

**Request for Performance to Provide Comprehensive Marketing and
Branding Plan and Services to the City of Durham Office of Economic and
Workforce Development on behalf of the Durham Workforce Development
Board
RFP# 25-0007**

For Comprehensive Marketing and Branding Plan and Services

RFP No. 25-0007

Release Date: October 11, 2024

Proposal Submission Deadline: November 14, 2024 by 5:00pm

Project Manager and Contact with City; Questions about this RFP. Direct questions and concerns to:

Jasmine Jones

Jasmine.Jones@DurhamNC.Gov

Durham Workforce Development Special Projects Manager

919-560-4965

and

Adria Graham Scott

Adria.GrahamScott@DurhamNC.Gov

Durham Workforce Development Board Director

919-560-4965

1. Introduction

The City of Durham Office of Economic and Workforce Development (OEWD) on behalf of the Durham Workforce Development Board (DWDB, City) is seeking proposals from qualified companies or business organizations to conduct, create, and implement a comprehensive marketing and branding plan. This plan will serve to enhance the visibility and accessibility of our workforce development programs. The selected contractor will be responsible for a full website design, social media marketing and management, and the creation of cohesive brand messaging that unifies multiple workforce development initiatives under one brand identity.

2. Background

The DWDB is dedicated to supporting the Durham community by providing resources, training, and opportunities to job seekers and employers. Our programs serve a diverse population, including socially and economically disenfranchised youth, adults, and dislocated workers and individuals impacted by the justice system. The goal is to create a seamless, user-friendly experience that encourages program participation and maximizes impact on the community.

3. Scope of Work

The selected contractor will be responsible for the following:

A. Marketing and Branding Plan

- **Brand Identity Development:** Develop a cohesive brand identity that aligns with the mission and vision of the DWDB programs, as well as related Federal, State, and local Workforce Development Programs. This includes the development of a cohesive visual representation that incorporates the existing logo, color palette, typography, and other visual elements that currently represent the core values and goals of each organization and its programming.
- **Messaging Strategy:** Create a consistent and compelling messaging strategy that resonates and informs program target audiences, including job seekers, employers, community partners, and other stakeholders. This should include key messages, taglines, and value propositions for each target audience.

B. Website Design and Development

- **User-Centered Design:** Design and develop a fully responsive, accessible, and user-friendly website that integrates all DWDB and related Workforce Development Programs into a single platform. Each program should have its own dedicated landing page with tailored content and resources.
- **Content Management System (CMS):** Implement a CMS that allows for easy updates and management of website content by internal staff. The CMS should support multimedia content, including videos, images, and downloadable resources.
- **SEO Optimization:** Ensure that the website is optimized for search engines, with a focus on local SEO to increase visibility among Durham residents. *(if applicable)*
- **Analytics and Reporting:** Integrate analytics tools to track website performance, user behavior, and engagement. Provide monthly reports on key metrics and recommendations for continuous improvement.

C. Social Media Marketing and Management

- **Social Media Strategy:** Develop and implement a social media strategy that aligns with the overall branding and marketing plan. This should include platform selection, content calendars, and engagement tactics.
- **Content Creation:** Create engaging and shareable content for social media platforms, including posts, videos, infographics, and stories. Content should be designed to drive traffic to the website and encourage program participation.
- **Social Media Management:** Manage all social media accounts, including content posting, community engagement, and responding to inquiries. Regularly monitor and analyze social media performance, providing monthly reports with insights and recommendations.

D. Integrated Campaigns

- **Multichannel Marketing Campaigns:** Design and execute integrated marketing campaigns that utilize a mix of digital and traditional marketing channels, such as email marketing, online advertising, and print materials. Campaigns should be tailored to specific target audiences and program goals. (NC Works)
- **Partnerships and Collaborations:** Identify and leverage partnerships with federal, state, and local entities to amplify the reach of marketing campaigns and increase community engagement. (NC Works)

E. Training and Support

- **Staff Training:** Provide training to DWDB and OEWD staff on how to effectively manage the website, social media accounts, and execute the marketing and branding plan. This includes training on the CMS, content creation, and analytics tools.
- **Ongoing Support:** Offer ongoing technical support and consultation services to ensure the continuous success and evolution of the marketing and branding efforts.

4. Proposal Requirements

Proposals should include the following:

A. Company Profile

- Overview of the company, including history, mission, and core services.
- Experience and qualifications relevant to this RFP, including case studies or examples of similar projects.

B. Project Team

- Detailed information on the project team, including roles, responsibilities, and relevant experience.

C. Approach and Methodology

- Detailed description of the proposed approach to the project, including timelines, deliverables, and project management strategies.
- Explanation of how the contractor will address the specific needs of DWDB and OEWD Programs, including the integration of multiple workforce initiatives into a single platform.

D. Budget and Cost Breakdown (A/B proposal budgets for creation and maintenance (attachment) –see sample budget format.

- Detailed budget proposal, including a breakdown of costs for each component of the project (e.g., website design, social media management, branding).

- Explanation of any additional costs or optional services that may be required.

E. References

- Provide at least three references from previous clients who can speak to the contractor's ability to deliver similar projects.

F. Compliance with Local and Federal Regulations

- Confirmation that the contractor will comply with all relevant local, state, and federal regulations, including accessibility standards (e.g., ADA compliance) and data privacy laws.

5. Submission Instructions

- **Submission Deadline:** Proposals must be submitted no later than 5:00pm on **November 14, 2024**
- **Submission Format:** Proposals should be submitted electronically in PDF format to Jasmine.Jones@DurhamNC.gov and Adria.GrahamScott@DurhamNC.gov . Please include "RFP No. 25-0007- [Company Name]" in the subject line.
- **Contact Information:**
For questions or additional information, please contact:

Jasmine Jones

Jasmine.Jones@DurhamNC.Gov

Durham Workforce Development Special Projects Manager

919-560-4965

and

Adria Graham Scott

Adria.GrahamScott@DurhamNC.Gov

Durham Workforce Development Board Director

919-560-4965

A. Application Process

*Schedule**

- **RFP Issued: October 11, 2024**
- **RSVP Deadline for Pre-Submittal Meeting: October 21, 2024 by 5:00pm**
- **Pre-Submittal Meeting: October 24, 2024 at 3:00pm**
- **Questions Due: October 31, 2024 by 4:00pm**
- **Proposals Due: November 14, 2024 by 5:00pm**
- **Evaluation of Proposals: November 18, 2024**
- **Virtual Interviews: November 2024**
- **Notification on Award/Non-Award: November 29, 2024**

This schedule is the City's best estimate of the schedule that will be followed. If a component of this schedule from the beginning to end is delayed, the rest of the schedule will be shifted by the same number of days.

Addendums

The City may issue addendums to the RFP with additional information or clarifications. The cover letter should list the last addendum that the City issues for this RFP, with a statement such as: *The undersigned applicant has read all the addendums issued by the City for this RFP, through and including Addendum No. ____.*

Virtual RFP Workshop

The City will conduct a virtual RFP Workshop on the date and time indicated above. During the workshop, City designees will endeavor to provide responses to, and/or additional clarification for any questions. Interested parties should email jasmine.jones@durhamnc.gov and adria.grahamscott@durhamnc.gov to register for the workshop **by the RSVP deadline** using the Please write 'RSVP for DWDB Marketing RFP' in the subject line.

