



CBI Council Agenda Item (CAI) Guide

Introduction

The Charlotte Business INCLUSION (CBI) Policy seeks to promote diversity, inclusion, and local business opportunities in the City's contracting and procurement process for Minority, Women, and Small Business Enterprises (MWSBEs) with a significant business presence in the Charlotte Combined Statistical Area (CSA).

The CBI Program seeks to remediate the ongoing effects of marketplace discrimination that the City has found continued to adversely affect the participation of minority-owned firms and women-owned firms in City contracts. The CBI program further seeks to enhance competition in City contracting and promote economic growth and development in the Charlotte area by:

- Increasing Minority, Women, and Small Business Enterprise utilization in City contracting;
- Promoting existing small business growth and profitability in the Charlotte CSA;
- Promoting small business start-up and development in the Charlotte CSA; and
- Monitoring, evaluating, and reporting on SBE and M/WBE participation and contract compliance within the provisions of the CBI program.

CBI accomplishes these objectives by establishing utilization goals for prime and sub-contractors for certain commodities, goods & services, and construction solicitations.

CBI Council Agenda Guide Overview

The Business Agenda for Council Agenda Action items (CAI) for services, technology, goods, commodities, and construction contracts include CBI language, detailing utilization goals set by CBI and the actual utilization committed by vendors recommended for an award with the goals to:

- Promote consistency in reporting across departments;
- Provide clarity and ease of use for department personnel; and
- Reduce the number of CBI section language related errors and time spent determining the applicable language to use on council agenda items.

The document includes a section dedicated to **Disadvantage Business Enterprises (DBE)** Council Agenda Items language and an appendix section of examples of unique CBI language used in the past for uncommon MWSBE utilization scenarios.

For more information, contact CBI at 704-336-4137.

How to Use this Guide

- Portions highlighted in **GREEN** throughout indicate a choice of values to be selected by the Department.
- Portions highlighted in **GRAY** throughout indicate content (unique to the respective item) filled in by the Department.
- Key Terms and Definitions
 - MBE (Minority Business Enterprise)
 - WBE (Women Business Enterprise)
 - SBE (Small Business Enterprise)
 - DBE (Disadvantage Business Enterprise)
 - ACDBE (Airport Concession Disadvantaged Business Enterprise)
 - Prime~ A Contract between the City and a Business Enterprise
 - Subcontractor~ A Business Enterprise that directly contracts with a contractor, subcontractor, or sub-consultant to provide good or services or perform work in connection with a Contract
 - Self-Performance~ A Bidder that intends to perform 100% of the work on a Construction Contract with an established M/S/BE Goal

CBI Format (or CBI Checklist) for CAI

- If a CAI has two (2) or more separate Actions to approve, you may need to list separate CBI statements for **each** Action item.
- **Always** round to two (2) decimal places when listing committed MWSBE percentages.
- **Always** use whole dollars when listing committed M/W/SBE amounts.
- Include both the commitment % and \$ amounts in the explanation lines.
- When listing the names of M/W/SBEs committed to and their respective scopes of work, please write out in the following format:
Firm (**MBE, WBE, SBE**) (\$ amount) (scopes of work)
- When listing the certification designations of the Bidder/Proposer or Subcontractors, **always** list the certification designations in the following sequence order:
Prime is a city certified (**MBE, WBE, SBE**), as applicable, has committed Firm, (**MBE, WBE, SBE**) (\$amount) (scope of work)
- **Always** indicate any certifications a Bidder/Proposer or any of the identified subcontractors have, such as:
Prime, a city, certified (**MBE, WBE, SBE**), has committed...
Firm (**MBE, WBE, SBE**) (\$ amount) (scopes of work)
- Always indicate any certifications a Bidder/Proposer has, such as:
Prime is a city certified (**MBE, WBE, SBE**)
- For items with more than one contract or awardee, be sure to adjust the singular/plural aspect of the statement.
- DBE write-ups (where applicable) should model CBI write-ups included in this guide.

