

RALEIGH-DURHAM AIRPORT AUTHORITY
HISTORICALLY UNDERUTILIZED BUSINESS PARTICIPATION PLAN

The Raleigh-Durham Airport Authority (the "Authority"), a public body established by the cities of Raleigh and Durham and the Counties of Wake and Durham to operate the Raleigh-Durham International Airport (the "Airport") in Wake County, North Carolina, has determined that, pursuant to the mandate of North Carolina General Statutes, Section 143-128.2, it is necessary to establish and maintain a **Historically Underutilized Business Participation Plan** (the "Plan") to encourage equal opportunity for Historically Underutilized Businesses ("HUBs") to compete for employment as contractors, subcontractors, suppliers and service providers.

The Authority has taken into account the findings of studies undertaken by the North Carolina Department of Administration, City of Durham, Durham County and the City of Raleigh that have concluded that discrimination has contributed to significant underutilization of HUBs in the region, including in construction contracts, service contracts and certain other procurement activities.

For many years, the Authority has actively sought to increase its utilization of HUBs. In order to achieve a level of utilization commensurate with the current availability of interested and qualified HUBs and to encourage the development of new HUBs, the Authority has implemented this Plan.

ARTICLE I. CONSTRUCTION CONTRACTS

A. Policy. It is the policy of the Raleigh-Durham Airport Authority that Historically Underutilized Businesses as defined in N.C.G.S. §143-128.4 shall have the maximum opportunity to compete for contracts and subcontracts related to construction projects advertised for bids by the Authority under N.C.G.S. §143-129 or awarded by means of informal bids under N.C.G.S. §143-131. The Authority will award contracts without regard to race, religion, color, creed, national origin, sex, age or handicapping condition as defined in N.C.G.S. §168A-3. The Authority will not award, nor will it require its contractors to award, contracts or subcontracts to or to make purchases of materials or equipment from HUB contractors or subcontractors who do not submit the lowest responsible bid or bids. This Plan will not apply to contracts that are subject to the Federal Aviation Administration/United States Department of Transportation DBE Program.

B. Definitions. For purposes of this Plan, Historically Underutilized Business and Minority Person shall have the meaning defined in N.C.G.S. §143-128.4 as set forth hereinbelow and Verifiable Goal shall have the meaning as set forth hereinbelow:

(1) The term "Historically Underutilized Business" means a business that meets all of the following conditions:

- (a) At least fifty-one percent (51%) of the business is owned by one or more Minority Persons, or in the case of a corporation, at least fifty-one percent (51%) of the stock is owned by one or more Minority Persons;
- (b) The management and daily business operations are controlled by one or more owners of the business who are Minority Persons; and
- (c) The business has been certified in accordance with N.C.G.S. §143-128.4 or otherwise certified in a manner acceptable to the Authority.

(2) The term "Minority Person" means a person who is a citizen or lawful permanent resident of the United States and who is:

- (a) Black. – A person having origins in any of the black racial groups of Africa.
- (b) Hispanic. – A person of Spanish or Portuguese culture having origins in Mexico, South or Central America, or the Caribbean islands, regardless of race.
- (c) Asian American. – A person having origins in any of the original peoples of the Far East, Southeast Asia, Asia, Indian continent, or Pacific islands.
- (d) American Indian. – A person having origins in any of the original Indian peoples of North America.
- (e) Female.
- (f) Disabled. – A person with a disability as defined in G.S. 168-1 or G.S. 168A-3.
- (g) Disadvantaged. – A person who is socially and economically disadvantaged as defined in 15 U.S.C. § 637.

(3) The term "Verifiable Goal" means that the Authority has adopted written guidelines specifying the actions that the contractor must take to ensure a good faith effort in the recruitment and selection of HUBs for participation in contracts awarded under this section. The required actions must be documented in writing by the contractor to the Authority.

C. Good Faith Effort Obligations. All bidders shall agree, by the submission of a bid for work on a project for which a contract is to be awarded by the Authority, to ensure that HUBs have the maximum opportunity to participate in the performance of contracts and subcontracts. All bidders shall be required to take all steps reasonably necessary in accordance with this Plan to ensure that HUBs have the maximum opportunity to participate in the work. Failure to make a Good Faith Effort (as defined in Paragraph N hereinbelow) and to adequately document such efforts to the Authority will be grounds for disqualifying a bid as non-responsive. Bidders shall not discriminate on the basis of race, color, national origin or gender in preparation of a bid or the eventual performance of a contract.