Submission of Qualifications

Applicants are requested to provide a complete electronic version of their submission via E-mail to _____. Please write "RFP No. 25-0007- [Company Name]" in the subject line. Applicants should see that their submissions are received by the date and time indicated above under "Schedule". Applicants should receive an E-mail from the City confirming receipt of submissions. Applicants who do not receive a confirmation E-mail within 24 hours should contact the City using the E-mail address above to confirm receipt. Any submission received after November 14, 2024 at 5:00 PM will not be accepted.

Applicants should be aware that the City of Durham's electronic mail system will only allow attachments that are 75 MB or smaller in size. If an applicant desires to submit an attachment that exceeds this size limit, then the applicant must provide a link to a site where the file can be found and downloaded.

Interviews

The DWDB intends to conduct interviews via video conference as part of the review process. Applicants will be informed in writing of any planned interviews.

Equal Business Opportunity Program (EBOP)

Equal Business Opportunity Program

It is the policy of the City to provide equal opportunities for City contracting for underutilized firms owned by minorities and women doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct present effects of past discrimination and to resolve complaints of discrimination. This policy applies to all City contracting, including procurement services.

In accordance with the Ordinance, all contractors are required to provide information requested in the "Equal Business Opportunity Program Procurement Forms" package included with this Request for Bids. Bids that do not contain the appropriate, completed forms will be **deemed non-responsive and ineligible for consideration.**

For procurement services **with UBE** goals, the “UBE Participation” and “Statement of Intent to Perform as Subcontractor” are required of all bidders. “Request to Change UBE Participation After Bid Opening” and the “Questionnaire on Bidder’s Good Faith Efforts” documents are not required at this time. The **MUBE** goal is 7% and the **WUBE** goal is 5% on this bid.

The Department of Finance – Underutilize Business Compliance is responsible for the Equal Business Opportunity Program.

All questions about “Equal Business Opportunity Program Procurement Forms” should be referred to department staff at (919) 560-4180.

B. Qualifications Content and Format

Responses should include the following information in the following order.

1. ***Cover Letter*** - Please see Appendix A for a template.
2. ***Applicant information*** – Provide the following information:
 - State the full, exact name of the applicant. If the applicant is a consortium of more than one entity, provide the name and address for the lead entity.
 - State whether the applicant is an individual, corporation, limited partnership, general partnership, limited liability company, professional corporation, professional association, etc.
 - If the applicant is anything other than an individual or a general partnership, specify the State under which the entity is organized.
 - If the State under which the entity is organized is not North Carolina, specify whether the applicant has received a certificate of authority from the N. C. Secretary of State to transact business in North Carolina. (If not currently registered, successful applicant will be required to register with the N.C. Secretary of State prior to contract execution.)
 - State whether the entity is in existence at the time the qualifications are submitted, and if not, whether and when the applicant intends to officially form the entity.
 - State the names and titles of the individuals who will sign the contract with the City.
3. ***Employer Identification Number (EIN)*** – Please provide the EIN for the applicant and/or lead agency of a consortium.
4. ***Application contact*** – Provide the name, title and contact information, including mailing address, phone number and E-mail of the person whom the City should contact regarding this response.
5. ***Statement of Qualifications*** – In no more than seven (7) pages, applicants should describe their experience in the past five years (2019 or later) in the following categories:
 - Comprehensive Branding and Marketing: Demonstrate experience in developing and implementing comprehensive branding and marketing strategies for organizations.
 - Website Design and Development: Provide a detailed account of your experience in designing and developing user-friendly, responsive websites, particularly for workforce development, nonprofit, or government-related organizations.

- **Social Media Marketing and Management:** Outline your experience in developing and executing social media marketing strategies and provide examples of successful social media campaigns that have increased visibility and engagement.
- **Multichannel Marketing Campaigns:** Describe your experience in designing and executing integrated multichannel marketing campaigns that include digital marketing (e.g., email, social media, online advertising)
- **Training and Support:** Provide examples of training and support services you have offered to clients, particularly in relation to managing websites, social media accounts, and executing marketing strategies.

To the extent possible, applicants should provide data and other success measures that describe how effective the activities completed by the applicant were in achieving the stated goals.

6. ***Understanding of the Scope of Work***– In no more than three (3) pages, applicants should provide an overview of their approach to completing the proposed scope of work. This should include a description of the roles and responsibilities for key staff and subcontractors (if any).
7. ***Methods and Procedures*** - Candidates must provide a comprehensive narrative statement that sets out the methodology they intend to employ and illustrates how their methodology will serve to accomplish the work and meet the City's schedule.

Candidates must provide a comprehensive narrative statement that sets out the management plan they intend to follow and illustrates how their plan will serve to accomplish the work:

- Service delivery standards
 - Problem reporting and resolution procedures
8. ***Project Team, Location of Work and Subcontracting.*** – Applicants should identify and provide resumes for all staff that are expected to be engaged in the proposed curriculum delivery work.

State the names and qualifications of the individuals who will have responsibility for this project.

State the names, qualifications, and physical office locations of the individuals whose experience and credentials contribute to the RFP. An organizational chart should be provided with key staff and/or management. Proposals should state to what extent, if any, the services contemplated under this RFP may be subcontracted. If a proposer intends to engage partners or specified subcontractors to qualify under this RFP, the proposer must identify in the proposal the names of the partner entities and/or subcontractors and the portions of the proposed services the third-party is qualified to perform.

Subcontractors

Subcontractors may be used to perform work under this contract. If a candidate intends to use subcontractors, the candidate must identify in their proposal the names of the subcontractors and the portions of the work the subcontractors will perform.

If a proposal with subcontractors is selected, the candidate must provide the following

information concerning each prospective subcontractor within five working days from the date of the City's request:

- (a) Complete name of the subcontractor,
- (b) Complete address of the subcontractor,
- (c) Type of work the subcontractor will be performing,
- (d) Percentage of work the subcontractor will be providing,
- (e) Evidence, as set out in the relevant section of this RFP, that the subcontractor holds a valid business license,
- (f) A written Statement, signed by each proposed sub-contractor that clearly verifies that the subcontractor is committed to render the services required by the contract.
- (g) Documentation requested from the contractor in Section 260.3 Qualifications, References and Licenses of this RFP.

A candidate's failure to provide this information within the time set may cause the City to consider their proposal non-responsive and reject the proposal.

