



# **Charlotte-Mecklenburg Schools**

## Capital Program Services

### Request for Qualifications Construction Management at Risk Services

June 25, 2023

## **Table of Contents**

<b>Section 1 - ADVERTISEMENT .....</b>	<b>3</b>
<b>Section 2 - INTRODUCTION AND OVERVIEW .....</b>	<b>3</b>
<b>Section 3 - GENERAL INFORMATION.....</b>	<b>4</b>
<b>Section 4 - SUBMISSION REQUIREMENTS.....</b>	<b>5</b>
<b>Section 5 - INSURANCE REQUIREMENTS .....</b>	<b>6</b>
<b>Section 6 - QUALIFICATIONS/PROPOSER INFORMATION.....</b>	<b>7</b>
<b>Section 7 - ACKNOWLEDGEMENT FORM.....</b>	<b>11</b>
<b>Section 8 - CMS MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM .....</b>	<b>12</b>

## **Section 1 - ADVERTISEMENT**

Charlotte-Mecklenburg Schools (CMS) is requesting qualifications from Construction Management firms interested in providing Construction Management services for upcoming projects.

The Request for Qualifications (RFQ) can be obtained from The Charlotte-Mecklenburg Schools website at <https://www.cmsk12.org/Page/688> under Procurement beginning **Monday, June 26**.

A virtual pre-proposal conference will be held at **2:00 pm on Tuesday, July 11**. Link details will be included in the RFQ.

Responses are due to Charlotte-Mecklenburg Schools, Auxiliary Services no later than **3:00 pm on Thursday, July 27**. For further information email Tom O'Dell at [tom.odell@cms.k12.nc.us](mailto:tom.odell@cms.k12.nc.us).

## **Section 2 - INTRODUCTION AND OVERVIEW**

CMS is requesting qualifications from Construction Management firms interested in providing Construction Management at Risk services for the following projects.

1. South Mecklenburg High School on site replacement (partial)
2. First Ward Elementary School Renovations
3. New Second Ward High School
4. North Mecklenburg High School on site replacement
5. Cotswold Elementary School onsite replacement
6. New Middle School #1

CMS reserves the right to add or remove projects to/from this list.

### **Section 3 - GENERAL INFORMATION**

Qualifications are due to Charlotte-Mecklenburg Schools, Capital Program Services 3301 Stafford Drive, Charlotte, NC 28208 Attn: Tom O'Dell **no later than 3:00 pm on July 27**. Any proposals received after this date and time will be returned unopened. A virtual pre-proposal conference will be held at **2:00 pm on July 11** via Zoom > <https://leCHASE.zoom.us/j/4860192037> > Meeting ID: 486 019 2037 > One tap mobile > +16468769923

A selection committee will review and evaluate the RFQ responses and may select firms with or without interviews/presentations.

#### **Addenda and Supplements to RFQ**

Questions related to any part of this RFQ may be submitted to CMS's representative no later than **July 17**. Any clarification or revisions of the RFQ will be made only by an addendum which will be made available on the CMS website <https://www.cmsk12.org/Page/688> no later than **July 20**. It is the responsibility of the respondent to monitor the website for any addendums and to acknowledge receipt of any/all addendum with their submission. Oral explanations will not be binding.

#### **Request for Explanation and Information**

Email questions regarding the RFQ to:

Mr. Tom O'Dell  
[Tom.odell@cms.k12.nc.us](mailto:Tom.odell@cms.k12.nc.us)  
Deputy Director of Capital Program Services  
Charlotte-Mecklenburg Schools  
3301 Stafford Drive  
Charlotte, NC 28208

CMS has sole discretion and reserves the right to reject any and all responses received with respect to this RFQ and to cancel the RFQ process at any time prior to entering into a formal agreement. CMS reserves the right to request additional information or clarification of information provided.

## Section 4 - SUBMISSION REQUIREMENTS

Responses should be prepared and submitted as described in this section.

Respondents bear the responsibility of examining all parts of this RFQ and furnishing the information required by this RFQ. Provide one (1) hard copy of the response and one (1) electronic copy on flash drive (labeled). All costs incurred in the preparation and submission of proposals shall be covered by the respondent. All blank spaces on the Acknowledgement Form and all requirements outlined in this RFQ must be filled in and completed.

Submittals shall be made on 8.5" x 11" paper, side bound with Table of Contents and reference tabs for key sections. Response is limited to 30 pages single sided. Submit responses in a sealed envelope no later than **3:00 pm Thursday July 27** to: CMS Auxiliary Services, 3301 Stafford Drive, Charlotte, NC Attention Tom O'Dell. The sealed envelope shall carry the following information on the face of the envelope: Proposer's name, address, subject matter of response, GC license number.

Each proposer must answer all questions and provide all requested information, where applicable. If the answer to any questions is "none" or if the question is not applicable, please state in writing. Any response failing to do so may be deemed to be nonresponsive with respect to this qualification at the sole discretion of CMS.

Where proposals are sent by mail, the proposer shall be responsible for their delivery before **10:00 AM on the specified date**. Late submittals will not be considered and will be returned unopened. **Submittals must include, at a minimum, the following:**

1. Executive summary limited to one (1) page to include the company name, location of principal place of business, a brief narrative including the age of the business, type of business organization, services offered, any strengths and/or special qualifications your firm has related to the proposed projects.
2. Completed response to Section 6 – Qualifications/Proposer Information.
3. Completed Section 7 - Acknowledgement Form.
4. Joint Ventures – If proposer is a joint venture, submit a copy of the executed joint venture agreement.
5. Completed M/W/SBE Documentation as required by Section 8.

