

Core Statutory & Policy Shift

Policy 3310 has been substantially revised to shift the primary framework of the Winston-Salem/Forsyth County Schools (WS/FCS) procurement and contracting goals from Historically Underutilized Businesses (HUB) / Minority Business Enterprises (MBE) to race- and gender-neutral **Small Business Enterprises (SBE)**.

While the policy retains references to state reporting requirements for HUBs where required by law, the participation goals, good-faith outreach efforts, and compliance affidavits now center on SBE and North Carolina Small Business Enterprise (NCSBE) status.

Key Program Provisions & Thresholds

- **Participation Goals:**
 - **Verifiable Goal (10%):** Applies to building projects costing **\$300,000 or more** that are funded entirely through local or non-state funds.
 - **Aspirational Goal (10%):** Applies to building projects costing **\$100,000 or more** funded in whole or in part with state funds.
 - **Annual Goods & Services Goal (10%):** An aspirational goal for total annual value across all procurement categories.
- **Eligibility Standards:**
 - Entities must hold current certification under the **NCSBE** or federal **SBA** programs to count toward participation goals.
 - Eligibility criteria require the business to be independently operated, meet standard size metrics, and have at least 51% beneficial ownership and control, regardless of the race, ethnicity, gender, or disability status of the owners.
- **Equitable Award Standards:**
 - Contract awards remain strictly governed by competitive bidding laws; contracts will be awarded to the **lowest responsible, responsive bidder** regardless of SBE status. Lack of SBE certification cannot be used as a basis to deny a contract award.

Compliance & Good Faith Effort Requirements

- **Contractor Mandates:**
 - On construction/renovation projects of **\$100,000 or more**, prime bidders must identify intended SBE subcontractors on their bid and submit mandatory affidavits documenting good-faith recruitment efforts.
 - Failure to provide required good-faith documentation may result in a bid being rejected as non-responsive.
- **System Outreach Initiatives (15 Mandates):**
 - WS/FCS commits to system-wide outreach, including issuing bid notices at least 10 days prior to bid openings, advertising in SBE-targeted media, providing directory access, and joint-sponsoring annual purchasing seminars.

- Establishment of an SBE Certification Review Committee to resolve eligibility disputes.
- **Monitoring & Oversight:**
 - The Superintendent or designee will monitor actual payments to SBE partners prior to final payments to verify compliance with contractor bid representations.
 - Required statutory reports regarding HUB and SBE usage will continue to be filed with the NC Department of Administration.