- 9. **Sample Materials** - The Applicant should provide at least one example of a marketing plan.
- 10. **Budget** – Applicants should provide budgets for all direct costs and expenses only, relating (or if potentially relating - *please specify in detail*) to program delivery including the following: (*Please see sample budget format*)

Sample Budget:

Category	Description	A: Full Marketing and Branding Plan	B: Maintenance and Ongoing Support
1. Branding and Identity Development	Development of logo, color palette, typography, and visual elements	[\$Insert Amount]	N/A
2. Messaging Strategy	Creation of key messages, taglines, and value propositions	[\$Insert Amount]	N/A
3. Website Design and Development	Design and development of a responsive, user-friendly website	[\$Insert Amount]	N/A
3.1 CMS Implementation	Implementation of a content management system (CMS)	[\$Insert Amount]	[\$Insert Amount]
3.2 SEO Optimization	Search engine optimization to increase visibility	[\$Insert Amount]	[\$Insert Amount]
3.3 Analytics and Reporting Setup	Integration of analytics tools and initial setup	[\$Insert Amount]	[\$Insert Amount]
4. Social Media Marketing Strategy	Development of a social media strategy and content calendar	[\$Insert Amount]	N/A
4.1 Content Creation	Creation of social media posts, videos, infographics, etc.	[\$Insert Amount]	[\$Insert Amount]
4.2 Social Media Management	Ongoing management and community engagement	[\$Insert Amount]	[\$Insert Amount]
5. Integrated Marketing Campaigns	Design and execution of multichannel marketing campaigns	[\$Insert Amount]	[\$Insert Amount]
6. Training and Support	Initial training for staff on website management and marketing tools	[\$Insert Amount]	N/A
6.1 Ongoing Support	Technical support and consultation services	N/A	[\$Insert Amount]
7. Other Costs	Any additional costs or services	[\$Insert Amount]	[\$Insert Amount]

| **Total Cost** | **Total for A + B** | **[\$Insert Total A]** | **[\$Insert Total B]** |

Instructions for Budget Breakdown:

- **A: Full Marketing and Branding Plan:** This section should include all costs associated with the development and implementation of the comprehensive marketing and branding plan.
- **B: Maintenance and Ongoing Support:** This section should outline the costs for maintaining the marketing and branding plan, including ongoing website updates, social media management, technical support, and any other related services.

Qualifications, References and Licenses.

This part should include the candidate's experience on similar projects and include references and how to contact them.

Provide a brief history including how long the applicant has been in business providing marketing services.

11. **References** – Applicants should provide the name, title and contact information (phone and E-mail) for three (3) current or former clients that can speak the applicant's experience and qualifications.

An organizational chart specific to the personnel assigned to accomplish the work called for in this RFP. Illustrate the lines of authority and designate the individuals responsible and accountable for the completion of each component and deliverable of the RFP.

Provide a personnel roster that identifies each person who will actually work on the contract and provide the following information about each person listed:

- (a) Title,
 - (b) Resume (if applicable),
 - (c) Location (s) where work will be performed; and
 - (d) Itemize the total cost and the number of estimated hours for each individual named above.
- Provide reference names and phone numbers for similar projects your firm has completed. Information should include: list of services provided, address, telephone and fax numbers, length of implementation, name of client reference, and name of Project Manager.

Provide a copy of the firm's most recent Audited Financial Statement.

List the candidate's current licenses that are pertinent to this project.

The City may reject proposals from any candidate that does not hold licenses required by N.C. laws to perform the contemplated work. If a N.C. license or other approval by a N.C. State agency is required to perform the work and a candidate lacks such a license when it submits its proposal, the City may consider that circumstance in making the award.

12. **Workforce Diversity Questionnaire.**

Complete the attachment **Appendix B - Contractor Workforce Diversity Questionnaire** and provide it with your proposal. You can print out the Questionnaire that is in the RFP or it is posted on the City's webpage, on the Purchasing Division's webpage, at [Contractor-Workforce-Diversity-Questionnaire-072324-rev \(durhamnc.gov\)](https://www.durhamnc.gov/procurement/contractor-workforce-diversity-questionnaire-072324-rev) to find the version that can be filled in online, printed and submitted in your proposal.

13. **Equal Business Opportunity Program Forms** – All applicants are required to provide information requested in the "Equal Business Opportunity Program Procurement Forms" package included with this Request for Bids. **Appendix C**

C. Evaluation Criteria

If an award is made, it is expected that the City's award will be to the applicant that agrees to meet the needs of the City. A number of relevant matters will be considered, including:

1. **Experience and Qualifications:** Proven experience in marketing, branding, and website development for workforce development or similar organizations. (8 points)
2. **Creativity and Innovation:** Demonstrated ability to develop creative and innovative solutions that meet the needs of diverse audiences. (8 points)
3. **Approach and Methodology:** Clear and effective approach to project management, including timelines, deliverables, and risk mitigation strategies. (8 points)
4. **Budget:** Cost-effectiveness and alignment with the budgetary constraints of the DWDB and OEWD. (6 points)
5. **References:** Positive feedback from previous clients and successful completion of similar projects. (5 points)

(35 Points Scoring System)

D. Terms and Conditions

- The DWDB and OEWD reserve the right to reject any or all proposals, waive any informalities, and accept the proposal that is in the best interest of the programs.
- All materials submitted in response to this RFP become the property of the DWDB and OEWD Programs and may be used as deemed necessary.
- The selected contractor will be required to enter into a contract with the DWDB and OEWD Programs outlining the terms and conditions of the project.

Compensation Amount and Schedule: The timing of the payment or payments will be determined by a contract based on the project scope of work and budget. No payments will be made until the contract is approved by the City Manager and has been fully executed by all parties. The City expects to receive invoices on a monthly basis for services provided.

E. General Conditions

Definitions in this RFP: City, RFP, Qualifications, Applicant, Contractor, Should.

Unless the context indicates otherwise – (a) The expressions “RFP,” “this RFP,” and “the RFP” refer to this document as it may be amended or updated. (b) “City” and “city” mean the City of Durham. (c) The “qualifications” are the response of a person, firm, or corporation proposing to provide the services sought by this RFP. (d) The word “Applicant” or “applicant” is the person, firm, or corporation that submits qualifications or that is considering submitting qualifications (e) The word “Contractor” or “contractor” is the person, firm, or corporation with which the City enters into a contract to provide the services sought by this RFP. That is, “contractor” generally refers to a successful applicant that has obtained a fully executed contract with the City, while “applicant” is generally reserved to the stage before a contract has been signed. (f) The word “should” is used to tell applicants what the City thinks it wants and/or what the project manager thinks is best. Applicants that want to increase the likelihood of

being selected will, in general, do what the RFP says applicants “should” do, but failure to comply with all “shoulds” will not necessarily and automatically result in rejection.

Contract

The City anticipates that the conclusion of the RFP process will be a contract between the City and the successful applicant under which the successful applicant will provide the services generally described in this RFP. It is the City’s intention to use the City’s standard contract that is attached as Exhibit C, which will be modified and filled in to reflect the RFP and the submission. If an applicant objects to any of the contract, it should state the objections in its submission.

Insurance

The Contractor agrees to maintain on a primary basis, at its sole expense, and at all times during the life of this contract the following applicable coverages and limits. The requirements contained herein, as well as the City’s review or acceptance of insurance maintained by the Contractor, is not intended to, and shall not in any manner, limit or qualify the liabilities or obligations assumed by the Contractor under this contract.