- To ensure the most accurate CBI language is included in Council Agenda Items, Department Contracting Officers should upload project compliance review materials onto the CBI SharePoint site for review and approval by the CBI Relationship Specialist no later than 10:00 AM the Monday before the CAIs are due to be submitted into Legistar.

SERVICE CONTRACTS

Service Contracts include any contracts in which a Business Enterprise agrees to provide services to the City, other than construction.

Examples include Contracts for architectural, engineering, surveying, construction management services; janitorial services; landscaping; consulting; and other general services.

The City may not always establish M/W/SBE subcontracting goals upfront on Services contracts; As various outreach, participation, and good faith efforts may be required from Vendors.

CBI Relationship Specialists can help with M/W/SBE outreach efforts on informal contracts.

For Contracts with targeted solicitation efforts to M/W/SBEs, Department Contracting Officers will work with the CBI Compliance Officers to identify these contracts during RFP/RFQ development.

Service Contracts with No M/W/SBE Subcontracting Goal Established

Before the CAI

Department Contracting Officers must obtain a waiver from the CBI Office when no subcontracting goals are established on a contract. To obtain a subcontracting waiver, Department Contracting Officers must submit a Project Goal Review to CBI's SharePoint site a minimum of five (5) business days prior to RFP/RFQ advertisement.

Scenario 1: Contracts with No Subcontracting Opportunities Identified

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities.

Scenario 2: Contracts with No MWBEs or SBEs Certified

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (b) – There are no MWBEs or SBEs certified.

Scenario 3: Contracts with No Subcontracting Opportunities Identified, but the Prime is City Certified

Charlotte Business INclusion

Prime is a city certified (MBE, WBE, SBE).

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities.

Scenario 4: Contracts with Targeted Solicitation Efforts to M/W/SBEs

Charlotte Business INclusion

The city solicited proposals only from city certified M/W/SBEs, therefore 100% of the project participation is being committed to the following certified firm:

- Prime (MBE, WBE, SBE) (Part A: Section 2.3 of the Charlotte Business INclusion Policy).

Scenario 5: Contracts with No Subcontracting Opportunities Identified; but the Prime is either a M/W/SBE or committed to using a M/W/SBE

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

However, # of these contracts will be awarded to the following certified firm(s):

- Firm (MBE, WBE, SBE) (\$ amount) (scope of work)

Charlotte Business INclusion

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

However, Prime (MBE, WBE, SBE) has committed to use the following certified firm(s) to participate:

- Firm (MBE, WBE, SBE) (\$ amount) (scope of work)

Service Contracts with M/W/SBE Subcontracting Goal Established

When MWSBE subcontracting goal(s) are established on a Contract, Department Contracting Officers are highly encouraged to continue working with Proposers after the proposal due date to identify any additional MWSBE participation. Any additional MWSBE participation to report post proposal in RCAs should be reported as "Participation to Date."

Scenario 1: M/W/SBE Goal Established; Goal Is Met

Charlotte Business INClusion

Established *M/W/SBE* Goal: X.XX%

Committed *M/W/SBE* Goal (at time of Proposal): X.XX%

M/W/SBE Participation to Date: X.XX% (if anything added after due date)

Prime *met/exceeded* the established subcontracting goal and has committed X.XX% (\$ amount) of the total contract amount to the following certified firm(s) (Part C: Section 2.1 of the Charlotte Business INClusion Policy):

- Firm (*MBE, WBE, SBE*) (\$ amount) (scopes of work)

Scenario 2: M/W/SBE Goal Established; Goal is NOT met, but Good Faith Efforts (GFEs) Earned

For contract recommended for award by Good Faith Efforts, departments must prepare a detailed write-up of the Good Faith Efforts earned by the Prime Consultant. A template of the GFE write-up is available on the CBI SharePoint site.

Charlotte Business INClusion

Established *M/W/SBE* Goal: X.XX%

Committed *M/W/SBE* Goal (at time of Proposal): X.XX%

M/W/SBE Participation to Date: X.XX% (if anything added after due date)

Prime failed to meet the established subcontracting goal but has earned the required Good Faith Efforts (Part C: Section 5 of the Charlotte Business INClusion Policy). Prime has committed X.XX% (\$ amount) of the total contract amount to the following certified firm(s):

- Firm (*MBE, WBE, SBE*) (\$ amount) (scopes of work)

A further detailed write-up of the Prime's Good Faith Efforts is attached.