## Section 5 - INSURANCE REQUIREMENTS

Minimum limits for the following types of insurance are required:

### Worker's Compensation:

1. N.C. Statutory Requirements
2. Employers Liability
  - \$500,000 – Each Accident
  - \$500,000 – Disease Policy Limits (Aggregate)
  - \$500,000 – Disease Each Employee

### Comprehensive General Liability:

Limits of coverage shall not be less than:

1. Bodily Injury and Property Damage Liability including contractual liability assumed under the indemnity provision of the contract, products/completed operations and underground property damage XCU where applicable.	\$1,000,000 each occurrence \$2,000,000 annual aggregate
2. Property Damage Liability including contractual liability Coverage assumed under the indemnity agreement of the Contract, products/completed operations and undergoing property damage XCU where applicable	\$1,000,000 each occurrence \$2,000,000 annual aggregate

### Comprehensive Automobile Liability:

Comprehensive Automobile Liability Insurance shall be maintained by the Construction Manager as to the Ownership, maintenance and use of all owned, non-owned, leased or hire vehicles with limits of not less than:

1. Automobile Liability – All owned, non-owned and hired vehicles	\$1,000,000 each person \$2,000,000 each occurrence
2. Automobile Property Damage Liability – all owned, non-owned and hired vehicles	\$1,000,000 each occurrence \$2,000,000 aggregate
3. Umbrella Liability limits shall not be less than	\$2,000,000 each occurrence
4. Professional Liability not less than	\$2,000,000

## **Section 6 - QUALIFICATIONS/PROPOSER INFORMATION**

### **Current organization and structure of the business**

1. Identify the office that will directly participate in the CMS work.
2. Provide email address and phone number of your company contact for this RFQ
3. Provide the organizational chart and identify the total number of employees in each position. Highlight the number of employees with K-12 experience.
4. Provide current organizational structure information (Corporation, LLC, Partnership, Joint Venture, Sole Proprietorship, etc.) including date of formation/incorporation.
5. Indicate the number of years the organization has provided Construction Management at Risk services on projects of similar type to those noted in this RFQ.

### **Current Licensing information; proposer must be a licensed general contractor in North Carolina. If submitting as a joint venture, provide this information for each joint venture partner.**

1. Provide the license number (list all license numbers and provide a copy of license), license classification (list all classifications and limits), qualifier's name, date issued, expiration date (list all expiration dates) exactly as on file with the North Carolina Contractor's State License Board.
2. Has the license ever been revoked or suspended? (applies to all parties of a joint venture) If yes, provide an explanation including dates, alleged misconduct fining and terms of revocation suspension.
3. Has a complaint ever been filed with the Contractor's State Licensing Board against your company that required a formal hearing or inquiry? If yes, provide explanation.

### **Construction background, experience and references**

1. Provide a table including no less than three (3) of your most recently completed K-12 or higher education projects similar in size and scope of those identified in the RFQ where your firm (office proposing) provided CM at Risk services. Information should include the following:
  - a. Name of the project
  - b. Address of the project
  - c. Date completed
  - d. Names of CM project staff (Senior Executive, Project Manager, Site Manager, Pre-construction Manager)
  - e. Name, address and telephone number for project architect
  - f. Name, address and telephone number for Owner's representative
  - g. Type of project
  - h. Estimate at Design Development
  - i. Final Estimate before bidding
  - j. Actual cost of work following bid opening
  - k. GMP contract amount including post bid VE and scope changes
  - l. CM fee percent
  - m. CM general conditions as a percent of work

- n. Final cost of project
  - o. Original contract substantial completion date
  - p. Authorized time extensions
  - q. Final substantial completion date
  - r. Number of RFI's after establishment of GMP
  - s. Duration from substantial completion to completion of closeout
  - t. Original MWSBE percentage
  - u. MWSBE percentage at completion
  - v. Date of commissioning completion
  - w. Date of final commissioning report
2. Provide a minimum of four (4) client references (not CMS project related). Two (2) references should be from owners similar in function to CMS. Information should include contact name, address, phone number and email. Information should describe the services provided.
  3. Describe your firm's experience with Workforce Development programs and how you would propose coordinating/incorporating such a program into the project(s) identified in this RFQ.
  4. Describe your firm's experience and approach to the logistics of K-12 projects on an active campus.
  5. Describe your firm's approach to quality assurance and identify the individual(s) in charge from preconstruction through construction phase. Provide examples of your QA process including, but not limited to, how your firm ensures the consistency of installed materials conforming to the approved submittal samples and specifications and addressing issues related to non-conformity.
  6. What differentiating steps is your firm utilizing to attract appropriate subcontractor bid coverage on current projects? Provide examples of your successes.
  7. Describe the efforts your firm is taking to mitigate potential critical path schedule impacts resulting from subcontractor and supply chain issues. Provide examples of your successes.
  8. It is Important to CMS to have consistency in the critical roles; describe how and when key personnel in the roles of Project Manager and Superintendent are assigned.
  9. Identify key individuals proposed by your firm to participate on the CMS projects including at a minimum the project executive, project manager, project superintendent, and preconstruction manager. Attach resumes for each individual proposed for the project including their experience with the proposer's firm, their past experience on K-12 projects and other prior relevant experience in construction/design including the type of project, dollar value of each project, delivery method used and that person's role on the project. Highlight projects where proposed candidates have completed projects as a team. Also, highlight projects like the projects identified in this RFQ where proposed key individuals were involved including their role on the project.
  10. Describe your in-house MWSBE program and a detailed approach to implementation on a CMS project including a description of outreach, procurement, monitoring, reporting, technical assistance and the responsible team member. Identify the proposer's strengths and any special qualifications your firm may possess. Identify your five most successful projects relative to MWSBE participation (goals were met or exceeded). Describe what strategies were used to make these projects successful. Specifically, indicate the percentage of MWSBE participation on each of the five projects.