D. Compliance. All bidders for work on Authority construction contracts are hereby notified that failure to comply with the obligations of this Plan will constitute a breach of good faith in dealing with the Authority, and the Authority will take any and all actions permitted by law to ensure compliance by all its contractors. Any bidder who fails to meet or exceed the applicable Contract Goals without providing satisfactory written evidence of its Good Faith Effort as required by this Plan will be deemed to have submitted an incomplete or non-responsive bid and may be disqualified.

E. Quarterly Report. Under the supervision of the Airport Director, the Deputy Airport Director – Facilities Engineering and Maintenance and the Director – Major Capital Improvements Program will prepare quarterly reports to the Authority identifying and reporting the utilization of HUB service providers in construction contracting. The DBE Program Officer will review each quarterly report prior to its presentation to the MBE Plan Committee.

F. Construction Plan Committee. The Authority's Construction Plan Committee will be composed and consist of the Airport Director, Deputy Airport Director - Facilities Engineering and Maintenance, Director - Major Capital Improvements Program, Deputy Airport Director – Information Services, Director of Administration and DBE Program Officer. The Construction Plan Committee will be advised and supported by the Staff Attorney.

G. Annual Participation Goals. Annually at or before the start of each fiscal year, the Authority's Construction Plan Committee will recommend to the Authority an annual overall goal or

goals for HUB participation in the Authority's construction contracts subject to this Plan which are to be contracted during the upcoming fiscal year. The Construction Plan Committee will recommend an annual overall goal or goals by projecting the work to be undertaken during the upcoming fiscal year on all such contracts/projects and estimating the costs of the work in each. Initially, the annual overall goal for non-female owned HUBs will be eight percent (8%) and the overall annual goal for female owned HUBs will be five percent (5%). These initial goals are based upon the prior experience of the Authority, the nature and character of the upcoming work, the current list of certified HUBs, and the findings of the studies undertaken by the North Carolina Department of Administration, City of Durham, Durham County and City of Raleigh.

H. Contract Goals. Contract Goals will be determined by dividing the total dollar value of potential subcontract awards to HUBs by the total estimated dollar value of the prime contract, considering the scope of work to be accomplished, the availability of certified HUBs to perform necessary work, and past experience on similar contracts. Prior to advertising a construction project, the Project Manager will recommend an appropriate Contract Goal for each separate contract to be bid as a part thereof. The DBE Program Officer and the Project Manager will jointly establish the Contract Goal. In the event that the Project Manager and the DBE Program Officer are unable to jointly establish a Contract Goal, the matter will be referred to the Construction Plan Committee to establish a goal. In the event of such a referral, neither the DBE Program Officer nor the Project Manager shall sit as a member of the committee while that matter is considered, although each can present it to the committee.

I. Contract Award. The Authority will award each construction contract to the lowest responsible bidder submitting a responsive bid in accordance with the requirements of N.C.G.S. §143-129. The Authority will be the sole arbiter to determine if a bidder has made a reasonable Good Faith Effort to include HUB participation in its bid on any project. The Authority reserves the right to reject any and all bids submitted, and to reject the bid of any bidder who fails to make a Good Faith Effort or to submit timely, satisfactory evidence of its Good Faith Effort as provided herein.

J. HUB Subcontracts. All proposed HUB participation must be identified and included in the sealed bid. Any increase in HUB participation that occurs after the bids are opened will not be considered in determining the bidder's achievement of the Contract Goal or its Good Faith Effort to achieve the goal, but will be recognized as HUB participation in the contract. Each HUB included in a bid must have its certification verified by the DBE Program Officer and must be identified by name, address, telephone number, HUB category, type of work and dollar amount of subcontract. (Appendix 1) In addition, utilization of suppliers to subcontractors, sub-subcontractors or more remote parties will require identification of all intervening parties and a description of the work to be performed by such parties. Each of the Authority's contractors shall document the participation of HUBs as subcontractors (suppliers, sub-subcontractors, etc.) under this Plan by listing separately each HUB and the category of Minority Person owning/controlling the HUB. (Appendix 1)

