



WAKE COUNTY DETENTION CENTER PHASE 3 EXPANSION

**REQUEST FOR QUALIFICATIONS
RFQ #25-113**

CONSTRUCTION MANAGER AT RISK

October 22, 2025



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REQUEST FOR QUALIFICATIONS CONSTRUCTION MANAGER AT RISK SERVICES WAKE COUNTY DETENTION CENTER PHASE 3 EXPANSION

I. INTRODUCTION & PROJECT OVERVIEW

Wake County Government is requesting Construction Manager at Risk qualifications packages for the Wake County Detention Center Phase 3 Expansion.

In 1999, Wake County completed a Justice Facility Master Plan to guide the County in providing the following:

- 1) Sufficient functional space to efficiently process arrestees;
- 2) provide adequate court facilities to enable the judicial system to process caseloads in a timely and effective manner;
- 3) provide adequate detention facilities to meet state standards;
- 4) pursue facility-based initiatives that improve judicial and detention service delivery efforts and minimize ongoing operational cost; and
- 5) provide safe, secure, buildings and easily maintainable facilities.

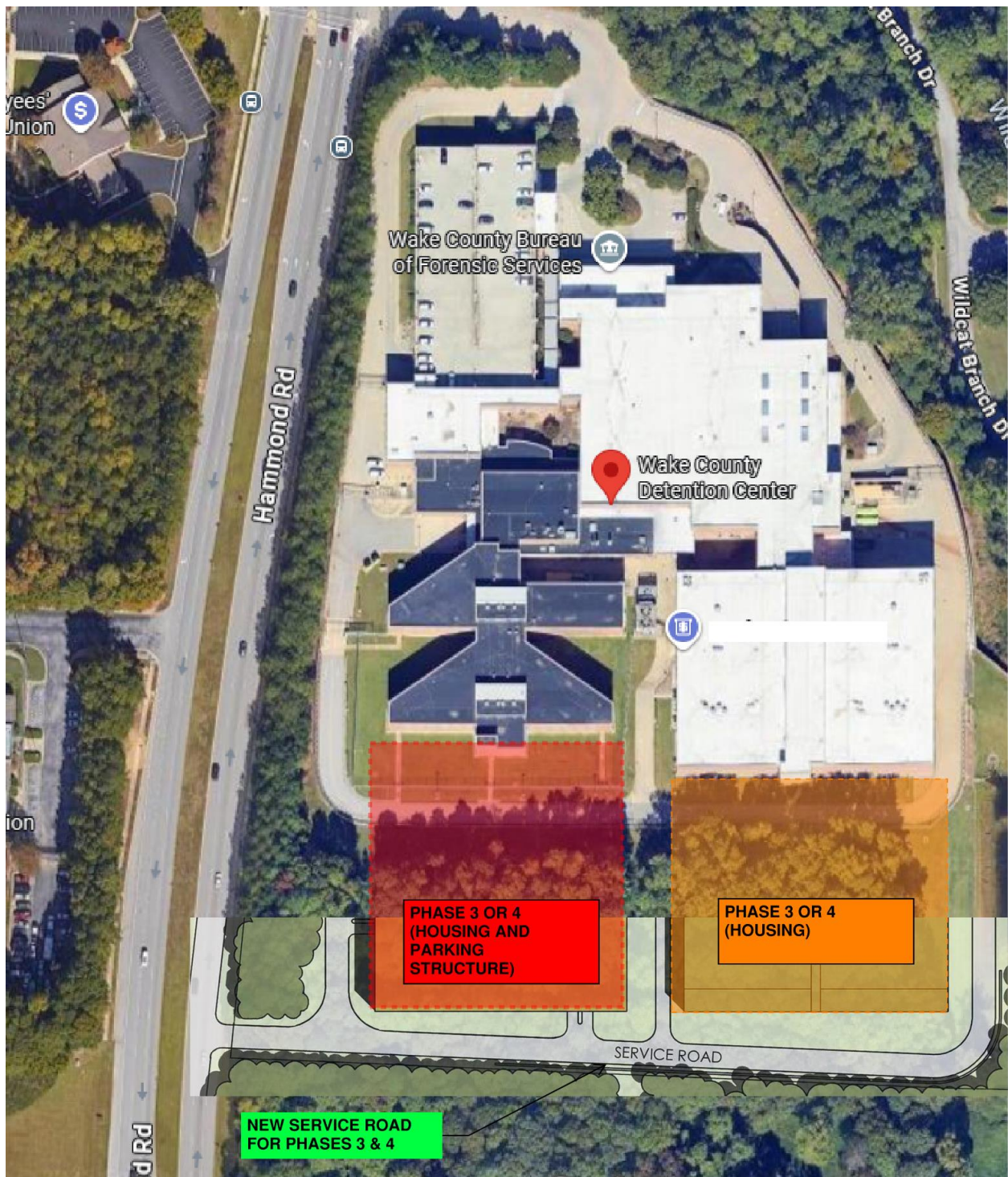
This 30-year Master Plan has been updated many times over the years to monitor court and detention space needs. These updates inform the county capital improvement plan when new or expanded space is needed.

Wake County Detention Center is located at 3301 Hammond Road in Raleigh, North Carolina. The last detention facility expansion was in 2012 with the completion of the Wake County Detention Center Phase 2 that added 672 new beds. Since then, the inmate population has generally stayed flat until recent years. However, the overall trend in jail population classification shows a significant increase in maximum security inmates along with longer average lengths of stay.

In 2023, the detention component of the master plan was updated based on monthly counts of Average Daily Population (ADP), Jail Admissions, and Average Length of Stay (ALOS) in the jail along with projected county population, arrests, and offenses known to law enforcement. This update showed that the County again needs to expand its detention facilities. This expansion will meet both the rise in inmate population growth and provide a higher and more flexible level of custody housing to help the Detention Division separate vulnerable individuals, gang members, co-defendants and other groups. This increase in flexible custody housing will also help with necessary expansion of mental health management in the facility.

