AGENDA

Meeting Type:	B
Date:	09-28-1981

City of Charlotte, City Clerk's Office

Charlotte

Meetings in September '81

Public Service and Information Department
City Hall 600 E Trade Street
Charlotte North Carolina 28202
704/374 2395

SEPTEMBER 1 - SEPTEMBER 5

1	Tuesday, 7 30 p m.	CHARLOTTE TREE COMMISSION Cameron-Brown Building, Fifth Floor Conference Room
	Tuesday, 7 30 p m	PLANNING COMMISSION Cameron-Brown Building, First Floor Conference Room
2	Wednesday, 8 30 a.m	CIVIL SERVICE BOARD City Hall, Third Floor Conference Room
3	Thursday, 12 Noon	INSURANCE & RISK MANAGEMENT AGENCY Education Center, Room 238
	Thursday, 4 00 p m	CITY COUNCIL PLANNING & PUBLIC WORKS COMMITTEE City Hall, Second Floor Conference Room
	Thursday, 7 30 p m	MAYOR'S TASK FORCE ON RESIDENTIAL BURGLARY Law Enforcement Center, Third Floor Conference Room

THE WEEK OF SEPTEMBER 6 - SEPTEMBER 12

7	Monday	LABOR DAY/CITY HOLIDAY - All City Offices Closed NO City Council Meeting
8	Tuesday, 9 00 a m	HISTORIC DISTRICT COMMISSION Edwin Towers, First Floor Conference Room
9	Wednesday, 11 00 a m	AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY First Union Tower Building, 28th Floor Conference Room
	Wednesday, 4 00 p m	CITY COUNCIL FINANCE & PROCEDURES COMMITTEE City Hall, Council Chamber
	Wednesday, 7 30 p m.	HISTORIC PROPERTIES COMMISSION City Hall, Second Floor Conference Room

THE WEEK OF SEPTEMBER 13 SEPTEMBER 19

14	Monday, 12 Noon	PLANNING COMMISSION (Work Session) Cameron Brown Building, First Floor Conference Room
	Monday, 12 Noon	CITY COUNCIL/MANAGER EXECUTIVE SESSION City Hall Annex, Training Center
	Monday, 2 00 p m	CITIZENS HEARING City Hall, Council Chamber
	Monday, 3 00 p m	CITY COUNCIL MEETING City Hall, Council Chamber
15	Tuesday, 2 00 p m	HOUSING AUTHORITY 1301 South Boulevard
	Tuesday, 3 00 p m	COMMUNITY FACILITIES COMMITTEE - Utility Department Conference Room, 5100 Brookshire Boulevard
16	Wednesday, 8 30 a m.	CIVIL SERVICE BOARD City Hall, Third Floor Conference Room
	Wednesday, 2 00 p m	TECHNICAL COORDINATING COMMITTEE City Hall Annex, Department of Transportation Conference Room
	Wednesday, 4 00 p m	EMPLOYMENT & TRAINING ADVISORY COUNCIL Belmont Regional Center, 700 Parkwood Avenue
	Wednesday, 7 30 p m	TRANSPORTATION ADVISORY COMMITTEE Cameron-Brown Building, Planning Commission Conference Room
17	Thursday, 8 30 a m	CHARLOTTE CLEAN CITY COMMITTEE Cameron Brown Building, Fifth Floor Conference Room
	Thursday, 3 00 p m	ADVISORY ENERGY COMMISSION City Hall, Second Floor Conference Room

MORE

THE WEEK OF SEPTEMBER 20 - SEPTEMBER 26

21	Monday, 6 00 p m	CITY COUNCIL MEETING/ZONING HEARINGS Education Center, Board Room
22	Tuesday, 6 30 a m through 7 30 p m	Primary Election for City Council and Special Referendum on Sales Tax
	Tuesday, 3 00 p m	ZONING BOARD OF ADJUSTMENT City Hall, Council Chamber
23	Wednesday, 4 30 p m	COMMUNITY RELATIONS COMMITTEE Covenant Presbyterian Church, 1000 East Morehead Street
24	Thursday, 8 30 a m	CHARLOTTE CLEAN CITY COMMITTEE Education Center Second Floor Central Conference Room
24 26	~~Monday through Wednesday~~	SYMPOSIUM/International Year of Disabled Persons Charlotte Civic Center and Diehl Recreation Center

SEPTEMBER 28 - SEPTEMBER 30

28	Monday, 2 00 p.m	CITIZENS HEARING - City Hall, Council Chamber
	Monday, 3 00 p m.	CITY COUNCIL MEETING City Hall, Council Chamber
	Monday, 7 00 p m	SPECIALIZED TRANSPORTATION ADVISORY COMMITTEE Belmont Regional Center, 700 Parkwood Avenue
29	Tuesday, 3 00 p.m.	ZONING BOARD OF ADJUSTMENT City Hall, Council Chamber
	Tuesday, 4 00 p.m	MUNICIPAL INFORMATION ADVISORY BOARD Cameron-Brown Building, Third Floor Conference Room

Charlotte

IN MEETING ON MONDAY, SEPTEMBER 28, 1981

12 00 Noon - Policy Agenda Luncheon
Report on Community Development Activities and Options
Training Center
2 00 p m. - Citizens Hearing
2 30 p. m - Clean City Committee Annual Report
3 00 p. m - COUNCIL MEETING
Council Chamber

ITEM NO

1 Invocation.

2. Consideration of minutes of the Council Meeting on September 14, as amended, and the meeting on Monday, September 21, 1981.

POLICY AGENDA

Community & Economic Development.

3. Consideration of options for a Citywide Minority/Women Business (M/WBE) Program Plan.

Two Program options are

(a) A staff program draft which includes changes and deletions in response to construction groups, with provisions to cover Federal requirements for M/WBE.

(b) A proposal by the Associated General Contractors, which includes no goals or provision for Federal requirements, and which is supported by other industry groups

(continued)

council agenda

Mayor Eddie Knox Mayor Pro Tem Betty Chafin

L David Berryhill, Jr
Don Carroll
Tom Cox, Jr
Charlie Dannelly
Laura Frech
Ron Leeper
Pat Locke
George K Selden, Jr
Herbert Spaugh, Jr
Minette Conrad Trosch

3. (continued)

Four options for M/WBE goals

(a) 0% as proposed by the Associated General Contractors, stating that numerical goals are unnecessary.

(b) 10% which is 1.33% above the goal achieved by the Charlotte-Mecklenburg Utility Department in 1980. (Other departments achieved the following - Community Development, 22.77%, Airport, 16%, Engineering, 3 19%. The Airport did not operate under an MBE program in 1980.)

(c) 15% which is based on the Airport goal of 16%, and which represents a goal more consistent with an established City Department goal but lower than 25% as proposed below.

(d) 25% proposed by the Charlotte Business League and other minority groups.

4. Consideration of amendments to the Revised Relocation Plan.

The amendments as proposed by the Community Development and Housing Committee are to

(a) Change the title of Part V (Interim Project Management) Paragraph 4 (b) (Eviction Policy) to "Involuntary Relocation and Eviction Policy"

(b) Change the language in Paragraph 4b (iv) to read "Refusal to accept one of four (4) offers of accommodations meeting Housing and Urban Development-approved relocation standards"

The title change is proposed since the policy actually covers the involuntary relocation of persons who have been given an opportunity to choose relocation housing but refused it.

The second change gives direction to evict or involuntarily relocate persons who refuse to move after they have been shown at least four units that satisfy Housing and Urban Development regulations

Attachment No 1

Policy Formulation and Administration

5. Consideration of an ordinance designating the property known as "Independence Park" in the City of Charlotte, North Carolina, and recorded as Parcel Numbers 080-192-01 and 127-034-16, in the Mecklenburg County Tax Office, as historic property.

Staff is recommending that City Council adopt an ordinance that would exclude our having to apply for a Certificate of Appropriateness for future intersection improvements at Hawthorne Lane and Seventh Street, and construction of tennis courts on the present site of the maintenance facility.

The Historic Properties Commission has advised staff that they intend to stand by their original recommendation

Attachment No. 2.

6. Consideration of a resolution endorsing the formation and continuing work of the Human Services Liaison Committee.

By adopting this resolution City Council would agree to appoint a Council Member to serve on the Committee, and approve development of a human services classification system for Charlotte-Mecklenburg. An ad hoc committee was appointed by the Mayor, Chairman of the County Commission and President of United Community Services in March 1981.

Attachment No 3

7 Consideration of appointments to the following Commission and Corporation

(a) Tree Advisory Commission

The following nominations have been made for a vacant position

1) Copley Smoak, nominated by Councilmember Cox.
2) Jack McNeary, nominated by Councilmember Selden.

(b) Uptown Development Corporation

The following nominations have been made for Preston Allison's position

1) Jim Polk, nominated by Councilmember Selden
2) Herman E. Thomas, nominated by Councilmember Leeper

8. Recommend approval of appointments to the Employment & Training Advisory Committee to expire November 4, 1983, as nominated by City Council in meeting on September 14, 1981

(a) Dr. George Antonelli, nominated by Councilmember Chafin
(b) Vivian Galloway, nominated by Councilmember Frech.
(c) John Gresham, nominated by Councilmember Carroll
(d) Michael Raines, nominated by Councilmember Trosch.
(e) Ron Hair, nominated by Councilmember Frech.
(f) Mike Terrell, nominated by Councilmember Trosch.
(g) James Evans, nominated by Councilmember Dannelly
(h) Jerry Ledwell, nominated by Councilmember Frech.

BUSINESS AGENDA

9 Consideration of a contract agreement with Family Housing Services, Inc to provide a Home Management and Improvement Program

In mid-August, the Community Development Department asked the Family Housing Service Director to submit a budget with his needs for Fiscal Year 1982 The amount requested was $192,520. From this request Community Development staff negotiated with Family Housing, based on three budget requests that he submitted, finally arriving at a Community Development proposal of $116,000 Two other budget requests were discussed.

The three budget requests are shown below

(a) $116,000 to serve 1,115 persons, with a staff of 6 full time persons (FY-81 level of funding)
(b) $172,000 to serve 1,653 clients, with a staff of 9 full time positions (contractor's second choice).
(c) $192,520 to serve 1,851 clients, with a total of 10 full time staff positions (contractor's first choice)

Attachment No. 4

10. Recommend approval of requests to sell and/or serve beer and wine in the parks

(a) Request presented by W H Leavitt, employee of Proctor & Gamble, to serve beer and wine at their company picnic at Park Road Park, Shelter #1, on October 1, 1981, from 4 - 9 p m.

(b) Request presented by Ben B. Davis to serve beer at the annual picnic for the handicapped at the Marion Diehl Center, on October 3, 1981, from 1 - 6 p m

(continued)

10 (continued)

(c) Request presented by IBM to serve beer at their company picnic at Freedom Park, Shelter #1, and Little League Field #1, on September 25, 1981, from 4 30 - 10 p. m.

(d) Request presented by Michele P Hagen, employee of Rexham Corporation, to serve beer at a company picnic at Park Road Park, October 24, 1981 from 1 - 8 p m

(e) Request presented by Leo A Renz, Jr , Supervisor of Tenneco Oil Company, to serve beer at their company picnic at Methodist Home Park on October 3, 1981, from 12 - 7 p m.

(f) Request presented by Mr. Harold Maske, to serve beer and wine at a family picnic at Freedom Park, Shelter #3, on September 25, 1981, from 6:30 - 10 p m.

(g) Request presented by W. H. Parker, employee of Celanese, to serve beer at their company picnic at Park Road Park, Shelter #1 and #2, October 8, 1981, from 3 - 10 p. m.

(h) Request presented by Christine M Smith, Meetings, Inc , to sell beer at the Oktoberfest Celebration in Marshall Park, October 17, 1981, from 2 - 7 p m

Attachment No 5

11. Recommend adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Torrence B Wilkinson and wife, Emma H Wilkinson, McDonald Mortgage Company, cestui que holder, and W J. Kellam, Jr , et al, Trustees, located at 2645 Horseshoe Lane in the City of Charlotte, Mecklenburg County.

The City has been unable to reach an agreement with the owners for the purchase price. The City seeks a perpetual easement for a sanitary sewer plus a temporary construction easement in connection with the sanitary sewer to Wilmount Road.

* * * * * *

The City Attorney advises that Agenda Items No 12 through No 28 may be considered in one motion However, any member of Council may request an item be divided and voted on separately

* * * * * *

ITEM NO.

12 Recommend approval of the following bid items

(a) Award of contract to the low bidder, Vulcan Signs & Stampings, Inc., in the amount of $43,328, on a unit price basis, for aluminum and sign blanks for the Transportation Department

(b) Award of contract to the low alternate bidder, Signal Engineering Company, in the amount of $30,308, on a unit price basis, for traffic signal heads for the Transportation Department.

(c) Award of contract to the low bidder, Crowder Construction Company, in the amount of $230,086.98, on a lump sum basis, for Lakeview District Park, Project No 512-79-236, for the Engineering Department.

(d) Award of contract to the low bidder, General Tire & Rubber Company, in the amount of $142,240.57, on a unit price basis, for lease of transit mileage tires

(e) Award of contract to the low bidder, Pomona Pipe Products, in the amount of $63,809 90, on a unit price basis, for vitrified clay pipe for the Utility Department

(f) Award of contract to the low bidder, Chloride, Inc., in the amount of $41,975, on a unit price basis, for automotive batteries for various departments

(g) Award of contract to the low bidder, AJM Development & Utilities, Inc , in the amount of $20,760, on a unit price basis, for a 16-inch water main along N C 51 to serve Quail Hollow Center South, for Utility Department.

(h) Award of contract to the low bidder, Crowder Construction Company, in the amount of $18,173 15, on a unit price basis, for North Charlotte Community Development drainage improvements, Phase VII, for the Engineering Department

(i) Award of contract to the low bidder, Moretti Construction, Inc , in the amount of $35,000, on a lump sum price basis, for Eighth Street cul-de-sac centers for Engineering Department.