A contractor shall count only the value of the work performed by a HUB subcontractor as HUB participation toward the Contract Goal. The contractor shall count as HUB participation the entire portion of a contract that is performed by the HUB's own forces, including the cost of supplies and materials obtained by the HUB for the contract, including supplies purchased or equipment leased by the HUB (except supplies and equipment the HUB subcontractor purchases or leases from the contractor or its affiliate). The contractor shall count as HUB participation the entire amount of fees or commissions charged by a HUB for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing bonds or insurance specifically required for the performance of the contract, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services. A HUB subcontractor shall not be permitted to further subcontract the work specified in

the bid as HUB participation without the Authority's prior written permission, which shall be given or withheld in the Authority's sole discretion. A HUB subcontractor shall perform at least fifty percent (50%) of the actual labor related to the work specified in the bid as HUB participation with its own workforce unless it is within the applicable industry's normal course of business to perform less than fifty percent (50%). In the event that a HUB sub-subcontractor is unable to perform successfully, the HUB subcontractor shall make a **reasonable** effort to replace that HUB sub-subcontractor with another HUB sub-subcontractor. Any substitutions shall be pre-approved in writing by and coordinated with the DBE Program Officer and the Project Manager. In the event that the Project Manager and the DBE Program Officer are unable to agree regarding the approval of a substitution, the matter will be referred to the Construction Plan Committee. In the event of such a referral, neither the DBE Program Officer nor the Project Manager shall sit as a member of the committee while that matter is considered, although each can present it to the committee.

A contractor may count toward its achievement of the Contract Goal expenditures for materials and supplies obtained from HUB suppliers and manufacturers, provided that the HUB supplier/manufacturer assumes the actual and contractual responsibility for provision of the material and supplies. A contractor may count its entire expenditures to a HUB manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale) towards its achievement of the Contract Goals. A contractor may count sixty percent (60%) of its expenditures to HUB suppliers that are not manufacturers toward achievement of the Contract Goals, **provided that the HUB supplier performs a commercially useful function in the supply process.** A HUB performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing and supervising the work involved. To perform a commercially useful function, the HUB must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the materials, and installing (where applicable) and paying for the materials. A HUB does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract or project through which funds are passed in order to produce the appearance of HUB participation.

K. Available HUBs. All HUBs must be certified. Certification may be obtained through the N.C. Department of Transportation, the N.C. Department of Administration or the Carolinas Minority Diversity Council. Contact information for these entities is attached hereto in Appendix 2. Certification also may be obtained through a governmental entity located within North Carolina or a governmental entity located outside of North Carolina at the Authority's discretion. The Authority retains the right and ability to review a HUB's certification qualifications and to reject certification of any HUB. Prospective bidders are encouraged to inspect the directories maintained by the entities listed in Appendix 2 in order to locate HUBs that might be interested in a proposed contract. Credit toward a Contract Goal will not be given unless the potential HUB has been certified prior to the bid opening, or can be certified prior to award of the contract.

L. Certification Confirmation of HUB Contractors. The Authority's DBE Program Officer will confirm the certification of HUBs utilized by bidders for the Authority's contracts.

M. Bidder's Required Submission. Each bidder shall include in its proposal the following information concerning the proposed contract:

(1) Name and contact information for all proposed HUB and non-HUB (to the extent required by applicable law) subcontractors, sub-subcontractors and suppliers, description of the ethnic group of proposed HUB subcontractors, sub-subcontractors and suppliers, a description and monetary

value of the work to be performed by the proposed subcontractors, sub-subcontractors and suppliers, and the certification status of the proposed HUB subcontractors, sub-subcontractors and suppliers (Appendix 1);

(2) Written documentation of its Good Faith Efforts to involve HUB subcontractors, which shall be submitted and delivered to the Authority within three (3) business days after submission of the bid (Appendix 3);

(3) Each prospective contractor who proposes to perform contracts with its own workforce shall certify that it is a normal and necessary practice of the bidder to perform all such elements of a contract without the use of subcontractors, and shall provide substantial documentation satisfactory to the Authority of other similar government contracts within the past five (5) years on which they have done so. (Appendix 4)

N. Satisfactory Good Faith Effort. Each bid shall contain documentation that demonstrates the bidder's Good Faith Effort to meet the applicable Contract Goals. A bidder will have an opportunity to provide additional evidence of its Good Faith Effort within three (3) business days after submission of a bid. A bid that does not provide satisfactory evidence of the bidder's Good Faith Effort may be deemed nonresponsive in the Authority's sole discretion. The following criteria will be considered and should be addressed point by point in the bidder's submission:

(1) Did the bidder attend the pre-bid/ HUB conferences?