Wake County Detention Center Phase 3 is represented in the notes overlaying the aerial site map below. The location of the jail expansion will be on the south side of the existing facility. The proposed location for the Phase 3 housing and its exact scale is evolving as the design progresses and with consideration for future needs at this facility.

Phase 3 is anticipated to be approximately 120,000 square feet. This new phase is proposed to provide 8 new housing units on two separate levels, creating a minimum of 448 "wet cell" beds, with some housing units containing sub dayrooms. This phase will also provide some additional program spaces along with construction of an additional parking deck. Phase 3 is anticipated to include construction of a new central plant to provide chilled water and heating water to the Phase 3 building area, but it is anticipated that a secondary connection to the existing facility central plant will also be required for added redundancy and resiliency. The existing detention facility will provide kitchen, laundry, and medical services for the new housing.



Overall Site Plan with Proposed Expansion Areas from WDC Master Plan



Aerial View of Existing Wake County Detention Center



Existing WCDC Phase 2 Dayroom



Existing WCDC Phase 2 Facilities Chase



Existing WCDC Phase 2 Mechanical Mezzanine

II. PROJECT TIMELINE & CURRENT STATUS.

The CMAR selection process is planned to be finalized during the Schematic Design Phase of the project. The complexity of this project includes, but is not limited to, construction within an existing and operating Detention Center campus, connecting to/expansion of existing campus utilities, security restrictions on staffing, complexity of building type and systems, and phased construction. These complexities necessitate the expertise of a CMAR, which will bring significant value to the project through constructability recommendations, cost control, schedule control and collaborative efforts that this delivery method offers.

A brief summary of the project milestones is shown below:

<u>Activity/Task</u>	<u>Completion Date</u>
Schematic Design Completion.....	February 2026
Construction Document Phase Complete	November 2026
Permitting/Agency Approval	April 2027
Bidding & Contracting Phase.....	May - June 2027
Award Initial Construction GMP Contract	July 2027
Begin Construction	September 2027
Construction Complete.....	September 2029
Opening	Fall 2029

* This is a general schedule. The Owner will entertain recommendations to phase portions of the work in order to provide for an earlier start to construction of the project, including the possibility of multiple GMP contract bid packages.

III. FUNDING PLAN FOR THE PROJECT

The funding for this project is captured in the Wake County Capital Improvement Plan. The estimated total budget to complete the project, including professional fees, material testing, site development, building construction, furniture, fixtures, equipment, security, and signage is \$146 Million, which translates to approximately \$130 Million in construction costs for the new building & parking structure, integrated art and associated site work, and includes general conditions, fee and overhead costs.

IV. DELIVERY METHOD FOR DEVELOPMENT OF THE PROJECT

A general outline of the anticipated delivery approach to development of the project follows:

A. Design, Bidding, Construction, Warranty Phase Professional Services

The following design team has prepared the programming phase of this project. This team will serve as the design team of record for the length of the project:

Wake County Detention Center Expansion Detailed Design Team

- Moseley, Inc. – Architectural Design
 - Treanor – Programming Support
 - CLH Design – Landscape Architecture & Civil Engineering
 - Moseley, Inc. – Building Structural Engineering
 - Moseley, Inc. – Mechanical & Electrical Engineering
 - Parking Deck – Kimley-Horn
 - PME Advisor – HDM Associates, Inc.
 - Roofing Consultant – REI Engineers

B. Construction Services - The County will select a well-established construction firm experienced with the North Carolina Construction Manager at Risk (CMAR) delivery method.

- Preconstruction - Construction Documents Phase: Construction Manager-at-Risk

- Procurement
Minority Business Enterprise Outreach: Local firm with demonstrated success in recruitment and stimulation of interest by MBE firms (Part of CMAR Team)
Bidding and Construction Contracting: Construction Manager-at-Risk

C. Specialty Building Systems Consulting

- Building Systems Commissioning: Commissioning Agent To Be Selected By County
- Construction Quality Assurance: Testing and Inspection Firms under Direct Contract with County to supplement Project Team basic services

D. Furniture, Furnishings, Equipment and Signage Procurement

- Plans, Specifications, Bidding: Moseley, Inc. and Wake County General Services
- Contracting Entity: Wake County
- Installation Coordinator: Wake County (with assistance from Project Team)

E. Project Management Systems - The CMAR will be expected to implement and maintain a Web based project management service for the duration of the project. These services shall be used to coordinate and track all project correspondence.

V. OUTLINE SCOPE OF SERVICES

The following outline scope of services is meant to give the proposers an overview of the minimum services required for this project. The detailed scope of services will be contained in an Agreement for Construction Manager at Risk Services.

A. Design

- Review plans and schedules for phased construction and provide phasing recommendations.
- Develop preliminary CPM schedule; identify critical path for regulatory approvals/permitting.
- Perform “constructability” and maintainability reviews of the construction documents
- Develop cost estimates and schedule; from schematic design phase to construction documents phase
- Provide detailed construction cost estimates, in CSI format and sorted by trade bid packages.
- Provide quality and cost analyses of different construction methods in each major trade group for potential quality, cost and schedule enhancements; develop value engineering options.
- Provide quality and cost analyses of different construction methods for wet cell construction (i.e. prefabricated steel vs. solid CMU).
- Provide quality and cost analyses of different construction methods for the parking deck (i.e. cast-in-place vs. pre-cast).
- Provide input on logistics and efficiencies of various phasing scenarios, both for the construction of Phase 3 and Parking Deck in an occupied Detention Facility and with consideration for future renovation and expansion phases that may be required at the Facility.
- Prepare construction delivery and staging logistics plans that meet the security needs for this Facility.

