



**CITY/COUNTY UTILITY COMMISSION  
FORSYTH COUNTY, NORTH CAROLINA**

**REQUEST FOR LETTERS OF INTEREST/STATEMENT OF  
QUALIFICATIONS FOR PROFESSIONAL ENGINEER SERVICES**

**Utilities  
Administration**

THE CITY OF WINSTON-SALEM DESIRES TO ENGAGE A PRIVATE  
ENGINEERING FIRM FOR THE FOLLOWING PROJECT:

City of Winston-Salem  
P. O. Box 2511  
Winston-Salem, NC 27102  
City Link 311 (336.727.8000)  
Fax 336.727.8432  
[www.cityofws.org](http://www.cityofws.org)

**CONSTRUCTION ADMINISTRATION SERVICES FOR THE RELOCATION  
OF EXISTING SANITARY SEWER LINES & WATER LINES AS PART OF NCDOT  
PROJECT U-2579D, E, & F AND NCDOT PROJECT R-2247EB IN WINSTON  
SALEM AND RURAL HALL**

**PROJECT BACKGROUND AND SCOPE OF WORK DESIRED:**

This project provides for relocating approximately 3500 LF of gravity sewer lines, 300 LF of sewer force main, 1 sewer lift station and 3500 LF of water lines. The NCDOT has awarded one design-build project (U-2579D, E & F) to Flat Iron, which is the Northern Beltway running from New Walkertown Road to Stanleyville Drive (NC 66) and will soon award a design-build project (R-2247EB) which is the Northern Beltway interchange with US 52. The selected firm will provide inspection services, review submittals and some construction administration for the utility relocations on both projects.

**SELECTION CRITERIA:** Please do **not** submit fee information with your submittal. The City selects firms to provide professional services based on demonstrated competence and qualification. Once a firm is selected, the City will enter into contract negotiations with that firm; and, as part of that negotiation, will determine a fair and reasonable fee for the services to be provided. The City reserves the right to terminate negotiations with the selected firm(s) and proceed to negotiate with other firm(s) should contract/fee negotiations fail. Once a firm is selected, a detailed scope of services (broken down by specific milestone events/deliverables), and associated fee proposal, and implementation schedule will be refined, agreed to and once signed, will be identified and attached to the City's standard professional services agreement form.

Any firm wishing to be considered must be properly registered with the Office of the Secretary of State. The Engineers performing the work and in responsible charge of the work must be registered in the State of North Carolina and must have a good ethical and professional standing. It will be the responsibility of the selected private firm to verify the registration of any corporate subsidiary or subcontractor prior to submitting a Letter of Interest. The firm must have the financial ability to undertake the work and assume the liability. The selected firm(s) will be required to furnish proof of Professional Liability insurance coverage in the minimum amount of \$1,000,000.00 per claim. The firm(s) must have an adequate accounting system to identify costs chargeable to the project.

All qualified firms who submit responsive Letters of Interest will be considered. The evaluation of these firms will be based on the firm's overall experience, past performance, knowledge, and familiarity with the type of work required, the experience of proposed staff to perform specific work required, including any sub consultants, the firms distance from the project site, and if the firm meets the MWBE goals, self performs all work or submits documentation showing that it has made a Good Faith Effort to meet the established goals. Priority consideration will be given to firms that maintain an office in North Carolina and staffed with an adequate number of employees deemed by the City to be capable of performing a majority of the work required.

**City Council:** Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

**County Commissioners:** David R. Plyler, Chairman; Don Martin, Vice Chair, Fleming El-Amin; Ted Kaplan; Richard V. Linville; Gloria D. Whisenhunt; Everette Witherspoon; County Manager: Dudley Watts, Jr.

