

PITT COMMUNITY COLLEGE

COLLEGE PLAN

**TO
INCREASE PARTICIPATION BY
HISTORICALLY UNDERUTILIZED BUSINESSES
IN THE
PROCUREMENT OF GOODS AND SERVICES**

ADOPTED BY BOARD OF TRUSTEES

JANUARY 22, 2002

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MISSION STATEMENT

It is the intent of the Board of Trustees of Pitt 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 Pitt Community College (hereinafter "PCC").

Further, it is the policy of Board of Trustees of Pitt 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)

(For purposes of this Plan)

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 Business Enterprise (WBE)

A Women 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.

Disabled Owned Business Enterprises (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]

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.
- C. To comply with state laws and procedures related to participation by HUBs in construction, service, and procurement contracts.
- D. To establish procedures that will **not** increase the cost of the college's purchasing and contracting programs.
- E. To attempt to accomplish these objectives utilizing the limited staffing and funding resources available to the college.

ADMINISTRATION

The President of Pitt Community College (hereinafter "President") is responsible for the implementation of this plan. The President, or his or her designee(s), shall carry out the day-to-day management of the plan. This will include reporting the progress to the President and providing required reports to the North Carolina Community College System Office (hereinafter "System Office"), General Assembly, HUB Office, and other interested parties.

ACTION PLAN

Internal Staff Training

Pitt CC'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 web site or at (<http://www.ips.state.nc.us/ips/Vendor/srchven.asp>).

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. 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.
- C. The purchasing personnel, prior to approval, will review each purchase requisition and service agreement to assure that the requisitioner has made a "good faith effort" toward securing a HUB vendor/contractor.
- D. For the purchase of items that are on a State Term Contract, purchasing personnel, when available, should consider selecting a HUB vendor as long as the commodities meet the college's needs and taking into consideration the best value in terms of price and service.
- E. For the purchase of items that are **not** on a State Term Contract, purchasing personnel will solicit quotes from HUB vendors, when available, in an effort to increase participation by HUBs.
- F. 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 our request. If purchasing personnel, as part of their outreach efforts, are aware of any HUB vendors that can provide the goods or services, they may alert these vendors of the bidding opportunities.

- G. Purchasing personnel will evaluate and report the percent of participation by HUBs in purchasing and contracting activity to the HUB Office via the Quarterly Historically Underutilized Business Purchasing Report (hereinafter "Quarterly HUB Report").
- H. 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.

Capital Improvement Process

The Capital Project Coordinator for Pitt CC (hereinafter "CPC") will:

- A. Publish the name of the Capital Project 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. Provide a form (Payments to Historically Underutilized Businesses) to be completed **by all contractors, subcontractors, and designers** to collect data on their actual monthly expenditures for HUB contractors, subcontractors, and material suppliers. This data should be collected for all tiers of contracting within the project, including subcontractors to the subcontractors. This data will show a breakdown of the expenditures by the three HUB categories. 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.
- C. 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.

- D. Capture this same HUB subcontractor information on other small construction projects that utilize funds **other** than the 2000 state bond funds, are under \$100,000 in cost, and are not subject to the review and approval process with the State Construction Office (Hereinafter “SCO”).
- E. Report on their 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.)
- F. Encourage the Board of Trustees to consider qualified design firms (architectural and engineering) that are HUBs.
- G. 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.
- H. Remain alert during the planning process to areas of work that may be of particular interest for HUB firms.
- I. 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://interscope2.doa.state.nc.us/sco/main.htm>).
- J. Strive, for projects over \$100,000, to allow a minimum of four 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.
- K. 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.”
- L. 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 shall notify three, but may contact more, if the designer so desires.
- M. 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.

- N. 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.
- O. 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.
- P. 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.

Outreach

Pitt CC's staff will:

- A0 Increase their efforts to locate additional HUB vendors, service providers, and construction contractors that can provide goods and services for the College.
- B0 As they locate HUB construction contractors, compile and maintain a listing on their web page of the names, addresses, and phone numbers of these HUB construction contractors within their bidding area. This list will provide an avenue for prime contractors to locate HUBs and will be a means for HUBs to keep their data current and visible.
- C0 Maintain a listing on their web page 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.
- D0 Strive to identify additional HUB resource entities such as regional HUB trade organizations, HUB advocacy organizations, etc.
- E0 Notify the HUB Office and other HUB resource entities about upcoming purchasing and contracting opportunities.
- F0 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.

G0 Strive to attend HUB outreach training workshops at the Business and Finance Conferences, Association of Community College Business Officers' Conferences, and elsewhere as identified.

H0 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.

Follow-up

The college staff will analyze each Quarterly HUB Report and submit their findings to the Pitt CC President. 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. It should be noted that the college is not a party to the contract with the subcontractor.