



JCR-51

Minority/Women/Disadvantaged Business Enterprises

April 1993

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Recommendations:

The following procedures are recommended when a MBE, WBE or M/W/DBE plan is part of the bidding process for a project. The procedures outlined below should help serve the interest of M/W/DBE participation and a competitive price for the owner.

1. If owners are required to have an M/W/DBE plan, the architect should encourage the owners to develop this plan. The plan should be done by the owner and the owner's attorney.
2. The M/W/DBE plan should be part of the bid documents.
3. The owner should provide a list of M/W/DBE contractors and suppliers with the bid documents. This list should not exclude other M/W/DBE bidders and the contractor should use other non-listed M/W/DBE prices with a mechanism for subsequent certification.
4. When the owner does not have an approved list of M/W/DBE contractors and suppliers, the plan should clearly outline the criteria for eligible contractors and suppliers.
5. The architect and the owner's representative should review the M/W/DBE plan and the requirements for documentation at a Pre-Bid Conference. Items covered in this review should include:
 - a. The amount of documentation necessary to show a good faith effort should be outlined clearly.
 - b. Documentation showing a good faith effort should be required within three business days after the submission of bids from the lowest bidder.
 - c. Any conditions under which a bid would be considered non-responsive should be outlined. No conditions should be written that could be construed to require contractors or awarding authorities to award contracts or subcontracts or to make purchases of materials or equipment from responsible M/W/DBE contractors or M/W/DBE subcontractors who do not submit the lowest responsive bid.

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6. Contractors should provide M/W/DBEs with opportunities to submit subbids or material quotes on all parts of the project for which they are qualified to perform. Architects should work to make available to M/W/DBE's information that would allow them to submit subbids or material quotes on the project.
7. Owners should be encouraged, when possible, to use uniform M/W/DBE plans to have uniformity across the state. Carolinas AGC has developed a model plan.
8. When all bid and follow-up documentation is submitted, the architect should be available at the owner's request to review the M/W/DBE documentation.
9. Contractor or subcontractor should have bilingual personnel on site when needed for proper communication.

End of JCR-51

This recommendation is the result of considerable discussion and deliberation by the Architect and General Contractor members of the Joint Cooperative Committee of AIA North Carolina and the Carolinas AGC. While its provisions are not binding on individual Architects or General Contractors, the committee believes that adherence to the recommendations will benefit the Owner and the Construction Industry in general.