13. Recommend approval for a three-month extension of the interest rate payment on a Loan Agreement between the City of Charlotte and the Housing Authority

Approval will allow the Housing Authority to extend payment of interest only on the amount of $32,500 from October 1, 1981 to January 1, 1982, or later, in accordance with a loan agreement dated May 1, 1981 The proceeds of the loan were used by the Housing Authority of the City of Charlotte, to purchase from the City real property located at 831 East Eighth Street The extension is requested so that the proposed private buyer may take possession after approval of the uptown rezoning changes

14. Recommend the following actions for development of the commuter airline expansion and construction of taxiway improvements under the Airport Development Aid Program Act, 1981 apportionment

(a) Adopt resolution accepting grant offer to secure an additional $180,500 for aircraft parking ramp.

(b) Adopt resolution accepting grant offer to secure an additional $1,299,500 for extension of Taxiway "M" and construction of Fixed Base Operations Taxiway

(c) Adopt ordinances establishing the supplemental funds in the project accounts

15. Recommend the following actions for accommodation of commuter airline requirements at new airport terminal facility

(a) Approve change orders totaling $1,259,360 90

1) Contract - Paving and Lighting - Aircraft Ramps (80-277)

Eisenhour Construction Company
Award Date May 19, 1980
Contract Amount to Date $5,755,488 20
Change Order No 4 $427,317 90

This change order will provide for labor and materials required for the construction of 15,000 square yards of concrete ramp area to accommodate ten commuter aircraft parking positions.

(continued)

15 (continued)

2) Contract - Structural Steel (80-259)

Carolina Steel Corporation
Award Date May 5, 1980
Contract Amount to date $2,122,017.00
Change Order No 4 $6,517 00

This change order will provide for additional work to correct coordination items in the contract drawings.

3) Contract - General Construction (80-293)

Robert H. Pinnix Associates
Award Date· May 19, 1980
Contract Amount to date $12,650,362 00
Change Order No G-6 $812,113 00

This change order will provide for additional work or revised work scope in the Piedmont Airlines expansion, upgrading materials to reduce maintenance costs, and changes requested by the other airlines.

4) Contract - Plumbing Construction (80-294)

Alpha Mechanical, Inc.
Award Date May 19, 1980
Contract Amount to date $697,242 00
Change Order No. P-4 $12,913.00

This change order will provide for additional work or revised work scope requested by Piedmont on the East Concourse expansion, and changes requested to install trench drains and related piping in tenants' commissary

5) Contract - Fire Protection Contract (81-095)

Crawford Sprinkler Company
Award Date September 10, 1980
Contract Amount to date $247,237 00
Change Order No FP-3 $500.00

This change order will provide for the addition of six sprinkler heads as requested by the airlines

(b) Adopt an ordinance establishing funds in the amount of $3,436,349 54 to finance a tower line-of-sight clearing project, change orders, and owner's costs in the Passenger Terminal Complex.

16. Recommend adoption of a resolution amending the pay plan to change the pay range assignment for the classification of Police Data Processing Supervisor from Pay Range 22 to 23 ($21,792 - $27,813 annually)

The Personnel Department has completed a review of the Police Data Processing Supervisor position, Pay Range 22, and has identified a need to increase the pay range assignment due to increases in computer capacity, number of terminals and staff size.

* 17 Recommend approval of an ordinance amending Chapter 10 of the City Code entitled, "Health and Sanitation" to include Strict Liability for damage caused by hazardous waste. This ordinance has been reviewed and recommended for approval by the Environmental Health and Protection Committee. Adoption of this ordinance would

(a) Remove Mosquito Control from the City Code since this is now under County jurisdiction

(b) Prohibit disposal of hazardous waste upon private property without consent of the owner Hazardous waste is defined as any substance whose characteristics may create a substantial threat to human health or environment if mismanaged.

18 Recommend adoption of an ordinance amending Chapter 2 of the City Code to allow the Deputy City Attorney and Assistant City Attorneys to approve ordinances as to form

The proposed amendment would establish that ordinances may be approved as to form by the City Attorney, the Deputy City Attorney or an Assistant City Attorney, so that work is not delayed during the absence of the City Attorney

19 Recommend approval of the following loans for permanent financing to purchase property in the Fourth Ward Redevelopment Project Area

(a) Loan to John A G & Lindsay Welch Daniels, $78,200, for Unit #7, Sixth and Pine.
(b) Loan to Burton S Davis IV, $45,900, for Unit #415H, West Seventh Commons
(c) Loan to Alice J Diamond, $67,900, for Unit #7, Graham Court
(d) Loan to Janie Kay D Lawson & Robert L. Gaston II, $46,350, for Unit #60, Springfield Square

(continued)

19 (continued)

(e) Loan to Allison T Clark, $51,300, for Unit #33, St. Peter's Condominium
(f) Loan to Richard Vitollo, $57,550, for Unit #807, Manhattan on the Park
(g) Loan to Louis Webber, $52,150, for Unit #827, Manhattan on the Park
(h) Loan to Edward E Kimmeth, Jr , $57,550, for Unit #808, Manhattan on the Park.
(i) Loan to Stephen L. Drum, $45,900, for Unit #19, St Peter's Condominium.
(j) Loan to Lawrence D Weiner, $76,200, for Unit #4, Sixth and Pine.

The Community Development Department has received and reviewed loan applications prepared by the NCNB Mortgage Corporation The loan applications contain sufficient information to form the basis for approval of the loans

20 Recommend adoption of ordinances affecting housing declared unfit for human habitation

(a) Ordinance ordering the unoccupied dwelling at 3001 Reid Avenue demolished and removed
(b) Ordinance ordering the unoccupied dwelling at 2016-18 Kinney Street demolished and removed.
(c) Ordinance ordering the unoccupied dwelling at 223 Manley Street (Rear) demolished and removed.
(d) Ordinance ordering the occupied dwelling at 413 Campus Street vacated, demolished and removed

21 Recommend approval of contracts for the construction of water mains and/or fire hydrants, at no cost to the City

(a) Contract with Spaulding & Slye Corporation for construction of 1,080 feet of 8-inch water main and one (1) fire hydrant to serve Seventy Seven Executive Center, inside the city, at an estimated cost of $17,000

Located east of I-77 and north of Tyvola Road

(b) Contract with First Carolina Investors of Mecklenburg, Inc., for construction of 7,587 feet of 8-inch, 6-inch and 2-inch water main and five (5) fire hydrants to serve Park Crossing, Phase II, outside the city, at an estimated cost of $91,000

Located south of Sharon Road West, north of Highway 51, and west of Park Road.

(continued)

21 (continued)

(c) Contract with Red Roof Inns, Inc. for construction of 326 feet of 6-inch water mains and 345 feet of 2-inch water mains to serve Red Roof Inn, Inc., inside the city, at an estimated cost of $9,400

Located west of Mulberry Church Road, north of I-85

22. Recommend approval of property transactions, as follows

(a) Acquisition of 8 ± square feet of sanitary sewer right-of-way, plus temporary construction easement, from Jon P. Brady and wife, Gwen H. Brady, 4300 block of Wilmount Road, for a purchase price of $1 00, for sanitary sewer trunk to Wilmount Road

(b) Acquisition of 162.16 linear feet of sanitary sewer right-of-way, plus temporary construction easement, from Beatrice F Mayle, 3975 Sheffield Drive, for a purchase price of $1,000, for Edwards Branch trunk replacement.

(c) Acquisition of 201 65 linear feet of sanitary sewer right-of-way, plus temporary construction easement, from Norman E Marwitz and Dorothy S Marwitz, 1101 Torrington Avenue, for Edwards Branch trunk replacement

* 23. Recommend approval of modification to lease with J A Jones Construction Company at the airport.

City Council deferred action on this item on August 24 and September 14 due to questions raised by Councilmember Carroll.

The amendment is to contract the acreage based upon survey results Annual rental adjustments were postponed until the survey was completed J A Jones is now current for all increased payments

24 Recommend adoption of a resolution authorizing the refund of certain taxes in the total amount of $1,007 90 which were collected through clerical error or illegal levy against 28 tax accounts

25 Recommend confirmation of the following appointments to the Building Standards Board by the City Manager.

(a) Reappointment of J Ken Dowd for a three-year term
(b) Reappointment of J. Steve Browning for a three-year term.
(c) Appointment of Ben Weinreb representing the Electrical Advisory Board.

Chapter 5 of the City Code provides for the appointments by the City Manager subject to City Council approval

26 Recommend adoption of a resolution calling a public hearing on Monday, October 26, 1981, at 3 00 p m. in the Council Chamber, City Hall, to consider the designation of the John Jamison house and land associated therewith, at 802 Providence Road, as historic property

27 Recommend adoption of a resolution calling a public hearing on Monday, October 26, 1981, at 3 00 p m in the Council Chamber, City Hall, on Petition No 81-67 for a change in the text of the zoning ordinance

28 Recommend approval of the following contracts for operation of the Comprehensive Employment and Training Act (CETA) program in Charlotte, October 1, 1981 - September 30, 1982

(a) Contract with the Employment Security Commission of North Carolina in the amount of $479,591, for employment and training services and support activities relative to institutional training, on-the-job training and in-school work experience

This contract reflects a reduction in funded positions and the transfer of participant wage and salary administration back to the City

(b) Contract with the Employment Security Commission of North Carolina in the amount of $44,394, for administration services, including records maintenance and supervision

(continued)

28. (continued)

(c) Contract with the Charlotte-Mecklenburg Urban League in the amount of $209,402 to provide job assistance to 435 economically disadvantaged persons under Title VII, Private Sector Initiative Program (PSIP)

(d) Contract with Melvyn W. Labovitz and Associates in the amount of $18,000 to coordinate job development in the private sector.

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SCHEDULE OF MEETINGS
SEPTEMBER 28 THRU OCTOBER 9

Monday, September 28	Policy Agenda Luncheon Report on Community Development Activities and Options Training Center	12 00 Noon
	Citizens Hearing	2 00 p. m.
	Clean City Committee Annual Report	2·30 p. m.
	COUNCIL MEETING Council Chamber City Hall	3·00 p. m.
Monday, October 5	NO COUNCIL MEETING	

Attachments

Request for Council Action

Charlotte

September 15, 1981
Date

To ~~the City Manager~~

From Harry L. Jones, Sr., Director, Community Development Department

Action Requested Request the City Council at its September 28, 1981, meeting to consider amendments to the Revised Relocation Plan.

Council is requested to consider amendments to the Revised Relocation Plan. The amendments propose to accomplish the following:

- Change the title of Part V (Interim Project Management) Paragraph 4(b) (Eviction Policy) to "Involuntary Relocation and Eviction Policy".
- Change the language in paragraph 4b(iv) to read "Refusal to accept one of four (4) offers of accommodations meeting HUD-approved relocation standards".

The amendments have been proposed by the Community Development and Housing Committee in order to clarify by definition the meaning of "a reasonable number of offers of accommodations" as presently written in paragraph 4b(iv).

"EVICTION POLICY"

The "Eviction Policy" contained in the "Revised Relocation Plan" presently reads as follows, (the * indicates those parts to be changed by approval of the amendment).

*b. Eviction Policy - In accordance with applicable law, the eviction policy will be as follows: Eviction shall be used by the City only as a last resort and shall be undertaken only under one or more of the following circumstances:

i. The failure to pay rent except in those cases where the failure to pay is based upon the City of Charlotte's failure to keep the premises in habitable condition.

ii. Maintenance of a nuisance or use of the premises for illegal purposes.

iii. A material breach of the rental agreement.

*iv. Refusal to accept one of a reasonable number of offers of accomodations meeting HUD-approved relocation standards. (See p. 20- supra).

v. The eviction is required by State or local law, and cannot be prevented by the local agency.

The relocation method is intended to remove any necessity to resort to eviction proceedings. Eviction in no way will affect the eligibility of evicted displaced persons for relocation payments or the amount thereof.

Request for Council Action

Charlotte

To the City Manager

August 25, 1981
Date

From L. Paul Bobo, Assistant City Manager

Action Requested Consideration of an Ordinance designating Independence Park as an "historic property".

The Historic Properties Commission has proposed that Independence Park be designated an historic property.

The Division of Archives and History of the North Carolina Department of Cultural Resources has reviewed the proposal and recommends approval.

The proposal has been reviewed by City Departments to determine if there are any city projects existing or proposed, which would affect or be effected by this action.

Two proposed projects are in possible conflict.

1) Intersection improvements at Hawthorne Lane and Seventh Street; and

2) Construction of tennis courts on the present site of the maintenance facility.

Recommended Action. Staff recommends that the proposed ordinance be amended prior to approval to exclude the City from having to apply for a Certificate of Appropriateness for future intersection improvements needed for reasons of public safety and/or construction of tennis courts on the present site of the maintenance facility. Design of intersection improvements and tennis courts should, to the greatest extent possible, preserve the integrity of the park. Important historic and design considerations are the replacement of stone walls, the memorials, azalea bushes, and mature trees where possible

Department Review Process
For Historic Properties Designation

"Independence Park"

Findings:

Two proposed projects in possible conflict with historic designation

(1.) Intersection improvements at Hawthorne Lane and Seventh Street abutting Independence Park.

(2.) Construction of tennis courts on the present site of the maintenance facility.

Options:

(1.) Adopt the ordinance as originally proposed and then apply for Certificate of Appropriateness* in order to implement the above mentioned projects.

(2.) Adopt the ordinance with amendments to accommodate the above mentioned projects.

(3.) Reject the proposal.

RECOMMENDATION: (Based on a joint discussion with the Engineering Department and Department of Transportation.)

Amend the ordinance to exclude the City from having to apply for a Certificate of Appropriateness for future intersection improvements needed for reasons of public safety and/or construction of tennis courts on the present site of the maintenance facility. Design of intersection improvements and tennis courts should, to the greatest extent possible, preserve the integrity of the park. Important historic and design considerations are the the replacement of stone walls, the memorials, azalea bushes, and mature trees where possible.

*Denial of a certificate of appropriateness could delay the construction starting date for up to 180 days.

COMMENT SUMMARY

Building Inspection - No Comment

Community Development - No Comment

Engineering - Proposed street widening projects on Seventh Street and Hawthorne Lane will be affected by the proposed designation.

