

GUILFORD TECHNICAL COMMUNITY COLLEGE

COLLEGE PLAN

TO

INCREASE PARTICIPATION BY

HISTORICALLY UNDERUTILIZED BUSINESSES

IN THE

PROCUREMENT OF GOODS AND SERVICES

Revised February 2008

Approved: November 2001
Revised: February 2008

TABLE OF CONTENTS

Mission Statement.....	3
Definitions.....	4
Historically Underutilized Businesses (HUB).....	4
Minority Business Enterprise (MBE).....	4
Women Business Enterprise (WBE).....	4
Disabled Owned Business Enterprises (DBE-O).....	4
HUB Advisory Committee	5
Plan Objectives.....	6
Administration.....	7
Action Plan.....	8
Internal Staff Training.....	8
Purchasing Process.....	8
Capital Improvement.....	9
Outreach.....	13
Monitoring and Evaluation.....	14
Procedures for Resolving Complaints.....	15

MISSION STATEMENT

It is the intent of the Board of Trustees of Guilford Technical Community College to encourage and promote equal opportunities for Historically Underutilized Businesses (HUBs) in order to foster more diverse participation in all aspects of procurement and contracting opportunities at Guilford Technical Community College (hereinafter "GTCC").

Further, it is the policy of Board of Trustees of Guilford Technical Community College (hereinafter "Board of Trustees") to prohibit discrimination against any person or business on the basis of race, color, sex, religion, or national origin.

DEFINITIONS

Historically Underutilized Businesses (HUBs)

A Historically Underutilized Business is a business:

- A. In which at least 51 percent of the business, or of the stock in the case of a Corporation, is owned by one or more minority persons, women, or disabled persons, and
- B. Of which one or more minority persons, women, or disabled persons control the management and daily business operations.

[Reference Executive Order Number 150]

Minority Business Enterprise (MBE)

A Minority Business Enterprise is a business that is owned and controlled (as defined above in the HUB definition) at a minimum of 51 percent by one or more minority persons. The term “minority person” means a person who is a citizen or lawful permanent resident of the United States and who is:

- A. Black, that is, a person having origins in any of the black racial groups in Africa.
- B. 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.
- C. 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.
- D. American Indian or Alaskan native, that is, a person having origins in any of the original peoples of North America.

[Reference GS 143-48b(2) and GS 143-128(f)(2)(a-d)]

Women’s Business Enterprise (WBE)

A Women’s Business Enterprise is a business that is owned and controlled (as defined above in the HUB definition) at a minimum of 51 percent by a non-minority woman or women.

[Reference GS 143-48b]

Disabled Owned Business Enterprise (DBE-O)

A Disabled Owned Business Enterprise is a business owned and controlled (as defined above in the HUB definition) at a minimum of 51 percent by a non-minority handicapped

person or persons. Handicapped persons shall include those individuals with physical, mental and visual disabilities.

[Reference GS 143-48b(3) and GS 168-1]

HUB Advisory Committee

The GTCC HUB Advisory Committee provides advice and counsel regarding college outreach efforts to M/WBE organizations and the Minority community to encourage the expansion of HUB participation in procurement and construction activities.

Its role includes:

- ∞ To advise the college on ways that can improve communication with HUB organizations.
- ∞ To act as liaisons to the HUB community to encourage minority and women-owned businesses obtain certification.
- ∞ To make suggestions for ways to include minority and women-owned businesses in the purchasing and contracting opportunities of the college.
- ∞ To assist GTCC to become more aware of the available services offered by HUB organizations.
- ∞ To provide objective feedback to the college staff about community concerns and to offer possible solutions for how to best address these issues.

PLAN OBJECTIVES

The objectives of this Plan are:

- A. To increase the college's expenditures for the procurement of goods and services from HUB vendors to a goal of at least 10 percent while maintaining the integrity of sound financial practices and complying with state purchasing and contracting laws and policies.
- B. To more accurately report the participation by HUB vendors and contractors in procurement and construction contracts at the college that heretofore went unreported or under-reported.
- C. To comply with state laws and procedures related to participation by HUBs in construction, service and commodity procurement contracts.
- D. To establish procedures related to the utilization of HUB vendors that are the most cost effective for the college's purchasing and contracting programs. Outreach will be a process that is practiced every day in seeking competition, advising requisitioners of vendors that can provide products, and meeting with potential vendors to develop business relationships.
- E. To accomplish these objectives utilizing the limited staffing and funding resources available to the college.
- F. To integrate outreach efforts into everyday procurement processes.