Scenario 3: Self-Performance on a Contract with an Established M/W/SBE Goal

For contracts recommended for award by Self-Performance, Departments must attach a detailed write-up outlining the Self-Performance provisions documented by the Prime Consultant, including MWSBE Outreach Documentation.

Charlotte Business INclusion

Established M/W/SBE Goal: X.XX%

Committed M/W/SBE Goal: X.XX%

Prime has submitted a Self-Performance Affidavit with their proposal.
(Part C: Section 2.3 of the Charlotte Business INclusion Policy).

A further detail write-up of the Prime's Self-Performance provisions is attached.

Service Contracts with MWSBE Participation Negotiated

Scenario 1: M/W/SBE Participation Plan Submitted by Prime Consultant

Charlotte Business INclusion

The city required Proposers to submit an M/W/SBE Participation Plan outlining their solicitation and utilization efforts (Part C: Section 2.1(c) of the Charlotte Business INclusion Policy).

[2nd Sentence: choose applicable from Exhibit 1 below]

Scenario 2: M/W/SBE Goals Negotiated after Proposal Submission

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

[2nd Sentence: choose applicable from Exhibit 1 below]

EXHIBIT 1

Choose one of the following, or a variation similar:

1. Prime has committed X.XX% (\$ amount) of the total contract amount to the following certified firm(s):
 - Firm (MBE, WBE, SBE) (\$ amount) (scopes of work)
2. Each of the Prime firms listed has *identified/included M/W/SBEs* on its project team, and for each work order issued, committed X.XX% (\$ amount) of the total contract amount to the following certified firms:
 - Firm (MBE, WBE, SBE) (% or \$ amount, if known) (scopes of work)
3. Prime has identified the following certified firm(s) to participate as project scopes are defined:
 - Firm (MBE, WBE, SBE) (% or \$ amount, if known) (scopes of work)
4. Prime has identified the following certified firm(s) to be utilized as the project evolves:
 - Firm (MBE, WBE, SBE) (% or \$ amount, if known) (scopes of work)
5. Prime has identified the following certified firm(s) and will use *this/these* firm(s) when the contract is activated:
 - Firm (MBE, WBE, SBE) (% or \$ amount, if known) (scopes of work)
6. The specific tasks and subcontracting opportunities associated with this contract are undefined; however, each Prime consultant has identified certified firms to be utilized as the contract evolves and the scopes of work are defined:
 - Firm (MBE, WBE, SBE) (% or \$ amount, if known) (scopes of work)

Scenario 3: Multiple awardees, each with negotiated M/W/SBE subcontractor participation

Charlotte Business INclusion

The city negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). On these contracts, the Prime Consultants have each committed X.XX% (\$ amount) of the total contract amount to the following certified firms:

Awardee #1 (MBE, WBE, SBE)

- Firm (MBE, WBE, SBE) (\$ amount) (scopes of work)

Awardee #2 (MBE, WBE, SBE)

- Firm (MBE, WBE, SBE) (\$ amount) (scopes of work)

CONSTRUCTION & COMMODITIES CONTRACTS

Construction contracts include contracts in which a Business Enterprise agrees to provide construction or repair services to the City. A Construction contract may be for horizontal or vertical construction or repair work.

Commodities contracts are contracts in which a Business Enterprise agrees to provide goods, supplies, apparatus, or equipment to the City.

For Construction contracts of **\$200,000** or more, the City shall establish M/S/BE subcontracting goals unless the Charlotte Business INClusion Manager grants an exemption. Department Contract Officers must work with a CBI Compliance Specialist to assist with MWSBE outreach efforts on informal construction projects.

For Contracts with targeted solicitation efforts to **M/S/BEs**, Department Contracting Officers will work with the CBI Compliance Specialist to identify these contracts prior to Bid advertisement.

M/S/BE Subcontracting Goals in Construction contracts shall be established only for those categories of firms that have experienced discrimination in the Charlotte CSA and have been adversely impacted in their ability to obtain Construction Contracts.