Commercial General Liability – Combined single limit of no less than \$1,000,000 each occurrence and \$2,000,000 aggregate. Coverage shall not contain any endorsement excluding or limiting Product/Completed Operations, Contractual Liability, Cross Liability, or Personal and Advertising Injury Liability.

Automobile Liability – Limits of no less than \$1,000,000 Combined Single Limit. Coverage shall include liability for Owned, Non-Owned, and Hired automobiles. In the event the Contractor does not own automobiles, the Contractor agrees to maintain coverage for Hired and Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or by separate Auto Liability policy. Automobile coverage is necessary only if vehicles are used in the provision of services under this contract or are brought on a City site.

Umbrella or Excess Liability – The Contractor may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability. However, the Annual Aggregate limits shall not be less than the highest “Each Occurrence” limit for required policies. The Contractor agrees to endorse the City as an “Additional Insured” on the Umbrella or Excess Liability unless the certificate of insurance states the Umbrella or Excess Liability provides coverage on a “Follow-Form” basis.

Worker’s Compensation & Employers Liability – The Contractor agrees to maintain Worker’s Compensation Insurance in accordance with Chapter 97 of the North Carolina General Statutes and with Employer Liability limits of no less than \$1,000,000 for each accident, each employee, and policy limit. This policy must include a waiver of subrogation.

Additional Insured – The Contractor agrees to endorse the City as an Additional Insured on the Commercial General Liability. The Additional Insured shall read “City of Durham as its interest may appear”.

Certificate of Insurance – The Contractor agrees to provide the City a certificate of insurance evidencing that all coverage, limits, and endorsements required herein are maintained and in full force and effect, and certificates of insurance shall provide a minimum thirty (30) day endeavor to notify, when available, by the Contractor’s insurer. If the Contractor receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein or receives

notice that coverage no longer complies with the insurance requirements herein, the Contractor agrees to notify the City within five (5) Business Days with a copy of the non-renewal or the cancellation notice or with written specifics as to which coverage is no longer in compliance. The Certificate Holder address should appear as follows:

City of Durham
Attn: Economic & Workforce Development
101 City Hall Plaza
Durham, NC 27701

All primary insurance carriers must be authorized to do business in North Carolina. As used in this contract, "Business Day" is defined as any day other than Saturdays, Sundays, and any legal holiday recognized by the City pursuant to City Code Section 42-16, as amended.

Additional Insurances, License or Certifications

- Applicant is responsible for providing documentation/proof of any additional insurances, license, or certifications required to demonstrate compliance with North Carolina Senate Bill 199 – the SAFE Child Act for all staff in contact with participants.
- All licenses, certifications, and required training must be current and demonstrate eligibility to operate in North Carolina and be acceptable to the City of Durham's Risk Manager.

Bond:

No performance bond or payment bond is required for this contract.

Discretion of the City

1. The City of Durham reserves the right to reject any or all submissions.
2. NOTWITHSTANDING anything to the contrary in this document or in any addendums to this document, unless the contrary provision refers specifically to this provision, the City reserves the right (i) to negotiate changes of any nature with any applicant with respect to any term, condition, or provision in this document and/or in any qualifications, whether or not something is stated to be mandatory and whether or not it is said that qualifications will be rejected if certain information or documentation is not submitted with it, and (ii) to enter into an agreement for some or all of the work with one or more persons, firms, or corporations that do not submit qualifications. For example, all deadlines are for the administrative convenience or needs of the City and may be waived by the City in its discretion. This subparagraph B applies to the entire RFP, including the UBE portions.
3. Where the City asks or tells applicants to do stated things, such as that submissions should follow a stated format or that the applicant should do stated things in seeking the contract, the City may reject submissions because it does not comply with those requests, so the applicant is adding to its risk of rejection by non-compliance. Still, the City may, in its discretion, waive non-compliance. This subsection (C) does not limit subsections (A) and (B).
4. Of course, once a contract is signed, the parties to the contract may enforce the contract according to its terms as allowed by applicable law.

Keeping Proposals Open: All proposals will remain open and valid for the City to accept for a period of 120 days after the deadline for submission of proposals. The Project Manager may release candidates from this obligation by a written letter that specifically refers to this paragraph if he or she determines that the candidate and/or the proposal will not meet the City's needs.

Applicant to Bear Expense; No Claims against City

No applicant will have any claims or rights against the City arising out of the participation by an applicant in the qualifications process. No applicant will have any claims or rights against the City for the City's failure to award a contract to it or for awarding a contract to another person, firm, or corporation, regardless of whether the other person, firm, or corporation participated in the RFP process or did not submit qualifications that complied with the RFP. A notice of award will not constitute acceptance by the City; the City's only method of acceptance is the City's execution of a formal contract in accordance with law.

State Treasurer's lists regarding Iran and Boycott of Israel

If the value of the contract is \$1,000 or more, the following applies unless the applicant otherwise states in its qualifications: the applicant affirms (by submitting qualifications) that (1) its name does not appear on the list of companies that are engaged in a boycott of Israel developed by the N. C. State Treasurer under N.C.G.S. 147-86.81(a)(1) or on a list created by the Treasurer pursuant to N.C.G.S. 147-86.58 as a company engaging in investment activities in Iran, and (2) it has no reason to expect that its name will appear on either of those lists. Take notice that a contract between a company named on either list and the City may be void.

Notice under the Americans with Disabilities Act

Persons who require assistance to participate in government activities should contact (919) 560-4197 or ADA@DurhamNC.gov no later than 48 hours before the event.

Aviso bajo el Acto de Americanos Descapacitados

Las personas que requieran asistencia para participar en actividades gubernamentales deben comunicarse al (919) 560-4197 o ADA@DurhamNC.gov a más tardar 48 horas antes del evento.

Values of City of Durham regarding Treatment of Employees of Contractors

A. Statement of City EEO Policy. The City of Durham opposes discrimination in employment because of race, color, religion, sex, national origin, disability, familial status, military status, sexual orientation, gender identity, and protected hairstyle. Consistent with Chapter 34 (Non-Discrimination) of the Durham City Code, the City requires that firms doing business with the City:

1. not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, familial status, military status, sexual orientation, gender identity, and protected hairstyle.
2. take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, national origin, sex, disability, familial status, military status, sexual orientation, gender identity, and protected hairstyle. This action includes employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
3. state, in solicitations or advertisement for employees, that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, sex, disability, familial status, military status, sexual orientation, gender identity, and protected hairstyle.
4. include this Statement of City EEO Policy in every purchase order for goods to be used in performing City contracts and in every subcontract related to City contracts.

1. **Livable Wage.** The City of Durham desires that firms doing business with the City pay their workers a livable wage rate while working on City contracts. The livable wage rate is \$19.58 per hour through June 30, 2025. The City will reset the rate for the period after June 30, 2025.

Trade Secrets and Confidentiality: As a general rule, all submissions to the City are available to any member of the public. However, if materials qualify as provided in this section, the City will take reasonable steps to keep trade secrets confidential.