Parks and Recreation - Conversion of old Maintenance Facility to office space and citizen meeting rooms and construction of tennis courts are possible conflicts.

Planning Commission - Elizabeth Neighborhood Plan calls for the preservation of Independence Park and historic designation is a positive step towards implementation of plan objectives.

Transportation - The options associated with the proposed long range plan for Seventh Street and Hawthorne Lane should not be limited by historic designation.

Utility - No proposed new projects. The existing water and sewer mains in the park must be maintained by CMUD.

LPB
hold 3/16
file
Council deferred
until June 16
you assured
to Martin
to write

October 2, 1980

Dr. Dan L. Morrill, Director
Charlotte-Mecklenburg Historic Properties Commission
3500 Shamrock Drive
Charlotte, NC 28215

Dear Dr. Morrill:

We have reviewed the Commission's report on Independence Park and would like to take this opportunity to comment.

The staff concurs in the designation of the surviving sections of the park, as indicated on maps three and four of your report. We feel that these portions do retain special significance in terms of the early landscape design of Charlotte and as an example of the work of noted planner and landscape architect, John Nolen. However, we would like to point out for your information that there appear to be discrepancies between the facts presented in the two essays concerning the origins of the park.

In item six of the report it is stated that Mr. Daniel Augustus Tompkins was responsible for the establishment of Independence Park, and the essay goes into great detail about his involvement. Mr. Boyte's essay states that the park was created when the city drained a reservoir, with no mention of Mr. Tompkins. We feel that a little further editing of the two sections concerning the historical development of the park is needed and will alleviate the contradictions. Aside from this, we feel this is a good local property designation.

Thank you for your continued cooperation.

Sincerely,

Larry E. Tise
State Historic Preservation Officer

LET/fr

OFFICIAL FILE COPY

Charlotte Mecklenburg Historic Properties Commission

MEMO TO: Mr. Paul Bobo, Assistant City Manager
City of Charlotte

FROM: Dr. Dan L. Morrill, Director DLM
Historic Properties Commission

RE: Proposed Designation of Independence Park

DATE: September 16, 1981

I have received a copy of the inter-office communication dated July 31, 1981, to you regarding departmental review of the proposed designation of Independence Park.

This is to request that the recommendation of the Historic Properties Commission be presented to City Council so that City Council can act upon it.

This is to inform you that the Historic Properties Commission has instructed me to explain that the Commission shall stand by its original recommendation.

DLM

DLM JM

3500 SHAMROCK DRIVE CHARLOTTE N C 28215 (704) 332 2726

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS "INDEPENDENCE PARK", IN THE CITY OF CHARLOTTE, NORTH CAROLINA, AND RECORDED ON PARCEL NUMBERS 080-192-01 AND 127-034-16, IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3B, Article 19, Chapter 160A, as amended of the General Statutes of North Carolina have been met, and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at the joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the _____ day of _____, 19____, on the question of designating the property known as "Independence Park" as historic property, and

WHEREAS, "Independence Park" is the oldest public park in the City of Charlotte, and

WHEREAS, "Independence Park" was designed by John Nolen, a renowned landscape architect, and

WHEREAS, Daniel Augustus Tompkins, leading New South prophet in Charlotte was instrumental in the establishment of Independence Park, and

WHEREAS, the property known as "Independence Park is vested in fee simple to the City of Charlotte.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Charlotte, North Carolina:

1. That the property known as "Independence Park", being more specifically that portion of the Park situated eastward from Independence Boulevard, but excluding all buildings situated thereon, is hereby designated as historic property pursuant to Part 3B, Article 19, Chapter 160A, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated on a tract of property as recorded on Parcel Numbers 080-192-01 and 127-034-16 in the Tax Office of Mecklenburg County, North Carolina.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a certificate of appropriateness by the Charlotte-Mecklenburg Historic Commission, except that the city of Charlotte shall not be required to apply for or to have a certificate of appropriateness for (a) undertaking street widening and intersection improvements at Hawthorne Lane and Seventh Street or (b) constructing tennis courts on the present site of the maintenance facility. Nothing in the adoption of this ordinance shall preclude or delay the city of Charlotte from undertaking the street improvements or construction of the tennis courts, both of which are described above in this section. An application for a certificate of appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certificates to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

5. That the owners and occupants of the property known as "Independence Park" be given the notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of Deeds and the Tax Supervisor as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 29, Part 3B, and any amendments to it and any amendments hereinafter adopted except that there shall be no requirement for a certificate of appropriateness for the intersection improvements at Hawthorne Lane and Seventh Street and the construction of tennis courts on the present site of the maintenance facility.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

A RESOLUTION ENDORSING THE FORMATION AND CONTINUING WORK OF THE HUMAN SERVICES LIAISON COMMITTEE

WHEREAS, there exists a need for liaison between the City Council, Board of County Commissioners, and United Community Service Board relative to human service needs in Charlotte/Mecklenburg.

AND WHEREAS, the Committee was charged with responsibility to work with the staffs of the City, County and UCS to develop an overview of the public and private human services of Charlotte/Mecklenburg including an inventory of all programs and funding sources and to recommend on possible areas of further cooperation and joint action on human service programs and issues to the sponsoring bodies,

AND WHEREAS, the Liaison Committee is to be supported by appropriate staff from the City, County and UCS.

THEREFORE, be it resolved that the City Council (etc.) approves the formation and continuing work of the HSLC.

BE IT FURTHER RESOLVED, a member of City Council will serve on the HSLC.

BE IT FURTHER RESOLVED, City Council approves the objective of developing a service classification system for all human services agencies in Charlotte/Mecklenburg and that the City, County and UCS administrators will develop a plan for such a system of classification including a method and timetable and report to their respective policy making bodies.

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of September, 1981 in Resolution Book _____.

WITNESS my hand and the coprorate seal of the City of Charlotte, North Carolina, this the _____.

_____
Ruth Armstong, City Clerk

(4)

CITY OF CHARLOTTE
INTER-OFFICE COMMUNICATION

DATE September [illegible]

TO C Don Steger
Assistant City Manager

FROM Harry [illegible]ores, Sr
Community Development

SUBJECT Family Housing Services Contract

The contract requires that Family Housing Services provide four services, principally and primarily for Neighborhood Strategy Area residents

1. Improve the condition of owner and tenant occupied homes, the stability and home management skills of not less than 1115 Greater Charlotte Area families by providing professional individual or group counseling and/or consumer education in one or more of the service areas described under Program Operation.

2. Reduce by not less than 35% the number of homeowner mortgage defaults and foreclosures and the number of tenant delinquencies and evictions among Greater Charlotte Area residents assisted for this purpose.

3. Provide not less than 4 series of Consumer Education classes during the contract year.

4. Initiate services to NSA residents referred by the Community Development and Neighborhood Centers Department for general counseling services within one week after receiving a referral for such services from either of the departments.

The FY 81 Family Housing Services contract was for $116,000. However, because of loss of Federal funds, FHS requested an additional $16,281, which was granted for a total of $132,281 for 81. This proposed contract is for $116,000.

A program evaluation prepared by the Budget and Evaluation Department indicates the program exceeded all four of its contract objectives during the nine months covered by the evaluation.

Approval of the contract is necessary in order to continue an existing Home Management and Improvement Program The program is designed to improve the condition of owner and tenant occupied homes, the financial stability and home management skills of Greater Charlotte Area families.

BUDGET AND EVALUATION DEPARTMENT REPORT

GENERAL REVENUE SHARING PROGRAM EVALUATION

NAME OF PROGRAM: HOME MANAGEMENT AND HOME IMPROVEMENT

PERIOD COVERED: October 1, 1980 - June 30, 1981

DATE PREPARED: August 19, 1981

CONTRACTOR: Family Housing Services, Inc.

SUMMARY:

- The contract was approved by City Council on September 22, 1980 for $116,000. An amendment was approved on June 1, 1981 retroactive to May 1, 1981 to add $16,281 to the contract budget to offset the loss of funding from a HUD contract with the Contractor, bringing the total budget under the City contract to $132,281.

- During the nine months covered by this evaluation, the program served 1,727 different clients. The Contractor served an average of 576 clients per quarter, of which 44% were Neighborhood Strategy Areas.

- During this 10-month period, program expenditures totaled $86,468.89, or 65% of the amount budgeted.

- The cost per client was $50.04, or $25.51 per hour of service. This cost figure is 34% lower than last year's cost per client.

MAJOR FINDINGS:

1. The program has exceeded all four of its contract objectives. (See ACHIEVEMENT OF OBJECTIVES.)

2. The program has exceeded its client goal by 432%. (See Table 1 for a breakdown by types of service provided.)

3. The program has an excellent system of tracking clients. The quarterly reports provide information regarding the type of service provided, the number of service units and hours of service provided, and final disposition or current status of the client.

4. Consumer Education continues to comprise the largest single category of service provided, 55% of the total number of persons served by the program. However, even without the Consumer Education component, the program met its client goal. Mortgage Default Counseling was the next largest category of service (20%), followed by Pre-Purchase Counseling (8%), Pre-Occupancy Counseling (6%), Landlord-Tenant Problems (6%), Information, Advice and Assistance (2%), Rental Delinquency Counseling (2%) and Home Improvement/Rehabilitation (1%). (See Table 1.)

5. Even with the continued emphasis on Consumer Education, the expenditures for this service comprised only 10% of the total program budget. (See Objective No. 3 for further details.)

6. Program expenditures are no longer based on service units, but are made according to a line-item budget for the program. Therefore, measurement of performance by service units is no longer meaningful and will be deleted from future contracts. Performance measures will be based on the number of persons served and the hours of service provided.

7. Of the 380 persons receiving counseling for mortgage or rental delinquencies, 83% are achieving positive results. (See Table 2 and Objective No. 2 for further details.)

ACHIEVEMENT OF OBJECTIVES:

1. IMPROVE THE CONDITION OF OWNER AND TENANT OCCUPIED HOMES, THE FINANCIAL STABILITY AND HOME MANAGEMENT SKILLS OF NOT LESS THAN 400 GREATER CHARLOTTE AREA RESIDENTS BY PROVIDING NOT LESS THAN 4,220 SERVICE UNITS (CONTACTS WITH OR ON BEHALF OF A CLIENT) OF PROFESSIONAL INDIVIDUAL OR GROUP COUNSELING AND/OR CONSUMER EDUCATION IN ONE OR MORE OF THE SERVICE AREAS DESCRIBED UNDER PROGRAM OPERATION.

   Through the third quarter, a total of 1,727 clients (432% of objective) were served by the program. A total of 2,730 service units (65% of objective) were provided.

2. REDUCE BY NOT LESS THAN 35% THE NUMBER OF HOMEOWNER MORTGAGE DEFAULTS AND FORECLOSURES AND THE NUMBER OF TENANT DELINQUENCIES AND EVICTIONS AMONG GREATER CHARLOTTE AREA RESIDENTS ASSISTED FOR THIS PURPOSE.

   Of the 343 persons assisted for mortgage delinquencies, 292 (85%) are achieving positive results. Only 2 (.6%) experienced foreclosure, 41 (12%) terminated counseling without improving their situation and 8 (2%) sold their homes.

   Of the 37 persons assisted for rental delinquency, 11 (30%) are now current and 12 (32%) still being assisted and are achieving positive results. Only 4 (11%) moved because of their delinquency and 10 (27%) terminated counseling without improving their situation.

3. PROVIDE NOT LESS THAN 4 CONSUMER EDUCATION CLASSES, DURING THE CONTRACT YEAR.

   Numerous Consumer Education classes were held during the year, serving a total of 947 persons (55% of all persons served under this contract). The cost for this service, however, is less than 10% of the total budget. The cost of the classes averages $14.78 per person or $6.97 per hour. The classes appear to be very well received. Classes have covered a wide variety of topics including: budgeting, ways older persons might earn extra money, understanding types of life insurance and insurance terminology, making funeral arrangements, law and the older person, how and when to see a lawyer, how to make complaints on defective products, the latest fraud schemes, and many other useful topics.

4. INITIATE SERVICES TO COMMUNITY DEVELOPMENT AREA RESIDENTS REFERRED BY THE COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CENTERS DEPARTMENTS FOR GENERAL COUNSELING SERVICES WITHIN ONE WORK WEEK AFTER RECEIVING A REFERRAL FOR SUCH SERVICES FROM EITHER OF THESE DEPARTMENTS.

Only 12 persons were referred to the Contractor by the Community Development and Neighborhood Centers Departments. In all cases, the Contractor began working with these persons within one week of the referral, averaging 3.6 days from the time of referral to the initiation of counseling.

FAMILY HOUSING SERVICES

Performance Data
through
Third Quarter

	Pre-Purchase Counseling	Pre-Occupancy Counseling	Mortgage Default Counseling	Rental Delinquency	Landlord-Tenant Problems	Home Improvement/ Rehab	Consumer Education	Information, Advice & Assistance	TOTAL
SERVICE UNITS									
Total Service Units =	298(10.9%)	291(10.7%)	1166(42.7%)	138(5.1%)	241(8.8%)	17(.6%)	507(18.6%)	72(2.6%)	2730(100%)
No. of Clients =	139	96	343	37	107	17	947	41	1727
Service Units per Client =	2.1	3.0	3.4	3.7	2.3	1.0	.5	1.8	1.6
HOURS									
Total Hours =	200(5.9%)	150(4.4%)	742(21.9%)	71(2.1%)	160(4.7%)	12(.4%)	2010(59.3%)	44(1.3%)	3389(100%)
No. of Clients =	139	96	343	37	107	17	947	41	1727
Hours per Client =	1.4	1.6	2.2	1.9	1.5	.7	2.1	1.1	2.0
% OF TOTAL CLIENTS	8.0%	5.5%	20.0%	2.1%	6.2%	1.0%	54.8%	2.4%	100%

Table 2

RESULTS OF COUNSELING FOR MORTGAGE

AND RENTAL DELINQUENCIES

RESULTS	MORTGAGE		RENTAL	
	No.	%	No.	%
Forebearance	9	2.6	-	-
Reinstatement	77	22.4	-	-
Assignment	1	.3	-	-
Case Still Open	205	59.8	10	27.0
Rent Current	-	-	11	29.8
Rent Payment Plan	-	-	2	5.4
Moved - Delinquent	-	-	4	10.8
Client Termination	41	12.0	10	27.0
Sold House	8	2.3	-	-
Foreclosure	2	.6	-	-
TOTALS	343	100.0	37	100.0

Request for Council Action

Charlotte

To the City Manager M F. Billups, Jr. September 9, 1981
Date

From Marvin F. Billups, Jr., Director, Parks and Recreation Dept.