11. Respondents shall comply with CMS's MWSBE program by making a good faith effort to utilize MWSBE firms. **Complete and submit the Identification Form and either Affidavit 'A' (Good Faith Effort) or 'B' included in section 8 of the RFQ.**

### **Financial Data**

1. Submit a notarized statement from the proposer's surety company confirming the proposer's current bonding capacity.
2. Provide the name of proposer's Bonding Company/Surety including name of Surety agent, address and telephone number, firm's total bonding capacity and current available bonding capacity and Surety's A.M. Best rating. Include this information for Surety's utilized over the past three (3) years.
3. CMS reserves the right to request financial data. If requested, provide a copy of audited financial statements for the three (3) previous fiscal years and the last quarterly report. Statements must include auditor's letter of opinion, auditor's noted balance sheet, statement of income/loss. Each prime or joint venture partner must submit this information.

### **Workload and Capacity**

1. Provide your annual revenue from CM work completed by the proposing office over the last five (5) years including the number of projects per year.
2. Provide a ratio of your revenues for CM, GC, DB, etc. completed by the proposing office over the last five (5) years.
3. Provide a ratio of the number of projects for CM, GC, DB, etc. completed by the proposing office over the last five (5) years.
4. Provide a list of active projects your firm (proposing office) has in either pre-con or construction phase including name of project, delivery method, location, cost, and completion date.

### **Safety**

1. Describe your company approach to safety, including how high risk activities and control of the site are addressed during the preconstruction and construction phases of the project.
2. Provide your firm's workers compensation Experience Modification Rate (EMR) for the last three (3) years.
3. Has NC OSHA, Federal OSHA, NCDENR, the EPA or any Air Quality Management district cited your firm or the Owner on a project where you were actively contracted in the past five (5) years? If yes, attach a description of each citation. Include related back charges from Owner if applicable.
4. Does your company participate in the NCDOL Carolina Star Program or a safety related program? If so, provide details.
5. Do you have a dedicated home office/safety representative that visits/audits projects? Describe and note reporting structure.
6. Describe your company's standard safety pre-qualification requirements

## Legal

1. Describe any claims, disputes ending in mediation, arbitration or litigation associated with any project(s) in the past five years and note any project(s) where your firm has been terminated.
2. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit, found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity, or been convicted of a crime involving any federal, state or local law related to construction?

If YES, explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

3. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft or any other act of dishonesty?

**Section 7 - ACKNOWLEDGEMENT FORM**

The undersigned warrants that they are duly authorized to bind the Proposer.

The undersigned acknowledges receipt of addenda \_\_\_\_\_

The undersigned agrees to be bound by and comply with the provisions of CMS's Minority, Women and Small Business Enterprise Program.

I, the undersigned, certify and declare that I have read all the foregoing RFQ responses and know their contents. I declare under penalty of perjury under the laws of the State of North Carolina, that the foregoing is correct.

**All signatures to be sworn to before a Notary Public**

Signed \_\_\_\_\_

Firm Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

**Corporate Seal - (requested, not required)**

**SUBSCRIBED AND SWORN to before me this**

\_\_\_\_\_ Day of \_\_\_\_\_ 19

\_\_\_\_\_  
Notary Public Signature

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

## **Section 8 - CMS MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM**

### **Guidelines for M/W/SBE Participation in Construction**

In accordance with G.S. 143-64.31, it shall be the policy of the Charlotte-Mecklenburg Board of Education to promote full and equal access to business opportunities with Charlotte-Mecklenburg Schools. Minority-owned, women-owned, and small business enterprises (collectively "M/W/SBE") as well as other responsible vendors shall have a fair and reasonable opportunity to participate in CMS business opportunities.

The Superintendent shall implement an M/W/SBE Program which includes aspirational goals for M/W/SBE utilization in proportion to the availability of qualified vendors in particular areas of procurement. An annual report shall be made to the Board of Education regarding M/W/SBE utilization in comparison to the aspirational goals.

Policy Adopted: 01/12/93  
Policy Amended: 07/09/96  
Policy Amended: 02/22/05

#### **Requirements**

The fundamental requirement of the policy is that all contractors, vendors and consultants, who contact with the Board of Education, will: (i) not discriminate against any person in regard to race, color, religion, age, national origin, sex, or disability; and (ii) provide a full and fair opportunity for participation of M/W/SBEs in contracts. Participation shall be measured in terms of the actual dollars received by M/W/SBEs.

"Minority" as used in this policy means African American (all persons having origins in any of the African racial groups); Hispanic/Latino American (all persons of Mexican, Puerto 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.

"Woman" as used in this policy means a non-minority woman who has 51% ownership, interest, holds the professional or contractor license necessary for operation as well as management, control, and have technical expertise directly related to the primary product or service of the business.

"Small" as used in this policy means 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 as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.

"Socially and Economically Disadvantaged" as used in this policy means a minority, woman, or small 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 as well as management, control, and have technical expertise directly related to the primary product or service of the business, and is 25% or less of the applicable size standards established by the Small Business Administration.

## **Program Objectives**

1. To provide M/W/SBEs equal access to opportunity for participation in Capital Improvement Projects construction (additions, renovations, and new construction), procurement, professional services and system-wide purchasing contracts.
2. To encourage all Charlotte-Mecklenburg Schools' personnel involved in procurement and contracting activities to maintain good faith efforts and appropriate purchasing procedures.
3. To establish aspirational goals of participation for M/W/SBE firms capable of supplying those goods and services which are necessary for school system operations.
4. To provide procedures for determining and monitoring M/W/SBE participation and compliance with M/W/SBE requirements stated in the Board of Education policy and in contract documents.
5. To evaluate and report to the Superintendent and the Board of Education the results of contract activity subject to the provisions of the M/W/SBE Program.
6. To protect Charlotte-Mecklenburg Schools from becoming a passive participant in any unlawful discrimination.
7. To promote awareness of the M/W/SBE Program throughout Charlotte-Mecklenburg Schools and the Community.