**City/County Utility Commission:** Randall S. Tuttle, Chairman; Wesley Curtis, Vice-Chair; Jim Ruffin; Chris Parker; Tom Griffin; Harold E. Day; Harold R. Holmes; Duane Long; Paul S. McGill; Donald R. Stewart



Call 311 or 336-727-8000  
[citylink@cityofws.org](mailto:citylink@cityofws.org)

The City of Winston-Salem in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

### **FORMAT FOR SUBMISSION OF A LETTER OF INTEREST**

All Letters of Interest should be limited to eighteen (18) pages (**unless additional pages are needed to document good faith efforts related to the MWBE goal**), including the cover sheet. Letters of Interest containing more than 18 pages will not be considered (unless additional pages are required to document good faith efforts). In order to reduce printing costs and to facilitate recycling, we request that only electronic Letters of Interest in PDF format be submitted prior to the deadline. The PDF copy should be e-mailed to: [mikep@cityofws.org](mailto:mikep@cityofws.org).

#### **Section I - Cover/Introductory Letter**

The introductory letter should be addressed to Mike Patton, PE, Civil Engineer. The letter should be no more than two (2) pages and should contain the following information:

- Expression of firm's interest in executing the work;
- Statement that the firm will perform a minimum of 35% of the work;
- Statement of any possible conflicts of interest; and
- Summation of information contained within the letter of interest, including an email address and telephone number for the firm's contact person along with the business street address.

#### **Section II - Evaluation Factors**

This section is limited to eight (8) pages and should contain information regarding evaluation and other factors listed in the advertisement such as:

- Identify project personnel/sub consultants qualifications and experience;
- Understanding of project (site and structure conditions, traffic and safety concerns, etc.);
- Unique qualifications of key team members;
- Proposed schedule for completion; and
- Identify type and location of similar work performed within the last seven (7) years

#### **Section III - Supportive Information**

This section is limited to five (5) pages and should contain the following information:

- Capacity Chart/Graph (available work force);
- Organizational chart indicating personnel to be assigned by discipline;
- Resumes of key personnel;
- Names, classifications, and location(s) of the firm's North Carolina personnel and resources to be assigned to the work; and
- Other relevant information

#### **Section IV – MWBE Affidavit of Minority Participation/Good Faith Efforts:**

This section is limited to three (3) pages, unless additional pages are required to show good faith efforts, and should contain the following information:

- Fully-executed Affidavit
- Any additional backup information showing good faith efforts

Private firms are invited to submit letters of interest for providing the requested engineering services to the City by **2:00 P.M. on April 27, 2018**. Letters of interest submitted after this deadline will not be considered. The submittal, in PDF format, should be submitted to Mike Patton., PE, Civil Engineer, to the following email address: [mikep@cityofws.org](mailto:mikep@cityofws.org).

Firms submitting Letters of Interest are encouraged to carefully check them for conformance to the requirements stated above. If Letters of Interest do not meet these requirements, they will be disqualified. No exceptions will be granted.

All questions concerning this request for Letters of Interest or the scope of this work should be directed to Mike Patton: [mikep@cityofws.org](mailto:mikep@cityofws.org). Questions will be accepted through April 18, 2018. If you feel the information provided is inadequate to submit a Letter of Interest, please contact Mike Patton @ 336-771-5121 or by e-mail.

The firm selected will be notified by telephone. Notification will be given to those firms that were not selected by e-mail.

## **MINORITY/WOMEN BUSINESS ENTERPRISE (M/WBE) PROGRAM PARTICIPATION**

### **SPECIAL INSTRUCTIONS FOR PROFESSIONAL SERVICES REGARDING COMPLIANCE WITH THE CITY OF WINSTON-SALEM'S AND/OR CITY/COUNTY UTILITY COMMISSION'S MINORITY AND WOMEN BUSINESS ENTERPRISE (M/WBE) PROGRAM**

#### **Policy**

It is the policy of the City of Winston-Salem and/or the City/County Utility Commission (an agency of the City of Winston-Salem), that minority and women-owned business enterprises shall have an equal opportunity to participate in the performance of contracts financed in whole or in part with City and/or Commission funds.

#### **Obligation of Proposers**

Proposers agree to use their best efforts to comply with all the terms and conditions of the City of Winston-Salem's and/or City/County Utility Commission's Minority and Women Business Enterprise (M/WBE) Program, as the same may be amended from time to time, through the award of subcontracts to minority and women-owned business enterprises and utilization of minority and women-owned business enterprise suppliers to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority and women business" shall mean a company that is 51% or more owned and controlled by minority group members or women.