Contract with No M/W/SBE Subcontracting Opportunities

Before the CAI

Department Contracting Officers must obtain a waiver from the CBI Office when no subcontracting goals are established on a construction contract. To obtain a subcontracting waiver, Department Contracting Officers must request a waiver thru CBI's SharePoint site within a minimum of five (5) business days prior to bid advertisement.

Scenario 1: Contract with no M/S/BE Subcontracting Opportunities Identified

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part B: Section 2.3, The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities.

Scenario 2: Contract with no M/W/SBE Certified

Charlotte Business INClusion

Per Charlotte Business INClusion Policy: Part B: Section 2.3, The city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no MWBEs or SBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (b) – There are no M/WBEs or SBEs certified.

[2nd Sentence: choose applicable from Exhibit 2 below]

EXHIBIT 2

Choose one of the following, or a variation similar:

1. However, Prime is a city (MBE, SBE)
2. However, Prime has committed X.XX% (\$\$ amount) of the total Contract amount to the following certified firm(s):
 - Firm (MBE, SBE) (\$ amount) (scopes of work)

Scenario 3: Construction Contract under the \$500,000 is Informal Goal Setting Threshold

Charlotte Business INclusion

Construction contracts estimated to be less than \$500,000 are informal and exempt from the goal-setting process (Part A: Section 3.1 of the Charlotte Business INclusion Policy).

Scenario 4: Construction Contract under \$200,000 WITH Targeted Solicitation efforts to M/S/BEs

Charlotte Business INclusion

The city solicited bids only from city certified SBEs; therefore, 100% of the project participation is being committed to the following certified firm: Prime (M/S/BE) (Part A: Section 2.3 of the Charlotte Business INclusion Policy).

Scenario 5: Construction Contract under \$200,000 where M/S/BE Prime counts their work towards M/S/BE subcontracting goals

Charlotte Business INclusion

Established M/S/BE Goal: X.XX%

Committed M/S/BE Goal (at time of Bid): X.XX%

M/S/BE Participation to Date: X.XX% (if anything added after due date)

Prime met/exceeded the established subcontracting goal and has committed X.XX% (\$ amount) of the total contract amount to the following certified firm(s) (Part B: Section 3.1.4. of the Charlotte Business INclusion Policy).

- Prime (MBE, SBE) (\$ amount) (scopes of work)
- Firm (MBE, SBE) (\$ amount) (scopes of work)

Construction Contracts with M/W/SBE Subcontracting Goals Established

When M/S/BE subcontracting goal(s) are established on a Contract, Department Contracting Officers are highly encouraged to continue working with Bidders after the Bid due date to identify any additional MWSBE participation. Any additional MSBE participation to report post bid in RCAs should be reported as "MSBE Participation to Date."

Certain projects may have contract Allowances or other variables to account for as part of the Total Bid Amount. In these instances, the Committed Goals may be based on the 'Base Bid' amount of the Contract, rather than the Total Contract Amount.

Scenario 1: Construction Contract with M/S/BE Goal established, and Goal IS Met

Charlotte Business INclusion

Established M/S/BE Goal: X.XX%

Committed M/S/BE Goal (at time of Bid): X.XX%

M/S/BE Participation to Date: X.XX% (if anything added after due date)

Prime met/exceeded the established subcontracting goal and has committed X.XX% (\$ amount) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Firm (MBE, SBE) (\$ amount) (scopes of work)

Scenario 2: Construction Contract with M/S/BE Goal established, and Goal IS Met (Allowances are in the Contract)

Charlotte Business INclusion

Established M/S/BE Goal: X.XX%

Committed M/S/BE Goal (at time of Bid): X.XX%

M/S/BE Participation to Date: X.XX% (if anything added after due date)

Prime Bidder met/exceeded the established subcontracting goal and has committed X.XX% (\$ amount) of the base bid amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Firm (MBE, SBE) (\$ amount) (scopes of work)

Scenario 3: Construction Contract with M/S/BE Goal established, and Goal is NOT Met

For contracts recommended for award by Good Faith Efforts, Departments must prepare a detailed write-up of the Good Faith Efforts earned by the Prime Contractor. A template of the GFE write-up is available on the CBI SharePoint site.

