

# Policy Code: 3310 Participation by Small Business Enterprises

*(Revised Small Business Program - Redlined & Updated Version)*  
October 2026

## PURPOSE

The Winston-Salem/Forsyth County Schools (WS/FCS) Board of Education is committed to the participation of ~~historically underutilized businesses (HUB) and minority businesses, as defined by N.C.G.S. § 143-128.4, and~~ **small business enterprises (SBE)** in the school system's purchase of goods and services and building construction contracts.

## STATEMENT OF NON-DISCRIMINATION

Nothing in this policy should be construed to require the Board or contractors to award contracts or subcontracts to ~~minority business contractors or minority business subcontractors~~ **small business contractors or small business subcontractors** who do not submit the lowest responsible, responsive bid or bids. It is the policy of the Board of Education to:

- Provide ~~historically underutilized businesses (e.g., minorities, disabled persons, and women owned and operated businesses)~~ **small business enterprises** equal opportunity to participate in all aspects of school system contracting and purchasing programs, including but not limited to: participation in procurement contracts for materials, supplies, and equipment; contracts for professional, support, and other services; and contracts for the construction, renovation, or repair of school facilities and equipment.
- Award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or disability.
- Prohibit discrimination against any person or business enterprise on the basis of race, color, ethnic origin, sex, disability, or religion and to conduct its contracting and purchasing programs so as to prevent such discrimination.

## GOALS

After notice and public hearing, the Board hereby adopts a verifiable percentage goal of at least 10 percent for participation by ~~minority businesses~~ **small business enterprises** in the total value of work for each building project costing \$300,000 or more paid entirely from local or other non-state funds. WS/FCS may utilize a prescribed formula to promote fair access and exceed the verifiable goal set for ~~HUB~~ **small business enterprise** participation. In addition, the Board adopts the state's aspiration verifiable goal of 10 percent participation by ~~minority businesses~~ **small business enterprises** in the total value of work for each building project costing \$100,000 or more funded in whole or in part with state funds.

The Board aspires for 10 percent of the total annual value of purchase of goods and services to come from contracts with ~~minority-owned businesses, female-owned businesses, disabled-owned businesses, disabled business enterprises, or non-profit work centers for the blind and severely disabled~~ **small business enterprises**.

Only businesses holding current certification as a ~~historically underutilized business~~ **Small Business Enterprise (SBE) or North Carolina Small Business Enterprise (NCSBE)** will be considered eligible for inclusion in meeting the Board's participation percentage goals. Lack of certification, however, will not be considered in making a contract award decision.

## DEFINITIONS

~~The term "Historically Underutilized Business" (HUB) means a business in which 51% of the business is owned or controlled by one or more persons who are a minority, disabled as defined by N.C.G.S. § 168-1 or N.C.G.S. § 168A-3, or socially and economically disadvantaged as defined in 15 U.S.C. § 637. The term includes minority business enterprises (MBEs), women business enterprises (WBEs), and disabled business enterprises (DBEs)... [REMOVED]~~

~~The term "minority business" is defined in accordance with N.C.G.S. § 143-128.2... [REMOVED]~~

~~The term "minority person" means a person who is Black or African-American, Hispanic, Asian American, American Indian, or female. [REMOVED]~~

~~The term "disabled person" means someone who has a physical disability... [REMOVED]~~

~~The term "disabled business enterprise" means a nonprofit entity... [REMOVED]~~

~~The term "socially and economically disadvantaged individual" is as defined in 15 U.S.C. § 637. [REMOVED]~~

**The term "Small Business Enterprise" (SBE) or "Small Business" means an independently owned and operated business entity that meets the size standard and eligibility criteria established by the North Carolina Small Business Enterprise (NCSBE) program or the U.S. Small Business Administration (SBA), regardless of the race, ethnicity, gender, or disability status of its ownership.**

**The term "owned and controlled" means a business which is legitimately owned, operated, and controlled on a day-to-day basis by one or more individuals meeting small business eligibility standards, holding at least 51% beneficial ownership and voting interest in the entity.**

## SYSTEM GOOD FAITH EFFORTS - BUILDING CONTRACTS

The Board establishes the following guidelines for contracts to ensure that WS/FCS will make good faith efforts to reach diverse contractors and to encourage participation in the school system's construction contracts by ~~such contractors~~ **small business contractors**.

- It is not the intent of this policy of the Board to provide information or other opportunities to ~~HUB enterprises~~ **small business enterprises** that will not be available to all business enterprises.

- It is the intent of this policy to establish procedures designed to assure ~~HUB-enterprises~~ **small business enterprises** access to information and opportunities available to other business enterprises.
- It is not the intent of this policy to establish procedures that will increase the cost of the school system's construction and purchasing programs.
- It is the intent of this policy to widen opportunities for participation, to increase competition, and to reduce costs.