A **10%** goal for participation by minority and women-owned businesses has been established for this service. A proposer may meet this goal through the participation of M/WBE sub-consultants and/or through his/her own performance on the project if the proposer is a certified minority/woman-owned firm. If it is the normal practice of the proposer to perform all elements of this type of service with its own workforce and without the use of sub-consultants, the proposer must certify, by the submission of Affidavit B, that if they do employ any sub-consultants during the contract, that they will be subject to the M/WBE goals originally established for this service. The utilization of M/WBE firms accounts for 20% of the evaluation and scoring, and will not be allocated to proposals in which an Affidavit B is submitted. A proposer may meet the 10% goal through the participation of M/WBE sub-consultants and/or through their own performance on the project if the proposer is a certified minority and/or woman-owned firm.

Firms are highly encouraged to consider any and all possibilities for M/WBE participation. A complete list of State of North Carolina HUB certified MBE's and WBE's is available at <https://www.ips.state.nc.us/vendor/searchvendor.aspx?t=h>. The 10% M/WBE goal may be satisfied by an entity that qualifies as a Minority Business Enterprise under N.C. General Statute 143-128, and that has been certified by the State of North Carolina. During the course of the contract, successful consultant will be required to submit ***Minority Documentation for Contract Payments, Affidavit F***, with each monthly pay application. Final payment will be withheld until the consultant completes and submits an ***Affidavit of Payment to M/WBE Sub Consultants***. The City, however, at its discretion may require additional periodic reports. Final payment will be withheld until the goal percentages for M/WBE participation, previously agreed to by the successful consultant, have been confirmed by the City and/or Commission.

**MWBE DOCUMENTATION-** Firms are required to include the following documentation with the proposal. **Failure to do so will render your proposal as non-responsive:**

- Identification of Minority Business Participation- must be submitted with your letter of interest if your firm will employ any sub-consultants on this project; and
- Affidavit A- Listing of Good Faith Efforts; or
- Affidavit B- Intent to Perform Contract with Own Workforce, if the proposer intends to perform 100% of the work required for the contract without the use of sub-consultants.

**Additional M/WBE Forms-** To be utilized by the firm that is awarded the contract with the Owner

- Affidavit E- Minority Utilization Commitment Form
- Affidavit F- Minority Documentation for Contract Payments, M/WBE Replacement Request Form, and the Final Affidavit of Payment to M/WBE Sub-consultants.

It is mandatory that the **Identification of Minority Business Participation form** and **Affidavit “A” Listing of Good Faith Efforts** be properly completed, and notarized as defined in the document specifications and submitted with the Bid/Proposal (unless the prime consultant/contractor intends to perform 100% of the work with Own Workforce and properly executes Affidavit B). If the proposer is a certified M/WBE firm, and will be performing less than 100% of the work, then the proposer should indicate the percentage/dollar amount that they will perform, in addition to the remaining work performed by other M/WBE firms.

The **Identification of Minority Business Participation form** must include all M/WBE firms to be used on this project and the total percentage of the proposal that will be performed by businesses who will be subcontractors, vendors, or suppliers on this project. Additional information such as business phone number, work types, city/state, and minority category are important and useful. Failure to list, at a minimum the business name and the total percentage and/or dollar amount of firms contracting will render your proposal as non-responsive and will not be considered for award. If the proposer has no minority participation, they shall indicate this by entering the word “none” or the number “0.”

The **Affidavit B Intent to Perform Contract with Own Workforce** form must be executed with the Proposal/Bid **only** if the prime consultant/contractor intends to perform 100% of the work required for the proposal/contract without the use of sub consultants. If the prime consultant/contractor is an M/WBE firm, they must indicate such on Affidavit B in order to receive the full 20% credit during the evaluation.

Actual participation achieved or offered shall not be determinative on the issue of good faith efforts. Further, if other factors, other than factors (a) through (g) listed on Affidavit A, are considered, they may be used to credit the contractor’s good faith efforts, but not to discredit them.