Charlotte Business INclusion

Established M/S/BE Goal: X.XX%

Committed M/S/BE Goal (at time of Bid): X.XX%

M/S/BE Participation to Date: X.XX% (if anything added after due date)

Prime failed to meet the established subcontracting goal but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy). Prime has committed X.XX% (\$ amount) of the (total contract / base bid) amount to the following certified firm(s):

- Firm (MBE, SBE) (\$ amount) (scopes of work)

A further detailed write-up of the Primes Good Faith Efforts is attached.

(Potential add-on sentence)

Subsequent to Bid Opening, Prime has committed an additional X.XX% (\$ amount) to the following certified firm(s):

- Firm (MBE, SBE) (\$ amount) (scopes of work)

Scenario 4: Self-Performance on a Construction Contract that has an Established M/S/BE Goal

For contracts recommended for award by Self-Performance, Departments must attach a detailed write-up outlining the Self-Performance provisions documented by the Prime Bidder.

Charlotte Business INclusion

Established M/S/BE Goal: X.XX%

Committed M/S/BE Goal: X.XX%

Prime has elected to self-perform 100% of the work on this Contract by

Federal DBE, or State MWBE Construction Contracts with Goals Established AND where some of the subcontractors are also City Certified MWSBEs

In some instances where Projects are governed by Federal DBE or State MWBE guidelines with a subcontracting goal established, the City would also like to track information on any subcontractors who are also City certified as an M/W/SBE.

Scenario 1: Service Construction Contract with no Goal Established

Disadvantaged Business Enterprise (DBE)

The Federal DBE Program neither requires nor permits goals for every contract. There is no DBE goal for this contract. The city must meet its overall goal by using a mix of contract goals and race-neutral means.

Scenario 2: Construction Contract with DBE Goal Established

Disadvantaged Business Enterprise (DBE)

Established DBE Goal: X.XX%

Committed DBE Goal: X.XX%

Prime met the established subcontracting goal and has committed X.XX% (\$ amount) of the bid amount to the following certified firm(s):

- Firm (DBE, MBE, WBE, SBE) (\$ amount) (scopes of work)

Scenario 3: Amendment, Change Order, or Extension with Existing Subcontractors/ Subconsultants being utilized

Disadvantaged Business Enterprise

All additional work involved with this amendment will be performed by Prime and their existing subconsultants.

Scenario 4: North Carolina Clean Water State Revolving Fund (CWSRF)

Disadvantage Business Enterprise

This project is subject to the North Carolina Clean Water State Revolving (CWSRF) Fund project guidelines, which only requires MWBE goals on Construction Contracts. The "Prime Bidder" has committed (%) or (\$) of the Phase 1 Design-Build Services to the following certified firms:

- Firm (DBE, MBE, WBE, SBE) (\$ amount) (scopes of work)

Scenario 5: CATS No DBE Goal

Disadvantaged Business Enterprise (DBE)

No goals shall be established on Contracts where: (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no DBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

These contracts meet the provisions of (a) - No subcontracting opportunities.

Scenario 6: Department of Transportation No DBE Goal

Disadvantaged Business Enterprise

Pursuant to the Department of Transportation DBE Program, subpart C, no DBE utilization goal was set for this solicitation due to limited subcontracting opportunities.

Contract Amendments, Change Orders, or Extensions

Amendments, Change Orders, or Extensions (**A/CO/E**) can apply on both Construction and Services contracts

Departments shall complete the Project Goal Review process on the CBI SharePoint site for all Contract Amendments, Change Orders, or Extensions that will be presented to City Council.

Departments must notify the CBI Office of any scope of work changes on existing contracts that result in new M/W/SBE subcontracting opportunities. Upon receipt of any scope of work changes, the CBI Office shall determine if a new/additional subcontracting goal will be established (Part D: Section 6 of the Charlotte Business INClusion Policy).

