

**01 NCAC 30I .0306      OWNER REQUIREMENTS**

(a) Before awarding a contract, an owner shall:

- (1) Develop and implement a minority business participation outreach plan to identify minority businesses that can perform public building projects and implement outreach efforts to encourage minority business participation in these projects. The plan shall include education, recruitment, and interaction between minority businesses and non-minority businesses.
- (2) Attend the scheduled prebid conference and explain the minority goals and objectives of the State and specific to the owner.
- (3) At least 10 business days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the public entity for public construction or repair work and minority businesses that otherwise indicated to the Office for Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. The notification shall include:
  - (A) A description of the work for which the bid is being solicited.
  - (B) The date, time, and location where bids are to be submitted.
  - (C) The name of the individual within the owner's organization who will be available to answer questions about the project.
  - (D) Where bid documents may be reviewed.
  - (E) Any special requirements that may exist.
- (4) Utilize media likely to inform potential minority businesses of the bid being sought.
- (5) Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.
- (6) Review, jointly with the designer, all requirements of G.S. 143-128.2(c) and G.S. 143-128.2(f) prior to recommendation of award.
- (7) Evaluate documentation to determine that a good faith effort has been achieved for minority business utilization prior to recommendation of award.
- (8) Forward documentation showing evidence of implementation of Owner's requirements, Subparagraphs (a)(1) through (a)(7) of this Rule, to the State Construction Office and the HUB Office upon request.

(b) After a contract has been awarded an owner shall:

- (1) Review prime contractors' pay applications for compliance with minority business utilization commitments prior to payment.
- (2) Submit the report to the HUB Office as required by G.S. 143-128.3(a).

(c) All public entities that contract with a construction manager at risk shall report to the Office for Historically Underutilized Businesses the items enumerated in G.S. 143-64.31(b). The report shall include:

- (1) The owner approved minority business outreach plan of the construction manager at risk selected; and
- (2) Documentation regarding the means by which minority businesses were contacted to solicit their participation in bid proposals if the 10% goal is not achieved.

*History Note: Authority G.S. 143-128.2(e); 143-128.3(e); 143-133.1(a);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,  
2018.*