In accordance with the **Minority Utilization Commitment Form “Affidavit E”**, no sub consultant/subcontractor who is identified and listed on Affidavit E may be replaced with a different sub consultant/subcontractor unless:

A) the sub consultant/subcontractor’s proposal/bid is later determined by the prime consultant/contractor to be non-responsible or non-responsive, or the listed sub consultant/subcontractor refuses to enter into a contract for the complete performance of the work, or

B) With the approval of the City of Winston-Salem M/WBE office for the good cause demonstrated. Prior to substituting a sub consultant/subcontractor, the prime consultant/contractor shall identify the substitute sub consultant/subcontractor and inform the City of Winston-Salem M/WBE office of its good faith efforts; including the MWBE Replacement Request Form.

Questions or inquires relative to City of Winston-Salem’s Minority and Women Business Enterprise (M/WBE) Program must be directed to **Tiesha Hinton, Business Inclusion Manager** at [tieshah@cityofws.org](mailto:tieshah@cityofws.org) or phone 336-734-1262.

**\*\*\*MUST BE SUBMITTED WITH PROPOSAL\*\*\***

(unless the consultant intends to perform 100% of the work with Own Workforce)

**IDENTIFICATION OF MINORITY BUSINESS PARTICIPATION**

\_\_\_\_\_ (Name of Project)

I, \_\_\_\_\_ (Name of Consultant)

do hereby certify, as \_\_\_\_\_ (insert title and name of company) that on this project, \_\_\_\_\_ (insert name of company) will use the following M/WBE firms as consultants. A proposer may meet the 10% goal through the participation of M/WBE sub-consultants and/or through their own performance on the project if the proposer is a certified minority and/or woman-owned firm.

The Proposer shall identify on its proposal the M/WBE firms to be used on this project as subcontractors, vendors, or suppliers **and** the total percentage of the proposal that will be performed by each minority business. **Failure to list, at a minimum, the minority firm business name and the total percentage of M/WBE firms contracting will render your proposal as non-responsive and will not be considered for award.** If the Proposer has no minority participation, they shall indicate this on the table below by entering the word "None" or the number "0." **Blank forms will not be deemed to represent zero participation.**

Minority Firm Name Phone Number	City-State	Minority Category*	Type of Work	Percent of Project Work

\* Minority Categories: Black, African American (B), Hispanic (H), Asian American (AA), American Indian (AI), Female (WF), Socially and Economically Disadvantaged (SE), and Disabled (D).

The total percentage of M/WBE firms contracting will be \_\_\_\_\_%



**\*\*\*MUST BE SUBMITTED WITH PROPOSAL\*\*\***

(Unless the prime consultant intends to perform 100% of the work with Own Workforce)

**AFFIDAVIT A: GOOD FAITH EFFORTS**

Project: \_\_\_\_\_

A 10% goal for participation by minority/women owned businesses has been established on this proposal. A proposer may meet this goal through the participation of M/WBE sub-consultants and/or through their own performance on the project if the proposer is a minority/woman-owned firm. Please list below all M/WBE firms to be used on this proposal.

Affidavit of \_\_\_\_\_  
(Name of Proposer)

I hereby do certify that this documentation is a true and accurate representation of my MWBE participation and my good faith efforts. (Attach additional sheets if required).

Minority Firm Name City-State	Phone Number	Minority Category*	Type of Work	Percent of Project Work
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

\*Minority Categories: Black, African American (B), Hispanic (H), Asian American (AA), American Indian (AI), Female (WF), Socially and Economically Disadvantaged (SE), and Disabled (D).

If the established 10% goal for participation by minority/women owned businesses is not achieved, the **proposer must provide, with the proposal, the following documentation** to the Owner of their Good Faith Efforts to meet the goals set forth in these provisions.

Examples of documentation include, but are not limited to, the following evidence.