Scenario 1: Amendment, Change Order, or Extension on a Contract with no subcontracting goal established on the original contract

Charlotte Business INClusion

No subcontracting goal was established for this (*Amendment/Change Order/Extension*) because there are no subcontracting opportunities (Part D: Section 6 of the Charlotte Business INClusion Policy).

Scenario 2: Amendment, Change Order, or Extension with Existing Subcontractors/ Subconsultants being utilized

Charlotte Business INClusion

All additional work involved in this (*Amendment/Change Order/Extension*) will be performed by **Prime** and their existing subcontractor(s)/subconsultant(s) (Part D: Section 6 of the Charlotte Business INClusion Policy).

(2nd Sentence, if applicable):

Prime has committed **X.XX%** (**\$\$ amount**) of the total contract (*Amendment/Change Order/Extension*) amount to the following certified firm(s):

- **Firm** (**MBE, WBE, SBE**) (**\$ amount**) (scopes of work)

Scenario 3: Amendment, Change Order, or Extension with Participation-to-Date utilization figures known

Charlotte Business INclusion

Original Established *M/W/SBE* Goal: X.XX%

Original Committed *M/W/SBE* Goal: X.XX%

M/W/SBE Attained Goal to Date: X.XX%

Prime *met/exceeded* the established subcontracting goal, including this (*Amendment/Change Order/Extension*), committing to X.XX% (\$ amount) of the total contract amount (Part D: Section 6 of the Charlotte Business INclusion Policy). To date, Prime has exceeded its commitments, utilizing X.XX% (\$ amount) to the following certified firm(s):

- Firm (*MBE, WBE, SBE*) (\$ amount) (scopes of work)

Scenario 4: Contract Amendment, Change Order, or Extension with Supplemental MWSBE Goal Established

Charlotte Business INclusion

Established *M/W/SBE* Goal: X.XX%

Committed *M/W/SBE* Goal: X.XX%

(Choose applicable sentence from Exhibit 3)

EXHIBIT 3

1. Prime has committed X.XX% (\$ amount) of the total contract (*A/CO/E*) amount to the following certified firm(s):
 - Firm (*MBE, WBE, SBE*) (\$ amount) (scopes of work)
2. Prime has identified the following certified firm(s) to participate:
 - Firm (*MBE, WBE, SBE*) (\$ amount) (scopes of work)

Exempt Contracts

This is a contract with a waiver of solicitation for services and is exempt (Part A: Appendix 1.27 of the Charlotte Business INCLUSION Policy).

Unless a City Department elects otherwise, contracts that fall within one or more of the following categories are considered "Exempt Contracts" and are exempt from the Charlotte Business INCLUSION Program:

- No Competitive Process Contracts (i.e., piggyback, sole-source, cooperative purchasing)
- Contracts purchased off existing Federal or State contracts
- Interlocal Agreements (Municipal Agreements)
- Managed Competition Contracts
- Real Estate Leasing and Acquisition Contracts
- Contracts for Legal Services
- Federal Contracts Subject to DBE, HUD, or other Agency Requirements
- State-Funded Contracts Subject to State MWBE Requirements
- Financial Partner Agreements subject to Federal DBE or State MWBE Requirements
- Special Exemptions (e.g., emergency contracts or contracts for banking or insurance services)
- Waiver of Solicitation for Services, pursuant to Citywide Procurement Policy

Scenario 1: Sole Source Contract

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Scenario 2: Interlocal Agreement

Charlotte Business INclusion

This is an Interlocal Agreement contract and are exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Scenario 3: Purchase off Existing Federal/State Contract

Charlotte Business INclusion

This contract is being purchased off existing State/Federal contracts and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Scenario 4: Cooperative Purchasing

Charlotte Business INclusion

This is a cooperative purchasing contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Scenario 5: Waiver of Solicitation

Charlotte Business INclusion

This is a contract with a waiver of solicitation for services and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy)

Financial Partner & Alternative Construction Agreements

Financial Partner & Alternative Construction Agreements are governed by CBI Policy Part F & G, respectively. Financial Partners are Non-Profit agencies or organizations with whom the City of Charlotte contracts to provide specific services. Alternative Construction Agreements are for-profit comprised of Construction Manager at Risk (CMAR), Design-Build, Infrastructure Reimbursement, or Public-Private Agreements.