(2) Did the bidder advertise contractual opportunities in general circulation, trade association, or minority-focus media concerning opportunities? Was advertising specific to the project in question?

(3) Did the bidder provide satisfactory written solicitations requesting participation of HUBs which reasonably could have been expected to submit a quote that were known to the Contractor or available on state or local government maintained lists no later than ten (10) days prior to the bid opening? Did the bidder provide HUBs with:

- (a) an adequate description of all work to be contracted;
- (b) adequate information about the location of the plans, specifications, and requirements of the contract; and
- (c) the date the quotation was due to the bidder?

(4) Did the bidder follow-up initial solicitations of interest in person or by telephone to determine if the HUB was interested in participation?

(5) Did the bidder break down or combine elements of work to be performed by HUBs into economically feasible units in order to facilitate minority participation?

(6) Did the bidder make available to or provide prospective HUBs with plans, specifications and requirements for the work to be subcontracted at least 10 days before bids or proposals were due?

(7) Did the bidder negotiate in good faith with HUBs?

(8) Did the bidder negotiate in good faith with interested HUBs whose initial responses were not the lowest bids for the work to be subcontracted?

(9) Did the bidder offer assistance to interested HUBs in obtaining bonding or insurance required by the Authority or by the bidder?

(10) Did the bidder work with minority trade, community or contractor organizations identified by the Office of Historically Underutilized Businesses or included in the bid documents that provide assistance in the recruitment and placement of HUBs?

(11) Did the bidder specifically negotiate with subcontractors to assume part of the responsibility to meet the Contract Goal when the work to be sublet includes potential for HUB participation?

(12) Did the bidder provide assistance to otherwise qualified HUBs in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans or letters of credit, including waiving credit that is ordinarily required, or assist HUBs in obtaining the same unit pricing with bidder's suppliers in order to help HUBs in establishing credit?

(13) Did the bidder provide quick pay agreements and policies to enable HUBs to meet cash flow demands?

O. Techniques to Ensure Equitable Opportunity. The Authority will develop and use proactive techniques to facilitate HUB participation in contracting opportunities. These techniques may include, but not be limited to:

(1) Providing at least 21 calendar days for the initial advertisement of all invitations for bids so that all firms have ample time to develop a complete bid package or proposal and secure necessary assistance;

(2) Providing assistance to HUBs in overcoming barriers in the procurement process such as inability to obtain bonding, financing or technical assistance;

(3) Conducting information and communication programs on contracting procedures and specific contracting opportunities;

(4) Providing information to HUB firms about the Authority, its functions and the full range of its contractual needs;

(5) Offering instructions and clarification on bid specifications, the Authority's procurement policy, procedures, job performance requirements and general bidding requirements;

(6) Maintaining a file of successful past bid documents and permitting HUBs to review and evaluate these documents unless otherwise prohibited;

(7) Upon written request, conducting debriefing sessions to explain why certain bids were successful;

(8) Providing HUBs with information on future procurement and contracting schedules;

(9) Providing information on certification procedures, subcontracting and bonding requirements;

(10) Placing bid notices on the Authority's website and in the Dodge Bulletin, A.G.C. Bulletin, Minority Business trade association publications and periodicals of interest to the Minority Business community as well as The Durham Herald Sun and The News and Observer as required by applicable law;

(11) Sending bid notices to HUB trade associations, technical assistance agencies, HUB economic development groups and HUBs with capabilities relevant to the bid notice, as identified by the HUB directory;

(12) Making bid specifications available to HUB contractor associations and technical assistance agencies;

(13) Including HUBs whenever possible in all informal bid solicitations for contracts within their areas of qualification to ensure a full and fair opportunity to participate in such contracts;

(14) Holding pre-bid conferences to provide firms with an opportunity to inquire about the Authority's HUB requirements; and

(15) Making available a list of pre-bid conference attendees on the Authority's website.