	Description	Points	Awarded Points
_____	(a) Did your firm advertise in general circulation, professional association, or minority focus media concerning subcontracting opportunities? <b>NOTE: A consultant must advertise in all three mediums to receive full value for this item).</b>	15	_____
_____	(b) Did your firm provide written notice to a reasonable number of specific M/WBE firms that their interest in the contract is being solicited, at least 10 days before proposals are due to allow M/WBE firms time to participate? Please provide a copy of the solicitations sent to at least 3 minority firms from the source list provided by the owner for each subcontract to be let under this contract (if 3 or more firms are shown on the source list). Each solicitation shall include a specific description of the work to be subcontracted, location where the RFP can be reviewed, and name of representative of the lead consultant.	15	_____

**GOOD FAITH EFFORTS (continued)**

	<b>Description</b>	<b>Points</b>	<b>Awarded Points</b>
_____	(c) Did you follow up initial solicitation of interest by contacting M/WBE firms to determine with certainty whether the M/WBE firms are interested? Please include telephone log of follow up calls you made to confirm interest.	10	_____
_____	(d) How did your company identify and select portions of the work to be performed by M/WBE firms in order to increase the likelihood of M/WBE participation? Please provide a copy of documentation where this information was included.	15	_____
_____	(e) What services were used from the City of Winston-Salem's M/WBE office; available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of M/WBE firms? Please provide a copy of this documentation. <b>Note: A proposer must utilize at least two agencies to receive full value.</b>	10	_____
_____	(f) Did your company negotiate a joint venture or partnership arrangement with minority firms to increase opportunities for minority participation when possible? Please provide copy of any documentation (could be included in Solicitation Letter) advising M/WBE firms what type assistance was available or outlining any other steps taken to fulfill this requirement.	10	_____
_____	(g) Did your company provide quick pay agreements and policies to enable minority contractors and suppliers to meet cash flow demands? What procedures were initiated to fulfill this requirement and how were the M/WBE firms informed of this assistance? Evidence of implementation from previous projects in the past 5 years can be submitted. <b>Note: A proposer can receive up to 5 points for offering; 10 points for implementation.</b>	15	_____
	<b>Total Points</b>	<b><u>90</u></b>	_____

**NOTE:** A proposer must accumulate at least **55 points** to demonstrate a “**Good Faith Effort**” was made. Partial points may be awarded when the complete requirement of an item is not met.



**GOOD FAITH EFFORTS (continued)**

**Identification of Minority Business Participation & Good Faith Effort Notarization**

Date: \_\_\_\_\_ Name of Officer: \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

State of North Carolina, County of \_\_\_\_\_ Subscribed and sworn before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Notary Public: \_\_\_\_\_ My commission expires: \_\_\_\_\_

SEAL



**AFFIDAVIT B**

**INTENT TO PERFORM CONTRACT WITH OWN WORK FORCE**

County of \_\_\_\_\_

Affidavit \_\_\_\_\_  
(Name of Firm)

I, hereby, certify that it is the intent of the aforesaid firm to perform 100% of the work required for the contract:

\_\_\_\_\_  
(Name of Project)

In making this certification, the Proposer states:

- That the proposer does not customarily subcontract elements of this type project,
- Normally performs, has the capability to perform, and will perform all elements of the work on this project with his/her own current work force, and
- Agrees to provide any additional information or documentation requested by the City of Winston-Salem in support of the above statement.

**The following information is requested and may be used during the proposal evaluation process.**

**Bidder certifies that:**

We ( ) are a Historically Underutilized Business (HUB) certified by the State of North Carolina.

We ( ) are a minority business enterprise

We ( ) are not a minority business enterprise

If yes, please identify in the appropriate box below:

- ( ) Black
- ( ) Hispanic
- ( ) Asian American
- ( ) American Indian
- ( ) Female
- ( ) Socially and Economically Disadvantaged
- ( ) Disabled

*\*Minority Categories: Black, African American (B), Hispanic (H), Asian American (AA), American Indian (AI), Female (WF), Socially and Economically Disadvantaged (SE), and Disabled (D).*

In the event the Proposer does not self-perform 100% of the work, the contract will be subject to the M/WBE goals originally established for this project, as well as, good faith efforts and documentation requirements of this program. The utilization of M/WBE firms accounts for 20% of the evaluation and scoring, and will not be allocated to proposals in which an Affidavit B is submitted. A proposer may meet the 10% goal through the participation of M/WBE sub consultants and/or through their own performance on the project if the proposer is a certified minority and/or woman owned firm.