ADMINISTRATION

The President of Guilford Technical Community College (hereinafter “President”) is responsible for the implementation of this plan. The Chief Financial Officer, or his/her designee(s), shall carry out the day-to-day management of the plan. The Chief Financial Officer, or his/her designee(s), will communicate with appropriate personnel about the HUB Plan including action steps, procedures and adherence to policy. The identified personnel will include, but not be limited to, purchasing and construction department personnel, department budget managers and department supply and commodity requisitioners. Communications will include reporting the college’s progress to the President and providing required reports to the North Carolina Community College System Office (hereinafter “System Office”), General Assembly, the North Carolina Department of Administration’s Office for Historically Underutilized Businesses (hereinafter “HUB office”), and other interested parties.

ACTION PLAN

Internal Staff Training

GTCC's purchasing personnel (hereinafter "purchasing personnel") will conduct training for its college staff to educate them on the purpose of this HUB plan, the implementation of the plan, and the role that each staff member will play. This will include training to familiarize college staff on how to locate HUB vendors and service providers. This may include familiarization with the Division of Purchase and Contract's (hereinafter "P&C") "Vendor Link", which may be used to locate HUB vendors and contractors. Vendor Link can be found through P&C's website or at (<http://www.ips.state.nc.us/ips/Vendor/srchven.asp>). This information is also disseminated through publication of GTCC's Purchasing Manual located on its intranet website, and an annual memo to all staff that summarizes GTCC's Purchasing Policy and how to locate HUB vendors on line.

GTCC's purchasing manager will identify useful websites to identify HUB vendors and will maintain a list of those sites on the Purchasing website for use by college employees. (S)he will periodically send out GTCCALL emails to notify all GTCC personnel of new information on locating HUB vendors, new HUB vendors that have been identified along with the commodity/service provided, and any other relevant information.

Purchasing Process

- A. The college will publish the name of the college's purchasing officer who will be the college's primary contact person and answer purchasing questions that vendors may have.
- B. For purchases from \$0 to \$4,999, the college will provide college requisitioners with information and training to ensure the absence of barriers that may reduce the participation of HUB vendors and service providers in procurement opportunities at the college. When seeking the required minimum three quotes, the requisitioner will seek at least one HUB vendor quote. This information, as well as all efforts to seek a HUB vendor, will be noted on the requisition that is sent to the Purchasing office.
- C. The purchasing personnel will review each purchase requisition and service agreement, before issuing a purchase order, to assure that the requisitioner has made a "good faith effort" to include HUB vendors/contractors in the solicitation process.

- D. For purchases to be made from a State Term Contract, purchasing personnel shall consider selecting a HUB vendor when one is available, taking into consideration that the commodities meet the college's needs and provide the best value in terms of price and service.
- E. For the purchase of items between \$5,000 and \$25,000 that are not on a State Term Contract and that require competitive quotes or bids, purchasing personnel will solicit competition from HUB vendors when available in an effort to increase participation by HUBs.
- F. Purchasing personnel will audit quote and bid files to identify specific commodities where HUB participation has been minimal and to identify ways to increase HUB participation in these commodities.
- G. For purchases that exceed the college's purchasing delegation, purchasing personnel will submit the requisition to the state purchasing agency (Office of Information Technology Services or the Division of Purchase and Contract) responsible for the formal bidding of GTCC's request. If purchasing personnel, as part of their outreach efforts, are aware of any HUB vendors that can provide the goods or services, they shall alert Purchase and Contract or ITS of these vendors.
- H. Purchasing personnel will evaluate and report the percent of participation by HUBs in purchasing and contracting activity to the HUB Office via Quarterly Historically Underutilized Business Purchasing Report (hereinafter "Quarterly HUB Report").
- I. Purchasing personnel will maintain records of bid solicitations and bid responses from HUB vendors to provide back-up information and documentation for Quarterly HUB Reports. This will assist in identifying or explaining variances in the participation by HUBs at the college.
- J. GTCC shall continually look for ways to enhance its collection of data pertaining to procurement of goods and services to more accurately reflect its use of HUB vendors.

Capital Improvement Process

The Capital Projects Coordinator for GTCC (hereinafter "CPC") will:

- A. Publish the name of the Capital Projects Coordinator (CPC) who will be the college's primary contact person for construction related issues and answer any questions that construction contractors may have.