## **Section 2:**

### **Procedures for Implementation**

The Office of General Counsel and M/W/SBE Department will develop language to be included in bid solicitations and requests for proposals which clearly sets forth the objective of the Policy. District employees shall include the Solicitation Language in all bids, public solicitations and requests for proposals. Charlotte-Mecklenburg Schools may employ additional staffing or contract with other public or private entities to assist in the implementation of the Policy. Copies of the M/W/SBE Program may be obtained from the M/W/SBE Administrator, 3301 Stafford Drive, Charlotte, NC, 28208.

### **Promotion of M/W/SBEs**

Charlotte-Mecklenburg Schools recognizes the importance of having meaningful and substantial M/W/SBE participation in all contracts. To that end, Charlotte-Mecklenburg Schools will take steps to ensure that M/W/SBEs are afforded a fair and equal opportunity to participate.

### **Grievance Procedures**

It is the policy of this Local Education Administration (LEA) unit, thusly, Charlotte-Mecklenburg Schools, that disputes, which involve a person's rights, duties or privileges, should be settled through informal procedures. Any participant feeling himself/herself aggrieved by implementation of the M/W/SBE Program may present such grievance to the M/W/SBE Administrator. The grievance (internal compliant resolution) procedure is a resource available to all contractors, subcontractors, and vendors doing business with Charlotte-Mecklenburg Schools under the M/W/SBE Program. Grievance related to the administration of the M/W/SBE Program will be processed through the M/W/SBE Administrator as follows:

1. The grievance shall first be discussed with the responsible operating department. If the grievance is not resolved, exercise item #2, as stated below.
2. The grievance (complaint) must be reported in writing, a brief description and supporting documentation and evidence to Charlotte-Mecklenburg Schools, M/W/SBE Administrator, Building Services Department 3301 Stafford Drive, Charlotte, NC 28208.

4. Charlotte-Mecklenburg Schools M/W/SBE Administrator and Departmental Representatives will review the basis and the issue(s) of the complaint and may request additional supporting evidence. A response to the grievance will be completed within fifteen (15) working days unless circumstances mandate otherwise. Parties involved will be notified of any and all delays in processing the grievance.
5. In the event the participant is not satisfied, said participant may appeal the grievance by filing a written description thereof and supporting evidence with the Assistant Superintendent of Building and Construction. The Assistant Superintendent or his designee shall hear the grievance within a reasonable period of time and shall make a decision based on a review of the record.
6. Any participant not satisfied with the Assistant Superintendent's decision may avail himself/herself or any remedies available under the Federal, State and Local law.

To that end, M/W/SBE disputes arising under these guidelines should be resolved.

### Section 3:

#### **Bid Provisions**

The requirements of Charlotte-Mecklenburg Schools Minority, Women, Small Business Enterprise (M/W/SBE) Provisions and Guidelines are hereby made part of these contract documents. The requirements shall apply to all contractors regardless of ownership. Copies of the M/W/SBE Program may be obtained from the M/W/SBE Administrator, Building Services Department, and 3301 Stafford Drive, Charlotte, NC 28208.

The Aspirational Goals for participation established by Charlotte-Mecklenburg Schools will be included with each bid, request for proposal or public solicitation. The names and addresses of bona fide M/W/SBEs that are available for contracting or joint-venture opportunities may also be included with the solicitations. Each bidder or respondent shall be required to submit a "Minority, Women, and Small Business Identification Form and Affidavit A or B". **Submission of a blank Minority Business Identification Form may be considered an element of non-responsiveness.**

If the aspirational goals in a bid or proposal meets or exceeds the level determined by Charlotte-Mecklenburg Schools to be meaningful and substantial, there shall be a presumption of compliance with the Policy. If, however, the proposed aspirational goals fall below the level determined by Charlotte-Mecklenburg Schools to be meaningful and substantial, the bidder or respondent must prove to the satisfaction of CMS that it did not discriminate in the solicitation of potential subcontractors and/or joint venture partners.

#### **M/W/S/BE Subcontract Aspirational Goals**

The aspirational goals for participation by Minority, Women, and Small Business Enterprises as subcontractors on this project have been set at:

Category	MBE Goal	WBE Goal	SBE Goal	Total M/W/SBE Goal
Construction	10%	6%	5%	21%
Architecture & Engineering	4%	7%	5%	16%
Professional Services	9%	9%	5%	23%
Other Services (other than Architecture & Engineering and other Professional Services)	5%	4%	5%	14%
Goods	3%	3%	5%	11%

**The Bidder shall provide, with the bid the following documentation:**

- Minority, Women, and Small Business Enterprise Identification Form**  
(including suppliers)
- Affidavit A** (if subcontracting)

OR

- Minority, Women, and Small Business Enterprise Identification Form**
- Affidavit B** (if self-performing all work with own workforce AND will not purchase any materials or supplies in the performance of the contract. Upon request, provide sufficient information for Charlotte-Mecklenburg Schools to determine that the Bidder does not customarily subcontract work on this type of project)

**Within 72 hours after notification of being the apparent low bidder, the low bidder who is subcontracting anything must provide the following information:**

- Affidavit C** (if aspirational goals are met or exceed established goal of M/W/SBE participation)
- Appendix I** (Signed by the M/W/SBE subcontractors, may come in after 72-hr deadline)

OR

- Affidavit D** and all documentation as requested on the form (if aspirational goals are not met or exceed established goal of M/WBE participation)
- Appendix I** (Signed by the M/WBE subcontractors, may come in after 72-hr deadline)

**\*\*With each pay request the prime contractors will submit Appendix IV listing payments made to all subcontractors.**

### **Compliance Documentation**

All written statements, affidavits or intentions made by the Bidder shall become a part of the agreement between the Contractor and Charlotte-Mecklenburg Schools for performance on this contract. Failure to comply with any of these statements, affidavits or intentions or with the M/W/SBE Program Guidelines shall constitute a breach of contract. A finding by Charlotte-Mecklenburg Schools that any information submitted either prior to award of the contract or during the performance of the contract is inaccurate, false, or incomplete, shall also constitute a breach of the contract. Any such breach may result in termination of the contract in accordance with the termination provisions contained in the contract. It shall be solely at the option of Charlotte-Mecklenburg Schools whether to terminate the contract for breach.