P. Contractor Assurances. Agreements between a bidder/contractor and a HUB in which the HUB promises not to provide subcontracting quotations to other bidders are prohibited. In the event that a HUB subcontractor is unable to perform successfully, contractors and subcontractors shall make a **reasonable** effort to replace that HUB subcontractor with another HUB subcontractor. All substitutions shall be pre-approved in writing by and coordinated with the DBE Program Officer and the Project Manager. (Appendix 5) In the event that the Project Manager and the DBE Program Officer are unable to agree regarding the approval of a substitution, the matter will be referred to the Construction Plan Committee. In the event of such a referral, neither the DBE Program Officer nor the Project Manager shall sit as a member of the committee while that matter is considered, although each can present it to the committee.

Contractors shall submit reports of payment and subcontract and/or supplier awards to HUBs and non-HUBs which identify and assess progress in achieving HUB subcontract participation in such form and manner and at such times as the Authority shall prescribe to the extent such information is required by N.C.G.S. §143-128.2. Notwithstanding the foregoing, at a minimum, these periodic reports shall include a statement of the value of the work completed by each HUB subcontractor and a certification by the contractor regarding payment to each HUB subcontractor. Upon the Authority's request, contractors shall provide the Authority access to all books, records, accounts and personnel for Plan compliance review. Such access will be used for, among other purposes, determining HUB participation and compliance with the Plan. Contractors are subject to interim and post-contract HUB audits. Audit determination(s) regarding a contractor's compliance with the Plan may be considered and have a bearing on consideration of the contractor for award of future contracts. Contractors shall forward all documents and information requested by the Authority and shall cooperate with the Authority in providing the final accounting for HUB participation in a contract. The Authority may withhold payment of retainage pending compliance with the final accounting or audit requirements.

Q. HUB Obligations.

(1) Contractor and bidder obligations. All contractors and bidders shall ensure that the HUBs have the maximum opportunity to participate in the performance of contracts and subcontracts for work to be performed for the Authority. All contractors and bidders shall take all necessary and reasonable steps to ensure that HUBs have the maximum opportunity to compete for and perform such contracts and subcontracts. Contractors and bidders shall not discriminate on the basis of race, color, national origin, or gender in selecting subcontractors for work to be performed for the Authority.

(2) Authority obligations. The Authority will conduct at least one HUB workshop in conjunction with each proposed contract/project subject to the requirements of N.C.G.S. §143-129, which may be attended by the Authority's Project Manager and the DBE Program Officer or designated representative. Such persons will be available to bidders and HUBs to provide assistance and to encourage participation by qualified HUBs in the Contract.

R. Informally Bid Contracts. Notwithstanding the specific provisions of this Article, construction contracts of less than \$300,000, which are subject to the requirements of N.C.G.S. §143-131, will be informally bid. For all such contracts, the size of the contract and the likelihood of successful subcontracting opportunities will be taken into account in determining the appropriateness of the specific undertakings described in sections M, N and O above. The notice and/or instructions to bidders for such projects will include a statement regarding such requirements. For all such contracts, the Authority will include in its solicitation of prospective contractors certified HUBs reasonably expected to be interested in the contract.

S. Incomplete and/or Inaccurate Information. The misrepresentation of any information requested by or submitted to the Authority in response to the Plan, a request for proposals or bids, or at the request of the Authority will be a violation of this Plan. If said misrepresentation is discovered during the bid process, the bid will be considered nonresponsive and may be rejected. If the misrepresentation is discovered after the award of the contract, it may be grounds for termination of the contract, or in the alternative, the contractor may be required to correct the misrepresentation and to take all necessary steps to comply with the requirements of the Plan and to perform in a manner consistent with the representations included in the proposal at no additional cost to the Authority.

T. Compliance. Failure of a contractor to comply with this Plan may constitute a breach of contract and could result in termination of the contract for default or such remedy as the Authority may deem appropriate. The Authority reserves the right to pursue all remedies available under applicable federal, state and local laws.

ARTICLE II. PURCHASING

A. Policy. It is the policy of the Authority that HUB suppliers shall have the maximum opportunity to compete for award of the Authority's Purchasing contracts. The Authority's Purchasing contracts are subject to the requirements of North Carolina law generally, and specifically Article 8 of Chapter 143 of the General Statutes, and this Plan will be construed in accordance therewith. The Authority will award Purchasing contracts without regard to race, religion, color, creed, national origin, sex, age or handicapping condition. The Authority will not, nor will it require its contractors to, award contracts or subcontracts to or to make purchases of materials or equipment from HUB suppliers, contractors or subcontractors who are not best qualified to supply the materials or equipment or who do not submit the lowest responsible bid or bids.