Definitions

In this section (Trade Secrets and Confidentiality) –

The term “candidate” includes the candidate as contractor (that is, after it is a party to a contract with the City).

The term “trade secret” means business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:

- a. Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The existence of a trade secret shall not be negated merely because the information comprising the trade secret has also been developed, used, or owned independently by more than one person, or licensed to other persons.

The term “record” means all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, received by the City of Durham in connection with the candidate’s proposal.

(a) Designation of Confidential Records. To the extent that the candidate wishes to maintain the confidentiality of trade secrets contained in materials provided to the City, the candidate shall prominently designate the material with the words “trade secrets” at the time of its initial disclosure to the City. The candidate shall not designate any material provided to the City as trade secrets unless the candidate has a reasonable and good-faith belief that the material contains a trade secret. When requested by the City, the candidate shall promptly disclose to the City the candidate’s reasoning for designating material as trade secrets; the candidate may need to label parts of that reasoning as trade secrets. In providing materials to the City, the candidate shall make reasonable efforts to separate those designated as trade secrets from those not so designated, both to facilitate the City’s use of the materials and to minimize the opportunity for accidental disclosure. For instance, if only a sentence or paragraph on a page is a trade secret, the page must be marked clearly to communicate that distinction. To avoid mistakes or confusion, it is generally best to have only trade secret information on a page and nothing else on that page.

To the extent authorized by applicable state and federal law, the City shall maintain the confidentiality of records designated ‘trade secrets’ in accordance with this section. Whenever the

candidate ceases to have a good-faith belief that a particular record contains a trade secret, it shall promptly notify the City.

(b) Request by the Public for Access to Record. When any person requests the City to provide access to a record designated as a trade secret in accordance with sub-section (a) above, the City may

1. Decline the request for access,
2. Notify the candidate of the request and that the City has provided, or intends to provide, the person access to the record because applicable law requires that the access be granted, or
3. Notify the candidate of the request and that the City intends to decline the request. Before declining the request, the City may require the candidate to give further assurances so that the City can be certain that the candidate will comply with subsection (c) below.

(c) Defense of City. If the City declines the request for access to a record designated as trade secrets in accordance with subsection (a), then, in consideration of the promises in (b) above and for considering the candidate's proposal, the candidate agrees that it shall defend, indemnify, and save harmless Indemnities from and against all Charges that arise in any manner from, in connection with, or out of the City's non-disclosure of the records. In providing that defense, the candidate shall at its sole expense defend Indemnities with legal counsel. The legal counsel shall be limited to attorneys reasonably acceptable to the City Attorney.

Definitions: As used in this subsection (c), "Charges" means claims, judgments, costs, damages, losses, demands, liabilities, fines, penalties, settlements, expenses, attorneys' fees, and interest. "Indemnitees" means the City, and officers, officials, independent contractors, agents, and employees, of the City. "Indemnitees" does not include the candidate. The City may require the candidate to provide proof of the candidate's ability to pay the amounts that may reasonably be expected to become monetary obligations of the candidate pursuant to this section. If the candidate fails to provide that proof in a timely manner, the City shall not be required to keep confidential the records whose non-disclosure gives rise to the potential monetary obligation. Nothing in this agreement shall require the City to require any person (including the City itself) to be placed in substantial risk of imprisonment, of being found by a court to be in contempt, or of being in violation of a court order. This subsection (c) is separate from and is to be construed separately from any other indemnification and warranty provisions in the contract between the City and the candidate.

Appendix A

DATE

Adria Graham Scott, Director
Durham Workforce Development Board
Office of Economic and Workforce Development
807 East Main Street, Building 5, Suite 100
Durham, NC 27701

Dear Ms. Graham Scott:

[NAME OF APPLICANT ORGANIZATION] is submitting a proposal in response to the City of Durham on behalf of the Durham Workforce Development Board's Request for Proposals (RFP) to provide Marketing and Branding Plan and Services for the Durham Workforce Development Board and its programs. The undersigned, whose title and position with the applicant are stated next to or beneath their signature, has the authority to submit this proposal (including this cover letter) on behalf of the applicant in response to this RFP.

Unless otherwise clearly stated in this response to the RFP, our proposal accepts the terms and conditions stated in the RFP, including the description of services to be performed and the provisions of the contract to be signed.

The applicant is not submitting any trade secrets to the City of Durham or the Durham Workforce Development Board in connection with this proposal or the contract; if the contract is awarded to the applicant, the applicant will not submit any trade secrets to the City of Durham or the Durham Workforce Development Board in connection with this proposal or the contract. The applicant acknowledges that the City of Durham and the Durham Workforce Development Board will rely on the preceding sentence.

This proposal is not an offer, and the applicant retains the right to decline to enter into a contract with the City of Durham on behalf of the Durham Workforce Development Board for this project.

Sincerely,

Signature

Name of Applicant (typed)

ACKNOWLEDGEMENT

Type/print the name of Notary Public signing this acknowledgment: _____

Place where acknowledgment occurred: County of _____, State of _____

Notary's residence : County of _____, State of _____

I, the Notary Public named above, certify (1) the individual named above personally appeared before me this day, (2) I have personal knowledge, or satisfactory evidence, of the individual's identity; and (3) the individual acknowledged signing the foregoing cover letter.

This the ____ day of _____, 20____. _____

Notary Public

My commission expires: _____

Contractor Workforce Diversity Questionnaire

A diverse workforce refers to the similarities and differences among employees in terms of age, cultural background, physical abilities and disabilities, race, religion, gender, and sexual orientation. A diverse workforce results in greater productivity, engagement, and innovation among the employees of a business. The workforce of the City of Durham is diverse and directly benefits from diversity in hiring practices of the contractors that do business in the City of Durham. The City of Durham is committed to the promotion of a diverse workforce within its own workforce and the workforce of contractors that perform work for, or deliver goods or services to the City.

The information requested in this questionnaire is intended to encourage the candidate, which is defined as the person, firm or corporation interested in contracting with the City, to engage in diverse workforce hiring practices as in the best interest of the City and the greater Durham community. The following questions focus on your efforts to recruit and maintain a diverse workforce and to provide your business with resources and recommendations on how to create and maintain a diverse workforce.

1. Do the management and professional positions within your business include women and minorities?

Yes

☐

No

☐

If yes, please provide number(s) and positions:

Number of Women:

Position title:

Number of Minorities:

Position title:

2. Please respond to the following efforts you make to create and maintain a more diverse workforce:

- (a) When you recruit for employees, do you only recruit by word-of-mouth?

Yes

☐

No

☐

[Note: Reliance on word-of-mouth recruiting alone is unlikely to result in a diverse workforce.]

Appendix C - See Attached -Equal Business Opportunity Program Procurement Forms



FINANCE

CITY OF DURHAM

EQUAL BUSINESS OPPORTUNITY PROGRAM

GOODS AND
OTHER
SERVICES



JULY 2024



ABOUT THE PROGRAM

The City’s **Equal Business Opportunity Program (EBOP)** is specified by City Ordinance (City of Durham Code of Ordinances, Chapter 18, Article III). As stated in the ordinance, the purpose of the program is to provide equal opportunities for city contracting for underutilized business enterprises owned by minorities and women doing business in the city's contracting marketplace. It is further the policy of the city to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct the present effects of past discrimination and to resolve complaints of discrimination.