Action Requested Recommend approval of the request presented by W.H. Leavitt, employee of Procter & Gamble, to serve beer and wine at their company picnic at Park Road Park, Shelter #1, on October 1, 1981, from 4 00 p.m. to 9 00 p.m.

By letter, W.H. Leavitt is requesting permission to serve beer and wine at Park Road Park during their company picnic.

Applied in writing 21 days in advance.

Approximately 3 cases of beer and 1 magnum of wine will be served.

Dispensing will be supervised by W.H. Leavitt at the picnic shelter #1.

Dispensing will be from 4 00 p.m to 9 00 p.m.

Control measures will insure that all ABC regulations will be followed and no one under the age of 18 will be served. Supervision of enforcement will be by W.H. Leavitt.

Parks and Recreation Department recommends approval.

Request for Council Action

Charlotte

To the City Manager M. F. Billups, Jr. September 9, 1981
Date

From Marvin F. Billups, Jr., Director, Parks and Recreation Dept.

Action Requested Recommend approval of the request presented by Officer Ben B. Davis, Charlotte Crime Prevention Bureau, to serve beer at the annual picnic for the handicapped at the Marion Diehl Center, on October 3, 1981, from 1 00 p.m. to 6:00 p.m.

By letter, Officer Ben B. Davis is requesting permission to serve beer at the Marion Diehl Center during their annual picnic for the handicapped.

Applied in writing 21 days in advance.

Approximately 4 cases of beer will be served.

Dispensing will be supervised by Officer Ben B. Davis and Sgt. F.P. Toomey.

Dispensing will be from 1 00 p.m. to 6·00 p.m.

Control measures will insure that all ABC regulations will be followed and no one under the age of 18 will be served. Supervision of enforcement will be by Officer Ben B. Davis and Sgt. F.P. Toomey.

Parks and Recreation Department recommends approval.

Request for Council Action

Charlotte

To the City Manager J. F. Billups, Jr. September 4, 1981
Date

From Marvin F. Billups, Jr., Director, Parks and Recreation Dept.

Action Requested Recommend approval of the request presented by IBM to serve beer at their company picnic at Freedom Park Shelter #1 and Little League Field #1, on September 25, 1981, from 4 30 p.m. to 10 00 p.m.

By letter, IBM Corporation, is requesting permission to serve beer at Freedom Park during their company picnic.

Applied in writing 21 days in advance.

Approximately 1 keg of beer will be served.

Dispensing will be supervised by R.M. Chittenden, Manager, Department 72L/662, IBM Corporation, at the Picnic Shelter and Little League Field.

Dispensing will be from 4.30 to 10 00 p.m.

Control measures will insure that all ABC regulations will be followed and no one under the age of 18 will be served. Supervision of enforcement will be by R.M. Chittenden and Judith A. Zielinski.

Parks and Recreation Department recommends approval.

Request for Council Action

Charlotte

To the City Manager M F Billups Jr September 11, 1981
Date

From Marvin F. Billups, Jr., Director, Parks and Recreation Dept.

Action Requested Recommend approval of the request presented by Michele P. Hagen, employee of Rexham Corporation, to serve beer at a company picnic at Park Road Park, October 24, 1981, from 1 00 p.m. to 8 00 p.m.

By letter, Michele P. Hagen, Personnel Manager of Rexham Corp., is requesting permission to serve beer at Park Road Park during their company picnic.

Applied in writing 21 days in advance.

Approximately 2 kegs of beer will be served.

Dispensing will be supervised by Michele P. Hagen.

Dispensing will be from 1 00 p.m. to 8 00 p.m.

Control measures will insure that all ABC regulations will be followed and no one under the age of 18 will be served. Supervision of enforcement will be by Michele P. Hagen.

Parks and Recreation Department recommends approval.

Request for Council Action

Charlotte

To the City Manager M F Billups, Jr — September 11, 1981 (Date)

From Marvin F. Billups, Jr., Director, Parks and Recreation Dept.

Action Requested Recommend approval of the request presented by Leo A. Renz, Jr., Supervisor of Tenneco Oil Company, to serve beer at their company picnic at Methodist Home Park on October 3, 1981, from 12 00 noon to 7:00 p.m.

By letter, Mr. Leo A. Renz, Jr. is requesting permission to serve beer at Methodist Home Park Picnic Shelter during a company picnic.

Applied in writing 21 days in advance.

Approximately 1 keg of beer will be served.

Dispensing will be supervised by Mr. Leo A. Renz, Jr. at the picnic shelter.

Dispensing will be from 12·00 noon to 7.00 p.m.

Control measures will insure that all ABC regulations will be followed and no one under the age of 18 will be served. Supervision of enforcement will be by Mr. Leo A. Renz, Jr.

Parks and Recreation Department recommends approval.

Charlotte

Request for Council Action

To the City Manager M. F. Billups, Jr.

From Marvin F. Billups, Jr., Director, Parks and Recreation Dept. September 4, 1981 Date

Action Requested Recommend approval of the request presented by Mr. Harold G. Maske, to serve beer and wine at a Family Picnic, at Freedom Park, Shelter #3, on September 25, 1981, from 6 30 p.m. to 10 00 p.m.

By letter, Mr. Harold G. Maske is requesting permission to serve beer and wine at a family picnic.

Applied in writing 21 days in advance.

Approximately 1 case of beer and 2 bottles of wine will be served.

Dispensing will be supervised by Mr. Harold G. Maske at Shelter #3, Freedom Park.

Dispensing will be from 6.30 p.m. to 10.00 p.m.

Control measures will insure that all ABC regulations will be followed and no one under the age of 18 will be served. Supervision of enforcement will be by Mr. Harold G. Maske.

Parks and Recreation Department recommends approval.

Request for Council Action

Charlotte

To the City Manager M F Billups Jr. September 17, 1981
Date

From Marvin F. Billups, Jr., Director, Parks and Recreation Dept.

Action Requested Recommend approval of the request presented by W.H. Parker, employee of Celanese, to serve beer at their company picnic at Park Road Park, Shelter 1 and 2, October 8, 1981, from 3 00 p.m. to 10 00 p.m.

By letter, W.H. Parker is requesting permission to serve beer at Park Road Park, Shelters 1 and 2, during a company picnic for Celanese Corp.

Applied in writing 21 days in advance.

Approximately 10 cases of beer will be served.

Dispensing will be from Shelters 1 and 2, supervised by W.H. Parker.

Dispensing will be from 3 00 p.m. to 10 00 p.m.

Control measures will insure that all ABC regulations will be followed and no one under the age of 18 will be served. Supervision of enforcement will be by W.H. Parker.

Parks and Recreation Department recommends approval.

Request for Council Action

Charlotte

To the City Manager M. F. Billups, Jr. September 17, 1981
Date

From Marvin F. Billups, Jr., Director, Parks and Recreation Dept.

Action Requested Recommend approval of the request presented by Christine M. Smith, Meetings, Inc., to sell beer at the Oktoberfest Celebration in Marshall Park, October 17, 1981, 2 00 p.m. to 7 00 p.m.

By letter, Christine M. Smith, Meetings, Inc., is requesting permission to sell beer at Marshall Park, during the Oktoberfest Celebration.

Applied in writing 21 days in advance.

Approximately 3 kegs of beer will be for sale.

Dispensing will be supervised by Ms. Christine M. Smith.

Dispensing will be from 2 00 p.m. to 7 00 p.m.

Control measures will insure that all ABC regulations will be followed and no one under the age of 18 will be served. Supervision of enforcement will be by Ms. Christine M. Smith.

ABC Permit and all City Permits will be required by Meetings, Inc.

Parks and Recreation Department recommends approval.

PROPOSED

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION (EEO/AA)

AND

MINORITY/WOMEN'S BUSINESS ENTERPRISE (M/WBE) PLAN

FOR

CONSTRUCTION AND PROCUREMENTS

CITY OF CHARLOTTE

September 15, 1981

SUMMARY

PROPOSED EEO/AA AND M/WBE PLAN FOR CONSRUCTION AND PROCUREMENTS CITY OF CHARLOTTE

Responding to the requirements of several federal grant programs, the City has adopted EEO/AA and M/WBE procedures for those federally financed construction and procurements programs. Most notable, is the M/WBE program being utilized in the construction of the new airport terminal. This proposed plan extends those procedures presently being utilized by the Airport, Transportation and Utility Departments to all City construction and procurement programs to the extent permitted under state law.

Administration

Ultimate responsibility for implementation of the plan is assigned to the City Manager, who will designate an Assistant City Manager to be responsible for coordinating and managing the program. Department heads responsible for contracting the construction and procurement programs will be fully responsible to the Assistant City Manager for implementing the program. The City Attorney, Community Relations, Community Development and Personnel will provide specified staff services (B, p. 1; I, p. 19).*

Data Bank

A Data Bank of M/WBE capabilities in Charlotte and in those areas from which the City generally seeks business participation will be created. These data will guide future development of goals and will be utilized by the City and private businesses in efforts to increase M/WBE participation (D-1, p. 3).

Bid Procedures

Construction and procurement programs will be segmented so as to provide maximum opportunity for M/WBE participation. The City will identify as early as possible the timing of bid requests and will give notice to potential bidders when to expect bids to be advertised. When bids are advertised all reasonable means will be used to notify M/WBEs of the opportunities available (D-7, p. 6). Pre-bid conferences will be held with potential bidders to explain M/WBE requirements and other terms and conditions. Workshops will be held to acquaint M/WBEs with bidding procedures and to provide assistance in preparation of estimates, procuring of surety bonds, and familiarization with legal requirements (D-4 and 5, p. 3).

Use of Goals

The City will set as a goal a percentage of the total dollar value of construction and procurement contracts to be procured from M/WBE contractors, distributors, and producers.

Separate goals for both minority and women's business enterprises will be set in both construction and procurement programs (D-6, p. 4).

*References are to the Proposed EEO/AA and M/WBE Plan for Construction and Procurements, City of Charlotte, September 15, 1981.

Construction Goals

Based upon the type of contract to be awarded and a projection of the number and types of M/WBEs likely to be available to compete, appropriate goals will be set for individual projects.

When stipulated by federal regulations, bidders will be required to subcontract a percentage of the total value of the contract with M/WBEs or demonstrate that a reasonable effort to do so has been made (D-10, p. 9).

When federal regulations do not apply, bidders will be required to reach goals or demonstrate a reasonable effort to provide equal opportunity for M/WBE participation if they utilize subcontracts (D-6, p. 5).

Procurement

The purchasing Department will conduct its programs in a manner designed to reach the goals established by the Plan.

When bids are made to the City that do not include products of M/WBEs and such are known by the City or the distributor to be available, the distributor will be required to show it has made its best faith efforts to provide equal opportunity to M/WBE producers of equipment and services (J-9, p. 26).

Contract Selection

All EEO/AA and M/WBE requirements will be stipulated in bid requests. These requirements will be considered with the other stipulated terms and conditions in determining responsive bidders. The contract will be awarded to the lowest responsive and responsible bidder (D-12, p. 13; J-11, p. 27).

Contract Compliance

Contracting departments will be responsible for monitoring the EEO/AA and M/WBE requirements of contracts as well as the other terms and conditions of the contract. Noncompliance with these conditions will constitute a breach of contract subjecting the contractor to appropriate remedies (G-7, p. 18).

Community Relations will review contracting departments' compliance activities and make recommendations for needed changes (I-4, p. 22).

Other Provisions

Maximum opportunity for the use of services provided by M/WBE banks and insurance brokers will be provided (E, p. 16).

Appropriate records will be maintained (H, p. 18).

Community Development will provide a variety of technical assistancce to M/WBEs: assistance in the preparation of bids, loan packages, securing of financing and general management assistance (I-5, p. 22).

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A. POLICY STATEMENT

It is the policy of the City of Charlotte to provide minorities and women equal opportunity for participating in all aspects of the City's contracting and procurement programs, including but not limited to employment, construction development projects, materials/services contracts and/or lease agreements. It is further the policy of the City of Charlotte to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, color, national origin, religion, sex, age, handicap or veteran's status. It is further the policy of the City of Charlotte to conduct its contracting and procurement programs so as to prevent such discrimination and to resolve any and all claims of such discrimination. This policy will be coordinated by the Assistant City Manager for Minority/Women's Business Enterprise (M/WBE) and implemented by the Director of Purchasing, City departments administering construction programs and those City departments providing staff services to the M/WBE effort. Circulation of this policy statement will include City of Charlotte department heads, local newspapers, M/WBE newspapers, M/WBE trade associations, technical assistance agencies and minority economic development groups.

_____

Mayor, City of Charlotte

B. ADMINISTRATION OF THE M/WBE PLAN

The City manager is hereby authorized to take all usual and legal administrative actions necessary to implement this plan. Notwithstanding any specific assignment contained in the plan, the ultimate responsibility for its administration is assigned to the City Manager.

The City Manager will designate an Assistant City Manager for M/WBE to be responsible for coordinating and managing this program. Except for those staff services specifically assigned by this plan to other departments, the heads of those departments responsible for construction and the Director of Purchasing shall be fully responsible to the Assistant City Manager for M/WBE for implementing the EEO/Affirmative Action and Minority/Women's Business Enterprise Plan (M/WBE).

As described in this plan, the following departments shall provide staff services to the operating departments: City Attorney, Community Development, Community Relations and Personnel.