B. Definitions. Purchasing means the Authority's procurement of and payment for goods, apparatus, equipment, materials, supplies and other tangible things. All of the definitions set forth in Article I above will apply to this Article II unless otherwise noted herein.

C. Proactive Techniques. In order to assure that HUBs have a full, fair opportunity to participate as suppliers of goods and equipment, the Authority will undertake the following proactive techniques:

(1) Identification. The Authority will identify and catalog its Purchasing requirements for goods and equipment. The DBE Program Officer will establish a list of qualified and interested HUB suppliers and utilize the NC Vendor Link directory to correlate suppliers with Authority Purchasing requirements. Every reasonable effort will be made by the DBE Program Officer to notify potential HUB suppliers throughout the region and to solicit their interest in being included on the list of suppliers. The Authority encourages all suppliers, vendors or manufacturers seeking to provide materials, equipment or products to complete the Vendor Registration Form. (Appendix 6)

(2) Coordination. All Authority staff responsible for Purchasing decisions will utilize the list of HUB suppliers established by the DBE Program Officer whenever possible in determining suppliers to be solicited for the purchase of goods and equipment for the Authority's use. Staff will provide reasonable notification to the DBE Program Officer of all Purchasing opportunities, with the maximum possible notice given for those Purchasing opportunities having a value greater than \$10,000. The DBE Program Officer will monitor all Purchasing activity and will assist in efforts to assure utilization of HUB suppliers whenever appropriate.

(3) Documentation. The Authority will document the solicitation and utilization of HUB suppliers for all Purchasing opportunities having a value greater than \$1,000 using report forms and/or software approved by the Purchasing Officer and the DBE Program Officer.

(4) Quarterly Reports. Under the supervision of the Airport Director, the DBE Program Officer will prepare quarterly reports to the Authority of the identification, solicitation and utilization of HUB suppliers.

D. Purchasing Plan Committee. The Authority's Purchasing Plan Committee will be composed and consist of the Airport Director, Deputy Airport Director – Finance, Business & Administration, Deputy Airport Director – Information Services, Director of Administration, Deputy Airport Director – Facilities Engineering and Maintenance, Deputy Airport Director – Operations, Purchasing Officer and DBE Program Officer. The Purchasing Plan Committee will be advised and supported by the Staff Attorney.

E. Annual Participation Goals. Annually at or before the start of each fiscal year, the Authority's Purchasing Plan Committee will recommend to the Authority an annual overall goal or goals for HUB participation in the Authority's Purchasing opportunities where the items to be purchased during the upcoming fiscal year provide an opportunity for HUB utilization (e.g. the purchase of utilities provides no opportunity for HUB participation). The Purchasing Plan Committee will recommend an annual overall goal or goals by projecting the Purchasing opportunities anticipated during the upcoming fiscal year and estimating the value of each. Initially, the annual overall Purchasing participation goal for HUBs will be ten percent (10%). This initial goal is based upon the prior experience of the Authority, the nature and character of the upcoming Purchasing opportunities, the current list of certified HUBs, and the findings of the studies undertaken by the North Carolina Department of Administration, City of Durham, Durham County and City of Raleigh.

ARTICLE III. SERVICES

A. Policy. It is the policy of the Authority that HUBs shall have the maximum opportunity to compete for the award of contracts as professional, technical and non-technical service providers by the Authority. The Authority will award Services contracts without regard to race, religion, color, creed, national origin, gender, age or handicapping condition. The Authority's Service contracts are subject to the requirements of North Carolina law, and this Plan shall be construed in accordance therewith. The Authority has adopted a "Policy for Retention of Architects, Engineers, and Surveyors" which has been amended simultaneously with the amendment of the Plan and is incorporated herein by reference. In the event of any conflict between the terms and conditions of said Policy and this Plan, the terms of this Plan shall govern.

