01 NCAC 05E .0104 is adopted with changes as published in 37:04 NCR 312 as follows:

01 NCAC 05E .0104 AGENCY REQUIREMENTS

(a) The ~~Agency~~ agency shall develop and implement a HUB participation plan to identify HUBs that can provide ~~Goods~~ goods and ~~Services~~ services to meet the needs of the agency and implement outreach efforts to encourage HUB participation in the agency’s procurement process. The plan shall include education, recruitment, and interaction between HUBs and non-HUBs.

(b) Before awarding a contract, the ~~Agency~~ agency shall:

(1) Attend any pre-bid conference and explain the HUB participation goals and objectives of the State specific to the ~~Agency~~ agency.

(2) Notify HUBs from the ~~Agency's~~ agency’s HUB vendor list or HUBs that have otherwise indicated to the agency interest in the type of work in the ~~Solicitation~~ solicitation at least 10 calendar days before the opportunity to respond to the ~~Solicitation~~ solicitation ends. The notification shall be made by electronic means and must include:

(A) a description of the work being solicited;

(B) the date, time, and location where ~~Offers~~ offers are to be submitted;

(C) the name of the ~~Purchasing Officer~~ purchasing officer or individual who will be available to answer questions;

(D) where ~~Solicitation~~ solicitation requirements may be reviewed; and

(E) any special requirements that may exist.

(3) Utilize media likely to inform potential HUBs of the ~~Solicitation~~ solicitation being sought.

(4) Maintain documentation of any contacts, correspondence, or conversation with HUB firms in accordance with 01 NCAC 05B .1903 and this Subchapter.

(5) Evaluate documentation to determine that good faith efforts pursuant to 01 NCAC 05E .0101 has been achieved prior to recommendation of award.

(6) Notify ~~Vendors~~ vendors of the ~~Agency's~~ agency’s annual HUB participation goal or project specific HUB participation goal.

(c) After a contract has been awarded, the ~~Agency~~ agency shall:

(1) review ~~Vendors’~~ vendors’ pay applications for compliance with HUB utilization commitments prior to payment; and

(2) submit ~~a report~~ electronically to the HUB Office the percentage of total contract payments that were paid to HUBs.

(d) Provide documentation of compliance with this Rule to the HUB Office upon request, such as for a compliance

review, complaint, investigation, or other inquiry.

History Note: Authority G.S. ~~143-48; 143-49; 143-53; 143-128.4;~~ 143-48(a); 143-49(1); 143-49(3); 143-53(a)(1); 143-128.4(c).

*Eff. ~~December 1, 2022~~ January 1, 2023.*