Before awarding a contract, the Superintendent or designee shall:

- make information about the school system's formal and informal bidding process readily available
- develop and implement a ~~minority business~~ **small business enterprise** participation outreach plan to identify ~~HUB-enterprises and minority businesses~~ **small business enterprises** that can perform building projects and to implement outreach efforts to encourage ~~minority business~~ **small business** participation in such projects
- solicit participation by ~~minority business enterprises~~ **small business enterprises** and maintain a record of contractors solicited and efforts to recruit ~~minority~~ **small business** participation for building contracts that (1) are not subject to Section IV and (2) cost at least \$30,000 but less than \$300,000
- utilize available data banks provided by ~~HUB-enterprises (e.g., City of Winston-Salem)~~ **small business directories (e.g., NC electronic Vendor Portal, City of Winston-Salem SBE lists)** in order to identify ~~HUBs~~ **small businesses** in Forsyth County and, if necessary, within the Piedmont Triad Metropolitan Urban Services Districts
- verify the eligibility of ~~HUB-enterprises and joint ventures involving HUB-enterprises~~ **small business enterprises and joint ventures involving small business enterprises**
- advertise for bids in media that reach ~~minority businesses~~ **small business enterprises**
- sponsor or participate in annual purchasing seminars for locally-owned businesses in general and ~~HUBs~~ **small businesses** in particular. Efforts will be made to jointly sponsor these seminars with the City of Winston-Salem, the Better Business Bureau, the Winston-Salem Chamber of Commerce and other public and private agencies
- furnish ~~MBE/WBE~~ **small business** subcontractors with the names of prospective bidders on a project, upon request, and providing prospective bidders with the Board of Education list of certified ~~MBE/WBEs~~ **small business enterprises**
- provide information to ~~HUB-enterprises~~ **small business enterprises** by membership and/or participation in local business development councils and regional chambers of commerce
- ensure prospective bidders and subcontractors have access to the bidding documents
- designate a school official to attend the scheduled pre-bid conference to explain the school system's ~~minority~~ **small business** goals and objectives
- at least 10 days prior to the scheduled day of bid opening, notify ~~minority businesses~~ **small business enterprises** of bidding opportunities

- appoint a ~~HUB/MBE/WBE~~ **Small Business** Certification Review Committee to resolve any and all disputes concerning a business's eligibility for certification as a ~~HUB, MBE, or WBE~~ **Small Business Enterprise (SBE)**
- provide information regarding assistance available from local, state, and federal agencies to assist ~~MBE/WBE~~ **small businesses** who experience difficulty in meeting the bonding, licensing, and bid deposits required by state law in larger construction projects
- maintain documentation of any contacts, correspondence, or conversation with ~~minority business~~ **small business** firms made in an attempt to meet the goals
- review, jointly with the designer, the lowest responsible bidder's bid for compliance with all requirements of applicable state law prior to recommendation of the contract award
- provide information to bidders about the statewide uniform certification program for ~~historically underutilized businesses~~ **small business enterprises (NCSBE)**

The Board of Education shall require bidders... on school construction and renovation projects of \$100,000 or more to identify on their bid the ~~minority businesses~~ **small business enterprises** that they will use on the project and provide with their bid an affidavit listing the good faith efforts they have made and the total dollar value of the bid that will be performed by the ~~minority businesses~~ **small business enterprises**.

## GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS

All bidders on school construction and renovation projects subject to Section IV of this policy must (1) identify the ~~minority businesses~~ **small business enterprises** to be used on the project and (2) provide affidavits indicating that a good faith effort has been made in preparing the bid to meet the Board's verifiable goal for participation by ~~minority businesses~~ **small business enterprises**.

In deciding whether or not a bidder has made a good faith effort, the Board of Education shall consider the criteria set forth, above; the number of certified ~~MBEs/WBEs~~ **small business enterprises (SBEs)** available and capable of performing the work, and the amount of other work being awarded or performed in the market area of the Board.

The level of ~~minority~~ **small business enterprise** participation in bidders' bids will not affect the contract award decision; however, the failure to provide documentation of a good faith effort to meet the Board's goal may result in the bid being rejected as nonresponsive.

## SCHOOL SYSTEM GOOD FAITH EFFORTS - PURCHASING

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

- Make information about the school system's purchasing procedures and bidding process readily available
- Advertise for bids in media that reaches ~~historically underutilized businesses~~ **small business enterprises**

- Ensure access to bidding documents needed for making bids on projects
- Obtain directory information of small businesses, ~~historically underutilized businesses, disabled business enterprises, and nonprofit work centers for the blind or severely disabled~~ by using the online search functions of the North Carolina electronic Vendor Portal provided by the Division of Purchase and Contracts at the N.C. Department of Administration
- Sponsor or participate in purchasing seminars for all prospective vendors or, in particular, for small businesses, ~~historically underutilized businesses, disabled business enterprises, and nonprofit work centers for the blind or severely disabled~~
- Provide information on how to become ~~Historically Underutilized Business (HUB)-certified and/or~~ North Carolina Small Business Enterprise (NCSBE)-certified and how to register in the North Carolina electronic Vendor Portal
- Prepare vendor lists
- Where allowed by law, permit performance guarantees rather than performance bonds for contracts for goods and services

## MONITORING, DOCUMENTATION AND REPORTING

The Superintendent or designee shall monitor payments made to ~~minority businesses~~ **small business enterprises** on each project subject to Section IV.A to verify that the ~~minority businesses~~ **small business enterprises** actually working on the project and their level of participation is consistent with the representations made in the contractor's bid.

The Superintendent shall ensure that all required reports and other documentation are filed for school system building contracts with the Department of Administration in accordance with legal requirements. The Superintendent or designee shall submit all legally required reports on the use of ~~HUBs, disabled business enterprises, and nonprofit work centers for the blind and severely disabled businesses~~ **small business enterprises**, as necessary to comply with applicable laws.