The **Small Local Business Enterprise (SLBE)** program works to increase employment opportunities for our residents and to enhance our tax base by promoting City contracting opportunities for small local business enterprises. The SLBE program is for construction of up to \$500,000 and professional services contracts \$100,000 or less. Firms that meet program requirements may apply to be part of the program. Only firms in the SLBE program will receive advertisements and be eligible to bid on SLBE projects.

An **Underutilized Business Enterprise (UBE)** is a business, certified by the N. C. Department of Administration HUB Office, N.C. Department of Transportation or the U.S. Small Business Administration Section 8(a) Business Development Program as a minority or women business enterprise. The qualifying UBE needs to have its certification from one of the above-named entities before the bid opening if it is to count toward meeting the goals. Failure to provide evidence of UBE status may disqualify the firm’s participation for the purpose of meeting UBE goals. For purposes of this document and associated forms, any reference to an “UBE,” or similar reference shall include reference to a qualified women or minority owned firm certified and approved in accordance with the above paragraphs.

The City Manager sets **(UBE) Goals** for certain contract classifications. Where applicable, there is a goal for UBEs owned by minorities and a goal for UBEs owned by women. For projects that have UBE goals, the bid needs to meet the established goals or the bidder needs to have made good-faith efforts to subcontract with UBEs in order to meet the goals and must provide written documentation of those good-faith efforts.

EBOP FORM INSTRUCTIONS

FOR USE IN BIDDING ON PROCUREMENT WITH THE CITY OF DURHAM

These instructions summarize the provisions of the City of Durham’s Equal Business Opportunity Ordinance as it applies to the bid process. Of course, as with any summary, it cannot reflect all of the ordinance.

Forms:

- Underutilized Business Participation documentation
- Intent to Perform as a Subcontractor
- Request to Change UBE Participation After Bid Opening
- Bidder's Good Faith Efforts

FORM	NECESSARY?	WHEN TO SUBMIT?
Underutilized Business Participation documentation	Always required.	With the bid.
Intent to Perform as a Subcontractor	Required for any subcontracts that the bidder proposes to count toward UBE goals.	Within 5 days after bid opening unless otherwise stated by the City.
Request to Change UBE Participation After Bid Opening	Required if the bidder or contractor proposes certain changes in subcontracting.	Once bidder is identified as the apparent lowest, form is due before bidder/contractor can make the proposed change.
Bidder's Good Faith Efforts	Required if the bidder fails to meet the UBE goals.	Within 2 days after bid opening unless otherwise stated by the City.



UNDERUTILIZED BUSINESS PARTICIPATION IN THE BASE BID

FORM INSTRUCTIONS

1. Click on the text fields to enter the name of the bidder, the name of the project, and the dollar amount of the total bid (this is the dollar amount of the entire bid package, not just the work that will be completed by UBE firms).
2. Input the goals for this project as provided by the UBC representatives. Enter the minority-owned UBE goal and the women-owned UBE goal separately. These must be entered as decimals (for example, a 5% goal should be entered as .05).
3. Complete the information in the table for minority-owned UBE subcontractors, including the name of the subcontractor, the goods and services to be provided, and the subcontract amount. The Total MBE dollar value will auto-calculate.
 - a. If you plan on using more than five MBEs in the bid, please enter “see attached” in the name column of the fifth line and enter the total subcontract amount for all remaining MBEs subcontract amount column of the fifth line. Attach a second copy of this form with the remaining MBEs listed.
4. Repeat step 3 for women-owned UBE subcontractors.
5. Based on the information you have input, the MBE and WBE percentage of the bid will be auto-calculated.
 - a. If you do not meet both goals, you must complete the Good Faith Effort.
6. Sign the form (e-signature accepted).



INTENT TO PERFORM AS A SUBCONTRACTOR

FORM INSTRUCTIONS

The bidder must provide this form for each UBE firm that the bidder would subcontract with if the City awards the contract to the bidder.

1. Click on the text fields to enter the bidder (primary) information including the name of the bidder, the name of the project, and the total dollar amount of the bid (this is the dollar amount of the entire bid package, not just the work that will be completed by this subcontractor).
2. Enter the contact information, including name, telephone number, and address of the UBE specified in this form.
3. Enter a description of the work this UBE intends to perform and the dollar value of the subcontract.
 - a. The value of this subcontract as a percentage of the total base bid will auto-calculate.
4. The authorized representative of the UBE should sign (e-signature accepted) and enter their title.
5. Indicate whether the appropriate contact person for this UBE is the signatory or a different individual and enter their telephone number and email address.



REQUEST TO CHANGE UBE PARTICIPATION AFTER BID OPENING

Beginning with the time that the City Manager identifies a bidder as the apparent lowest responsible bidder and have reached the point of final completion, this form is to be used to capture proposed changes, such as:

- replace a subcontractor,
- perform subcontracted work with the bidder/contractor’s own forces increase
- the quantity of subcontracted work,
- decrease the quantity of subcontracted work, or
- change the allocation of work among subcontractors.

Substitutions of subcontractors in these circumstances, both before and after the awarding of a contract, are subject to City approval. Consult the City’s Finance Department on the procedures to follow in order to comply with City Code 26- 10(c).

FORM INSTRUCTIONS

1. Click on the text fields to enter the bidder/contractor information including the name of the bidder/contractor, the name of the project, name and title of the bidder/contractor authorized representative, telephone number, address, and email address.
2. Enter the total dollar amount of the original contract.
3. Enter the total dollar amount of the contract including changes to date, but not those proposed on this form.
4. Indicate whether the changes proposed on this form will increase, decrease, or not change the value of this contract. If they will increase or decrease the value of this contract, enter the dollar amount of the increase or decrease in the text boxes.
5. Enter the name of the subcontractor proposed to be changed on this form. Indicate whether this is a MBE, WBE, or not a UBE and enter a description of the goods or services to be provided before this change.
6. Describe the nature of the change to this subcontract.
7. Enter the dollar value of the subcontract before the change proposed on this form and the dollar value of the subcontract after the change proposed on this form.
8. If you will be substituting a new subcontractor for the one listed to be changed, enter the name of the subcontractor, indicate whether this is a MBE, WBE, or not a UBE, and describe the goods or services to be provided by this substitute.



BIDDER'S GOOD FAITH EFFORTS

Bidders that do not attain the UBE goals have the responsibility to make good-faith efforts and to demonstrate to the City that they have made such efforts. In determining a bidder’s good-faith efforts to engage UBEs, the City Manager shall consider the information supplied by the bidder to answer the questions in this form, along with other criteria that the City Manager deems proper.