- B. Become familiar with and follow the requirements of the State Construction Office's (hereinafter "SCO") "Guidelines for Recruitment and Selection of Minority Businesses for Participation in State Construction Contracts."
- C. Ensure that the designer, as the agent for the owner, will comply with the requirements of the SCO's "Guidelines for Recruitment and Selection of Minority Businesses for Participation in State Construction Contracts."
- D. Maintain documentation of any contacts, correspondence or conversations with HUB firms made by the designer and the college in an attempt to meet the goals.
- E. Provide the Payments to Historically Underutilized Businesses form to be completed by all prime contractors, non-HUB subcontractors, and designers to collect data on their actual monthly expenditures for HUB subcontractors, HUB consultants, and HUB material suppliers who have provided a good or service to GTCC. This data should be collected for all tiers of contracting within the project, including HUB subcontractors to the non-HUB subcontractors. This data will show a breakdown of the expenditures by the three HUB categories. All prime contractors and designers will submit this data to the CPC with each monthly pay request. This contractor information on HUB participation is required for all projects (large or small) funded with the 2000 state bond funds. These forms will not be submitted to the System Office, but will be retained by the college.
- F. Collect all Payments to Historically Underutilized Businesses forms and forward to Finance to aggregate the contractor's monthly HUB expenditure data on a NCCCS 3-6 form (Quarterly Summary of HUB Construction Expenditures) to be provided by the System Office. This report will be submitted quarterly to the System Office, but only for those construction projects (large or small), that utilize any amount of the 2000 state bond funds. Included in this report will be expenditures made to HUBs by category for the quarter and the total expenditure to the contractor for the quarter. The System Office is required to report to the General Assembly on the participation by HUBs utilizing the proceeds of the state bond funds. The System Office will not report this HUB utilization to the HUB Office for the colleges as part of the colleges' Quarterly HUB Report that is required by G.S. 143-48.
- G. Assist the Director of Finance to report on the Quarterly HUB Report (Section V), all participation by HUBs for small capital improvement projects that are not subject to the review and approval process with the SCO. This includes all small projects, regardless of whether the funding is from state bonds or non-state bonds. (Note: The SCO only reports to the HUB Office on the HUB construction activity for the large projects that are subject to their approval and review.)
- H. Assure that the interview process for designer selection includes HUB firms whenever possible. The interview process shall incorporate a review of each

- prospective designer's HUB plans and practices and this information shall be considered when selecting designers for capital projects. Qualified HUB design firms identified through the designer selection process shall be included for consideration by the Board of Trustees for major construction projects.
- I. Assist the President and Chief Financial Officer to encourage the Board of Trustees to select the most qualified design firm that is committed to increasing the participation of HUB contractors and material suppliers on construction projects.
 - J. Remain alert during the planning process to areas of work that may be of particular interest to HUB firms.
 - K. Become familiar with and follow the requirements of the SCO's "Guidelines for Recruitment and Selection of Minority Businesses for Participation in State Construction Contracts". These can be found under "Forms" on the SCO web page, or at <http://www.nc-sco.com>.
 - L. For projects over \$100,000, strive to allow a minimum of two weeks between the advertisement for bids and the opening of bids, and to conduct a prebid conference. The date of the prebid conference will be included with the advertisement for bids. The purpose of the prebid conference will be to acquaint contractors and subcontractors with the project requirements and bidding opportunities and give subcontractors an opportunity to meet and interact with prime contractors.
 - M. Ensure that the designer, as the agent for the owner, will comply with the requirements of the SCO's "Guidelines for Recruitment and Selection of Minority Businesses for Participation in State Construction Contracts".
 - N. Ensure that the designer, as the agent for the owner, will send individual notices to potential HUB bidders to solicit interest on all projects. If there are more than three certified HUBs in the general locality of the project who offer similar contracting or subcontracting services in the specific trade, the designer will notify three, but may contact more, if the designer so desires.
 - O. Maintain documentation of any contracts, correspondence or conversations with HUB firms made by the designer and the college in an attempt to meet the goals.
 - P. Ensure that prospective HUB contractors or subcontractors have access to project bidding documents. This can be accomplished by establishing an area at the college where bidding documents can be reviewed. This is in addition to the contractor associations' plan rooms where the designer will place bidding documents.

