

**PARTICIPATION BY
HISTORICALLY UNDERUTILIZED BUSINESSES**

Policy Code:

6402

The board affirms the State’s commitment to encourage the participation of historically underutilized businesses (~~“HUBs”~~), as defined by G.S. 143-128.4, and small businesses in the school system’s purchase of goods and services. The board encourages historically underutilized businesses to submit bids for the purchase of goods and services for the school system. ~~The board aspires for _____ percent of the total annual value of the school system’s purchase of goods and services to come from contracts with minority-owned businesses, female-owned businesses, disabled-owned businesses, disabled business enterprises, or non-profit work centers for the blind and severely disabled.~~

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Notwithstanding the board’s intent to promote the participation of the types of businesses described above, ~~The board will purchase goods and services without regard to~~ of education prohibits discrimination against any person or business on the basis of race, color, creed, national ~~ethnic~~ origin, sex, age, disability, or religion.

A. SCHOOL SYSTEM GOOD FAITH EFFORTS

The board ~~establishes~~ has adopted the following guidelines to ensure that the school system will make good faith efforts to reach diverse suppliers of goods and services and to encourage participation in the school system’s purchasing program ~~progress~~ by such suppliers. Employees responsible for the purchasing function shall ~~The school system may:~~

1. make information about the school system’s purchasing procedures and bidding process readily available;
2. advertise for bids in media that reaches historically underutilized ~~minority~~ businesses;
3. ensure access to bidding documents needed for making bids on projects;
4. obtain ~~request~~ directory information of small businesses, historically underutilized businesses, disabled business enterprises, owned and controlled by minorities, women, disabled persons, and nonprofit work centers for the blind or severely disabled by using the online search functions of the North Carolina electronic Vendor Portal provided by ~~contacting~~ the Division of Purchase and Contracts at the N.C.State ~~State~~ Department of Administration;
5. provide information to HUBs on how to become Historically Underutilized Business (HUB)-certified and/or North Carolina Small Business Enterprise (NCSBE)-certified and how to register in the North Carolina electronic Vendor Portal ~~have a company name included on lists maintained by the Division of Purchase and Contracts at the State Department of Administration;~~

6. prepare vendor lists in accordance with policy 6442, Vendor Lists; and
7. where allowed by law, permit performance guarantees rather than performance bonds for contracts for goods and services.

B. DOCUMENTATION AND REPORTING

The superintendent or ~~his or her~~ designee ~~shall will~~ submit all legally required reports on the use of historically underutilized businesses, ~~disabled business enterprises, and nonprofit work centers for the blind and the severely disabled~~ and ~~shall will~~ document the use of ~~such~~ businesses ~~qualifying as historically underutilized businesses~~ as necessary to comply with applicable laws.

Legal References: *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); G.S. 143-48, ~~-48.4, -128.4; 01 N.C.A.C. 05B .0301+43-128~~

Cross References: Vendor Lists (policy 6442), Participation by Minority Businesses (policy 9125)

Adopted: December 14, 2015

Revised: DATE