



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

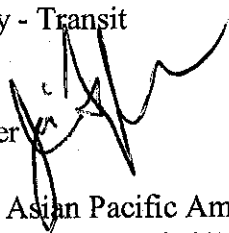
BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

September 29, 2010

MEMORANDUM

TO: Division Engineers
Victor Barbour, Administrator of the Technical Services Division
Anthony Roper, Deputy Secretary – Administration and Business Development
Terry Gibson – State Highway Administrator
Jim Westmoreland, Deputy Secretary - Transit
Jon Nance, Chief Engineer

FROM: Jim Trogdon, Chief Operating Officer 

SUBJECT: Utilization of Native Americans and Asian Pacific American Subcontractors to Meet Minority Business Goals on Projects Awarded Before July 22, 2010

The Department has been receiving questions regarding the Native American and Asian Pacific American firms that are no longer certified as Minority Businesses (MBEs) in accordance with the 2009 Disparity Study and are currently on, or have been committed to, projects awarded prior to July 22, 2010. Native American and Asian Pacific American firms that are currently on, or have been committed, to projects awarded prior to July 22, 2010 should NOT be replaced even if the Department has not received a Request for Subcontract (RS1-A) from these firms. This decision was based on the following factors:

- 1) Minority goals for the projects were established taking into account potential participation of these firms.
- 2) Prior to the award of the projects, the Department received a Letter of Intent for each committed firm, signed by both parties, agreeing to subcontract and perform work on those projects.
- 3) At the time of bid opening, these firms were certified.
- 4) The decertification of those firms was through an administrative action by the Department resulting from the findings of the 2009 Disparity Study and was through no fault of their own.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
TECHNICAL SERVICES DIVISION
1516 MAIL SERVICE CENTER
RALEIGH NC 27699-1516

TELEPHONE: 919-715-5663

WEBSITE: WWW.NCDOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

Combined, these factors have resulted in the Department's decision not to replace Native American and Asian Pacific American firms that recently lost their MBE status due to the 2009 Disparity Study on projects awarded prior to July 22, 2009.

If you have any questions on this decision, please contact Mr. Victor Barbour at 919-715-5663.

JT/vb

Cc: Division Project Managers
Terry Canales, State Contractual Services Engineer
Shelton Russell, Business Opportunity and Workforce Development Manager
Ricky E. Greene, State Director of Field Support
Ron Hancock, State Construction Engineer
Andrea Harris, North Carolina Institute of Minority Economic Development
Tony Hayes, North Carolina Indian Economic Development
Henry Lancaster, Lancaster Craig Associates
Berry Jenkins, Carolinas AGC
Christie Barbee, CAPA
Greg Richardson, Executive Director, Commission of Indian Affairs