- Q. Review, for state bond projects whose cost is between \$100,000 and \$250,000 that are NOT subject to the review and approval process with the SCO, the contractors' bid documents prior to recommending the acceptance of the bid. This review will be to determine if the contractor shows they made a "good faith effort" to seek HUB subcontractors.
- R. Request a list from each prime contractor of all of the subcontractors they intend to use. (This information is required under Article 16 of the "General Conditions to the Contract.") The CPC may then compare this list with the information reported on the form "Payments to Historically Underutilized Businesses" submitted monthly by the contractors and subcontractors. The CPC may further compare this list with P&C's Vendor Link to determine which subcontractors are classified as HUBs.
- S. Assign GTCC's HUB consultant the responsibility to interact with General Contractors and to prequalify HUB vendors, where possible, for construction projects. The names of commodity vendors that have been identified will be forwarded to the purchasing office along with a list of commodities that the vendor(s) can provide.
- T. For construction projects that do not require formal bidding, GTCC shall, in addition to its normal procedures, include on its bid list for direct solicitation those minority and woman owned firms certified as such by the North Carolina State Office for Historically Underutilized Businesses (HUB Office), which serves as an advocate for minority, women and disabled-owned businesses in their efforts to conduct business with the State of North Carolina.
- U. GTCC will expect contractors to report all suspected instances of companies fraudulently claiming HUB status in order to unjustly benefit from the requirements of the program.
- V. HUB vendors are responsible for self-promotion as it pertains to consideration for the contracting process. This will be accomplished by
 - i. Submitting information to GTCC to identify firm status as HUB
 - ii. Vendors should become certified as HUB through the HUB office in Raleigh
 - iii. Contact HUB offices and directories to obtain information on potential jobs
 - iv. Provide capability statements to GTCC
 - v. Make every effort to establish contact with contractors for potential future business, including pre-bid conferences and subscribing to industry and trade journals

Outreach

The college will:

- A. Increase its efforts to locate additional HUB vendors, service providers, and construction contractors that can provide goods and services for the college and maintain a list of these vendors. A list of HUB vendors that provide commodities will be maintained in the purchasing department and will be made available on the college's intranet for access by all college personnel. A list of HUB construction contractors will be maintained in the construction department and will be made available to college facilities personnel and prime contractors to locate HUBs who may be able to perform work. These lists will be a means for HUBs to keep their data current and visible. These lists will be reviewed periodically by the HUB Advisory Committee for additions, deletions and changes.
- B. Maintain a listing of those projects, both large and small, for which they will be seeking bids during the next three months. This listing will be in addition to any requirement to publish an advertisement in a newspaper.
- C. Strive to identify additional HUB resource entities such as regional HUB trade organizations, HUB advocacy organizations, etc.
- D. Notify the Department of Administration, SCP and P&C/ITS, HUB Office and other HUB resource entities about upcoming purchasing and contracting opportunities.
- E. Strive to participate in regional seminars sponsored by the HUB Office and other HUB advocacy organizations to network with HUB vendors and provide information sessions that will instruct vendors on "how to do business" with the college.
- F. Strive to attend HUB outreach training workshops at the Business and Finance Conferences, Association of Community College Business Officers' Conferences, and elsewhere as identified.
- G. Offer information to the Board of Trustees regarding the college's HUB plan and discuss opportunities for ways in which the Board of Trustees can be an advocate of the college's HUB plan.
- H. Work with local city and county economic development organizations to identify HUB vendors who could possibly be utilized by GTCC.

- I. Work with GTCC's HUB Advisory Committee to increase and maintain relationships with M/WBE firms.
- J. Designate funds to retain an independent HUB consultant or to hire a staff position assigned with HUB oversight responsibility.
- K. Provide outreach programs at the college level for HUBs to learn how to do business with the college for commodities and construction projects.
- L. When possible or known, maintain a web based listing of those projects, both large and small, for which we will be seeking bids during the next 12 months. This will be in addition to any required advertising methods.
- M. Notify the HUB office, GTCC HUB Advisory Committee, and other HUB resource entities about upcoming purchasing and contracting opportunities.

Monitoring and Evaluation

The college staff will analyze each Quarterly HUB Report and submit their findings to the Chief Financial Officer who will provide an annual report to the Board of Trustees with the opportunity to generate discussions to receive input from the Board members. This review will show the progress toward attaining the state goal. If a marked increase toward the goal is not achieved, the findings will be further reviewed to determine if a more suitable course of action is warranted.

PROCEDURES FOR RESOLVING COMPLAINTS

Any complaints regarding the vendor selection practices for procuring or contracting that are handled by the college should be in writing and addressed to the college president. A review will be conducted of the procurement process and award to ensure that no barriers existed in the award of the contract. When the review is complete, a written response will be sent to the complainant with the findings of the review.

If the college is made aware of a construction contractor that is not making timely or proper payments to subcontractors, in violation of G.S. 143-134.1, they will investigate the allegations and take whatever steps they can, within the law, to resolve the situation. Actions by the college are subject to the limitation(s) that exist because the college is not a party to the contract with the subcontractor.