B. Bidding and Contracting

- Prepare list of bid packages, advertise and distribute bidding documents
- Identify bidders, generate bid documents and prequalify bidders for all packages.
- Schedule and conduct pre-bid conferences in conjunction with the Designers.
- Conduct minority business outreach program to encourage their participation.
- Review and analyze bids and work with Owner to develop GMP recommendations.

C. Guaranteed Maximum Price (Post Bid GMPs)

- Identify number of GMPs required to best suite project budget and schedule
- Develop draft Guaranteed Maximum Price (GMP) documents
- Reconcile schedule and cost against pre-established budget and schedule.
- Develop Final Guaranteed Maximum Price document
- Develop Minority Trade Contractor Participation summary

D. Construction Phase

- Maintain on-site staff for management of construction activities.
- Develop and maintain detailed CPM schedule
- Prepare and submit change order documentation for approval of the Designer and Owner.
- Maintain a system for review and approval of shop drawings, samples and product data.
- Maintain records and submit formal monthly reports to Designer and Owner.
- Maintain quality control and ensure conformity to plans.
- Coordinate post-completion activities, including all closeout, warranty and record documents
- Coordinate and monitor the satisfactory resolution of "punch-list" items.
- Coordinate building systems commissioning activities.
- Coordinate Inspections and various State (DHSR) and County conditions for occupancy as a Detention Housing Facility, where these conditions fall under the scope of construction.

E. Project Closeout/Warranty

- Coordinate furniture, furnishings and equipment deliveries/ installation, procured by Owner
- Submit record drawings for approval of the Designer and the Owner
- Assist in transition to occupancy
- Receive, record and satisfactorily address all warranty issue

VI. SUBMISSION REQUIREMENTS

Submittals shall be made on 8.5" x 11" paper, side bound with Table of Contents and reference tabs for key sections. The total submittal shall not exceed forty (40) single-sided pages. Supplemental proposal documents (legal history, trade contractor listing, team member resumes) are not included in the 40-page limitation. All pages are to be consecutively numbered. A thumb drive with a digital copy of the submission, .pdf format, shall accompany the hardcopies when submitted. All materials not clearly labeled "Trade Secret" or "Confidential" shall become property of Wake County and will be considered public documents (Reference Section XI - Confidentiality). Submittals must include, at a minimum, the following:

A. Qualifications and Experience

Overview and Profile of CMAR Firm(s)

- Provide corporate history of firm, including year first organized, corporate structure, partners, confirmation of authority to conduct business in North Carolina, including all licenses and any subsidiary or affiliated companies in which principals have financial interest.
- Provide organizational chart of company, including joint venture partners
- Provide contact information for key executive assigned to this project
- Describe years in business, length of time firm has provided construction services and dollar volume of all construction projects completed within the last 5 years by year.
- Provide the number of full-time employees within your company. If company has multiple branch offices, list the number of full-time employees within the local branch office, and/or the office from which the company proposes to provide services for this project.

Construction Management at Risk Services:

1. Provide the number of years the company has provided CMAR related services.
2. List all public or privately funded North Carolina CMAR projects completed or begun within the past 5 years (with completion date and dollar value)
3. Provide the following information on the three (3) listed projects that you believe to be most similar or relevant, completed in the past 5 years and include the following information:
 - a. Project Description
 - Location, basic project description, square footage, number of stories
 - For projects at existing Facilities, include information about facility operations during construction (occupied, unoccupied, phased renovation w/swing spaces, etc.)
 - Total cost at completion
 - CM fees earned for each project as a percentage of GMP (construction)
 - Preconstruction fee
 - General Conditions costs
 - Bid date and comparison of final estimated cost for the GMP immediately before bids were opened and actual cost of work immediately after bid opening (before VE)
 - Provide a detailed explanation if project cost exceeded initial GMP or estimated cost
 - Identify the quantity and total value of approved change orders.
 - Minority Business Participation achieved as a percentage of the Total Contract Amount or GMP (as applicable) for each project.
 - Relevant Proposed Project Team members who participated on the Project
 - c. Time and Schedule
 - Show your record of meeting substantial completion dates for CMAR projects for each of the projects listed above.
 - Provide a detailed explanation if project completion date was beyond the completion date as adjusted by change order(s).
 - d. Reference Information - provide contact information for each of the following:
 - Developer (if appropriate)
 - Owner's Project Manager
 - Architect
 - Your firm's Project Manager
4. Provide a list of all the company's current "Construction Manager at Risk" project commitments in North Carolina including the name, location, time frame to complete, and the following information for each project:
 - Total Project budget
 - Construction cost
 - CMAR preconstruction fee
 - CMAR construction management fee
 - Contact information for Owner and Lead Designer for each project

5. Information on Proposed Project Team

- Provide Project Staff Organization Chart (In-house and Consultant team members)
- Provide brief resumes of each Project Team member; at minimum, proposed Project Executive, Project Manager, Project Engineer (or equivalent) and Superintendent, years experience with the company, years overall experience & relevant experience.
Note: When listing project experience examples on a resume, please list the specific role that the Project Team member performed on that example project and a brief description of the relevant facts about the project itself (unless already provided as one of the 3 listed Project Descriptions for the firm.)
Resumes can be submitted as a supplemental package or within the proposal itself, and resume pages will not count towards the proposal page limitation.

6. Financial Stability (Information can be submitted in a separate envelope marked **"Confidential-Do Not Release Publicly"** – any information in the separate envelope will not count towards the proposal page limitation)

- Attach an original letter addressed to Wake County from a surety company or its agent licensed to do business in North Carolina verifying company's **capacity** to provide adequate performance and payment bonds for this project.