This plan shall apply to all construction and procurement programs administered by the City of Charlotte, except for the Airport Construction program managed by Day and Zimmerman, Inc. The provisions of this plan take precedence over any departmental plans or procedures in conflict herewith, except for specific requirments mandated by the terms or conditions of agreements in force between the City and the federal government or the State of North Carolina that require different procedures than those described in this plan. Such federal regulations are outlined in the appendices to this plan.

C. OBJECTIVES

The objectives of the M/WBE Plan are:

- To provide minorites and women equal opportunity for participating in City construction, contracting and procurement programs.

- To provide procedures that will enable the City to fulfill requirements of the federal and state governments related to equal employment opportunity/affirmative action in its construction and procurement programs.

- To provide procedures that will enable the City to fulfill requirements of the federal and state governments related to minority and women's business enterprise participation in its construction and procurement programs.

- To provide procedures for monitoring compliance with equal employment opportunity/affirmative action, and M/WBE requirements of City contracts.

- To provide procedures for the resolution of complaints of discrimination made against businesses holding construction or equipment/services contracts with the City.

It is not the intent of this plan to provide information or other opportunities to M/WBEs that will not be available to all business enterprises. It is the intent of this plan to establish procedures designed to assure M/WBEs access to information and opportunities available to other business enterprises.

It is not the intent of this plan to establish procedures that will increase the cost of the City's construction and procurement programs. It is the intent of this plan to widen opportunities for participation, increase competition, and reduce costs.

To realize the objectives of this plan the City has stated the various responsibilities it will undertake and has stated the responsibilities of those that will contract with the City in its construction and procurement programs. Additionally, the City urges all M/WBEs to fully utilize the opportunities this plan seeks to ensure and to accept the following responsibilities:

1. Participation in training opportunities when needed.

2. Prompt and competitive responses to requests for quotations, and

3. Provision of training and employment to the hard-core unemployed.

D. PROCEDURES TO ENSURE EQUAL OPPORTUNITY FOR M/WBE PARTICIPATION IN CITY CONSTRUCTION PROGRAMS*

* Unless clearly applicable only to construction programs, general provisions for bidding and contracting will apply to both construction and procurement programs and are not repeated in Section J.

1. M/WBE Availability Data Bank

A data bank describing capabilities of M/WBEs in Mecklenburg County, the State of North Carolina, the Southeast and, if necessary, in wider geographical areas, will be maintained.

The following types of information will be maintained on each M/WBE firm: name of business, address, telephone number, services, products or capabilities of the firm, types of work the firm is interested in performing, willingness of the firm to participate in joint ventures, licensing and bonding information, and projects recently completed and currently underway.

This information will be used to notify M/WBEs of opportunities for participation in City programs and to provide other business enterprises with contacts for subcontracting and joint ventures with M/WBEs.

All businesses wishing to participate in the City's M/WBE program will be requested to provide information needed by the City to certify such firms as City-recognized M/WBEs.

2. Preparation of Bid Packages

Where prudently possible, bid packages will be subdivided into contractual and subcontractual work elements small enough to make possible maximum M/WBE participation at both contractual and subcontractual levels, except that bid packages shall not be so divided as to violate state law.

3. Advertising for Bids

Whenever possible, a period of at least 30 days will be given between advertising and receiving bids to provide M/WBEs adequate time to obtain bonding and any needed technical assistance.

4. Pre-Bid Conference

Pre-bid conferences will be conducted for potential prime and subcontract bidders. Technical aspects of the contract and EEO/AA and M/WBE requirements of the contract will be explained and questions answered. Lists of M/WBEs who may have interest in subcontract work will be supplied to potential bidders.

5. M/WBE Workshops

Workshops will be conducted by the administering departments in conjunction with Community Relations to acquaint M/WBE firms with bidding procedures, construction procedures, technical specifications and other requirments involved in performing City contracts.

Additional workshops will be conducted to assist M/WBEs interested in becoming licensed contractors. Assistance will be given in the preparation of estimates, the understanding of legal requirements, the procuring of surety bonds and familiarization with statutes governing public contracts.

6. Use of Goals

Goals will be established for M/WBE participation in City Contracts.

Goals will be based upon the type of contract to be awarded and a projection of the number and types of M/WBEs likely to be available to compete for contracts. M/WBEs in the same georgraphic area in which contractors or subcontractors generally are to be solicited shall be considered in the setting of goals. Separate goal will be set for firms owned and controlled by minorities (MBEs) and for firms owned and controlled by women (WBEs).

For FY 82 the following goals are established:

Goal for MBE participation in City construction projects____
Goal for WBE participation in City construction projects____

Goal for MBE participation in City procurement programs___
Goal for WBE participation in City procurement programs___

Goals for each continuing construction program (such as sidewalk construction, street repair or pavement) will be set by City Council at the beginning of each fiscal year upon recommendation of the City Manager. Should circumstances require variance from this goal, the director of the contracting department will set differing project goals so that the overall program goal will be achieved by the end of the fiscal year.

Overall goals for distinct construction projects such as the proposed transit mall will be set by City Council upon recommendation of the City Manager. Goals for each bid package will be set by the director of the contracting department so that the total project goal set by City Council will be met.

The City will publish a notice announcing annual construction program goals and overall goals for distinct projects and announcing that a description of how they were determined will be available for inspection during normal business hours at the Office of the City Clerk for 30 days following the date of the notice, and informing the public that the City and appropriate federal agencies will accept comments on the goals for 45 days from the date of the notice. The notice will include addresses to which comments may be sent, and will be published in a newspaper of general circulation and in any available minority focus newspaper and in trade association publications, and will state that the comments are for informational purposes only. A copy of the form for a public notice is shown in the Appendix.

Each contractor will be required to use its best efforts to ensure that M/WBEs shall have an equal opportunity to participate in the performance of contracts and subcontracts associated with the City.

In advertising for procurement and construction bids, the City shall specify as a goal a percentage of the total dollar value of the contract to be subcontracted to M/WBEs.

The City shall require all bidders to submit with their bids the names of M/WBE subcontractors with whom the bidder will subcontract, a description of the work each is to perform, and the dollar value of each proposed M/WBE subcontract. (When federal regulations so require, this information will be furnished within a reasonable time of the opening of the bids at a time specified in the instructions for bids.) If the proposed subcontractors with M/WBEs do not meet the goals established in the solicitation for bids, the bidder will document its reasonable and best faith efforts to provide M/WBE subcontractors an equal opportunity to participate in the contract by providing with the bid all of the information described in Section D-10 of this plan. When required by federal regulations, this information will be provided at a time following the receiving of bids. The City shall set the time at which bidders are required to submit this information and inform bidders of this time in the instructions for bids.

All contracts and purchase agreements shall contain a provision that all documents and information submitted by a successful bidder will become a legal and binding part of the final contract document.

Bids submitted which do not meet the M/WBE goals and do not show that a reasonable effort (as described in Section D-10 of this M/WBE Plan) was made to provide M/WBEs an equal opportunity to participate in the contract will be considered nonresponsive and the bidders will not be eligible for award of the contract.

Bidders will be encouraged and, when specified by federal regulations, required to make positive efforts to subcontract to M/WBE firms a share of the work consistent with the Goals.*

When not required by Federal regulations to subcontract, bidders who propose to perform the total contract with their own work forces and without the use of subcontractors will be required to submit information sufficient for the City to determine:

1. That it is a normal business practice of the bidder to perform all elements of the contract with its own work forces without the use of subcontractors, or

2. That the bidder in fact has demonstrated its capabilities to perform all elements of the contract with its own work force without the use of subcontracts.

* State law does not allow the City to require certain procedures unless these procedures are necessary to comply with federal regulations. In these instances this plan states the City's policy to encourage such procedures in all cases and to require them when necessary to comply with federal regulations. Specific bid instructions will state whether such procedures are encouraged or required. In order to avoid the necessity of constantly revising the plan, references to specific federal regulations are omitted.

Such bidders will not be required to subcontract to M/WBEs or document reasonable and best faith efforts to do so.

7. Communications Program

a. Periodically the City will make available a list of proposed major procurement and construction projects and brief descriptions of each to M/WBEs, M/WBE associations, assistance agencies and training resources.

b. The City will ensure that bid notices are supplied to major local newspapers, M/WBE newspapers, M/WBE trade associations, technical assistance agencies, minority economic development groups and M/WBEs with capabilities relevant to the bid notices as identified by the M/WBE Data Bank.

c. The City will conduct workshops at appropriate intervals where M/WBEs will have an opportunity to receive assistance in completing bid forms and receive clarification of any areas of the contract in which there are questions.

d. The City will use the media (newspapers, radio, etc.) as well as professional and trade organizations to disseminate information concerning employment and contracting opportunities available.

e. The City will act as a resource center for referrals to and coordination of various types of assistance to the community.

8. Certification of M/WBE Firms

The City will solicit and receive information adequate to certify those businesses which wish to participate as M/WBEs in the City's procurement and construction program.

Utilizing the Data Bank, a committee composed of representatives of Purchasing, Personnel, Community Relations, Utility and Engineering departments will certify businesses to be recognized by the City as M/WBEs. Community Relations will chair the committee.

Firms denied certification may request reconsideration and may appeal decisions of this committee to the City Manager (or his designee) whose decision will be final, unless there is provision for appeal to a federal agency.

"Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

- Black (a person having origins in any of the black racial groups of Africa);
- Hispanic (a person of Spanish or Portugese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);
- Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or

- American Indian and Alaskan Native (a person having origins in any of the original peoples of North America).

A minority or women's business enterprise (M/WBE) is a business which is at least 51% owned and controlled by minority group members or women. A M/WBE is bona fide only if the minority group or female ownership interests are real and continuing and not created solely to meet the M/WBE requirement. In addition, the M/WBE must itself perform satisfactory work or services or provide supplies under the contract and not act as a mere conduit. In short, the contractual relationship must also be bona fide.

The phrase "owned and controlled" as used in this definition means a business which is (1) a sole proprietorship legitimately owned by an individual who is a minority or female, (2) a partnership or joint venture controlled by minorities and/or females, and in which at least 51% of the beneficial ownership interests legitimately are held by minorities and/or females, (3) a corporation or other entity controlled by minorities and/or females, and in which at least 51% of the voting interests and 51% of the beneficial ownership interests are legitimately held by minorities and/or females. In addition, these persons must control the management and operation of the businesses on a day-to-day basis.

To ensure that its M/WBE program benefits firms owned and controlled by minorities and/or women, the City shall certify the eligibility of M/WBEs and joint ventures involving M/WBEs. A copy of application forms for certification as an M/WBE contractor is shown in the Appendix. In order to receive certification as an M/WBE firm in this program, the completed Schedule A or B must be submitted prior to contract award.

The following standards will be used by the City in determining whether a firm is owned and controlled by one or more minorities and/or women and is therefore eligible to be certified as an M/WBE.

- Bona fide minority group membership shall be established on the basis of the individual's claim that he or she is a member of a minority group and is so regarded by that particular minority community. However, the City is not required to accept this claim if it determines the claim to be invalid.

- An eligible minority business enterprise under this part shall be an independent business. The ownership and control by minorities and/or women shall be real, substantial, and continuing, and shall go beyond the pro forma ownership of the firm as reflected in its ownership documents. The minority and/or women owners shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance rather than the form of arrangements. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as an M/WBE. In determining whether a potential M/WBE is an independent business, the City shall consider all relevant factors, including the date business was established, tax returns, the adequacy of its resources for the work of the contract, and the degree to which financial, equipment leasing and other relationships with non-minority firms vary from industry practice.

- The minority and/or women owners shall also possess the power to direct or cause the direction of the management and policies of the firm and to make

the day-to-day as well as major decisions on matters of management, policy, and operations. The firm shall not be subject to any formal or informal restrictions which limit the customary discretion of the minority and/or women owners. There shall be no restrictions through, for example, by-law provisions, partnership agreements, or charter requirements for cumulative voting rights or otherwise that prevent the minority and/or women owners, without the cooperation or vote of any owner who is not a minority or woman, from making a business decision of the firm.

- If the owners of the firm who are not minorities or women are disproportionately responsible for the operation of the firm, then the firm is not controlled by minorities and or women and shall not be considered an M/WBE.

- Where the actual managemnt of the firm is contracted out to individuals other than the owner, those persons who have the ultimate power to hire and fire the mangers can, for the purposes of this part, be considered as controlling the business.

- All securities which consitute ownership and/or control of a corporation for purposes of establishing it as an M/WBE shall be held directly by minorities and/or women. No securities held in trust, or by any guardian for a minor, shall be considered as held by minorities and/or women in determining the ownership or control of a corporation.

- The contributions of capital or expertise by the minority and/or women owners to acquire their interests in the firm shall be real and substantial. Examples of insufficient contributions include a promise to contribute capital, a note payable to the firm or its owners who are not socially and economically disadvantaged, or the mere participation as an employee, rather than as a manager.

In addition to the above standards, the City shall give special consideration to the following circumstances in determining eligiblity:

- Newly-formed firms and firms whose ownership and/or control has changed since the date of the advertisement of the contract are closely scrutinized to determine the reasons for the timing of the formation of or change in the firm.

- A previous and/or continuing employer-employee relationship between or among present owners is carefully reviewed to ensure that the employee-owner has management responsibilities and capabilities.

- Any relationship between the M/WBE and a business which is not an M/WBE but which has an interest in the M/WBE is carefully reviewed to determine if the interest of the non-M/WBE conflicts with the ownership and control requirements.

- A joint venture is eligible if the M/WBE partner of the joint venture meets the standards for an eligible M/WBE set forth above and the M/WBE partner is responsible for a clearly defined portion of the work to be performed and shares in the ownership, control, management responsibilities, risks, and profits of the joint venture.

A business wishing to be certified as an M/WBE or joint venture M/WBE shall cooperate with the City in supplying additional information which may be requested in order to make a determination.

Once certified, an M/WBE shall update its submission annnually by submitting a new Schedule A or certifying that the Schedule A on file is still accurate in ownership or control of the firm. If ownership or control of the firm has changed, the M/WBE shall submit a new Schedule A.