**AFFIDAVIT B CONTINUED**

The undersigned hereby certifies that he/she has read this certification and is authorized to bind the Proposer to the commitments herein contained.

Date: \_\_\_\_\_

Name of Officer: \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

State of North Carolina, County of \_\_\_\_\_ Subscribed and sworn before me,

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

**SEAL**

**AFFIDAVIT "E"**

**MINORITY UTILIZATION COMMITMENT FORM**

Project: \_\_\_\_\_

Affidavit of: \_\_\_\_\_  
(Name of Proposer)

**Within thirty (30) days after award of contract**, the Proposer shall file Affidavit E identifying all M/WBE subcontractors for use on this project. No subcontractor who is identified and listed on this form may be replaced, substituted, or supplemented; nor can their scope of work be modified to include a different subcontractor unless:

- (a) Subcontractor's bid is later determined by the Proposer to be non-responsible or non-responsive, or the listed Subcontractor refuses to enter into a contract for the complete performance of the bid work, or
- (b) With the approval of the City of Winston-Salem M/WBE Office for good cause demonstrated. **Good Faith Efforts** as set forth in the Special Instructions to Proposers shall apply to the selection of a substitute Subcontractor. Prior to substituting a Subcontractor, the Proposer shall identify the substitute Subcontractor and inform the City of Winston-Salem M/WBE Office of its good faith efforts.

Minority Firm Name Phone Number	City-State	Minority Category*	Type of Work	Dollar Value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

\* Minority Categories: Black, African American (B), Hispanic (H), Asian American (AA), American Indian (AI), Female (WF), Socially and Economically Disadvantaged (SE), and Disabled (D).

Failure to provide the documentation as listed in these provisions may result in rejection of the Bid and award go to the next lowest responsible and responsive bidder.

Date: \_\_\_\_\_ Name of Officer: \_\_\_\_\_  
Signature \_\_\_\_\_  
Title \_\_\_\_\_

State of North Carolina, County of \_\_\_\_\_ subscribed and sworn before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

**SEAL**

**THIS DOCUMENT MUST BE SUBMITTED  
WITH EACH PAY REQUEST AND FINAL PAYMENT**

**AFFIDAVIT "F"**

**MINORITY DOCUMENTATION FOR CONTRACT PAYMENTS**

Prime Consultant: \_\_\_\_\_  
 Address & Phone Number: \_\_\_\_\_  
 Project Name: \_\_\_\_\_  
 Pay Application Number: \_\_\_\_\_ Period: \_\_\_\_\_

The following is a list of payments to be made to minority business sub-consultants on this project for the above mentioned period.

Minority Firm Name and Address	Minority Category*	Amount Paid For This Period	Amount Paid To Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\* Minority Categories: Black, African American (B), Hispanic (H), Asian American (AA), American Indian (AI), Female (WF), Socially and Economically Disadvantaged (SE), and Disabled (D).

Date: \_\_\_\_\_ Approved/Certified by \_\_\_\_\_

In addition to the list of payments above, I hereby certify that no sub-consultant that was identified and listed on Affidavit A- Minority Participation/Good Faith Efforts Form, has been replaced without approval from the City of Winston-Salem's M/WBE Division. Note: Additional M/WBE's can be added for new work only. In this case, please notify M/WBE staff.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature \_\_\_\_\_

THE ABOVE MENTIONED PROJECT IS APPROXIMATELY \_\_\_\_\_ % PERCENT COMPLETE

**TO BE COMPLETED AND SUBMITTED PRIOR TO FINAL PAYMENT BEING MADE**

**AFFIDAVIT OF PAYMENT TO  
M/WBE SUBCONSULTANTS**

The undersigned certifies that \_\_\_\_\_  
(Name of Proposer)

has made payment to all M/WBE sub-consultants listed below in accordance with the contract requirements for \_\_\_\_\_  
(Name of Project)

Your contractual requirement for this project is 10% with certified M/WBE firms.