7. Legal History for Past **Five (5)** Years (Information can be submitted in a separate envelope marked **"Confidential-Do Not Release Publicly"** – any information in the separate envelope will not count towards the proposal page limitation)

Provide description of any claims not resolved within 180 days of substantial completion and/or any litigation for any project (CMAR or otherwise) completed within past 5 years

8. Project Approach

- a. Project Planning: Provide a brief narrative addressing how the proposer will provide professional construction services under the CMAR method of delivery for this project in both the pre-construction and construction phases for:
 - (1) Value Engineering
 - (2) Construction Phasing Considerations
 - (3) Constructability Issues
 - (4) Cost Estimating and Budget Management
 - (5) Quality Control
 - (6) Adherence to Project Schedule
- b. Describe how the project team proposes to approach the challenges of working in an existing 24/7 operational critical and secure facility, including the need to interface with existing building areas and existing building central utilities.
- c. Minority Business Enterprise (MBE) Outreach: Identify your five (5) most successful projects relative to MBE participation (i.e., goals were met or exceeded); Describe what strategies were used to make these projects successful; Specifically indicate the percent MBE participation on each of the five (5) projects.
- d. Identify how you will achieve maximum "Local" trade contractor and supplier involvement. Describe your relationship with local trade contractors by providing list of trade contractors with whom you have done business in North Carolina within the past five years. **(Information can be submitted in a separate envelope marked "Confidential-Do Not Release Publicly" – any information in the separate envelope will not count towards the proposal page limitation)**
- e. Describe how the project team proposes to use technology to manage and control the project, including Building Information Modeling and a shared submittal system.

- f. Description of the CMAR's Safety Program and historical safety record.

Fully complete, sign, notarize and submit the "Submittal Certification Form" included as Attachment to this RFQ.

VII. QUESTIONNAIRE (considered as part of the 40-page limit)

Respondents are required to provide responses to the following questions. Each question is to be listed in italics, followed by the response in normal type style.

- A. Provide an overview of your team's approach for managing construction within an operating campus environment that must remain active under strict security protocol. Describe a previous project where you successfully navigated these challenges.
- B. Provide an overview of your team's approach for planning connections to existing campus utility & central plant systems in an operating facility. Describe a previous project where you successfully navigated these challenges.
- C. Describe your approach to maintenance considerations during the various review stages of the design and construction of a project.
- D. Provide an example of when your team provided constructability input or evaluation of options during preconstruction that helped improve the overall project design and/or phasing approach.
- E. Explain your procedures for document quality control and coordination of the various trade packages in the design and procurement phases relative to review of drawings and specifications.
- F. Describe how the team would provide cost management services on this project using the CMAR delivery method. Provide the best cost-model format you have used on other projects.
- G. Describe your proposed method and time frame for developing the Guaranteed Maximum Price.
- H. Explain the management tools, techniques and procedures you use to monitor and maintain the project schedule (from schematic design through closeout of the project).
- I. Describe your approach to collaboration with the County and the Design Team relative to project design and materials/systems research that will assure the functional, maintainable, and quality requirements are satisfactorily addressed for this project.
- J. Describe your team's approach to encouraging MBE participation to assure compliance with the County's MBE Policy. County MBE ***Resolution is attached to this RFQ in Appendix A.***
- K. How do you manage project close out in a manner that quickly provides for occupancy and inspection/regulatory approvals with minimal punch list items and warranty issues?
- L. Describe your team's commitment to the success of this project and why you believe your assembled team is the best choice for this project.

VIII. SELECTION OF CMAR TEAM

A selection committee will conduct a rigorous review and evaluation of the qualifications and experience of any firm that expresses interest in providing such services to the County. This approach ensures that the CMAR is selected in a fair and uniform manner, that the CMAR selected for the project is qualified and experienced in constructing public facilities and that every qualified CMAR has the opportunity to be considered for providing their services to the County.

A. Process

- Qualification Stage: A Request for Qualifications (RFQ) is being sent to construction firms identified on the County's current "Capital Improvement Program" that have previously expressed interest in being considered for providing CMAR services for this type of project. Upon receipt of Submittal Packages from respondents, Selection Committee members will review and identify ("short list") those teams that appear to be most qualified to provide services for the project.
- Presentations and Interviews: Separate presentations and interview sessions will be scheduled with the "short-listed" firms to permit Selection Committee members to further evaluate each firm's qualifications. Promptly after the interviews the Selection Committee will make their final selection.
- Contract Negotiations: Following the Selection Committee's final selection, the Facilities Design & Construction office will be directed to negotiate final terms, conditions and fees of an agreement with the selected CMAR Team. In the event negotiations prove unsuccessful with this team, the County will initiate negotiations with the next highest ranked short listed firm.

B. Proposal Submittal Timeline

The key activities and milestone dates for the CMAR team selection and contracting process are listed below. Note that this is a very tight submittal schedule:

<u>Activity</u>	<u>Milestone Date(s)</u>
RFQ Published & Distributed	October 22, 2025
Deadline for Respondent Questions	November 5, 2025
Proposal Submission Deadline	November 19, 2025 (2:00 PM)
Announce "Short Listed" CMAR Teams	December 19, 2025
Selection Committee Interviews "Short Listed" CMARs	Reserve January 12-16, 2026
CMAR Team Selection Completed	January 23, 2026
Contract Negotiations Completed	February 13, 2026

C. Evaluation Criteria

Criteria similar to the following will be used to evaluate submittals from CMAR Teams and to select Teams for further consideration. The order in which criteria is listed does not indicate any priority, rank or relative importance. The Selection Committee will establish the relative importance and final listing of evaluation criteria.

1. The Team's past performance in cost control and maintaining schedules on publicly funded projects.
2. Qualifications and experience of CMAR team proposed for the project.
3. The Team's capabilities and relevant experience with similar projects renovating and/or expanding an existing operational critical facility.
4. Experience and successful relationship with local trade contractors and suppliers.
5. Proposed approach and proven success in encouraging minority participation.
6. Demonstrated success in value engineering, analyses, and/or novel approaches taken on past publicly funded projects.
7. Current workload and staff availability for the project.
8. Proposed approach to delivering construction services for this specific project.