The denial of a certification by the City shall be final for that contract and other contracts being let by the City at the time of the denial of certification. M/WBEs and joint ventures denied certification may correct deficiencies in their ownership and control and apply for certification only for future contracts.

9. Other Requirements of Contractors

a. The City encourages and, when specified by federal regulations, requires that contractors develop procedures that would permit M/WBE firms to participate without the necessity of obtaining separate surety bonds, if required. Proposed procedures to accomplish this will be resolved and agreed upon by the City and prospective contractors prior to awarding of the contract and such procedures shall be incorporated in the final contract documents if the prospective contractor is the successful bidder.

b. The City encourages and, when specified by federal regulations, requires that contractors make every reasonable effort to make technical assistance, such as engineering expertise, available to M/WBEs to assist in the upgrading of M/WBE capabilities.

c. The City encourages and, when specified by federal regulations, requires that contractors shall make bulk purchases whenever possible to reduce the capital requirements of its M/WBE subcontractors.

d. When a subcontractor is unable to perform successfully, the contractor must provide M/WBEs an equal opportunity to replace the non-performing subcontractor. The City will approve all substitutions prior to contract award and during contract performance.

e. The City will comply with and require all contractors to comply with all applicable federal and state laws, regulations and guidelines.

f. The City will require contractors to report all suspected instances of companies fraudently claiming M/WBE status in order to unjustly benefit from the requirements of this Plan.

g. Contractors will be required to furnish regular reports and information sufficient to allow the City to determine that federal and state requirements are being met by the contractor. Contractors will, in good faith, cooperate with the City in attempts to resolve any complaints of discrimination made against the contractors.

10. Reasonable Efforts to Provide Equal Opportunity to M/WBEs

To demonstrate sufficient reasonable efforts to provide M/WBEs equal opportunity to participate in the contract, a contractor will document the steps it has taken to provide such opportunity, including but not limited to the following:

a. Having a representative attend the pre-bid conference, if such a conference is held.

TO DEMONSTRATE COMPLIANCE - Signed attendance roster. Where the contractor has not attended and has a reasonable explanation therefor, this requirement may be waived.

b. Advertising in minority trade association newsletters and minority-owned media no less than twenty (20) days before bids are due. If twenty (20) days are not available, publication for a shorter reasonable time is acceptable. The bid due date and time must be specified in the advertistment. The publication chosen should be distributed within reasonable proximity of the location of the construction project. The advertisements should be for specific subcontracts which are described in reasonable detail. The total subcontracts so advertised should at least equal the percentage goal for M/WBE participation specified in the bid package.

The City in its instructions for bids will specify the media bidders will specify the media bidders will be expected to use.

TO DEMONSTRATE COMPLIANCE - Copies of all advertisements which appeared in minority publications, including the name of the publication, the date on which the advertisement appeared, the audience at which the publication (i.e., whether general audience publication or special M/WBE contractor publication) was directed.

c. Notifying all minority contractor associations known to the bidder of the available subcontractng opportunites. The minority associations so notified will include as a minimum those located in the Charlotte-Mecklenburg area. The notifications should be in writing and should be received by the addressee associations no less than twenty (20) days before bids are due. If twenty (20) days are not available, notification within a reasonable shorter period of time is acceptable. The bid due date and time must be specified in the advertisement. Work to be done should be described as accurately as possible and in reasonable detail. The total dollar amount of the contracts so solicited should at least equal the percentage goal for M/WBE utilization specified in the bid package.

The City in its instructions for bids will specify associations that bidders will be expected to notify of available subcontracting opportunities.

TO DEMONSTRATE COMPLIANCE - Copies of all letters or other communications, including enclosures and attachments which were sent to minority contractor associations. Include the name, address, and date of mailing for each letter sent. Have available copies of all correspondence and a record of all telephone replies in response to solicitations.

The record of telephone responses should include date and time of the incoming call and the date and time it was returned. Bidders are requested to respond promptly to both phone and mail responses from M/WBE associations, as protracted delays in responding may be erroneously interpreted as an attempt to discourage M/WBE particpation. Be able to document any follow-up steps taken by the bidder.

d. The City encourages and, when specified by federal regulations, requires segmenting the work to be contracted, where technically feasible, to accommodate the size and capabilities of available minority subcontractors.

The City will subdivide bid packages into work elements to ensure subcontracting opportunities consistent with the availabilityy of M/WBEs.

TO DEMONSTRATE COMPLIANCE - Documentation which objectively shows the capabilities of available M/WBE construction subcontractors in the general area of the location of the construction project or in areas reasonably proximate thereto. The bidder is responsible for knowing any information about M/WBE capabilties which is readily available from local minority contractor associations, the City data bank, and local assistance agencies. Objectively demonstrate by specific examples that a concerted attempt was made by the bidder to segment the subcontract work in ways that accomodated the size and capabilities of the known available M/WBEs.

e. Sending solicitation letters inviting quotes or proposals from individual M/WBEs. The solicitation letters should reference specifically segmented portions of work to be subcontracted. The portions of work should be described as specifically and accurately as possible. Inquiries for further details should be encouraged. Lettters that are general and do not describe specifically the portions of work for which quotes are desired are not acceptable, as such letters do not generally bring responses.

The solicitation letters should be sent in a timely manner so as to allow M/WBE firms sufficient opportunity to develop quotes or proposals for the work described. In general, such solicitation letters should be postmarked no later than twenty (20) days before the bids are due. If twenty (20) days before the bids are not available, notification within a reasonable shorter period of time is acceptable. All solicitation letters should include the bid due date for the information of the addressee. Bidders are also strongly encouraged to follow up such letters with telephone calls to determine the degree of interest the M/WBE firms have in the work.

TO DEMONSTRATE COMPLIANCE - Copies of all solicitation letters and a list of all parties to whom each letter was sent, including the name, mailing address and type of business in which the company is known to be engaged. Have available all reply letters and a log of all reply phone calls. Be able to demonstrate objectively what action the bidder took in response to each reply. Also, have available a log of any follow-up phone calls by bidders to letter recipients who did not respond.

f. Where an M/WBE submits a proposal for a subcontract to a bidder and the M/WBE proposal is deemed unreasonably high or unreasonably low and is rejected for that reason, then to demonstrate best faith, the bidder must have requested the M/WBE to verify the accuracy of the proposal.

TO DEMONSTRATE COMPLIANCE - Records which show that contact was made including time, date and method; the name and address of the M/WBE; a specific and

accurate description of the segment of work which was the subject of the proposal and the approximate estimated dollar value of the subcontract segment.

Where the M/WBE proposal was unacceptable due to failure to agree on price, the participant must be able to demonstrate by the production of appropriate records that the subcontractor selected for the work segment was lower than the M/WBE and that the work segment so contracted was the same work segment proposed by the M/WBE, and not a reduced portion thereof.

g. The City encourages and, when specified by federal regulations, requires making efforts to assist the M/WBEs contacted that need assistance in offering bonding or insurance required by the contractor.

Also, the Community Development Department will provide technical assistance to M/WBEs that need assistance in meeting bonding or insurance requirements.

TO DEMONSTRATE COMPLIANCE - Records to document specific action taken.

It is the intent of the City to ensure that M/WBEs with whom bidders joint venture or subcontract are bona fide. To that end, the City will look beyond paper ownership of the firm to ascertain who is actually in control, who is responsible for the day-to-day operations, and who is sharing in the profits, salaries, bonuses and dividends. Subsequent to bid opening, prospective M/WBE contractors, joint ventures and subcontractors will be required to submit the information specified in this document. Failure to submit the information as requested, or a finding by the City that a purported M/WBE is not bona fide, will be grounds for rejection of the bid as nonresponsive or for termination of the contract.

When a prospective prime contractor is declared the lowest responsive and responsible bidder, all documentation enclosures herein shall be considered a part of the final contract document.

11. Information to be submitted by Successful Bidders

The successful bidder will be required to submit the following:

a. Minority subcontracting data as required by departments of the federal and state governments;

b. An affirmative action plan should the participant have a federal contract equal to or greater than $50,000 and have more thant 50 employees;

c. Schedule of M/WBE participation

d. An Equal Opportunity Report Statement as required (41CFR 60-1. (7b));

e. Certification of Nonsegregated Facilities as required by (41CRF 60-1.8);

f. Annual EEO-1 Report;

g. Completed Questionnaire: See the Appendix, (Schedule A) for each M/WBE;

h. Joint Venture Affidavit: See the Appendix, (Schedule B) when applicable;

i. Letter of M/WBE Unavailability (when applicable);

j. Affidavit of M/WBE eligibility (in Schedules A and/or B);

k. Letter of intent to perform as subcontractor.

l. Summary of written employment procedures for the contract, including but not limited to: name of person designated to employ the bidder's work force, place where employment interviews will be held, methods for advertising job opportunities, recruiting sources, willingness to employ trainees and provide "on-the-job" training, agreement to post Equal Employment Opportunity Statement in a conspicuous place visible to applicants and employees, and affirmative action measures designed to recruit M/WBE partcipation;

m. Documented proof that the Data Bank maintained by the City has been utilized to the maximum extent feasible for the purpose of soliciting M/WBE participation; * and

n. Progress reports to be submitted to the City as required and access by the City's representative to any information concerning the firm's affirmative action policies and procedures.

12. Contract Selection Procedures

Contract Selection

In the award of a contract, the City is legally required to follow the provisions of N. C. G. S. 143-129. Therefore, in accordance with N. C. G.S. 143-129, the City will award the contract to the lowest responsible bidder, taking into consideration all contract specifications including M/WBE requirements. If the City determines that a reasonable M/WBE effort, as described in paragraph D-10 has not been made, the City may consider the bidder nonresponsive and award the contract to the next lowest bidder who has been determined to have made a reasonable M/WBE effort. If the City determines that no bidder has made a reasonable M/WBE effort, then the City shall reject all bids as nonresponsive.

Contactors who fail to meet M/WBE goals and fail to demonstrate sufficient reasonable efforts will be considered nonresponsive and shall not be eligible to be awarded the contract.

Bidders will be encouraged and, when specified by federal regulations, required to make positive efforts to subcontract to M/WBE firms a share of the work consistent with the goals.

When not required by federal regulations to subcontract, bidders who propose to perform the total contract with their own work forces and without the use of subcontractors will be required to submit information sufficient for the City to determine:

* Successful bidders reaching the M/WBE goals will not be required to submit information.

1. That it is a normal business practice of the bidder to perform all elements of the contract with its own work forces without the use of subcontractors, or

2. That the bidder in fact has demonstrated its capabilities to perform all elements of the contract with its own work force without the use of subcontracts.

Such bidders will not be required to subcontract to M/WBEs or document reasonable and best faith efforts to do so.

To ensure that all obligations under contracts awarded to M/WBEs are met, the City will review the participant's M/WBE involvement efforts during the performance of the contract. The contractors will bring to the attention of the City any situation in which regularly scheduled progress payments are not made to M/WBE participants.

The specific solicitation language incorporating the requirements of this M/WBE program are included in the Appendices.

13. Subcontract Procedures

Each prospective contractor for a contract or subcontract must fully comply with requirements, terms and conditions of the City of Charlotte Minority/Women's Business Enterprise (M/WBE) Plan. Each contractor will be required to appoint a company executive to be responsible for the implementation of such requirements, terms and conditions.

All contracts between the City and a contractor will contain an appropriate provision to the effect that failure by any contractor to comply with the City's M/WBE Plan willl constitute a breach of contract exposing the contractor to a potential termination of the contract or other appropriate remedy.

All contractors will be required to take all necessary and reasonable steps to ensure that M/WBEs will have an equitable opportunity to compete in all contracting activities.

Each contractor will be required to assure that it will make all reasonable and best faith efforts to subcontract the total value of contracts to M/WBEs as set forth in its bid. Contractors failing to include this assurance or to demonstrate sufficient reasonable effforts to subcontract to M/WBEs as stated in their bids will not be eligible to be awarded a contract. This requirement is also applicable to participants who are themselves minority owned enterprises.

Although it is not made a requirement herein for contract approval that each participant meet or exceed the M/WBE goals in its contract or subcontract, it is a requirement for contract approval that each participant objectively demonstrate to the City that it has exerted positive efforts to provide M/WBEs an equal opportunity to participate. Notwithstanding the fact that a participant may have the capability to complete the total contract with its own work force and without the use of subcontractors, each participant will still be encouraged and,

when specified by federal regulations, required to make positive efforts to subcontract to M/WBE firms a share of the work consistent with the goals. These requirements are also applicable to participants who are themselves minority-owned enterprises.

When not required by federal regulations to subcontract, bidders who propose to perform the total contract with their own work forces and without the use of subcontractors will be required to submit information sufficient for the City to determine:

1. That it is a normal business practice of the bidder to perform all elements of the contracct with its own work forces without the use of subcontractors, or

2. That the bidder in fact has demonstrated its capabilities to perform all elements of the contract with its own work force without the use of subcontracts.

Such bidders will not be required to subcontract to M/WBEs or document reasonable and best faith efforts to do so.

The degree of goal attainment by minority-majority joint ventures, M/WBE contractors and M/WBE suppliers will be calculated as follows:

- Once a firm is determined to be an eligible M/WBE in accordance with this M/WBE plan, the total dollar value of the contract awarded to the M/WBE is counted toward the applicable M/WBE goals.

- The total dollar value of a contract to an M/WBE owned and controlled by both minority males and non-minority females is counted toward both the goals for minorities and women, respectively, in proportion to the percentage of ownership and control of each group in the business. The total dollar value of an M/WBE owned and controlled by minority women is counted toward either the minorities' or women's goal, but not both. The contractor may choose to which goal the credit will apply.

- The City or contractor may count toward its M/WBE goals a portion of the total dollar value of a contract with a joint venture eligible under the standards of this M/WBE plan equal to the percentage of the ownership and control of the M/WBE partner in the joint venture.

- The City or contractor may count toward its M/WBE goals only expenditures to M/WBEs that perform a commercially-useful function in the work of a contract. An M/WBE is considered to perform a commercially-useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilites by actually performing, managing and supervising the work involved. To determine whether an M/WBE is performing a commercially-useful function, the City or contractor will take into account the amount of work subcontracted, industry practices and other relevant factors.