FORM INSTRUCTIONS

1. Click on the text fields to enter the name of the bidder and the name of the project.
2. In the Soliciting UBEs table, click on the open boxes to place a check mark next to the actions your firm has taken. Points will be automatically totaled based on the check marks added.
3. Collect and submit the documentation for each criteria points claim to earn the Good Faith Efforts Points for the corresponding category requirement.



FREQUENTLY ASKED QUESTIONS

If a bidder fails to meet the UBE goals, can it still be awarded the contract? Bidders that do not meet the goals but demonstrate good-faith efforts are treated equally to those that meet the goals. Awarding a contract is ultimately the decision of the City Council, which considers compliance with the EBO ordinance along with other matters.

In making good-faith efforts, what UBEs should a potential bidder contact? The City provides a list of UBEs that have been certified by the N. C. Department of Administration HUB Office as a minority or women business enterprise for particular trades, services, goods, etc. Potential bidders should contact UBEs listed for the work that can be subcontracted.

Our firm already has employees who can do the work and does not want to subcontract that work. How does this fit in?
The purpose of the EBO ordinance is to change business practices that would otherwise occur by giving opportunities to under-used segments of the economy. If the bidder does not meet the MWBE goals, they must go through the good-faith effort process. A bid submitted with good faith efforts will be examined as with any other bidder that did meet the goals.

If the bidder contacts an underutilized business enterprise owned by a minority or woman that could become a UBE, will that count toward good-faith efforts?
This contact will not count unless the firm that you contact is certified by the N.C. Department of Administration HUB Office, N.C. Department of Transportation or the U.S. Small Business Administration Section (a) Business Development Program as a minority or women business enterprise before the bids are opened.

In making good-faith efforts, suppose that a potential bidder contacts firms that could qualify to be UBEs. If those firms have their certification from the previously identified authorities at the time of the bid opening, those contacts will count towards good-faith efforts. This option poses a risk, however, because getting certification takes time.

Do all subcontracts with UBEs count?
The City will count as UBE participation only expenditures to an UBE that performs a commercially-useful function in the relevant work. An UBE performs such a function when the minority or women business owners are actually involved in performing, managing, and supervising a distinct element of the work. To determine whether those requirements are met, the City takes into account the amount of work subcontracted, industry practices, the adequacy of the resources of the UBE for the work, the qualifications, such as possession of licenses, permits, and professional designations of the minority and women owners, and other relevant factors.



FREQUENTLY ASKED QUESTIONS

What does it mean to say that information must be submitted “with the bid”?

Typically, unless bidders are given other written instructions from the City, it means that the information must be in a sealed envelope, delivered to the same place where a bid can be delivered, and before the time set for the bid opening. Unless bidders are given other written instructions from the City, the information can be either in the same envelope as the bid or in a separate envelope. If it is a separate envelope, the outside of the envelope must state the same information that is required on the bid envelope, and that it contains UBE forms.

When a form is to be submitted 2 days or 5 days after the bid opening, exactly when is it due? Where is it to be submitted?

The form must be submitted to the City’s Department of Finance, located at 101 City Hall Annex, fax (919) 560-4513 or email to UBCFinance@durhamnc.gov or to the City project manager so that it is received within 2 days or 5 days (whichever applies according to the chart) after the bid opening. If the form is faxed/emailed, it must be received before midnight on that 2nd or 5th day. If it is delivered by any other means, it must be received before 5:00 PM. In counting these 2 days or 5 days, exclude the following: the day of the bid opening, Saturday, Sunday, and holidays observed by city government of the City of Durham.

For instance, for a form due in 2 days, if the bid opening is on a Thursday, the due date for the form would be on the following Monday (midnight if faxed or emailed, otherwise 5:00 PM). If the day after the bid opening or that Monday is a City holiday, the form would be due on Tuesday. For a form due in 5 days, if the bid opening were on Tuesday, the due date for the form would be on the following Tuesday (midnight if faxed or emailed by 5:00 PM). If any weekday between those Tuesdays is a City holiday or if the Tuesday on which the form would be due is a City holiday, the form would be due on Wednesday. It is best to place the documents inside an envelope, and to write on the outside of the envelope the same information that is required on the bid envelope, and that it contains UBE forms. Holidays observed by city government are New Years' Day, Dr. Martin Luther King, Jr., Day; Good Friday, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran’s Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Day; two days (varying from year to year) during the week of Christmas Day; and other times as may be authorized by City Council.

FREQUENTLY ASKED QUESTIONS

When there are bid alternates how is UBE participation counted? The total amount of the award actually made by the City is the key. Assume the following made-up example:

- Base bid is \$200,000
- Alternate A bid is \$50,000
- Alternate B bid is \$20,000
- Minority-owned UBE goal is 11%.

The bidder proposes Minority-owned UBE participation as follows:

- \$22,000 on the base bid
- \$4,000 on Alternate A,
- \$10,000 on Alternate B.

The bidder may or may not meet the goal, depending on the actual award:

	Base bid only	Base bid + Alternate A	Base bid + Alternate B	Base bid + Alternates A and B
Bid total (actual award)	\$200,000	\$250,000 (\$200,000+\$50,000)	\$220,000 (\$200,000+\$20,000)	\$270,000 (\$200,000+\$50,000+\$20,000)
Total UBE participation	\$22,000	\$26,000 (\$22,000+\$4,000)	\$32,000 (\$22,000+\$10,000)	\$36,000 (\$22,000+\$4,000+\$10,000)
Minority-owned UBE percentage	11%	10.4%	14.5%	13.3%
Met 11% goal?	Yes	No	Yes	Yes

How is the lease of equipment by an UBE counted?

If the UBE leases equipment for the work of the contract, the value of the lease payments is included as part of the UBE’s participation. However, it is not proper to include such lease payments if they are to be made to the prime contractor or the prime contractor’s “Affiliate.” To understand what an “Affiliate” is, see section 26-3 of the EBO ordinance.

How is the purchase of goods from an UBE counted?

If the bidder is buying goods from an UBE, the cost of the goods can be considered UBE participation only if (a) the UBE operates or maintains a factory that produces the goods, or (b) the UBE has an establishment where the goods of the general character described by the specifications or required under the Contract are regularly sold or leased to the public in the usual course of business. If (b) applies, the UBE’s principal business must be selling or leasing those goods and the UBE must operate under its own name.



Underutilized Business Participation in Bid

Name of bidder:

Name of Project:

Total bid (\$): *(from the entire bid package, not just the UBE portion)*

Contract UBE Goals

Please input the UBE goals for this bid as provided by the City underutilized business compliance (UBC) representatives. Enter them as a decimal (e.g. if the goal is 5%, please enter .05).

Minority-owned business goal:

Women-owned business goal:

Minority-owned UBE Subcontractors

Name of MBE	Goods and services to be provided	Subcontract amount \$
-------------	-----------------------------------	-----------------------

Please see instructions if your bid includes more than five MBE subcontractors

Total MBE (\$):

Women-owned UBE Subcontractors

Name of WBE	Goods and services to be provided	Subcontract amount \$
-------------	-----------------------------------	-----------------------

Please see instructions if your bid includes more than five WBE subcontractors

Total WBE (\$):

Are the MWBE goals met?