Sub consultant	Address	Amount Paid
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Attached another sheet if needed)

Authorized Signature \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_  
(Name of Authorized Person)

appeared before me, being personally known, being duly sworn, did execute the foregoing affidavit, and did so state that he/she was properly authorized by \_\_\_\_\_  
to execute the affidavit and did so on his/her free act and deed. (Name of Bidder)

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

**SEAL**

**TO BE COMPLETED BY CITY**  
**M/WBE SPENDING**

Project: \_\_\_\_\_

Original Proposal Cost: \$ \_\_\_\_\_

Contractual Requirement: M/WBE 10%

Subcontract Spending: M/WBE \$ \_\_\_\_\_ %

Verified this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ By: \_\_\_\_\_  
M/WBE Staff



## MWBE Replacement Request Form

It is the policy of Winston-Salem and the City/County Utility Commission (an agency of the City of Winston Salem), that minority and women-owned business enterprises shall have an equal opportunity to participate in the performance of contracts financed in whole or in part with the City and/or Commission funds.

In accordance with the "Minority Utilization Commitment Form-Affidavit E", no sub-consultant who is identified and listed on this form may be replaced with a different sub-consultant unless: A) the sub-consultant's proposal is later determined by the consultant to be non-responsible or non-responsive, or the listed sub-consultant refuses to enter into a contract for the complete performance of the work, or B) With the approval of the City of Winston-Salem's M/WBE Division, good cause has been demonstrated. Prior to substituting a sub-consultant, the Consultant shall identify the substitute sub-consultant and inform the City of Winston-Salem's M/WBE Division of its good faith efforts; including the M/WBE Replacement Request Form. In order to meet the terms stated above, an M/WBE Replacement Request Form must be completed. Replacement of an M/WBE without written approval from M/WBE Staff is a violation of contract provisions and may result in the Consultant being disqualified from submitting proposals on future City and/or Commission projects.

If a committed M/WBE sub-consultant is terminated for a good cause, the Consultant shall make a Good Faith Effort to find another M/WBE sub-consultant to substitute for the terminated M/WBE. This Good Faith Effort shall be directed at finding another M/WBE to perform at least the same amount of work under the contract as the M/WBE that was terminated, to the extent needed to meet the contract goal established for the project.

**Replacement M/WBE:** \_\_\_\_\_

**Amount of Subcontract:** \_\_\_\_\_

**Work to be performed:** \_\_\_\_\_

**New Committed M/WBE Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

By signing this document, the Consultant, M/WBE, and City of Winston Salem's M/WBE Division acknowledges that the 5 days to respond was given, and concurs with the process of replacing the named M/WBE sub-consultant.

\_\_\_\_\_  
Original M/WBE Signature (where possible) Date

\_\_\_\_\_  
Consultant Signature Date

\_\_\_\_\_  
M/WBE Staff Signature Date

## INSTRUCTIONS FOR SUBMITTAL OF M/WBE REPLACEMENT REQUEST FORM

IN ADDITION TO SUBMITTING THIS FORM, THE CONSULTANT MUST ENSURE THAT THE FOLLOWING STEPS ARE SATISFIED.

1. Prior to starting the replacement process, the consultant is responsible for coordinating with the M/WBE sub-consultant to see if they are willing and able to perform the work as indicated in their contract. If the Consultant notices a reoccurring issue with an M/WBE sub-consultant, the Consultant shall notify the City of Winston Salem M/WBE staff and keep them abreast of the issues.

2. If the M/WBE sub-consultant cannot perform the work or if the Consultant shows good cause for replacement, M/WBE staff will coordinate with the Consultant to begin the M/WBE replacement process. M/WBE staff will coordinate with other City departments as appropriate.