B. Definitions. "Services" shall include, without limitation, services such as those of accountants, attorneys, architects, engineers, surveyors, janitorial contractors, landscaping maintenance contractors, vehicle maintenance contractors, cleaning contractors, and other providers of personnel whose contracts do not include substantial tangible elements and/or do not qualify as Information Technology as defined in Article IV hereinbelow. All of the definitions set forth in Articles I and II above shall apply to this Article III unless otherwise noted herein.

C. Proactive Techniques. To assure that HUBs are afforded a full, fair opportunity to participate in the work of the Authority, the Authority will undertake the following proactive techniques:

(1) Identification. The Authority will identify and catalog its requirements for professional, technical and non-technical services. The DBE Program Officer will establish a list of qualified and interested HUB service providers and utilize the NC Vendor Link directory to correlate providers with Authority requirements. Every reasonable effort will be made by the DBE Program Officer to notify potential HUB Service providers throughout the region and to solicit their interest in being included on the list. All Service providers seeking to provide services are encouraged to communicate to the Authority, preferably via electronic means (e.g. via email to info@rdu.com or the Authority website, www.rdu.com), the following information: name, mailing address, telephone number, email address, website address and the specific category or categories of available Services. With respect to Service providers, the Authority will solicit and obtain information regarding the employment and participation of Minority Persons within the firm and encourages HUBs and non-HUBs to maximize utilization of Minority Persons within the firm, including Minority Persons utilized in the delivery of Services to the Authority.

(2) Coordination. All Authority staff responsible for the engagement of Service providers will utilize the list of HUB Service providers whenever possible in determining firms to be solicited for engagement by the Authority. Authority staff soliciting Service providers will provide reasonable notification to the DBE Program Officer of all Service opportunities, with the maximum possible notice given for those Service opportunities having a value greater than \$10,000. The DBE Program Officer will monitor all such activity and will assist in efforts to assure utilization of HUB Service providers whenever appropriate.

(3) Documentation. The Authority staff will document the solicitation and utilization of HUB Service providers using report forms and/or software approved by the Purchasing Officer and the DBE Program Officer.

(4) Quarterly Report. Under the supervision of the Airport Director, the DBE Program Officer will prepare quarterly reports to the Authority of the identification, solicitation and utilization of HUB Service providers.

D. Participation Goals. HUB participation goals for all Services related to construction, including architectural, engineering and other services associated or which may be associated therewith will be established by the Construction Plan Committee. Participation goals for all other Services will be established by the Purchasing Plan Committee. Annually at or before the start of each fiscal year, the Construction Plan Committee and the Purchasing Plan Committee will review the results of the Authority's efforts to maximize the opportunity of HUBs to serve the Authority as Service providers. The Construction Plan Committee and the Purchasing Plan Committee will project the Service opportunities anticipated during the upcoming fiscal year and will estimate the value of those opportunities. Following such review, the appropriate Plan Committee may recommend to the Authority an overall goal or goals for HUB participation in the Authority's Service opportunities. Based upon the recommendation of the appropriate Plan Committee, the Authority will establish participation goals for Service providers. Participation goals for Services will be established and monitored over extended time periods due to the infrequency of contracts for Services in some areas, which might make annual goals inappropriate.

ARTICLE IV. INFORMATION TECHNOLOGY

A. Policy. It is the policy of the Authority that HUB Information Technology (as defined hereinbelow) suppliers shall have the maximum opportunity to compete for award of the Authority's Information Technology contracts. The Authority's Information Technology contracts are subject to the requirements of North Carolina law generally, and specifically N.C.G.S §§143-129.8 and 135.9, and this Plan will be construed in accordance therewith. The Authority will award Information Technology contracts without regard to race, religion, color, creed, national origin, sex, age or handicapping condition. The Authority will not, nor will it require its contractors to, award contracts or subcontractors to or to make purchases of Information Technology from HUB suppliers, contractors or subcontractors who do not offer the Best Value as defined hereinbelow.

B. Definitions. All of the definitions set forth in Articles I, II and III above shall apply to this Article IV unless otherwise noted herein. For the purposes of this Plan, Information Technology and Best Value shall have the meaning defined in N.C.G.S. §143-129.8 and §143-135.9 as set forth hereinbelow:

(1) The term "Information Technology" means electronic data processing goods and services, telecommunications goods and services, security goods and services, microprocessors, software, information processing, office systems, any services related to the foregoing, and consulting or other services for design or redesign of information technology supporting business processes.

