBE subcontractor projects goals where appropriate.
Construction & Repair < \$300,000 >= \$5,000		Informal bids as required by state law; specific competitive procedure to be determined by Building Services.	Notification of available MWSBE vendors using one or more of the databases referenced in Section 3 above.



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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Category</b>	<b>Responsible Department</b>	<b>Competitive Procurement Procedure</b>	<b>MWSBE Efforts –Pre award</b>
Construction & Repair < \$5,000		Competitive procedures are not required; quotes are recommended.	No requirements; rotating awards to multiple vendors, including MWSBE vendors, is recommended.
Goods > \$90,000 not on state contract		Formal bids as required by and in accordance with state law.	Notification of available MWSBE vendors using one or more of the databases referenced in Section 3 above.
Goods < 90,000 ≥ \$5,000 not on state contract		Informal quotes as required by state law; specific competitive procedure determined by Purchasing Department; Submitting Department permitted to obtain written (fax and e-mail permitted) or telephone quotes communicated to the Purchasing Department on the appropriate quote forms; if formal procedures are utilized performed by Purchasing Department.	Notification of available MWSBE vendors using one or more of the databases referenced in Section 3 above.
Goods < 5,000 not on state contract		Competitive procedures are not required; quotes are recommended.	No requirements; rotating awards to multiple vendors, including MWSBE vendors, is recommended.
Goods – State Contract ≥ \$5,000		No additional competitive procedures beyond those used by the State of North Carolina are required.	No requirements; rotating awards to multiple state contract vendors to the extent available, including MWSBE vendors, is recommended.



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<b>Category</b>	<b>Responsible Department</b>	<b>Competitive Procurement Procedure</b>	<b>MWSBE Efforts –Pre award</b>
Goods – State Contract < \$5,000		No additional competitive procedures beyond those used by the State of North Carolina are required.	No requirements; rotating awards to multiple state contract vendors to the extent available, including MWSBE vendors, is recommended.
Goods – P-card Purchases		Competitive procedures are not required.	No requirements; use of one or more of the MWSBE databases, rotating awards to multiple vendors, including MWSBE vendors, is recommended.
Other Services >= \$5,000		Competitive procedures are not required; specific procedures determined in advance by Purchasing Department after consultation with Submitting Department and MWSBE Office.	To be determined collectively by the Submitting Department, Purchasing Department and MWSBE Office on a case by case basis; for architectural, engineering and surveying services, the County shall make good faith efforts to solicit minority firms of the opportunity to submit qualifications for consideration by the County as required by NCGS 143-64.32.
Other Services < \$5,000		Competitive procedures are not required.	No requirements; rotating awards to multiple vendors, including MWSBE vendors, is recommended.

**Note:** The MWSBE procedures (column 4) do not apply to procurements where competition is waived pursuant to Section D; except, in connection with the procurement of architectural, engineering and surveying services, The County shall make good faith



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efforts to notify minority firms of the opportunity to submit qualifications for consideration by the County as required by NCGS § 143-64.31.

Additionally, the MWSBE procedures (column 4) for Goods and Other Services may be waived by the County Manager or designee, or the MWSBE Office for any reason including, by way of example, limited staff time and need for a quick purchase.

7. **Prime Contractors; Subcontractor Utilization.** Prime contractors for Construction and Repair projects that must be formally bid shall be responsible for compliance with the good faith efforts requirements regarding use of MWBE subcontractors as required by state law. Additionally, for Goods and Other Services, the MWSBE Office and the Purchasing Department may require other vendors to provide subcontractor information on a case-by-case basis.
  
8. **Record keeping Requirements.** In order to track MWSBE good faith efforts and utilization the following records shall be kept:

**Table 3**  
**MWSBE Record Keeping Requirements**

<b>Record keeping Requirement</b>	<b>Responsible Party</b>
Vendor "Master Database" documenting vendors used by the County and whether such vendors are MWSBE vendors.	MWSBE Office
Documentation confirming compliance with procedures. <sup>2</sup>	MWSBE Office, and Submitting Departments
Prepare quarterly reports required by State of North Carolina.	MWSBE Office
Maintain statistics on utilization of MWSBE firms by departments. The reports will include information regarding the dollars spent (including p-card transactions), companies used, number of MWSBE firms solicited, number of successful MWSBE awards, the number of waivers requested by department and/or granted by the MWSBE Office. Such reports shall also include, as appropriate, explanations of extenuating or unique circumstances that may affect MWSBE participation for various categories or types of purchases.	MWSBE Office

<sup>2</sup>It is not expected that County staff will create cumulative reports summarizing all MWSBE efforts. The intent is that individual files for purchases greater than or equal to \$5,000 shall have evidence of County staff efforts to provide MWSBE opportunity such that cumulative data could be determined if necessary at a later date.



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Prepare and publish quarterly participation reports to the County Manager and Submitting Departments.	MWSBE Office
Prepare and publish annual participation reports to the Board of County Commissioners.	MWSBE Office

9. **Outreach Efforts.** The MWSBE Office shall create an ongoing outreach effort to MWSBE vendors including, without limitation, assisting MWSBEs to register with the State IPS system and the State E-procurement System, providing information regarding doing business with the County, and encouraging collaboration among MWSBEs.
  
10. **Management & Technical Assistance.** The MWSBE Office will establish partnerships with existing management and technical assistance providers in the Charlotte area to assist MWSBEs with securing and performing County contracts.