In determining whether a contractor has made Good Faith Efforts, Charlotte-Mecklenburg Schools will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, intensity, and results of these efforts.

**Good Faith Effort Documentation – The bidder’s documentation to meet the goals set forth in these provisions shall include, but not limited to, the following evidence:**

1. Copies of solicitations for quotes to at least three (3) M/W/SBE firms for each subcontract to be let under this contract. Each solicitation shall contain a specific description of the work to be subcontracted, location where the bid documents can be reviewed, representative of the Prime Bidder to contact and location, date and time when quotes must be received.
2. Copies of quotes or responses received from each firm responding to the solicitation.
3. A telephone log of follow-up calls to each firm sent a solicitation.
4. For subcontracts where an M/W/SBE firm is not considered to be the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
5. Documentation of any contacts, correspondence or conversation with M/W/SBE firms made in an attempt to meet the aspirational goals.
6. The successful bidder shall maintain records relating to all commitments for a period of at least one year following acceptance of final payment.

**Note: Additional Good Faith Efforts are identified in Affidavit A.**

After review of the Bidder’s Good Faith Efforts, the Bidder may request and be granted a Waiver of the M/W/SBE aspirational goals that have not been met for that particular project. A Waiver may be granted upon review of the Bidder’s documentation and determination that, in fact, a Good Faith Effort has been put forth. The Contractor’s M/W/SBE Utilization Commitment shall be incorporated into the contract.

Charlotte-Mecklenburg Schools is authorized to establish specifications requiring bidders to subcontract a certain designated percentage of the construction and repair work amount, provided that nothing contained in these requirements shall be construed to require that the award of subcontracts be made to subcontractors who do not submit the lowest responsive bid.

**NOTE: Charlotte-Mecklenburg Schools reserves the right to waive any irregularities in M/W/SBE documentation if they can be resolved prior to award of the contract, and Charlotte-Mecklenburg Schools finds it to be in its best interest to do so and award the contract.**

**Section 4:**

**Responsibilities**

**Office of Minority, Women, and Small Business Enterprise Program**

1. Review all facets of the procurement process to ensure equal access by all segments of the community.
2. Develop and maintain a database of available minority, women, and small businesses.
3. Review all participation submissions and determine whether bidder/proposers are in compliance with the policy and recommend appropriate action.
4. Monitor all contracts to determine whether contractors achieve the ranges of participation set forth on the Minority, Women, and Small Business Enterprise Identification Forms completed by the contractors.



5. Participating in vendor conferences, meetings, and other outreach activities geared to increase opportunities for M/W/SBE firms.
6. Provide technical assistance and guidance to M/W/SBE's on contracting and procurement opportunities with Charlotte-Mecklenburg Schools.
7. Maintain statistics on utilization of M/W/SBE firms.
8. Investigate violations of the policy and recommend remedial action.

### **Prime Contractor(s), Bidder, CM at Risk, and First-Tier Subcontractors or Offeror**

Contractors performing under the Single Prime, Separate Prime, Design Builder and Construction Manager at Risk and alternative contracting methods, will be responsible for the following:

1. Attend the scheduled pre-bid conferences.
2. Identify or determine those work areas where M/W/SBEs may have an interest in performing subcontractor work.
3. Submit with the bid a description of the portion of the work to be executed by the M/W/SBEs expressed as a percentage of the total contract price.
4. At least ten (10) days prior to the scheduled day of bid opening, notify certified M/W/SBEs of potential subcontracting opportunities listed in the proposal. The notification will include the following:
  - a. A description of the work for which the sub-bid is being solicited.
  - b. The date, time, and location where sub-bids are to be submitted.
  - c. The name of the individual within the company who will be available to answer questions about the project.
  - d. Where the bid documents may be reviewed.
  - e. Any special requirements that may exist, such as insurance, licenses, bonds and financial arrangements. If there are more than three (3) certified M/W/SBEs in the area of the project, the contractor(s) shall notify three (3), but may contact more, if the contractor(s) so desires.
5. During the bidding process, comply with the contractor(s) requirements listed in the proposal for participation in the M/W/SBE Program.
6. If the Contractor elects to use an M/W/SBE firm that is not certified by the City of Charlotte, Carolinas Minority Supplier Development Council, or other governmental entities, it will be the Contractor's responsibility to notify the M/W/SBE firm that they should submit an application for certification with thirty (30) days of signing the Letter of Intent (Appendix I). If the firm does not submit an application within the specified time frame or fails to meet the certification criteria, the contract amount with that M/W/SBE firm will not be considered as M/W/SBE participation.
7. If the Contractor elects to utilize suppliers to satisfy the goal(s) in whole or in part, the small, minority, or women-owned businesses must perform a commercially useful function. Supplier participation may be approved upon review of the following factors:

- a. The nature and amount of supplies to be furnished;
  - b. Whether the minority, woman-owned, or small business firm is a manufacturer, wholesaler or distributor of the supplies and has the capabilities to deliver same in accordance with its certification;
  - c. Whether the minority, woman-owned, or small business firms actually performs, manages and supervises the work to furnish the supplies; and
  - d. Whether the minority, woman-owned or small business firm intends to purchase supplies from a non-minority, woman-owned or small business firm and simply resell same to the general or prime contractor for allowing those supplies to be counted towards fulfillment of the aspirational goal(s).
8. Upon being named the apparent low bidder, the Bidder shall submit to the M/W/SBE Administrator their good faith backup documentation if they have not met the M/W/SBE goal. Failure to comply with procedural requirements as defined in contract documents may render the bid as non-responsive and may result in rejection of the bid and award to the next lowest and responsive bidder.
  9. If during the construction of a project additional subcontracting opportunities become available, the prime or general contractors must make a good faith effort to solicit sub-bids from M/W/SBEs.