(2) The term "Best Value" means the selection of a contractor based on a determination of which proposal offers the best trade-off between price and performance, where quality is considered an integral performance factor. The award decision is made based on multiple factors, including: total cost of ownership, meaning the cost of acquiring, operating, maintaining, and supporting a product or service over its projected lifetime; the evaluated technical merit of the vendor's proposal; the vendor's past performance; and the evaluated probability of performing the requirements stated in the solicitation on time, with high quality, and in a manner that accomplishes the stated business objectives and maintains industry standards compliance.

C. Proactive Techniques. In order to assure that HUBs have a full, fair opportunity to participate as suppliers of Information Technology, the Authority will undertake the following proactive techniques:

(1) Identification. The Authority will identify and catalog its Information Technology requirements. The DBE Program Officer will establish a list of qualified and interested HUB Information Technology suppliers and utilize the NC Vendor Link directory to correlate suppliers with Authority Information Technology requirements. Every reasonable effort will be made by the DBE Program Officer to notify potential HUB Information Technology suppliers throughout the region and to solicit their interest in being included on the list of suppliers. All Information Technology suppliers seeking to provide materials, equipment, services or products are encouraged to communicate to the Authority, preferably via electronic means (e.g. via email to info@rdu.com or the Authority website, www.rdu.com), the following information: name, mailing address, telephone number, email address, website addresses and the specific category or categories of available Information Technology services and/or products. With respect to Information Technology suppliers, the Authority will solicit and obtain information regarding the employment and participation of Minority Persons within the firm and encourages HUBs and non-HUBs to maximize utilization of Minority Persons within the firm, including Minority Persons utilized in the delivery of Information Technology to the Authority.

(2) Coordination. All Authority staff responsible for Information Technology procurement decisions will utilize the list of HUB Information Technology suppliers established by the DBE Program Officer whenever possible in determining suppliers to be solicited for the purchase of Information technology for the Authority's use. Staff will provide reasonable notification to the DBE Program Officer of all Information Technology opportunities, with the maximum possible notice given for those opportunities having a value greater than \$10,000. The DBE Program Officer will monitor all Information Technology procurement activity and will assist in efforts to assure utilization of HUB Information Technology suppliers whenever appropriate.

(3) Documentation. The Authority will document the solicitation and utilization of HUB Information Technology suppliers as appropriate to the dollar value of the Information Technology opportunity using report forms and/or software approved by the Purchasing Officer and the DBE Program Officer.

(4) Quarterly Reports. Under the supervision of the Airport Director, the DBE Program Officer will prepare quarterly reports to the Authority of the identification, solicitation and utilization of HUB Information Technology suppliers.

D. Information Technology Plan Committee. The Authority's Information Technology Plan Committee will be composed and consist of the Airport Director, Deputy Airport Director – Finance, Business & Administration, Deputy Airport Director – Information Services, Deputy Director – Operations, Director - Major Capital Improvements Program, Director of Administration, Purchasing Officer and DBE Program Officer. The Information Technology Plan Committee will be advised and supported by the Staff Attorney.

E. Participation Goals. Annually at or before the start of each fiscal year, the Information Technology Plan Committee will review the results of the Authority's efforts to maximize the opportunity of HUBs to serve the Authority as Information Technology suppliers. The Information Technology Plan Committee will project the Information Technology opportunities anticipated during the upcoming fiscal year and estimate the value of those opportunities. Following such review, the Information Technology Plan Committee may recommend to the Authority an overall goal or goals for

HUB participation in the Authority's Information Technology opportunities. Based upon the recommendation of the Information Technology Plan Committee, the Authority will establish participation goals for Information Technology suppliers. Participation goals for Information Technology will be established and monitored on a contract by contract basis due to the complex and innovative nature of Information Technology, which might make annual goals and/or review inappropriate.

ARTICLE V. APPENDICES

All appendices and attachments to the Plan are subject to review, modification, and adaptation as necessary. All modification shall be approved by the Airport Director.

ARTICLE VI. ADOPTION

This Plan was adopted by action of the Raleigh-Durham Airport Authority duly taken on the **18th** day of **October, 2007** and shall be effective for all contracts advertised for bids or, if not required to be advertised, entered into on or after the **1st** day of **November, 2007**.