9. Proximity to and familiarity with the area where the project is located.
10. Record of successfully completed projects without significant legal or technical problems.
11. Other factors that may be appropriate for the project.

IX. DUE DATE FOR SUBMITTING QUALIFICATIONS

Seven (7) complete packages including (1) thumb drive must be received at the following address by 2:00 pm, EST, on Wednesday, November 19, 2025, per the schedule above:

To: County of Wake
Facilities Design & Construction
Attention: David Rutherford, Deputy Director
email: David.Rutherford@wake.gov
Phone: (919) 856-6366

<u>Mailing Address:</u>	<u>Delivery Address:</u>
PO 550; Suite 1100	336 Fayetteville St; Suite 1100
Raleigh, NC 27602	Raleigh, NC 27601

X. GENERAL COMMENTS OR CLARIFICATIONS

- A.** Any cost incurred by respondents in preparing or responding to this RFQ shall be the respondents' sole responsibility.
- B.** All responses, inquiries or correspondence relating to this RFQ will become the property of Wake County when received (subject to Section XI - Confidentiality).
- C.** Wake County 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. The County reserves the right to request additional information or clarification of information provided in the response without changing the terms of the RFQ.
- D.** Respondents are advised to refrain from contact with Selection Committee members. **Any specific questions regarding the Request for Proposal should be directed to the Wake County Facilities Design & Construction office in writing to the email listed above for David Rutherford.**

XI. CONFIDENTIALITY OF DOCUMENTS

In general, documents that are submitted as part of the response to this RFQ will become public records, and will be subject to public disclosure. North Carolina General Statutes Section 132-1.2 and 66-152 provide a method for protecting some documents from public disclosure. If the CMAR Team follows the procedures prescribed by those statutes and designates a document "confidential" or "trade secret", the County will withhold the document from public disclosure to the extent that it is entitled or required to do so by applicable law.

If the County determines that a document that the CMAR Team has designated "confidential" or "trade secret" is not entitled to protection from public disclosure, the County will provide notice of that determination to the contact person designated by the CMAR Team, in any reasonable manner that the County can provide such notice, at least five business days prior to its public disclosure of the document. If the CMAR Team does not designate anyone to receive such notice, or if, within five business days after the designated person receives such notice, the CMAR Team does not initiate judicial proceedings to protect the confidentiality of the document, the County will not have any obligation to withhold the document from public disclosure.

By submitting to the County a document that the CMAR Team designates as "confidential" or "trade secret", the CMAR Team agrees that in the event a third party brings any action against the County or any of its officials or employees to obtain disclosure of the document the CMAR Team will indemnify and hold harmless the County and each organization's affected officials and employees from all costs, including attorney's fees incurred by or assessed against any defendant, of defending against such action. The CMAR Team also agrees that at the County's request the CMAR Team will intervene in any such action and assume all responsibility for defending against it, and that the CMAR Team's failure to do so will relieve the County of all further obligations to protect the confidentiality of the document.

An electronic version of this RFQ is available at the Wake County's website under Purchasing/Bids and Notices: <http://www.wakegov.com/finance/business/rfp/Pages/bids.aspx>

**XII. SUBMITTAL CERTIFICATION FORM FOR WAKE COUNTY DETENTION CENTER PHASE 3
EXPANSION PROJECT CMAR RFQ**

****COMPANY NAME****

Title:

Attest:

(SEAL)

License number under which the project will be executed:

Name license number above is held in

REQUEST FOR QUALIFICATIONS

VERIFICATION (Provide separate verifications for each Joint Venture or Partnership entity)

I HEREBY CERTIFY THAT THE RESPONSES OF ARE CORRECT AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE AND FOR THOSE RESPONSES GIVEN WHICH ARE BASED ON INFORMATION AND BELIEF, THOSE RESPONSES ARE TRUE AND CORRECT BASED ON MY PRESENT BELIEF AND INFORMATION

This the day of , _____ 2025.

****COMPANY NAME****

Title:

STATE OF

COUNTY OF

I, a Notary Public in and for the County and State aforesaid, do hereby certify that personally came before me this day and acknowledged that he is of and by that authority duly given and as an act of, the foregoing instrument was signed by, its, attested by him/herself as Secretary, and sealed with the common seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the _____ day of 2025

Notary Public

My commission expires:

**REQUEST FOR QUALIFICATIONS
CONSTRUCTION MANAGER AT RISK SERVICES
WAKE COUNTY DETENTION CENTER
PHASE 3 EXPANSION**

APPENDIX A

Wake County MBE Resolution

As Follows:

**PART 1 WAKE COUNTY MINORITY AND WOMEN BUSINESS ENTERPRISE
RESOLUTIONS FOR CONSTRUCTION CONTRACTS**

**1.1 R-02-52 RESOLUTION UPDATING WAKE COUNTY PROCEDURES AND
POLICIES RELATING TO COUNTY CONSTRUCTION
PROJECTS AWARDED PURSUANT TO N.C.G.S. §143-128 ET
SEQ.**

WHEREAS, the North Carolina General Assembly has recently amended Article 8 of N.C.G.S. Chapter 143, Public Contracts, to increase the threshold for public contracts which must be bid, and to make other changes related to construction methods, construction management and minority business participation, and

WHEREAS, Wake County has adopted resolutions directing the County Manager to prepare and maintain minority and women business enterprise programs for all construction projects funded by Wake County (R-88-20) and establishing a verifiable percentage goal for minority business in awarding construction contracts the costs of which exceed one hundred thousand dollars (\$100,000) (R-90-13), and

WHEREAS, recent amendments to N.C.G.S. §143-129(a) have increased the threshold amount of public construction contract which must be bid from one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000), and

WHEREAS, N.C.G.S. §143-128(a1) has increased the permissible methods that public bodies may use in awarding construction contracts, and

WHEREAS, N.C.G.S. §143-128.2 now requires more extensive efforts and detailed record keeping related to minority business participation in construction projects,

NOW, THEREFORE, BE IT RESOLVED by the Wake County Board of Commissioners

Section 1. That Resolutions R-90-13 and R-88-20 be amended to provide that the County Manager be directed to establish policies and procedures for bidding and awarding County building projects which comport with the requirements of Article 8 of N.C.G.S. Chapter 143, Public Contracts, as it is from time to time amended, and which are consistent with the policies contained in those Resolutions.