When M/W/SBE subcontracting goal(s) are established on a Contract, Department Contracting Officers are highly encouraged to work with CBI Compliance Specialist to identify any MWSBE participation and to obtain goal concurrence.

For Contracts with participation agreements, Department Contracting Officers are highly recommended to work with their legal team and to ensure CBI's legal counsel is involved in its development prior to execution.

M/W/BE Subcontracting Goals in Financial Partner & Alternative Construction Agreements contracts shall be established only for those categories of firms that have experienced discrimination in the Charlotte CSA and have been adversely impacted in their ability to obtain Contracts.

Financial Partner Agreement

Scenario 1: Financial Partner Agreement

Charlotte Business INClusion

The city negotiates subcontracting participation after the proposal selection process. (Part F: Section 1 of the Charlotte Business INClusion Policy).

Scenario 2: Financial Partner Agreement-Additional Work, Change Orders

Charlotte Business INClusion

All Additional work involved on this contract amendment will be performed by the "Prime Bidder" and their existing subcontractors. (Part F: Section 1 of the Charlotte Business INClusion Policy).

Prime has committed X.XX% of the total contract amendment amount to M/W/S/BE firms.

Scenario 3: Financial Partner Agreement

Charlotte Business INClusion

All HTF funded projects and their developers are subject to M/W/S/BE goals determined based on the amount of the HTF allocations received.

Design-Build Agreement

Scenario 1: Design-Build Agreement-Design Build Design Services

Charlotte Business INClusion

The city negotiates subcontracting participation for Design-Build contracts after the firm is selected, and scopes of work are defined for design and construction services. Prime has committed (\$amount) or approximately X.XX % of the contract for construction services, design build design services or approved tasks, etc. to the following certified firm(s) (Part G: Section 2.4 of the Charlotte Business INClusion Policy);

- Firm (MBE, WBE, SBE) (\$ amount) (scopes of work)

Scenario 2: Design-Build Agreement-Equipment/Construction Services

Charlotte Business INClusion

The city negotiates subcontracting participation for Design-Build contracts after scopes of work are defined for equipment purchase and construction services (Part G: Section 2.4 of the Charlotte Business INClusion Policy). Prime has committed X.XX% (\$amount), excluding allowances and wastewater treatment equipment purchase, to the following certified firms:

- Firm (MBE, WBE, SBE) (\$ amount) (scopes of work)

Scenario 3: Design-Build Agreement-Construction Services

Charlotte Business INclusion

Overall Project: (\$amount)

Established M/S/BE Goal: X.XX% (\$amount)

Committed M/S/BE Goal: X.XX% (\$amount)

For this phase of Design-Build construction services: The city negotiates subcontracting participation for Design-Build contracts after scopes of work are defined for construction services (Part G: Section 2.4 of the Charlotte Business INclusion Policy). Prime has committed (\$amount) or X.XX% of the total contract for construction services to the following certified firms:

- Firm (MBE, SBE) (\$ amount) (scopes of work)

Scenario 4: Design-Build Agreement

Charlotte Business INclusion

Prior to the City Manager executing the agreement, the CBI office will establish M/S/BE subcontracting goals on all work tied to this agreement (Part G, Section 2.7 of the Charlotte Business INclusion Policy).

Construction at Risk Agreement- CMAR

Scenario 1: Construction at Risk Agreement-CMAR

Charlotte Business INclusion

The city has established an X.XX% M/S/BE project goals. Because this is a Construction Manager at Risk project, the Construction Manager has the opportunity to add Minority or Small Business Enterprise (SBE) firms throughout the life of the Project (Part G: Section 2.3 of the Charlotte Business INclusion Policy).

Scenario 2: Construction at Risk Agreement-CMAR

Charlotte Business INclusion

This contract is solely for the purchase of wastewater treatment equipment, which consists of specialized manufacturing equipment and therefore does not have M/S/BE subcontracting opportunities. The city will establish subcontracting goals for this Construction Manager at Risk contract once the scopes of work and bid packages are defined (Part G: Section 2.3 of the Charlotte Business INclusion Policy).