MBE percentage achieved:

WBE percentage achieved:

If you did not meet goal(s) and you are deemed apparent lowest responsible bidder, you are required to make good faith efforts, to provide documentation of these efforts within two business days after bid opening, and to sign the statement below.

As an authorized representative of the Bidder, I swear or affirm under penalty of fraud that the good-faith efforts documentation submitted with this bid, pertaining to the base bid and all alternates, if any, is correct and not intended to defraud or mislead. After the contract between the City and Bidder is signed, except to the extent that the City gives prior written approval for changes, the Contractor agrees that it shall engage the subcontractors listed on this form and on all applicable Intent to Perform as a Subcontractor form(s) to perform the work for the dollar amounts or percentages described on these forms.

Signature of authorized representative of bidder:

Date:



Intent to Perform as Subcontractor

*This form is required for any subcontracts the bidder proposes to count toward the UBE goals.
It is due within 5 days after bid opening unless otherwise stated.*

Name of bidder:

Name of project:

Total bid:

The undersigned firm meets the City of Durham's criteria as an Underutilized Business Enterprise (UBE). The undersigned UBE represents that it will enter into a formal contract with the Bidder to perform the following work in connection with the project, in the dollar amount or percentage listed below, if the bidder signs a contract with the City of Durham for the project.

Name of UBE:

Telephone Number:

Address:

Description of work to
be performed:

Value of proposed
subcontract (\$):

Percentage of base
bid:

Signature
(authorized rep. of UBE)

Title:

For questions about this form or the proposed subcontract, the City should contact (select one):

The signatory listed above, at:

Telephone number:

Email address:

A different individual (name, title):

Telephone number:

Email address:

By submitting this form to the City of Durham, the Bidder represents that if the Bidder signs the contract with the City of Durham for the project, the Bidder will enter into the subcontract described above with the UBE.

As an authorized representative of the Bidder, I swear or affirm under penalty of fraud that the good-faith efforts documentation submitted with this bid, pertaining to the base bid and all alternates, if any, is correct and not intended to defraud or mislead. After the contract between the City and Bidder is signed, except to the extent that the City gives prior written approval for changes, the Contractor agrees that it shall engage the subcontractors listed on this form and on all applicable Intent to Perform as a Subcontractor form(s) to perform the work for the dollar amounts or percentages described on these forms.

Signature of authorized representative of bidder:

Date:



Request to Change UBE Participation After Bid Opening

This form is required if the bidder proposes changes in subcontracting and is due before the bidder/contractor can make the proposed change.

Name of bidder/contractor:

Name of project:

Name and title of bidder/
contractor representative:

Telephone number:

Address:

Email address:

Total original contract amount (\$):

Total amount of contract including changes to
date, but not those proposed on this form (\$):

This proposed change will (mark one):

increase the value of the contract by:

decrease the value of the contract by:

not change the value of the contract.

Subcontractor to be changed

Name of subcontractor:

This subcontractor is (mark one):

Minority-owned UBE

Women-owned UBE

Not a UBE

Goods/services to be provided
before proposed change:

Describe the nature of this change:
(e.g. "adding \$5,000 in concrete work",
"eliminating \$7,000 in grading")

Subcontract dollar amount before proposed change:

Subcontract dollar amount after proposed change:

Substitute Subcontractor (if applicable)

Name of subcontractor:

This subcontractor is (mark one):

Minority-owned UBE

Women-owned UBE

Not a UBE

Goods/services to be provided:

As an authorized representative of the Bidder, I swear or affirm under penalty of fraud that the good-faith efforts documentation submitted with this bid, pertaining to the base bid and all alternates, if any, is correct and not intended to defraud or mislead. After the contract between the City and Bidder is signed, except to the extent that the City gives prior written approval for changes, the Contractor agrees that it shall engage the subcontractors listed on this form and on all applicable Intent to Perform as a Subcontractor form(s) to perform the work for the dollar amounts or percentages described on these forms.

Signature of authorized representative of bidder:

Date:



Bidder's Good Faith Efforts (GFE)

This form is required if the bidder fails to meet the UBE goals and is due within 2 days after bid opening unless otherwise stated.

Name of bidder:

Name of project:

Unfortunately, you have failed to meet the UBE participation goals set for this contract.

You must document that you have met the GFE requirements by completing this form and submitting documentation for each criteria points claimed. Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive. All actions relate only to the time before your firm submitted its bid or proposal to the City. Actions your firm took after it submitted the bid or proposal cannot be used.

Soliciting Underutilized Business Enterprises (UBEs)

Total Available GFE Points: 120		Minimum GFE Points Required for this Project: 50
Points	Good Faith Effort (GFE)	
20	Solicit through all reasonable and available means, advertising and written or electronic notices; the interest of all UBEs certified in the scopes of work of the contract at least 10 days before the bid date and notified them of the nature and scope of the work to be performed. The bidder shall provide interested UBEs with timely and adequate information about the plans, specifications, and requirements of the contract to allow UBEs to respond to the solicitation. The bidder must follow up on initial solicitations with interested UBEs.	
10	Select portions of the work to be performed by UBEs in order to increase the likelihood that the contract specific goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate UBE participation, even when the bidder would otherwise prefer to perform these work items with its own forces. It is the bidder's responsibility to make a portion of the work available to UBEs and to select those portions of the work (including needs for goods) consistent with the availability of UBEs so as to facilitate UBE participation.	
10	Negotiate in good faith with interested UBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of UBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and specific information on why agreements could not be reached with UBEs. The bidder may not reject UBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. Additional costs involved in finding UBEs is not in itself sufficient reason for a bidder's failure to meet the contract specific goals, as long as such costs are commercially reasonable. The ability or desire of a bidder to perform the work of a contract with its own forces does not relieve it of the responsibility to make good faith efforts.	
15	Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.	
15	Provided assistance to MWBE businesses in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted MWBE businesses in obtaining the same unit pricing with the bidder's suppliers in order to help MWBE businesses in establishing credit.	
15	Use the services of the City, available minority/women community organizations, minority and women contractors' groups, government sponsored minority/women business assistance agencies and other appropriate organizations to provide assistance in the recruitment of UBEs.	
10	Attend any pre-bid meetings scheduled by the City.	
15	Followed up with interested UBE subcontractors.	
10	Negotiated joint venture and partnership arrangements with MWBE businesses in order to increase opportunities for MWBE business participation on a public construction or repair project when possible.	

Total GFE Points (Claimed by Bidder) _____ Total GFE Points Earned (Assessed by City) _____

As an authorized representative of the Bidder, I swear or affirm under penalty of fraud that the good-faith efforts documentation submitted with this bid, pertaining to the base bid and all alternates, if any, is correct and not intended to defraud or mislead. After the contract between the City and Bidder is signed, except to the extent that the City gives prior written approval for changes, the Contractor agrees that it shall engage the subcontractors listed on this form and on all applicable Intent to Perform as a Subcontractor form(s) to perform the work for the dollar amounts or percentages described on these forms.

Signature of authorized representative of bidder:

Date: