



DATE: March 29, 2021

TO: Chris Spencer, Engineering Manager

FROM: Allison Staton, M/WBE Compliance Manager

DEPARTMENT: Transportation

SUBJECT: M/WBE Memo for Contract 2009-004A - West Market St/Guilford College Rd. Intersection Agreement with Norfolk Southern (U-5326) - Change Order 1

The M/WBE Office reviewed the change order for the construction inspection of Battleground Avenue and Westridge Road Intersection Improvements Project to determine continued compliance with the M/WBE Program Plan. Contract 2009-004A was approved by City Council on September 6, 2016 and an executed contract with Norfolk Southern Railway Corporation. Contracts utilizing any amount of federal funds must adhere to federal guidelines. This project is proprietary to Norfolk Southern Railway Corporation and includes federal funds through the NC Department of Transportation which falls under one of the categories excluded from the application of the M/WBE Program Plan.

The M/WBE Program Plan Policy states on page 3, section III - Scope of M/WBE Program, (a) Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program and Airport Concessions Disadvantaged Business Enterprise Program as set forth in 49 CFR Parts 23 and 26 or any successor regulations or legislation; are exempted from the plan.

AS

Cc: Jason Geary, Engineering & Inspections Department