Scenario 3: Construction at Risk Agreement-CMAR

Charlotte Business INclusion

The city negotiated project participation as follows:

The city has established an overall project goal of X.XX% M/S/BE and X.XX% M/S/BE. Because this is a Construction Manager at Risk project (Part G: Section 2.3 of the Charlotte Business INclusion Program Policy), the Construction Manager has the opportunity to add Minority or Small Business Enterprise firms throughout the life of the Project.

Infrastructure Reimbursement Agreement-IRA

Scenario 1: Infrastructure Reimbursement Agreement-IRA

Charlotte Business INClusion

Prior to the City Manager executing the infrastructure reimbursement agreement, the CBI Office will Negotiate at least an X.XX% M/S/BE subcontracting goal on all work tied to this agreement (Part G, Section 2.6 of the Charlotte Business INClusion Policy).

Scenario 2: Infrastructure Reimbursement Agreement-IRA

Charlotte Business INClusion

The city negotiates subcontracting participation for Infrastructure Reimbursement Agreement Contract after the scopes of work are defined for design and construction services. (Part G: Section 2.6 of the Charlotte Business INClusion Policy).

Public-Private Partnerships (P3) Agreement-IRA

Scenario 1: Public-Private Partnerships (P3) Agreement-IRA

Charlotte Business INClusion

The city negotiates M/S/BE goals on Public-Private Partnerships (P3) after the scopes of work are defined (Part G: Section 2.5 of the Charlotte Business INClusion Policy).

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Appendix

As additional or modified scenarios arise, the CBI Office will use this section of the Manual to include scenarios with quite MWSBE (DBE) participation opportunities outside of traditional program space.

SERVICES/CONSTRUCTION

Charlotte Business INclusion

City staff will work with the North Carolina League of Municipalities and the Charlotte Regional Visitors Authority to maximize MWSBE spends opportunities. (*Hosting Services for the National League of Cities City Summit; August 28th agenda*)

Small Professional Services Firm (SPSF) Opportunity

For Federal Highway Administration funded projects, NCDOT does not mandate a goal through the State's SPSF program.

Small Professional Services Firm (SPSF) Opportunity

For Federal Transportation Administration funded projects, NCDOT does not mandate a goal from the State's SPSF program; however, Prime has committed X.XX% or approximately (\$ amount) to the following certified firm:

- Firm (MBE, WBE, SBE) (\$ amount) (scopes of work)

Disadvantaged Business Enterprise and Charlotte Business INclusion

There are no subcontracting goals associated with this selection. However, DBE and/or MWSBE goals will be negotiated with each selected firm as scopes of work are assigned. Aviation will monitor goal achievement throughout the life of the contracts.

ACDBE RCA Language

Goal Based on Revenue (typically Food/Beverage and Retail Concessions)

The ACDBE participation goal is established at X.XX% and based on the total gross revenue generated under this contract. The prime has agreed to subcontract with certified ACDBE firms who are expected to generate X.XX% of the total revenue for the entirety of this contract. The obligations of both the city and Prime under this contract shall be subject to the provision of all federal regulations relating to the ACDBE program.

Goal Based on Goods and Services Expenses

The ACDBE participation goal is established at X.XX% and based on the total eligible expenses for goods and services. Prime has agreed to utilize certified ACDBE firms in order to meet or exceed the goal established for the duration of this contract. The obligations of both the city and Prime under this contract shall be subject to the provision of all federal regulations relating to the ACDBE program.

No goal

The Federal ACDBE Program neither requires nor permits goals for every contract. There is no ACDBE goal for this contract. The city must meet its overall goal by using a mix of contract goals and race-neutral means.

Exact goal not yet determined

The ACDBE participation goal will be negotiated based on the total expenses of goods and services for the agreement, not to exceed X.XX%. Prime has agreed to utilize certified ACDBE firms in order to meet or exceed the negotiated goal for the duration of this contract. The obligations of both the city and Prime under this contract shall be subject to the provision of all federal regulations relating to the ACDBE program.