- Consistent with normal industry practices, an M/WBE may enter into subcontracts. If an M/WBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis

of normal industry practices, the M/WBE will be presumed not to be performing a commercially-useful function. The M/WBE may present evidence to rebut this presumption to the City.

- The City or contractor may count toward its M/WBE goals expenditures for materials and supplies obtained from M/WBE suppliers and manufacturers, provided that the M/WBEs assume the actual and contractual responsibility for the provision of the materials and supplies. The City or contractor may count its entire expenditure to an M/WBE manufacturer (i.e., a supplier who produces goods from raw materials or substantially alters them before resale). The City may count 20 percent of its expenditures to M/WBE suppliers who are not manufacturers, provided that the M/WBE supplier provides a commercially-useful function.

Contractors will cooperate with the City in studies and surveys of the contractor M/WBE procedures and practices.

Contractors will be required to maintain records showing (a) awards to M/WBEs; and (b) specific efforts to identify and award subcontracts to M/WBEs.

Contractors will be required to submit periodic reports of subcontracting to known M/WBEs in such form and manner and at such time as the City may prescribe.

At the time of bid opening or, as required by federal regulations, after bid opening and within the period of time designated in the bid instructions, each contractor wishing to remain in competition will be required to submit a Certificate of M/WBE Eligibility or a letter stating reasons for unavailability. Failure to properly execute and submit these forms will result in rejection of the bid as being nonresponsive. The contractor will agree to enter a formal agreement with those M/WBE firms submitted if the bidder is awarded the prime contract; subsequent to this certification, no substitutions may be made without the prior written approval of the City.

For each firm submitted as part of a contractor's M/WBE program, the bidder must submit a Letter of Intent to Perform as Subcontractor. This letter must be executed by an officer of the M/WBE firm and must conform to the sample letter to be provided by the City.

A finding by the City that any of the information submitted is inaccurate, false, or incomplete will constitute grounds for a finding that a bid is nonresponsive and may result in rejection of the bid or termination of the contract.

14. Timely Payments by the City

Realizing special needs of small businesses, the City will make good faith efforts to pay as promptly as possible its obligations to all contractors.

E. USE OF MINORITY/WOMEN BANKS AND INSURANCE BROKERS

The City of Charlotte will provide for equal opportunity for the use of banks owned and controlled by minorities and/or women.

1. The City of Charlotte will thoroughly investigate the full extent of services offered by banks owned and controlled by minorities and/or women in its community and make the greatest feasible use of these banks.

2. The City will also encourage prime contractors and distributors to use the services of banks owned and controlled by minorities and/or women.

3. The City will encourage contractors and distributors to use minority/women insurance brokers, especially for the procurement of liability insurance.

4. The City will seek to sell its bonds to M/WBEs to the extent permitted by law. To this end, joint ventures including M/WBEs will be encouraged.

A list of all known minority- and/or female-owned and -controlled banking institutions in the State of North Carolina is included in the Appendix.

F. M/WBE DIRECTORY

The City has compiled and will continue to update an M/WBE Directory. This directory may be used as a prime source list to facilitate identifying M/WBEs with capabilities relevant to general procuring and contracting requirements and to particular solicitations. The City will make the directory available to bidders and proposers in their efforts to meet the M/WBE requirements. It will specify which firms the City has determined to be eligible M/WBEs.

G. CONTRACT COMPLIANCE PROCEDURES

1. In the Pre-Construction Conference held with prime and subcontractors, the EEO/AA and M/WBE requirements of the contract will be explained in detail. Also, federal laws and regulations relating to EEO/AA and employment goals will be explained in detail. Procedures for compliance will be outlined. Information on agencies capable of providing assistance will be provided. Requirements for naming the contractor's EEO Officer will be explained.

2. A meeting with the contractor's EEO Officer will be held to explain the monthly EEO/AA Report forms.

3. An M/WBE Subcontractor Workshop will be held to explain EEO/AA requirements of subcontractors, identification of problems, and monthly reports and other paper work required.

4. Review of EEO/AA Monthly Reports:

   a. Review for completeness.

   b. Request and receive additions or clarifications.

   c. Maintain a notebook on each contract.

   d. Send a review letter to contractor.

   e. Communicate regularly with the EEO Officer of each contractor to answer questions and resolve problems.

5. Site Visitation:

a. Check female and minority utilization on the job site.

b. Ensure that required posters are up.

c. Speak with employees of contractors and subcontractors.

6. Other Procedures

a. Provide information to contractors regarding needed assistance.

b. Work with EEOC, OFCCP and other Department of Labor personnel as necessary.

c. Maintain contacts with all assistance agencies, both those concerned with M/WBE participation and those concerned with employment goals throughout the life of the contract.

d. Work closely with contractors and M/WBEs to ensure that all aspects of EEO/AA and M/WBE plans are being adhered to. When necessary, hold conferences with contractors or subcontractors to review requirements, policies and procedures.

7. Termination for Non-Compliance

All contracts between the City and a contractor will contain an appropriate provision to the effect that failure by any contractor to comply with such requirements as are described in this document will constitute a breach of contract exposing the contractor to a potential termination of the contract or other appropriate remedy upon 15 days' notice of noncompliance.

All contracts and procurement agreements will contain a provision that all documents and information submitted by a successful bidder will become a legal and binding part of the final contract document.

H. RECORDS

In order to monitor the progress of its M/WBE program, the City will identify and assess M/WBE contract awards, prime contractors' progress in achieving M/WBE subcontract goals, and other M/WBE affirmative action efforts.

1. The City will maintain records showing:

a. Procedures which have been adopted to comply with federal regulations.

b. Awards to M/WBEs. These awards will be measured against projected M/WBE awards and/or M/WBE goals. To assist in this effort, the City will obtain regular reports from prime contractors, consultants, and sub-recipients to determine their progress in meeting contractual M/WBE obligations.

2. Records will be available upon the request of an authorized officer of the federal or state government.

3. The City will submit reports conforming in frequency and format to existing contract reporting requirements.

These reports will include as a minimum:

a. The number of contracts awarded to M/WBEs;

b. A description of the general categories of contracts awarded to M/WBEs;

c. The dollar value of contracts awarded to M/WBEs;

d. The percentage of the dollar value of all contracts awarded during this period which were awarded to MBEs; and

e. An indication of the extent to which the percentage met or exceeded the goal specified.

4. The records and reports will provide information relating to firms owned and controlled by minorities separately from information relating to firms owned and controlled by women. If the records and reports include any contractors that are not minorities or women, information concerning these contractors will also be recorded and reported separately.

I. ASSIGNMENT OF RESPONSIBILITIES

1. Assistant City Manager for M/WBE

The City Manager will designate an Assistant City Manager for M/WBE to be responsible for coordinating and managing this program, whose duties will include:

a. Compliance with Federal and State requirements.

The Assistant City Manager for M/WBE will take action to assure that all applicable federal and state regulations relating to AA/EEO and M/WBE requirements, including the setting of goals for M/WBE participation, are met by the City's procurement and construction programs. These will include but not be limited to: Executive Order 11246; Department of Labor Goals and Timetable for Female and Minority Participation in the Construction Industry, Part IV, 1978 and Part 60-2; Affirmative Action Programs, Office of Federal Contract Compliance.

b. Achievement of Goals.

The Assistant City Manager for M/WBE will review with department heads respoonsible for construction contracts and with the Purchasing Director reports of achievement of goals and, if necessary, take action to assure that goals will be met. Problems which are likely to prevent goal achievement will be brought to the attention of the City Manager as expeditiously as possible.

c. Recommendations for City Manager and City Council

The Assistant City Manager for M/WBE will be responsible for reviewing and forwarding or forwarding as revised all materials that require the attention or approval of the City Manager and/or City Council. Before proposed annual program goals and specific project goals are forwarded to City Council, the Assistant City Manager for M/WBE will review these with Community Relations.

d. Coordination of Departmental Activity.

The Assistant City Manager for M/WBE will take such actions as may be necessary to assure that departments furnishing staff services to those departments administering contracts and procurements shall provide such services in a timely and effective manner. Those departments administering contracts and procurements will be responsible to the Assistant City Manager for M/WBE for implementing all aspects of this EEO/AA and M/WBE plan not specifically delegated to departments providing staff services.

2. Departments Administering Construction and Procurement Contracts

a. Use of Data Bank.

Upon approval of the Capital Improvement Budget, the department will notify Community Relations of the planned projects or programs, including a general description of what the project will include, types of businesses that are expected to be involved at the prime and subcontract level, and expected month for the advertising of bids. The department will review information in the Data Bank on M/WBEs for the purpose of preparing bid packages that would provide maximum opportunity for M/WBE participation on both the prime and subcontract levels..

b. Preparation of Bid Packages.

The department will include in the bid packages sufficient information to inform all participants of the requirements of the City's EEO/AA and M/WBE Plan. Utilizing information received from the Data Bank, it will set goals for the contract as specified in D-6 (p. 3 f.).

c. The department will provide at least 30 days between soliciting and receiving bids whenever possible.

d. The department will place an advertisement in the local newspaper as required by law, notify the Associated General Contractors, F. W. Dodge Reports, and all licensed prime contractors with which it regularly conducts business.

A copy of the advertisement will be provided to Community Relations for dissemination to minority media, professional and trade organizations, and prospective minority subcontractors.

e. The department will conduct pre-bid conferences at which time all questions (including EEO/AA and M/WBE requirements) regarding the project will be answered.

f. The department will conduct workshops as described in D-5 (page 3).

g. Upon receipt of bids, the department will advise Community Relations of all bids received and the M/WBEs involved. If all goals and other terms and conditions are met or exceeded by the low bidder, the department will proceed with making a recommendation to City Council for award of contract.

In the event that M/WBE goals or other requirments are not met by the low bidder, the department will immediately request that Community Relations evaluate the bidder's good faith effort to meet the M/WBE goals and make a recommendation as to the award of the contract. The department will then ask the City Attorney's office for an opinion and recommendation as to responsiveness of the bid. After completion of these steps, the department will make its recommendation to City Council for award or rejection of the bid

h. The department will conduct pre-construcction conferences with all prime and subcontractors to discuss compliance with the contract documents.

i. During the term of the contract, the department will monitor the contractor's compliance with the M/WBE plan and all other terms and conditions of the contract and applicable federal and state regulations, maintain a comprehensive project file which will contain a separate section for documentation of M/WBE plan compliance and other state and federal requirements. The department will provide Community Relations access to review this file and other appropriate information at all times.

In the event that a discrepancy is discovered, or that a complaint is filed, or that a contractor is found or suspected to be violating M/WBE requirements, the department will request Community Relations to perform an investigation and report to the department its findings with recommendations for resolution of the problems.

During the monitoring process, the department will provide Community Relations with a monthly report on the status of M/WBE involvement in all active projects. Copies of all correspondence regarding M/WBEs between the department and the contractor will be forwarded to Community Relations.

3. M/WBE Certification Committee

Utilizing the Data Bank, a committee composed of representatives of Utility, Engineering, Purchasing, Personnel and Community Relations will certify businesses to be recognized by the City as M/WBEs. Community Relations will chair the committee.

Appeals from the decisions of this committee may be made to the City Manager (or his designee), whose decision will be final, unless there is provision for appeal to a federal agency.

A copy of each M/WBE certification will be forwarded to all contracting departments.

4. Community Relations will:

a. Be responsible for the Data Bank as described in D-1.

b. Provide information from the Data Bank to all contracting departments.

c. Attend pre-bid conferences.

d. Cooperate with contracting departments in their provisions of workshops described in D-5.

e. Be responsible for the applicable portions of the Communications Program described in paragraph 7, except for item (d) which will be the responsibility of the contracting department.

f. Participate in the certification process described in 3 above.

g. When low bids do not meet or surpass M/WBE goals and other requirements, upon the request of the contracting department, evaluate the bidder's good faith effort and compliance with other M/WBE requirements and make recommendations as to the award of the contract.

h. Cooperate with contractinig departments in resolving compliance problems as described in 2 (i).

i. As appropriate, review contractng departments' compliance activities and make recommendations for needed changes. This will include review of contracting departments' procedures, documentation files, interviews with contractors and their employees, and follow-up inspections as deemed necessary.

5. Community Development Department will provide a variety of technical assistance to M/WBEs:

a. Information needed and assistance in the preparation of bids.

b. Assistance in the preparation of loan packages: feasibility study, site study, equipment requirements, inventory requirement and capital needs.

c. Assistance in securing of financing through the Community Development Revolving Loan Fund or other sources.

d. Management assistance: office procedures, cash analysis, inventory control, bookkeeping and accounting, contract procurement, site selection and evaluation.

e. Assistance in developing new business opportunities in Community Development target areas by residents or outside business interests and thereby increase employment opportunities for Community Development target area residents.

f. Act as a resource center for referrals to and coordination of various types of assistance available in the community.

6. Personnel will:

a. Participate in the certification process described in D-8 and I-3.

b. Provide consultation in the goal setting procedures as requested.

c. Provide assistance in compliance reviews of EEO/AA and M/WBE requirements of contractors as requested.

7. The City Attorney will:

a. Review any changes in this plan.

b. Provide legal advice as requested.

8. The Director of Purchasing will be responsible for the following:

a. Maintain records to show:

1. Total dollar value of contracts awarded and total awarded to M/WBEs.

2. Total dollar value of work subcontracted to M/WBEs.

3. Total dollar value of procurements and total dollar value of procurements from M/WBEs.

4. Specific actions taken to identify and award contracts to M/WBEs.

b. Records will be available upon the request of authorized officers or employees of federal and state governments.

c. As required by federal or state agreements, reports will be made to federal or state governmental agencies.

d. All goals and reports on goal achievement for minorities will be maintained separately from those for women.

e. Appropriate quarterly performance reports will be prepared for the City Manager and City Council.