### **M/W/SBE Responsibilities**

M/W/SBE firms do not have to be certified to be listed on the bid documents; however, M/W/SBE firms that have been awarded contracts will not be credited towards CMS' M/W/SBE Program unless they are certified by a bona fide certifying entity, including by way of example and not limitation, certification from such entities as the City of Charlotte, Carolina's Minority Supplier's Development Councils, Women Business Enterprise Network Council, or other governmental entity. In addition M/W/SBE firms will be responsible for the following:

1. M/W/SBEs should make every effort to establish contacts and relationships with contractors for potential future business, including attending pre-bid conferences and subscribing to industry and trade journals.
2. M/W/SBEs should also document all contacts and communications made with Contractors above so as to be able to assist the M/W/SBE Administrator in determining whether a complaint lodged by an M/WBE firm against a Bidder for failure to use good faith efforts is valid.
3. In addition, M/W/SBEs who are contacted by Owners or Bidders should respond promptly whether or not they wish to submit a bid. If an M/W/SBE firm is listed as a subcontractor or supplier, they will be responsible for completing a Letter of Intent (Appendix I) in a timely manner and returning it to the Prime Contractor.
4. M/W/SBE who are not certified at the time the firm commits to provide services, should apply for certification with the City of Charlotte, Carolinas Minority Supplier Development Council, or other governmental entities within thirty (30) days. If the M/W/SBE firm fails to submit an application within the specified time frame or if the M/W/SBE firm is not granted certification by the Certification Committee, that M/W/SWBE firm's contract dollars will not be counted as M/W/SBE participation; however, not getting certification does not release the M/W/SBE from contractual obligations to the primary contractor.
5. M/W/SBEs are urged to take advantage of appropriate technical assistance and training when it is available.

## **Section 5:**

### **Subcontractor Payment Requirements**

North Carolina General Statute 143-134.1 states that the percentage of retainage on payments made by the prime contractor to the subcontractor shall not exceed the percentage of retainage on payments made by Charlotte-Mecklenburg Schools to the prime contractor. Failure to comply with this provision shall be considered a breach of the contract, and the contract may be terminated in accordance with the termination provisions of the contract.

**The Contractor shall provide the Documentation of ALL Payments Form (Appendix IV) which is an itemized statement of payments to all contractors, subcontractors, suppliers, and service providers with each request for payment and before final payment is processed.**

### **Changes In Work or Replacement of Subcontractors:**

During the construction of a project, if it becomes necessary to replace an M/W/SBE subcontractor, the contractor shall submit written justification to the M/W/SBE Administrator (or designee) and Project Manager as to why the subcontractor is being replaced. The contractor shall make a Good Faith Effort to replace the subcontractor with another M/W/SBE subcontractor. Failure to comply with these provisions shall be considered a breach of the contract, and the contract may be terminated in accordance with the termination provisions of the contract.

The Contractor shall also advise Charlotte-Mecklenburg Schools or designee of any significant problems and of termination proceedings against any M/W/SBE subcontractor. Charlotte-Mecklenburg Schools representative and contact person for the M/W/SBE Program is the M/W/SBE Administrator, (980) 343-8638.

## **Section 6:**

### **Closeout Documentation**

The Contractor is required to submit a **Final Appendix IV** totaling all payments made to subcontractors, suppliers, and service providers for the entire project.

### **Dispute Resolution Procedures**

Under G.S. 143-128, Senate Bill 914 states that a public entity shall use the dispute resolution process adopted by the State Building Commission pursuant to G.S. 143-135.26(11), or shall adopt another dispute resolution process, which shall include mediation, to be used an alternative to the dispute resolution process adopted by the State Building Commission. This dispute resolution process shall be available to all the parties involved in the public entity's construction project including the public entity, the architect, the construction manager, the contractor, and the first-tier and lower-tier subcontractors and shall be available for any issues arising out of the contract or construction process.

The public entity may set a reasonable threshold, not to exceed fifteen thousand dollars (\$15,000), concerning the amount in controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity may require that the cost of the process be divided between the parties to the dispute with at least one-third of the cost to be paid by the public entity, if the public entity is a party to the dispute. The public entity may require in its contract that a party participate in mediation concerning a dispute as a precondition to initiating litigation concerning the dispute.

## **Section 7:**

### **Penalty**

A finding by Charlotte-Mecklenburg Schools that any information submitted either prior to award of the contract or during the performance of the contract is inaccurate, false or incomplete, shall also constitute a breach of the contract. Any such breach may result in the assessment of a penalty equal to the dollar amount of the infraction (amount of subcontract in question), not to exceed 5% of the total contract amount, or termination of the contract in accordance with the termination provisions contained in the agreement. It shall be solely at the option of Charlotte-Mecklenburg Schools whether to assess the penalty or terminate the contract for breach.

Breach of any contract as listed above shall also be considered in the determination of the lowest responsible bidder in the award of future School Board contracts.

## Charlotte- Mecklenburg Schools M/W/SBE Documentation Overview

Form	Submission Requirements	Required Form
<p><b>Subcontractor / Supplier Identification Form</b></p> <p>Lists the total dollar amount of such participation by MBEs, WBEs, and SBE subcontractors and suppliers the Bidder <b><u>will use</u></b> on the project.</p>	Due with bid/proposal	Minority, Women, and Small Business Enterprise Identification Form
<p><b>Listing of Good Faith Efforts (GFE)</b></p> <p>Indicates the actions you undertook to recruit and solicit minority vendors, subcontractors, vendors, or suppliers for this project.</p>	Due with bid/proposal (if subcontracting)	Affidavit A
<p><b>Intent to Perform Contract with Own Workforce</b></p> <p>Indicates that the Bidder does not customarily subcontract elements of this type project, normally performs all elements of work on this project with his/her own current work force <b><u>AND will not purchase any materials or supplies in the performance of the contract.</u></b></p>	Due with bid/proposal (self-performing)	Affidavit B
<p><b>Portion of Work to be Performed by M/W/SBE Firms</b></p> <p>Identifies minority participation that is equal to or greater than the M/W/SBE total goal for construction 21%, Other Services 14%, and/or Goods 11% of the bidders total contract price (See form for additional information). <b>Appendix I is signed by the M/W/SBE.</b></p>	<p>Within three (3) business days after notification of being the <b>apparent low bidder</b></p> <p>Appendix I is submitted upon substantial completion of the project.</p>	Affidavit C and Appendix I
<p><b>Documentation of Good Faith Efforts (GFE)</b></p> <p>Indicates GFEs of bidders who <b><u>do not</u></b> achieve the total M/W/SBE goal for construction 21%, Other Services 14%, and/or Goods 11% participation by M/W/SBEs.</p> <p>Documentation provided should correspond with the items checked on Affidavit A. <b>Appendix I is signed by the M/W/SBE firms.</b></p>	<p>Within three (3) business days after notification of being the <b>apparent low bidder</b></p> <p>Appendix I is submitted upon substantial completion of the project.</p>	Affidavit D and Appendix I
<p><b>Professional Services</b></p> <p>Indicates the minimum percent of the total dollar amount of the contract with M/W/SBEs. <b>Appendix I is signed by the M/W/SBE firms.</b></p>	Within three (3) business days after receiving Letter of Commitment	Appendix I, II and/or III
<p><b>Documentation for All Contract Payments</b></p> <p>Contractor shall provide with each pay request to CMS all payments to contractors, subcontractors, supplies and service providers.</p>	Must submit with each pay request and final payment	Appendix IV

# Minority, Women, and Small Business Enterprise Identification Form

I, \_\_\_\_\_  
(Name of Bidder)

do hereby certify that on this project, we will use the following minority, women, or small business enterprises as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #	Work type	*M/W/SBE Category

\*M/W/SBE categories: Black, African American (B), Hispanic (H), Asian American (A) American Indian (I), Female (F), Small (S), or Socially and Economically Disadvantaged (D)

The total value of M/W/SBE firms contracting will be (\$)\_\_\_\_\_

**Attach this form and AFFIDAVIT A or this form and AFFIDAVIT B to the Bid**

**Attach AFFIDAVIT A or AFFIDAVIT B to the Bid**

**State of North Carolina      AFFIDAVIT A – Listing of the Good Faith Effort**

County of \_\_\_\_\_

Affidavit of \_\_\_\_\_

(Name of Bidder)

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

**Bidder must earn at least 50 points from the Good Faith Efforts list for their bid to be considered responsive.**

- 1 - (10 Points)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- 2 - (10 Points)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- 3 - (15 Points)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- 4 - (10 Points)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- 5 - (10 Points)** Attended pre-bid meetings scheduled by the public owner.
- 6 - (20 Points)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- 7 - (15 Points)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- 8 - (25 Points)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- 9 - (20 Points)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- 10 - (20 Points)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

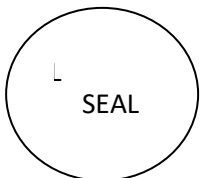
**In accordance with GS143-128.2(d) and Board of Education Policy the undersigned will enter into a formal agreement with the firms listed in the Identification of Minority, Women, and Small Business Participation schedule conditional upon execution of a contract with the Owner. Failure to abide by this statutory provision will constitute a breach of the contract. The undersigned hereby certifies that he or she has read the terms of the Minority, Women, and Small Business Enterprise commitment and is authorized to bind the bidder to the commitment herein set forth.**

Date: \_\_\_\_\_

Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



State of \_\_\_\_\_ County \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

**Attach AFFIDAVIT A or AFFIDAVIT B to the Bid**

**DO NOT USE AFFIDAVIT 'B' UNLESS YOU ARE ONLY  
PROVIDING LABOR AND NOT PURCHASING ANY  
MATERIALS OR SUPPLIES**

**State of North Carolina**

**-- AFFIDAVIT B -- Intent to Perform Contract  
with Own Workforce**

County of \_\_\_\_\_

Affidavit of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the \_\_\_\_\_  
\_\_\_\_\_ 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 work forces; **AND** the bidder will not purchase any materials or supplies in the performance of the contract

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

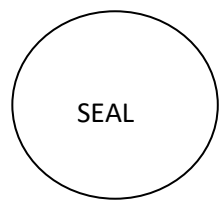
The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: \_\_\_\_\_

Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_



**State of North Carolina**

**-- AFFIDAVIT C -- Portion of the Work  
to be Performed by  
M/W/SBE Firms**

County of \_\_\_\_\_

**\*\* (NOTE: THIS FORM IS TO BE SUBMITTED ONLY BY THE APPARENT LOWEST RESPONSIVE BIDDER) \*\***

If the portion of the work to be executed by M/WBE firms as defined in GS143-128.2(g) and Board of Education M/W/SBE Policy is equal to or greater than the M/W/SBE aspirational goal of MBE 10%, WBE 6% and SBE 5% in **Construction** and/or MBE 5%, WBE 4%, and SBE 5% in **Other Services** and/or MBE 3%, WBE 3% and SBE 5% in **Goods** participation of the bidders total contract price, then the bidder must complete this affidavit. This affidavit shall be provided by the apparent lowest responsible, responsive bidder within **72 hours** after notification of being the **apparent low** bidder.

