

**I. Project Formulation and Funding**

The Table below lists goal requirements for different project types and funding types. It also specifies when to submit the AV-508, AV-509/510 and RS-2's based upon these criteria. After the sponsor has determined that they need to a DBE/MBE/WBE goal from this table, proceed to Section II for information on goal setting. If the sponsor needs assistance in determining if a goal is required for their project, they should work with their assigned Airport Project Manager for guidance.

	<a href="#"><u>AV-508</u></a> DBE/MBE/WBE Prebid Goal Notification and Certification	<a href="#"><u>AV-509/510</u></a> DBE/MBE/WBE Vendor Commitments/Awards/Payments	<a href="#"><u>RS-2</u></a> DBE/MBE/WBE Consultant Certification <i>(indicates intent to do work, not a binding agreement)</i>
<b>Professional Services- Design, CA, RPR (A102, A103, A104, A105)</b>			
No goal is required for projects containing ONLY professional services	<u>Due:</u> at RFA <u>Goal:</u> enter "N/A" Signed by Sponsor	<u>Due:</u> at RFA (does not need to be resubmitted with reimbursement requests) <u>Enter:</u> "N/A" and signed by Sponsor	<u>Due:</u> at RFA All utilization % for Prime & Sub(s) must sum to 100%
<b>Construction and Project Improvement Costs included (A-106)</b>			
<b>Federal Funding-</b> project total < \$250,000	<u>Due:</u> at RFA <u>Goal:</u> enter "N/A" Signed by Sponsor	<u>Due:</u> at RFA (does not need to be resubmitted with reimbursement requests) <u>Enter:</u> "N/A" and signed by Sponsor	N/A for contractor, see above for consultants if professional services included
<b>Federal Funding-</b> project total > \$250,000	<u>Due:</u> at RFA <u>Goal:</u> DBE Goal Required Signed by Sponsor	<u>Due:</u> with every reimbursement request* <u>Complete</u> and signed by Payor and Sponsor	N/A for contractor, see above for consultants if professional services included
<b>State Funding</b>	<u>Due:</u> at RFA <u>Goal:</u> MBE, WBE Required Signed by Sponsor	<u>Due:</u> with every reimbursement request* <u>Complete</u> and signed by Payor and Sponsor	N/A for contractor, see above for consultants if professional services included
<b>Combination Funding:</b> Awarded with both State and Federal Funds Project total >\$250,000	<u>Due:</u> at RFA <u>Goal:</u> DBE Goal Required Signed by Sponsor	<u>Due:</u> with every reimbursement request* <u>Complete</u> and signed by Payor and Sponsor	N/A for contractor, see above for consultants if professional services included
<b>Combination Funding:</b> Awarded with both State and Federal Funds Project total <\$250,000	<u>Due:</u> at RFA <u>Goal:</u> MBE, WBE Required Signed by Sponsor	<u>Due:</u> with every reimbursement request* <u>Complete</u> and signed by Payor and Sponsor	N/A for contractor, see above for consultants if professional services included
<b>For Total Awards or Phased Awards</b>	<u>Due:</u> at RFA; resubmitted when goals have been determined (when design is at a minimum 60% (preferred 90%) complete) <u>For RFA:</u> enter "TBD" , Sign by Sponsor <u>After goals determined:</u> enter goal, sign by sponsor	<u>Due:</u> at RFA, resubmitted when goals have been determined (when design is at a minimum 60% (preferred 90%) complete) <u>For RFA:</u> enter "TBD" , Sign by Sponsor <u>After goals determined:</u> submit with every subsequent pay request*	<u>Due:</u> at RFA All utilization % for Prime & Sub(s) must sum to 100%

\*If DBE/MBE/WBE goal from NCDOT is 0%, then AV-509/510 should be submitted with the Request for Aid. Enter "N/A" in the AV-509/510 fields and have the form signed by the Sponsor. In this case, the AV509/510 will NOT need to be submitted with every reimbursement request.

**Definitions:**

- RFA: Request for Aid
- Payor: Prime Contractor performing work

## **II. DBE/MBE/WBE Goal Setting**

NCDOT is responsible for all goal setting. A detailed cost estimate is required to provide information to set goals. Design should be far enough such that no major quantity changes are anticipated (minimum 60% design, prefer 90% design). Submit the detailed cost estimate to the Airport Project Manager for review and processing by the Civil Rights Department.

## **III. DBE/MBE/WBE Goal Advertising**

The AV-508 Pre-bid form must be completed, signed and returned to NCDOT via Partner Connect during the submission of the Request for Aid. If the project contains Construction costs, a copy of the bid advertisement reflecting the approved goal for the project shall also be submitted with the AV-508. The bid advertisement contain a notarized affidavit with the actual advertisement attached.

