

M/WBE COMMENTS
CONTRACT: Vivian H. Burke Public Safety Center Renovations
General Contractor: Bar Construction Company

The established M/WBE participation goals for this contract were 17% MBE, 9% WBE. The apparent lowest bidder, Bar Construction Company, submitted M/WBE goals of 4% MBE, 40% WBE failing to meet the established goals; therefore, they have submitted documentation or responded to the following good faith criteria outlining their efforts to meet the goal. The criteria and their responses are as follows:

Awarded/Possible Points

- (a) Attending pre-solicitation or pre-bid meetings that are scheduled by the City to inform M/WBEs of contracting, subcontracting and supply opportunities.

A company representative did attend the pre-bid conference, which was held on July 10, 2018 at 3pm in room 16 of City Hall.

10/10 points

- (b) Advertising in general circulation, trade association, and minority-focus media concerning subcontracting opportunities. A contractor must advertise in all three mediums to receive full value for this item. Each medium is worth five points.

Bar Construction advertised in Greater Diversity (minority focused media) and the Winston-Salem Journal (general circulation). Two of the three required mediums were utilized. Each medium is worth five points each.

10/15 points

- (c) Submit copies of solicitations for quotes to at least three (3) minority business firms from the source list provided by the Owner 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. Solicitation was made at least 10 days before bids were due.

Bar Construction provided an invitation to bid, which included where the plans can be found, their address, contact person, and phone number. The invitation to bid also included the statement of values for the project, alternates, and unit prices. The additional information provided M/WBE subcontractors with specific details regarding the subcontracting opportunities.

12/15 points

- (d) Submit a copy of a telephone log listing follow-up calls to each firm sent a solicitation.

Bar Construction followed up by phone and/or email with M/WBE firms. The contractor listed the name of the firm called, their M/WBE status, contact name, phone number, email, date of contact, person contacted, and results (i.e. bidding, not bidding, no answer, voicemail), for over 20 different trades.

9/10 points

- (e) Identifying and selecting portions of the work to be performed by M/WBEs in order to increase the likelihood of M/WBE participation (including where appropriate, breaking down contracts into economically feasible units to facilitate M/WBE participation).

Bar Construction identified portions of work to be performed by M/WBE's through their solicitation letter, but did not break the scope of work down into economically feasible units.

8/15 points

- (f) Providing interested M/WBEs with equal access to specifications, plans, and requirements of the contract.

Bar Construction provided interested M/WBE firms with equal access to the plans and specifications through their solicitation letter/invitation to bid. The plans, specifications, and requirements of the contract could be accessed through an email link provided in the letter, through the City of Winston Salem's City/County Purchasing Department, and/or in the Bar Construction plan room.

10/10 points

- (g) Negotiating fairly with interested M/WBEs. For subcontracts where a minority business firm is not considered the lowest responsible sub-bidder, submit copies of quotes received from all firms submitting quotes for that particular subcontract.

Bar Construction provided evidence to support that their firm received quotes from interested M/WBEs, often times using those firms to contribute to their M/WBE participation percentages. Evidence of negotiation with one firm was provided.

16/25 points

- (h) Using the services of the City of Winston-Salem or correspondence with minority business, community, or contractor organizations utilized in an attempt to meet the goal. A contractor must utilize at least two agencies to receive full value. Each agency is worth five points.

Bar Construction provided a copy of an email to several agencies requesting bids from certified M/WBE firms. The agencies included in the email were the City of Winston-Salem's M/WBE Division, the City of Greensboro's M/WBE Program, the National Association of Minority Contractors, the Hispanic Contractors Association of North Carolina, and the United Minority Contractors of North Carolina.

10/10 points

- (i) Assisting minority businesses 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. Evidence of implementation from previous projects in the past 5 years advising M/WBE firms of the types of assistance available can also be included. A contractor can receive up to 10 points for offering and up to 10 points for implementation.

The company did offer assistance in this area. Evidence of past implementation of a joint pay agreement on a City of Winston Salem project was provided.

18/20 points

- (j) Providing assistance in obtaining required bonding or insurance or providing alternatives to bonding or insurance for subcontractors. Evidence of implementation from previous projects in the past 5 years advising M/WBE firms of the types of assistance available can also be included. A contractor can receive up to 10 points for offering and up to 10 points for implementation.

The company did offer assistance in this area and demonstrated such by providing a letter from their surety manager stating that Bar Construction does not require bonds from subcontractors whose contract price is less than \$100,000. No evidence of past implementation was provided.

10/25 points

- (k) Did the company offer to joint venture or partner with MWBE firms?

Bar Construction stated in their solicitation letter that they would look at the possibility of a joint venture or partnership arrangement, if appropriate.

3/10 points

- (1) Provide quick pay agreements and policies to enable minority contractors and suppliers to meet cash flow demands. Evidence of implementation from previous projects in the past 5 years advising M/WBE firms of the types of assistance available can also be included. A contractor can receive up to 5 points for offering and up to 10 points for implementation.

Quick pay agreements were offered in the solicitation letter. Bar Construction included their bi-weekly quick pay program documents, along with a monthly joint check agreement on a previous project.

13/15 points

The City's M/WBE Advisory Committee reviewed the documentation on September 19, 2018 and found that Bar Construction Company demonstrated a Good Faith Effort to meet the recommended goals for **The Vivian H. Burke Public Safety Center Renovations** project. The company accumulated an average score of **128 points out of the possible 180**, surpassing the **115 required point criteria** for demonstrating a Good Faith Effort.