Affidavit of \_\_\_\_\_ I do hereby certify that on the  
(Name of Bidder)

(Project Name)

Project ID# \_\_\_\_\_ Amount of Bid \$ \_\_\_\_\_

I will expend a minimum of \_\_\_\_\_% of the total dollar amount of the contract with minority, women, or small business enterprises. M/W/SBEs will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below. Attach additional sheets if required

Name and Address	*M/W/SBE Category	Work description	Dollar Value

\*M/W/SBE categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) Native American Indian (**N**), Female (**F**) Socially and Economically Disadvantaged (**D**), Small (**S**)

**In accordance with GS143-128.2(d) and Board of Education Policy the undersigned will enter into a formal agreement with the firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of contract. The undersigned hereby certifies that he or she has read the terms of the Minority, Women, and Small Business Enterprise commitment and is authorized to bind the bidder to the commitment herein set forth.**

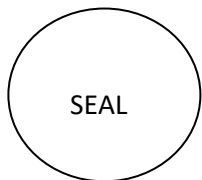
Date: \_\_\_\_\_

Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_



Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

**State of North Carolina**

**--AFFIDAVIT D-- Good Faith Efforts**

**Project:** \_\_\_\_\_ **County of** \_\_\_\_\_

If the aspirational goal of MBE 10%, WBE 6%, and SBE 5% in **Construction**, and/or MBE 5%, WBE 4%, and SBE 5% in **Other Services** and/or MBE 3%, WBE 3%, and SBE 5% in **Goods** participation by M/W/SBE businesses **is not** achieved, the apparent lowest responsible, responsive bidder shall provide the following documentation to the Owner of his good faith efforts **and** the M/W/SBE firms that **will** be used on the project. This affidavit shall be provided by the apparent lowest responsible, responsive bidder within **72 hours** after notification of being the **apparent low** bidder.

(Name of Bidder)

Affidavit of: \_\_\_\_\_

I do certify the attached documentation as true and accurate representation of my good faith efforts.

I will expend a minimum of \_\_\_\_\_% of the total dollar amount of the contract with minority, women, or small business enterprises. M/W/SBEs will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below.

Attach additional sheets if required

Name and Address	*M/W/SBE Category	Work description	Dollar Value

\*M/W/SBE categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) American Indian (**I**), Female (**F**) Socially and Economically Disadvantaged (**D**), Small (**S**)

Documentation of the Bidder's good faith efforts to meet the goals set forth in these provisions. Examples of documentation include, but are not limited to, the following evidence:

- A. Copies of solicitations for quotes to at least three (3) M/W/SBE firms from the source list provided by the State for each subcontract to be let under this contract. Each solicitation shall contain 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 minority business firm 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 minority business, community, or contractor organizations in an attempt to meet the goal.
- F. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for minority business.
- G. Letter detailing reasons for rejection of minority business due to lack of qualification.
- H. Letter documenting proposed assistance offered to minority business 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:** \_\_\_\_\_

**Title:** \_\_\_\_\_



State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

**APPENDIX I**

**LETTER OF INTENT TO PERFORM AS A  
SUBCONTRACTOR OR SUBCONSULTANT  
(PROVIDE MATERIALS OR/& SERVICES)**

PROJECT: \_\_\_\_\_  
(Project Name)

TO: \_\_\_\_\_  
(Name of Prime Bidder/Architect)

The undersigned intends to perform work in connection with the above project as

\_\_\_ Minority Business Enterprise                      \_\_\_ Women's Business Enterprise

\_\_\_ Small Business Enterprise

The M/W/SBE status of the undersigned is/is not certified by the City of Charlotte or the Carolinas Minority Suppliers Development Council or other governmental entities. Our M/W/SBE certification number is \_\_\_\_\_.

The undersigned is prepared to perform the following described work or provide materials or services in connection with the above project (specify in detail particular work items, materials or services to be performed or provided) at the following price: \_\_\_\_\_.

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

Items	Projected Commencement Date	Projected Completion Date

Subcontracting at any tier must be reported and is subject to all M/W/SBE compliance requirements. This form shall be used for M/W/SBE subcontracting at any level.

Date: \_\_\_\_\_  
(Name & Phone No. of M/W/SBE Company)

\_\_\_\_\_  
(Name & Title of Authorized Office)

\_\_\_\_\_  
(Signature)

**THE PRIME CONTRACTOR OR ARCHITECT MUST GET THIS FORM COMPLETED BY THE  
SUBCONTRACTORS/SUPPLIERS**

## APPENDIX IV

### DOCUMENTATION FOR ALL PAYMENTS TO CONTRACTORS, SUBCONTRACTORS, SUPPLIERS, AND SERVICE PROVIDERS

Prime Contractor/Architect: \_\_\_\_\_

Address & Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

Pay Application #: \_\_\_\_\_ Period: \_\_\_\_\_

Current Requested Payment Amount: \_\_\_\_\_

The following is a list of payments to be made to all contractors/suppliers & other providers on this project for the above-mentioned period.

Firm Name and Address	*M/W/SBE Category	Amount to be Paid form this pay Request	Total Payments to date	Total Amount Committed
<b>Totals</b>				

\*M/W/SBE categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) Native American Indian (**N**), Female (**F**), Small (**S**), or Socially and Economically Disadvantaged (**D**)

Date: \_\_\_\_\_

Approved/Certified By: \_\_\_\_\_

Name

Title

Signature

**\*\*THIS DOCUMENT MUST BE SUBMITTED WITH EACH PAY REQUEST & FINAL PAYMENT\*\***

**APPENDIX V  
WAIVER REQUEST  
FOR GOOD FAITH EFFORTS**

**PROJECT:** \_\_\_\_\_

**COMPANY:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**CONTACT PERSON:** \_\_\_\_\_ **PHONE NO:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

The said company request a Full ( ) or Partial ( ) waiver for the M/W/SBE aspirational goals for this particular project for the following reasons:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

---

**CMS USE ONLY**

**Good Faith Efforts Verified:** \_\_\_\_\_

\_\_\_\_\_

**Request of Waiver Granted:**      YES (\_\_\_\_)    NO (\_\_\_\_)

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**M/W/SBE Administrator:** \_\_\_\_\_ **Date:** \_\_\_\_\_