*(Examples of good cause include: M/WBE fails or refuses to execute a written contract; M/WBE fails or refuses to perform the work of its subcontract consistent with normal industry standards; M/WBE fails to meet reasonable, nondiscriminatory bond requirements; M/WBE becomes bankrupt, insolvent, or exhibits credit unworthiness; M/WBE is ineligible to work because of suspension and debarment proceedings; M/WBE voluntarily withdraws from the project and provides written notice; M/WBE owner dies or becomes disabled and is unable to complete its work; or other documented good cause that compels termination. Good cause does not exist where the Contractor terminates a committed M/WBE for failure or refusal to perform the work of the subcontract results from bad faith or discriminatory action of the prime consultant.)*

3. Before requesting the City of Winston Salem's consent for the proposed termination/replacement of an M/WBE, the Consultant shall give written notice of the proposed termination/replacement, including the reason for termination/replacement, to the M/WBE firm with a copy to the City of Winston Salem M/WBE staff. The M/WBE shall be given **five days** to respond unless the five day requirement needs to be reduced, due to public necessity (e.g. safety).

4. After the notice period has passed, M/WBE staff will ensure that the Consultant has submitted all supporting documentation for the M/WBE replacement. Letters, phone logs, emails or any other correspondence between the Consultant, the M/WBE sub-consultant, and/or City staff will be considered supporting documentation. This documentation must provide valid reason(s) for replacement as well as the opportunity to correct the issue. Consultants cannot replace for convenience or perform the work with its own forces or those of an affiliate.

5. Once the Consultant is given approval by the City of Winston Salem M/WBE staff to replace an M/WBE sub-consultant, M/WBE staff will send notification to the City project manager and the City/County Purchasing Department for informational purposes.

6. Signature lines on form: Ideally, the form should contain the signature of the original M/WBE sub-consultant being replaced. However, if this is not possible (i.e. the M/WBE will not sign), the documentation supporting the decision and acknowledgement of the reasons for replacement of the M/WBE sub-consultant should be attached. The form shall also be signed by the replacement M/WBE to show their participation on the project as the new committed M/WBE.

**Evaluation Criteria**

All proposals received prior to the established due date/time will be evaluated and considered based on the completeness of the responses to the defined specifications. The City of Winston-Salem reserves the right to award this contract to the vendor deemed best suited to achieve the goals and desires outlined in this proposal.

Respondents will be evaluated for selection on the basis of the Proposer most qualified to meet the requirements of this RFP. Major criteria to be considered in evaluation may include, but shall not necessarily be limited to:

- A. **M/WBE Commitment** – Proposer’s efforts to comply with all the terms and conditions of the City of Winston-Salem’s Minority and Women Business Enterprise (M/WBE) Program through award of subcontracts to minority and women owned business enterprises and utilization of minority and women owned business enterprise suppliers to the fullest extent consistent with the efficient performance of this contract.
- B. **Local Business (Distance from Forsyth County)** - Proposer’s business location/distance from Forsyth County. To be considered a local business, the firm should have a Professional Engineer, licensed in the state of North Carolina, listed as the engineer of record with the North Carolina Board of Examiners for Engineers and Surveyors and occupy the local office on average a minimum of 20 hours per week.
- C. **Proposed Plan of Action** – The proposed plan in which the proposer details the approach they would follow to carry out the project.
- D. **Work Experience** - The background, education, and experience of the respondent in providing similar services elsewhere, including and especially the level of experience in working with municipalities, and the quality of services performed. Determination that the selected respondent has no contractual relationships that would result in a conflict of interest to the City’s contract. Proposer should include a list of similar projects within the last seven (7) years that have been completed by the proposed project team.
- E. **Understanding of Project** – The proposer’s demonstrated understanding of the project scope, background, and purpose, as well as any other pertinent details that would help exhibit clear understanding of potential project obstacles/challenges.
- F. **Staff Availability** – The proposed staff’s availability of time in which they are able to work on the project presented as a percent available.

**The following “Weighted Scale” will be used to evaluate each proposal**

<b>Evaluation Criteria</b>	<b>Weight</b>
MWBE Commitment	20
Distance From Forsyth County	20
Proposed Plan of Action	15
Work Experience	25
Understanding of Project	15
Staff Availability	5