**1.2 R-90-13 RESOLUTION TO ESTABLISH A VERIFIABLE PERCENTAGE
GOAL FOR PARTICIPATION BY MINORITY BUSINESS IN THE
AWARDING OF BUILDING CONSTRUCTION CONTRACTS
AWARDED PURSUANT TO N.C.G.S. §143-128**

WHEREAS, N.C.G.S. §43-128(c) requires each county to adopt, after notice and a public hearing, an appropriate verifiable percentage goal for participation by minority businesses (as defined in that statute) in the total value of work for building contracts the costs of which exceed one hundred thousand dollars (\$100,000) and which are awarded pursuant to N.C.G.S. §143-128; and

WHEREAS, N.C.G.S. §143-128(c)(3) requires a county awarding a building contract the cost of which exceeds one hundred thousand dollars (\$100,000) under a separate prime or separate specification contract system to adopt written guidelines specifying actions that will be taken by the county to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts awarded under the separate prime or separate specification contract system; and

WHEREAS, N.C.G.S. §143-128(c)(4) requires a county awarding a building contract the costs of which exceeds one hundred thousand dollars (\$100,000) under a single-prime contract system to adopt written guidelines specifying the action that the prime contractor must take to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts awarded under the single prime contract system; and requires that action taken by the prime contractor must be documented in writing by the contractor to the County; and

WHEREAS, N.C.G.S. §143-128(b) requires that a county choosing to use a single-prime contract system must also seek bids for a building contract the cost of which exceeds one hundred thousand dollars (\$100,000) under a separate prime or separate specification contract system and must award such building contract to the lowest responsible bidder or bidders for the total project; and

WHEREAS, N.C.G.S. §143-128(d) requires the county to award public building contracts the costs of which exceed one hundred thousand dollars (\$100,000) without regard to race, religion, color, creed, national origin, sex, age or handicapping condition; and

WHEREAS, notice of the public hearing was duly published and the public hearing required by N.C.G.S. §143-128(c) was held February 19, 1990;

NOW THEREFORE, BE IT RESOLVED BY the Wake County Board of Commissioners

Section 1. That Wake County shall have a verifiable goal of ten percent (10%) for participation by minority businesses in building construction contracts awarded pursuant to N.C.G.S. §143-128.

Section 2. That for each such building contract put out for bids under the separate specification or the single prime contract systems, notice of the contract shall be transmitted to the Minority Business Development Agency in Raleigh, North Carolina and the North Carolina Institute of Minority Economic Development in Durham, North Carolina (hereinafter "minority agencies").

Section 3. That for each such building contract put out for bids under the separate specification or single prime contract systems, documents related to the contract shall be available for inspection at a convenient and accessible location of which minority agencies shall receive notice.

Section 4. That for any such building contract put out for bids under the separate specification contract system, the County shall maintain records with respect to:

- a. those contractors or subcontractors that bid or otherwise respond to notice of the project,
- b. those contractors or subcontractors awarded contracts as part of the project, and
- c. the percentage of work on the project that is to be performed by minority businesses.

Section 5. That for any such building contract put out for bids under the single prime contract system, the single prime contractor shall:

- a. notify appropriate minority businesses of the portion of the project which will be subcontracted by the single contractor and solicit bids from those minority agencies.
- b. submit with his bids records with respect to:
 1. those minority subcontractors notified of the project and of those elements of the project for which subcontracts will be let, and
 2. those minority subcontractors that bid or otherwise respond to notice of the project, and
 3. those minority subcontractors awarded contracts as part of the project, and
 4. the percentage of work on the project that is to be performed by minority businesses.

Section 6. That these policies shall be a part of the request for proposals for any such contract, and noncompliance by any single prime bidder shall be grounds for declaring the bid non-responsive.

Section 7. The County Manager is hereby authorized to impose additional requirements, not inconsistent with the requirements of this resolution and pursuant to the resolution of this Board enacted February 28, 1988, the purposes of which are to promote the goal and intent of this resolution.

Commissioner Heater moved the adoption of the foregoing resolution. Commissioner Ward seconded the motion and, upon vote, the motion passed unanimously this the 19th day of February, 1990.

**1.3 R-88-20 WAKE COUNTY, NORTH CAROLINA MINORITY AND WOMEN
BUSINESS ENTERPRISE RESOLUTION FOR CONSTRUCTION
CONTRACTS**

WHEREAS, the Board of County Commissioners of Wake County, North Carolina desires that all segments of the population of Wake County have equal opportunity to compete for contracting and subcontracting work offered by the County; and

WHEREAS, it is in the best interest of Wake County to develop and maintain as large a pool of qualified, prospective contractors to draw upon as possible;

WHEREAS, it is the judgment of the Wake County Board of Commissioners that the County has a compelling interest to implement a minority/women business enterprise program to ensure the representative participation of all segments of the population in the County's economy; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Wake County declares that it is their policy to provide minorities and women equal opportunity to participate in all aspects of the County's construction program consistent with Chapter 143, Article 8 of the General Statutes of the State of North Carolina.