J. PROCEDURES TO INSURE EQUAL OPPORTUNITY FOR M/WBE PARTICIPATION IN CITY PROCUREMENT PROGRAMS*

1. M/WBE Availability Data Bank

The Data Bank described in D-1 will include M/WBEs who manufacture, produce, lease, sell, distribute, or provide equipment or services procured by the City. The Data Bank will include a listing of items procured by the City, the typical amount procured annually, and the buyers responsible.

2. Requests for Bids and Proposals to Supply Equipment or Services

Where prudently possible, requests for bids and proposals to provide equipment or services will be designed to make possible maximum M/WBE particpation as vendors, distributors, and producers of equipment and services. The Charlotte Business League and other interested parties will be notified of all such requests as part of the Communications Program (D-7) conducted by Community Relations.

3. Bid Deposits and Performance Bonds

State Law

State law requires a 5% deposit on bids for the procurement of equipment and supplies of $10,000 or more and construction and repair contracts of $30,000 or more.

State law permits the waiving of performance bonds on the procurement of equipment and supplies.

State law requires a 100% performance bond on construction or repair contracts over $10,000.

City Policy

The City will require a 5% bid deposit on the procurement of equipment and supplies of $10,000 or more and construction and repair contracts of $30,000 or more.

The City will require a 100% performance bond on construction and repair contracts for $10,000 or more.

Bid deposits and performance bonds will not be required in other circumstances unless approved by the City Manager.

It is not the intent of this Plan to establish bidding and contracting procedures that are more restrictive on administrative judgment than is state law in the procurement of equipment and services not subject to the bidding requirements of N.C. G.S.. 143-129 and 143-131.

*General description of the procedures for notifying potential participants, advertising for bids, receiving of bids, awarding of contracts, administration of contracts and monitoring activities of Community Relations as described above will apply to the procurement program when feasible and are not repeated in this section.

4. Goals for Procurement Programs

The City willl set as a goal a percentage of the total dollar value of equipment and services procured by the City to be procured from M/WBE distributors or producers. Goals will be based upon the type of equipment or services to be leased or procured and a projection of the number and types of M/WBEs likely to be available to offer such equipment or services. M/WBEs in the same geographic areas in which suppliers generally are to be solicited will be considered in the setting of goals. Separate goals will be set for firms owned and controlled by women.

The following overall goals are established for FY 82:

MBE____
WBE____

Procurements are made in three different ways.

Equipment and supplies of $10,000 or more and construction and repair contracts of $30,000 or more are procured under the formal bid requirements of N.C. G.S. 143-129.

Equipment and supplies of $2,500 but less than $10,000 and construction and repair contracts of $2,500 but less than $30,000 are procured under the informal bid requirements of N.C. G.S. 143-131.

Procurement of services of any value, equipment and supplies under $2,500 and construction and repair contracts under $2,500 are not subject to bid requirements of N.C. G.S. 143-129 and 143-131, but may be procured through the informal bid process.

The City will maintain records sufficient to separate procurements according to these three categories.

- Procurements through the formal bid process of N.C. G.S. 143-129
- Procurements through informal bid process of N.C. G.S. 143-131, and,
- Procurements through other processes.

These separate procurement programs will be documented, and analyzed and, in a revision of this Plan to be made no later than July 1, 1982, separate and distinct goals will be set for each if necessary.

5. Advertising for Bids

Sufficient time will be given between advertising and receiving bids to provide M/WBEs opportunity to participate.

6. Communications Program

The communications activities described in Section D-7 will be conducted for City procurement programs as appropriate. As part of this program, the City

will invite known M/WBE producers of equipment or services to bid their products directly to the City.

7. Certification of M/WBE Firms

Firms wishing to participate as M/WBE manufacturers, producers, providers of services, vendors, or distributors will be certified according to the provisions of Section D-8.

8. Distributors to Utilize M/WBE Producers of Equipment and Services

The City will require that all distributors make best faith efforts to insure that known M/WBE producers of equipment and services are given equal opportunity to participate in the sale of equipment or services to the City.

When bids or proposals are made to the City that do not include equipment or services produced by M/WBEs and such are known by the City or distributor to be available, the distributor will document its best faith efforts to provide the M/WBE producers an equal opportunity to provide the equipment or services by providing all the information described in Section J-9.

This requirement does not apply to those producers who offer their own products directly to the City.

This requirement does apply to distributors who are themselves M/WBEs.

9. Distributor's Best Faith Efforts to Provide Equal Opportunity to M/WBE Producers of Equipment and Services

To demonstrate sufficient best faith efforts to provide equal opportunity to M/WBE producers of goods and services, a distributor will document the steps it has taken to obtain M/WBE participation, including but not limited to the following:

a. Utilizing all resources available to identify M/WBEs which produce equipment and services to be bidded to the City.

TO DEMONSTRATE COMPLIANCE - Copies of documents with appropriate M/WBEs noted.

b. Sending solicitation letters inviting quotes or proposals from M/WBEs. The solicitation letter should include a copy of the City's bid specifications. Inquiries for further details should be encouraged. Letters that are general and do not describe specifically the product sought are not acceptable, as such letters do not generally bring responses.

The solicitation letters should be sent in a timely manner so as to allow sufficient opportunity for response and negotiation. All solicitation letters should include the bid due date and the date by which a response is needed by the distributor. Distributors are strongly encouraged to follow up such letters with telephone calls to determine the degree of interest of the M/WBEs.

TO DEMONSTRATE COMPLIANCE- Copies of all solicitation letters and a list of all parties to whom such letters were sent, including name, mailing address and type of business in which the company is known to be engaged. Have available all reply letters and a log of all reply phone calls. Be able to demonstrate objectively what action the distributor took in response to each reply. Also, have available a log of any follow-up phone calls by bidders to letter recipients who did not respond.

c. When an M/WBE producer submits a price or proposal for the supply of equipment or seervices to a distributor, and the price or proposal is deemed unreasonably high and is rejected for that reason, in order to demonstrate best faith efforts, the distributor must have engaged in direct negotiations with the M/WBE in an attempt to reach a mutually acceptable price. This requirement is not applicable to those cases where one M/WBE proposal is rejected in favor of another M/WBE proposal.

TO DEMONSTRATE COMPLIANCE - Records which show that negotiations took place, including time, date, and method (in person, telephone, etc.); name and address of M/WBE; specific description of item(s) to be supplied which was the subject of the negotiations, and approximate estimated dollar value of the item(s) negotiated.

When the M/WBE negotiation was unsuccessful due to failure to agree on price, the distributor must be able to demonstrate by the production of appropriate records that the manufacturer selected to provide the equipment or services was lower in price than the M/WBE and that the selected item(s) met the City's bid specifications.

10. Compliance with Federal and State Laws

The City will comply with and require all suppliers and producers of equipment and services to comply with all applicable federal and state laws, regulations and guidelines including but not limited to Executive Order 11246. Suppliers and producers of equipment and services will be required to furnish information sufficient to allow the City to determine that federal and state requirements are being met. Suppliers and producers will, in good faith, cooperate with the City in attempts to resolve any complaints of discrimination made against the supplier or producer.

11. Contract Selection Procedure

In the award of a contract, the City is legally required to follow the provisions of N.C G.S. 143-129. Therefore, in accordance with N.C. G.S. 143-129, the City will award the bid to the lowest responsible bidder, taking into consideration all contract specifications, including M/WBE requirements. If the City determines that a best faith effort, as described in paragraph J-9 has not been made, the City may consider the bidder non-responsive and award the contract to the next lowest bidder who has been determined to have made a best faith M/WBE effort. If the City determines that no bidder has made a best faith effort, the City may reject all bids as non-responsive.

Distributors who fail to utilize availlable M/WBE-produced equipment, products and services and fail to demonstrate sufficient best faith efforts will be considered non-responsive and will not be eligible to be awarded the contract.

At bid opening or within the period of time designated in the bid solicitation when required by federal regualtions, each distributor wishing to remain in

competition will be required to submit the names of any M/WBE producers of equipment of services to be sold to the City, a description of the product(s) to be sold and the dollar value of such equipment or services, or submit complete documentation described in paragraph J-9 that best faith efforts to provide equal opportunity to M/WBE producers of the equipment or services have been made, whenever it is known to the distributor or the City that the equipment or services being solicited by the City are available from M/WBE producers.

A finding by the City that a purported M/WBE is not bona fide will be grounds for rejection of the bid as non-responsive or for termination of the contract.

A finding by the City that any of the information submitted is inaccurate, false or incomplete will constitute grounds for a finding that a bid is non-responsive and may result in rejection of the bid or termination of the contract..

When equipment or services are offered to the City and the distributor is unable to provide same, the City will require the distributor to make best faith efforts to provide M/WBE producers of the equipment or services an equal opportunity to replace the non-performing producer. The City will approve all substitutions prior to contract award and during contract performance.

The Director of Purchasing will utilize the appropriate procedures described in Section I-2 to administer the City's procurement program and will specify in all requests for bidds or proposals the requirements of the City's EEO/AA and M/WBE Plan. When the City determines that all bid specifications, including the M//WBE requirements have been met, contracts will be awarded to the lowest respoonsible bidder.
If all the bid specificatiions, including the M/WBE requirements have not been met, the City may consider the bidder non-responsive and award the contract to the next lowest bidder who has been determined to have met these bid specifications.

12. Information to be Submitted by Successful Bidder

The successful bidder will be required to submit the following:

a. A schedule of M/WBE participatiion as producers of equipment or services.

b. An affirmative action plan should the distributor or producer have a federal contract equal to or greateer than $50,000 and have more than 50 employees.

c. Annual EEO-1 Report.

d. Letter of M/WBE unavailability when applicable.

e. Affidavit of M/WBE eligibility.

f. M/WBE letter of intent to provide equipment or services.

g. Documented proof that the Data Bank maintained by the City has been utilized to the maximum extent feasible for the purpose of soliciting M/WBE participation.

h. Access by the City's respresentative to any information concerning the firm's affirmative action policies and procedures.

13. Contract Compliance Procedures

a. When appropriate, pre-bid conferences will be held with distributors to explain requirements of the City's M/WBE plan.

b. Information required of the distributor or producer will be reviewed by the City in order to insure that the requirements outlined in J-9, J-10, J-11 and J-12 are met.

c. Distributors or producers of equipment and services will be required to furnish information sufficient to allow the City to determine that any applicable federal or state requirements are being met. Distributors or producers of equipment and services will, in good faith, cooperate with the City in attempts to resolve any complaints of discrimination made against the distributor or producer of goods.

d. All contracts or procurement agreements between the City and a distributor, vendor or producer of equipment and services will contain an appropriate provision to the effect that failure by a distributor or provider of equipment and services to comply with such requirements as are described in this document will constitute a breach of contract exposing the distributor or provider of equipment or services to a potential termination of the contract to procure, or other appropriate remedy upon 15 days' notice of non-compliance.

All contracts and procurement agreements will contain a provision that all documents and information submitted by a successful bidder will become a legal and binding part of the final contract document.

14. Other Requirements of Contractors

The City will require contractors to report all suspected instances of companies fraudulently claiming M/WBE status in order to benefit unjustly from the requirements of this plan.

15. Asssignment of Responsibilities

Department heads and the Director of Purchasing are responsible for making maximum efforts to reach goals and execute provisions of this plan for the procurement programs.

As appropriate, Community Relations will review contracting departments' compliance activities and make recommendations for needed changes. This will include review of contracting departments' procedures and documentation files, interviews with providers of equipment or services and their employees and follow-up inspections as deemed necessary.

K. GRIEVANCE PROCEDURE

Complaints regarding any aspect of the Minority/Women's Business Enterprise Plan or its implementation will be presented to the Assistant City Manager for

M/WBE. The decision of the Assistant City Manager for M/WBE may be appealed to the City Manager (or his designee) whose decision will be final, except when regulations provide for further appeal to federal agencies.

DEFINITIONS

Affirmative Action - Specific steps to eliminate discrimination and efforts to ensure nondiscriminating results and practices in the future, and to fully involve minority business enterprises and women's business enterprises in contracts and programs.

Bidder/Participant - Any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract or subcontract.

Contract - A mutually binding legal relationship or any other modification thereof obligating the seller to furnish equipment or services, including construction and leases, and obligating the buyer to pay for them.

Contractor - Any person, firm, partnership, corporation, association, or joint venture which has been awarded a public contract or lease, including every subcontract on such a contract.

Discrimination - To distinguish, differentiate, separate or segregate solely on the basis of age, race, religion, color, sex, national origin, handicap or veteran's status.

Equipment - Includes materials, supplies, commodities, apparatus

Goal - A numerical objective.

Joint Venture - An association of two or more businesses to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills and knowledge.

Lessee - A business that leases, or is negotiating to lease, property from the City or equipment or services to the City, or to the public on City property.

Minority - A person who is a citizen or lawful permanent resident of the United States and who is:

a. Black (a person having origins in any of the black racial groups of Africa);

b. Hispanic (a person of Spanish or Portugese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);

c. Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); and

d. American Indian and Alaskan Native (a person having origins in any of the original peoples of North America).

Minority or Women's Business Enterprise (M/WBE) - A business which is at least 51% owned and controlled by minority group members or women. An M/WBE is bona fide only if the minority group or female ownership interests are real and continuing and not

created solely to meet the M/WBE requirement. In addition, the M/WBE must itself perform satisfactory work or services or provide supplies under the contract and not act as a mere conduit. In short, the contractual relationship must also be bona fide.

Owned and Controllled - A business which is (1) a sole proprietorship legitimately owned by an individual who is a minority or female, (2) a partnership or joint venture controlled by minorities and/or females, and in which at least 51% of the beneficial ownership interests legitimately are held by minorities and/or females, (3) a corporation or other entity controlled by minorities and/or females, and in which at least 51% of the voting interests and 51% of the beneficial ownership interests are legitimately held by minorities and/or femalles. In addition, these persons must control the management and operation of the business on a day-to-day basis.

Subcontractor - Any named person, firm, partnership, corporation, association or joint venture identified in a public contract which supplies any work, labor, services, supplies, equipment, materials, or any combination of the foregoing under contract with the contractor on a public contract.

Sub-Recipient - Any contractor, Subcontractor or Lessee.