## **IV. DBE/MBE/WBE Special Provisions and Certifications**

The Engineer of Record is responsible for the Special Provisions and Certifications included in the contract documents. The contract documents must contain at a minimum the state or federal conditions and assurances related to the DBE/MBE/WBE requirements. These conditions and assurances may include:

**The Federal Funds-** If the project is funded with Block Grant funds, the contract document must contain the conditions contained in [49 CFR part 26](#) and the federal grant assurances attached to the grant issued for the project.

**State Funds-** If the project is funded with State Aid, the contract document must contain the state MBE/WBE [Special Provisions](#) SP01-G-68 and the conditions contained in the state grant assurances.

## **V. Pre-bid Meeting**

For all projects that have a DBE/MBE/WBE requirement, a pre-bid meeting must be held with potential bidders. The purpose of this meeting, at a minimum, is to communicate the DBE/MBE/WBE requirements of the projects including, but not limited to, the goals, special provisions, review of payment documentation, and subcontractor eligibility. The Airport Project Manager and Office of Civil Rights must be notified of the meeting in advance and be given the opportunity to attend.

## **VI. DBE/MBE/WBE Subcontractor Certification**

A DBE/MBE/WBE vendor must be certified by the NCDOT to count toward the advertised goal. They only are considered if the Department certifies them, not the local government unit. To determine if the business is certified, visit:

<https://www.ebs.nc.gov/VendorDirectory/default.html>

If the vendor(s) submitted to meet the goal(s) are not certified by NCDOT at the time of bid, and/or the advertised goal is not reached, the prime contractor must go through the “Good Faith Effort” review.

## VII. DBE/MBE/WBE Acceptance and Good Faith Effort

Upon completion of the bidding process and prior to contract award and or acceptance, the following must happen. The bid documents need to be reviewed by the sponsor and/or sponsor's engineer to determine the most responsible, responsive bidder. The engineer shall sign and seal a certification statement that the bid tabs are correct, the contractor is pre-qualified with NCDOT, and that the MBE/WBE/DBE goals have been met. This documents should be submitted to the Division of Aviation Airport Project Manager for review, and written concurrence from the Office of Civil Rights. We will be looking for the following:

- Is the DBE/MBE/WBE certified by the Department
- Were the goals meet?

**If both criteria have been met:** The project can be concurred with and the Airport Project Manager's goal confirmation can be issued. The formal Notice to Proceed can be issued after this has occurred.

**If vendor is not certified DBE/MBE/WBE-** then the following actions need to take place:

- A good faith effort needs to be made and approved
- The award of the project can go to the next responsible lowest bidder if that DBE/MBE/WBE is certified
- The project can be rebid

**If the goals were not met-** then a "Good Faith Effort" will be required to be completed and approved by the Department before the project can proceed. A good faith effort must adhere to the criteria outlined at the following web address and consultation and review with the Contractual Services office:

<https://connect.ncdot.gov/business/SmallBusiness/Pages/Utilization%20Goals.aspx>

The project cannot begin until the above conditions are satisfied.

## VIII. DBE/MBE/WBE Payment Process

As part of the payment process, the [AV-509/510 combined form](#) must be submitted as part of the reimbursement request. Because AV-509/510 is completed after payment of the subcontractor, it is anticipated that the AV-509/510 submitted with a reimbursement request will reflect the payment of funds to the subcontractor from the previous request.

If the DBE/MBE/WBE goal is 0% or N/A, the AV-509/510 shall be submitted at the Request for Aid, with the form showing "N/A" for the DBE/MBE/WBE firm.

**IX. Replacement of DBE/MBE/WBE**

A DBE/MBE/WBE contractor cannot simply be changed and or replaced by the Prime and/or airport. When a prime has relied on a commitment to a DBE firm to meet all or part of a contract goal, the prime contractor shall not terminate the DBE firm for convenience without the Engineer's written approval, based upon a finding of good cause for the termination. This is true whether the prime contractor proposed to replace the DBE's participation with another DBE subcontractor, a non-DBE subcontractor, or perform the work with the prime contractor's own forces.

All requests for replacement of a committed DBE firm shall be submitted to the Airport Project Manager for approval on the Department's AV-514: [DBE/MBE/WBE Replacement Form](#). If the Contractor fails to follow this procedure, the Contractor may be disqualified from further bidding on any NCDOT projects for a period of up to six months. The work cannot continue until this issue is resolved per the Department's guidance and approval. The Civil Rights office needs to be involved in this process and approval.

**X. Change Orders**

Change orders for construction shall be reviewed by the Airport Project Manager for grant eligibility. If a change order results in a change of the total contract price, a new DBE/MBE/WBE goal may be required. Consult with your Airport Project Manager to determine whether a new goal will be required and what steps need to be taken to revise the goal.

**XI. Project Close Out Documentation**

As a part of the final closeout documentation for a project, the [AV-513, DBE/MBE/WBE Subcontract Commitment Payment summary](#), should be submitted to the Division of Aviation via Partner Connect. Additionally, the [AV-514, DBE/MBE/WBE payment shortfall form](#), will need to be completed and submitted if a DBE/MBE/WBE payment shortfall occurs.