BE IT FURTHER RESOLVED that the Board of Commissioners of Wake County hereby directs the County Manager to prepare and maintain a minority and women business enterprise program for all construction projects funded by the County.

Upon motion of Commissioner Stout, seconded by Commissioner Zieverink, and upon roll call vote, the Board adopted the above resolution this 29th day of February 1988

PART 2 MINORITY BUSINESS ENTERPRISE PARTICIPATION IN WAKE COUNTY BUILDING CONSTRUCTION AND REPAIR CONTRACTS

2.1 POLICY STATEMENT

It is the policy of the County to encourage minorities to participate in its building construction, renovation and repair projects.

It is further the policy of the County to prohibit illegal discrimination against any person or business enterprise and to conduct its building construction, renovation and repair programs so as to prevent such discrimination.

It is the policy of the County in concert with other local, state and federal agencies and with the assistance of minority groups and agencies, to seek and identify qualified minority business enterprises (MBEs) and to offer them the opportunity to participate, and to encourage them to participate, in the County's building construction and repair programs. Under this policy, the County adopts the definition of MBEs contained in N.C.G.S. § 143-128.2.

It is the policy of the County to provide information and opportunities to minority business enterprises that are available to other business enterprises, and to establish procedures providing MBEs access to information and opportunities available to other business enterprises.

It is the intent of this policy to secure contractors' participation and ensure competition. Nothing in this policy shall be construed to require contractors or the County to award contracts or subcontracts or to make purchases of materials or equipment from minority business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

The County will award public building construction and repair contracts to the lowest responsible, responsive bidder as provided by Article 8 of Chapter 143 of the North Carolina General Statutes.

2.2 SCOPE: This Policy Applies To Minority Business, Minority Persons, and Socially and Economically Disadvantaged Individuals [Ref: N.C.G.S. §143-128.2(g)]

A. A Minority Business (MBE) is a business:

1. In which at least fifty-one percent (51%) is owned by one or more minority persons or socially and economically disadvantaged individuals, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals, and

2. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.
- B. A Minority Person¹ is a person who is a citizen or lawful permanent resident of the United States, and who is:
1. Black, that is, a person having origins in any of the black racial groups in Africa;
 2. 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;
 3. 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, the Pacific Islands;
 4. American Indian or Alaskan Native, that is, a person having origins in any of the original peoples of North America; or
 5. Female.
- C. A Socially and Economically Disadvantaged Individual is defined by 15 U.S.C. 637 as a socially disadvantaged individual whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities, the federal government considers factors such as assets and net worth. This category includes members of economically disadvantaged Indian tribes.

2.3 VERIFIABLE GOALS FOR MINORITY BUSINESS ENTERPRISE PARTICIPATION²

- A. County Funded Building Construction or Repair Projects costing \$5000 or more.
1. The County has established a verifiable goal of ten percent (10%) for participation by minority businesses in building construction and repair projects covered by this section. [Ref: N.C.G.S. §143-128.2 (a)]
- B. For Building Construction or Repair Projects Using State Appropriations or Other State Grant Funds Where the Project Cost is Equal to or Greater than One

¹ For building projects funded in whole or in part with federal funds, Hasidic Jews are also considered minority persons.

² Projects funded in whole or in part with federal funds will comply with applicable federal thresholds regarding Minority and Woman Owned Business Enterprises participation.

Hundred Thousand Dollars (\$100,000), the County shall use the State's verifiable goal of ten percent (10%) for participation by minority business in building construction and repair projects covered by this section. [Ref: N.C.G.S. §143-128.2 (a)]

PART 3 REGULATIONS AND PROCEDURES FOR IMPLEMENTING MINORITY BUSINESS ENTERPRISE PARTICIPATION POLICY

3.1 INFORMAL BUILDING PROJECTS: Building construction and repair projects costing more than Five Thousand Dollars (\$5,000), but less than Three Hundred Thousand Dollars (\$300,000).

A. County Responsibilities:

1. Notify Minority Business Enterprises of bidding opportunities by one of the following methods:
 - a) Advertise the project at the Raleigh/Durham/Triad Minority Business Development Center or similar institution, or;
 - b) Advertise the project in an identified Minority Business Enterprise targeted newspaper(s) or;
 - c) Attempt to contact Minority Business Enterprises totaling at least 30% of the total number of vendors contacted [Ref.: N.C.G.S. §143-129. (b)]
2. Record all contractors contacted, along with the list of contractors provided with bidding documents.
3. Identify Minority Business firms contacted and record their minority category.
4. Record all contractors submitting bids, along with the amount of each bid.
5. Within five (5) days of project completion, submit a completed "Informal Construction Project Report Form" to the Wake County Finance Department.
6. The Wake County Finance Department will collect store, and report data and forms referenced in this Section 00600. See Section 3.3

B. Contractor Responsibilities:

1. The Contractor will provide the following documentation, Wake County Form MBE-6, at contract closeout and prior to final payment by the county.
 - a) A list of minority business's used on the project, identifying the businesses name, type of work performed, and minority category.
 - b) List the dollar amount paid to each minority business and the percentage it represents of the final project value.

3.2 FORMAL BUILDING PROJECTS: Building construction and repair projects costing Three Hundred Thousand Dollars (\$300,000) or more.

