



NEW HANOVER COUNTY

Administrative Memorandum

Minority and Women Business Enterprise

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MINORITY AND WOMEN BUSINESS ENTERPRISE AND PERFORMANCE REPORTING

I. INTRODUCTION AND PURPOSE

It is the policy of New Hanover County to provide minorities and women equal opportunity to participate in all aspects of the county's contracting and procurement programs, including, but not limited to, construction projects, supplies and material purchases, and professional and personal service contracts, consistent with law and existing county policies.

New Hanover County's Minority and Women Business Enterprise (MWBE) Program is committed to support the economic development of small business enterprises and the minority community. It is further the intent of the program to widen opportunities for participation, increase competition, and ensure the proper diligent use of public funds. The county will do this by increasing the opportunities of the MWBE community within public contracting and providing firms with the tools that will help them become successful when opportunities arise.

II. ORGANIZATION(S) / INDIVIDUALS AFFECTED

This Administrative Memorandum applies to all county departments and employees.

III. DEFINITIONS

- a) **Minority and Women Business Enterprise (MWBE)** - North Carolina General Statute 143-128.2 defines a "minority business" as a business that is at least 51% owned and controlled by one or more minority persons or socially and economically disadvantaged individuals. The statute also includes corporations in which at least 51% of stock is owned by one or more minority or socially and economically disadvantaged individuals.

The statute defines the term “minority person” as the following:

- Black
- Hispanic
- Asian American
- American Indian
- Female

b) Socially and Economically Disadvantaged Individual(s) - are defined by reference to a federal statute (15 U.S. C. § 637). Socially disadvantaged individuals are “those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.” Economically disadvantaged individuals “are those socially disadvantaged individuals 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 who are not socially disadvantaged.”

IV. POLICY OBJECTIVES

- A) To ensure New Hanover County staff involved in purchasing make good faith efforts to utilize MWBE vendors in accordance with formal and informal procurement procedures.
- B) To create and maintain an ongoing outreach effort to MWBE vendors including, without limitation, MWBE firms in the county directory, assisting MWBEs to register with the NC Department of Administration’s Office for Historically Underutilized Businesses, State IPS system and the State E-procurement System, providing information regarding doing business with New Hanover County, and encouraging collaboration among MWBEs.
- C) To track MWBE good faith efforts and utilization.

V. POLICY

Goods, Apparatus, Materials, Supplies and Equipment

- A) When purchasing goods, apparatus, materials, supplies and equipment costing \$1,000 to \$89,999, employees / purchasing departments must first consult the county MWBE directory and confirm if there is one or more MWBE that provide said goods, apparatus, materials, supplies or equipment.

If yes;

- 1) employees are required to request a quote from at least one (1) of the eligible MWBEs if the cost is \$1,000 to \$29,999. Employees may also request quotes from any other vendor(s). Ultimate choice of supplier, from the quotes obtained, will remain the purview of the Department Head. Documentation of the MWBE bid / quote request (or a statement identifying that there were no eligible MWBE in the county directory) must be submitted as part of the documentation for the awarded/final requisition / PO.
- 2) employees are required to request an informal bid from at least one (1) of the eligible MWBEs if the cost is \$30,000-\$89,999. Informal bid selection must be in accordance with NC General Statutes and county policy. Documentation of the MWBE informal bid (or a

statement identifying that there were no eligible MWBE in the county directory) must be submitted as part of the documentation for the awarded/final requisition / PO.

Non-professional and Professional Services

- B) Non-professional or professional services (other than construction and those covered by GS 143-64.31), are distinguished by the provision of personal performance rather than the delivery of a tangible item. When purchasing non-professional or professional services costing up to \$29,999, employees / purchasing departments must first consult the county MWBE directory and confirm if there is one or more MWBE that provide said service or services.

If yes;

- 1) employees are required to request a quote from at least one (1) of the eligible MWBEs. Employees may also request quotes from any other vendor(s). Ultimate choice of supplier, from the quotes obtained, will remain the purview of the Department Head. Documentation of the MWBE bid / quote request (or a statement identifying that there were no eligible MWBE in the county directory) must be submitted as part of the documentation for the awarded/final requisition / PO.

Exemptions to MWBE Bid Requirements

- State Contract purchases
- Purchases from other governmental agencies
- Competitive group purchasing
- Sole Source (must have letter from manufacturer)
- Information technology goods or services purchased through the State Office of Information Technology

VI. INTERNAL CONTROLS

Department Heads shall be responsible for ensuring that procurement is appropriately managed and documented in their departments in accordance with this policy, the county purchasing policy and general statutes.

Department Heads shall be responsible for providing timely information related to anticipated procurement opportunities within their department, and providing staffing to participate in vendor outreach and other events as requested by Finance and Intergovernmental and Community Affairs.

Finance, in conjunction with department representatives, will review requisitions / PO requests for the appropriate documentation and will report annually at a county and department level about supplier diversity and utilization.

Finance, in conjunction with Intergovernmental and Community Affairs, will maintain an active listing of MWBE vendors. In addition, Finance and/or Intergovernmental and Community Affairs will organize / conduct vendor outreach events, provide workshops explaining the various certifications, provide information about and how to register with the NC Department of Administration's Office for Historically Underutilized Businesses, as well as how to do business with New Hanover County and the State.