A. County Responsibilities:

1. Advertise Building Projects. When soliciting bids for formal building construction and repair projects, the county must
 - a) Advertise or post notice of bid opportunities to MBE and other potential bidders in trade publications (or whatever it is that we use now) and MBE targeted publications, plans review rooms or newspaper(s) with general circulation at least fourteen (14) days prior to the scheduled bid opening date. [Ref: N.C.G.S. §143-128.2(e)(3)]
 - b) Include the following in each advertisement or notice published: (i) a description of the work for which the bid is being solicited; (ii) the date, time, and location where bids are to be submitted; (iii) the name of the individual within the public entity who will be available to answer questions about the project; (iv) where bid documents may be reviewed; (v) notice of the date, time, and location of the prebid conference. [Ref: N.C.G.S. §143-128.2(e)(3)]
2. Hold a prebid conference prior to bid opening for each project and assure a County representative is in attendance. [Ref: N.C.G.S. §143-128.2(e)(2)]
3. Allow contractors to obtain, at least 10 days before the bid date, a complete set of Bidding Documents by providing a refundable deposit as outlined in the project Advertisement or published notice. Deposits will be refunded as stipulated in the Bidding Documents. [Ref: N.C.G.S. §43-128.2(e)(2)]

4. Include in the bidding documents for each project the following forms and a statement that all contractors submitting bids must include all applicable forms, fully completed, and that failure to file required forms with bids may be grounds for rejection of the bid. [Ref: N.C.G.S. §143-128.2.(c)(1)b.]
 - a) Wake County Form MBE-1, identifying minority business participation;
 - b) Wake County Form MBE-2, affidavit listing contractor's good faith efforts to meet the 10% goal for MBE participation, including any advertisements, solicitations, and evidence of other specific actions to recruit minority businesses for participation in the project;
 - c) Wake County Form MBE-3, affidavit evidencing contractor's intent to perform all contract work with its own workforce; and
 - d) A copy of the County's MBE policy and procedures.
5. Maintain all public records created for each project, including all records and documentation relating to MBE procedures, for a period of three years from the date of project completion. See Section 3.3. [Ref: N.C.G.S. §143-128.2(i)]
6. In any building or repair project financed in whole or in part with federal funds, the County must include a statement that all federal guidelines associated with the source of the federal funds must be complied with. For example, projects funded by HUD must comply with all requirements of 24 CFR §135.

B. Contractor Responsibilities:

1. All bidders on formal building construction or repair projects shall undertake a good faith effort to recruit minority businesses and provide documentation of meeting the minimum requirements of N.C. Gen. Stat. § 143-128.2.
 - a) Failure to comply with these procedural requirements and requirements for submittal of information in the Request for Proposals may render the bid non-responsive and may result in rejection of the bid. [Ref: N.C.G.S. §143-128.2.(c)(1)]
 - b) All contractors, including first-tier subcontractors on construction manager at risk projects, that do not propose to do all of the contract work with their own workforce must advertise for

minority subcontractor, vendors and suppliers at least ten days prior to submission of the contractor's bid. [Ref: N.C.G.S. §143-128.2.(f)(1)]

2. Each bidder, including first-tier subcontractors for construction manager at risk projects, must submit a completed Wake County Form MBE-1 and Wake County Form MBE-2. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit a Wake County Form MBE-3 in lieu of Wake County Form MBE-2 otherwise required under this subsection. [Ref: N.C.G.S. §143-128.2.(c)]
3. The apparent lowest responsible, responsive bidder, must submit the following documents within 72 hours after notification of being the low bidder:
 - a) Form Wake County Form MBE-4, an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than 10% of the total cost of the contract; or
 - b) Form Wake County Form MBE-5, documentation of good faith effort to recruit MBE participation in the project, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment of minority businesses for participation in the project. [Ref: N.C.G.S. §143-128.2.(c)(1)]
4. Within 30 days after the award of the contract, or sooner if stipulated in the Bidding Documents, the contractor shall provide to the County with a list of all subcontractors that the contractor will use on the project. [Ref: N.C.G.S. §143-128.2.(c)(2)]
5. During the construction of a project, if it becomes necessary to replace an MBE subcontractor, the prime contractor shall advise the Owner in writing. No MBE subcontractor may be replaced with a different subcontractor except for the following:
 - a) If the subcontractor's bid is later determined by the contractor or construction manager at risk to be nonresponsive or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work; or
 - b) With the approval of the County for good cause. [Ref: N.C.G.S. §143-128.2.(d)]

Prior to substituting a subcontractor, the contractor shall identify the substitute subcontractor and inform the County, in writing, of its good faith efforts to replace with another MBE Subcontractor. Good faith efforts as set forth in N.C.G.S. § 143-131(b) apply to the selection of a substitute subcontractor. [Ref: N.C.G.S. §143-128.2(d)]

6. Prior to the final payment being due to the contractor Wake County Form MBE 6, which provides certification of actual work performed by Minority Businesses, must be submitted

3.3 COUNTY RECORD KEEPING PROCEDURES FOR MONITORING CONTRACTOR COMPLIANCE ON COUNTY BUILDING CONSTRUCTION AND REPAIR PROJECTS.

- A. FORMAL CONTRACTS. The County shall maintain for three years from project completion date all records with respect to:

1. Those contractors notified or solicited for each building construction or repair projects, noting all that are minority businesses and their minority category.
2. Those contractors that bid or otherwise responded to advertisements or notices of building construction or repair projects, noting all that are minority businesses and their minority category.
3. Prime contracts awarded, the amount of the contracts, identity of those that are minority business.
4. The subcontractors utilized on projects, identity of minority subcontractors, type work performed by minority subcontractors amount paid minority businesses as reported by the prime contractor(s) awarded the bid.
5. The percentage of work on the project performed by minority businesses as reported by the prime contractor. [Ref: N.C.G.S. §143-128.2(i)]

- B. INFORMAL CONTRACTS: Documents required to be kept by the County under this section will be maintained in the County Finance Department.

1. The requirements for record keeping for Informal Contracts are the same as for Formal Contracts listed above.

3.4 COMPLAINT PROCEDURES.

A. Formal and Informal Contracts:

1. Alleged violations of the provisions of this MBE plan by any party should be reported in writing to the County Manager or his/her designee.
2. The County Manager or his/her designee shall review all facts available and respond in writing. Unresolved complaints may be presented to the Board of County Commissioners. The decision rendered by the Board will be final.