COMMUNITY BOND OVERSIGHT COMMITTEE
August 2, 2016 · 6:30 P.M.
Carruth Administration Center, Board Auditorium
1111 West 6th Street, Austin, Texas

AGENDA

CALL TO ORDER

1. CITIZENS COMMUNICATIONS (10 Minutes)

2. NEW BUSINESS – HUB POLICY AND PROGRAM (95 Minutes)  
   A. Review of Materials (5 Minutes) – Chaneel Daniels
   B. Summary of Proposed Program Revisions (30 Minutes) – Robert Hengst
   C. Goals (30 Minutes) – Peck Young
   D. Recommendations (30 Minutes) – Peck Young

3. FUTURE AGENDA ITEMS

ADJOURN

*AISD Strategic Plan
Commitment(s)

*All regular meetings of AISD advisory bodies are open to the public. If you would like to speak before a district advisory body during a regular meeting, please consult the Citizens Communications and Visitor Guidelines, which can be found on the AISD website under Advisory Bodies (http://www.austinisd.org/advisory-bodies). Citizens Communication is limited to 10 minutes.
Table of Contents

Comparison of AISD HUB Program to Other Jurisdictions 1
Draft HUB Policy 2
Draft HUB Regulation 3
1. Solicitation of all HUBs in the scope of work requested and minority and women focused trade associations, chambers of commerce and news media, through at least two reasonable, available, and verifiable means deemed appropriate by AISD for at least 10 calendar days before the bid opening date and allow the HUBs sufficient time to respond, not less than five (5) business days.

Notes:
- Provide copies of the advertisement/notice and at least 10 outreach letters that were sent to HUBs.
- Refer to Exhibit "A" for City of Austin Code, City of Houston Good Faith Efforts Policy, Dallas ISD M/WBE Compliance Form and Houston ISD M/WBE Participation Report Form. GFE = Good Faith Effort

Information taken from HUB Regulations and/or forms posted on each entity's website.

**HUB Program Comparison Chart**

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<tr>
<th>GFE – CITY OF AUSTIN</th>
<th>GFE – CITY OF HOUSTON</th>
<th>GFE – DALLAS ISD</th>
<th>GFE – HOUSTON ISD</th>
<th>GFE - AISD (Proposed)</th>
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<tbody>
<tr>
<td>Definition: The actions undertaken by a bidder/proposer or contractor to achieve a MBE/WBE goal. A Compliance Plan must be submitted with a bid/proposal which details the achievement of the goals or Good Faith Efforts to meet the goals. The City determines whether the bidder/proposer has made adequate Good Faith Efforts which include at a minimum: 1. Solicitation of all MBEs, WBEs and/or DBEs who have the capability to do the requested work through at least two reasonable, available, and verifiable means within sufficient time to allow the MBEs, WBEs and/or DBEs to respond. 2. Follow up with interested MBEs, WBEs and/or DBEs. 3. Statement of a verifiable reason for not contacting each certified Firm with a Significant Local Business Presence, if necessary. Note: For some Contracts, SMBR shall make the initial contact with MBEs, WBEs and/or DBEs, in which case a bidder/proposer's efforts shall not be considered.</td>
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<td>Definition: Steps taken to achieve a M/WBE goal which by their scope, intensity and usefulness demonstrate a bidder/proposer's responsiveness and a contractor's responsibility to make effort to meet or exceed a M/WBE goal throughout the duration of the contract. If a bidder/proposer anticipates it cannot meet the contract goal prior to the award, the bidder/proposer must demonstrate to the City that it has made Good Faith Efforts to meet the contract goal, to be eligible for the contract award. For Construction, at a minimum: 1. Written notice, one month prior to bid, to all certified M/WBEs in the scope of work to be bid and minority and women focused trade associations and news media. 2. Attendance at pre-bid to inform M/WBEs. 3. Division of the contract into small, economically feasible segments that could be performed by M/WBEs. 4. Written explanation for rejection to any M/WBE whose bid or price is rejected and to the City unless another M/WBE is accepted for the same work. 5. Entering into subcontracts with M/WBEs in accordance with the Plan, unless deviation is approved by the Director. 6. Submitting a dispute with an M/WBE to arbitration/mediation when requested by the Director. For Professional Services, at a minimum: 7. Responding to inquiries from the City regarding M/WBE performance or to verify compliance. 8. Ensuring that the M/WBE is engaging in a commercially acceptable function. 9. Ensuring the accuracy of information submitted to the City.</td>
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<td>Definition: The M/WBE Compliance Form outlines the Good Faith Efforts which must be taken if subcontractors will be utilized that are not M/WBE. The Good Faith Efforts documentation is subject to an M/WBE audit. The form requires bidders to answer these questions: 1. Was contact made with M/WBEs at least one week before the bid was due? 2. Were contracts broken down to provide opportunities for subcontracting? 3. Was the bidder represented at a pre-bid/proposal conference to discuss M/WBE participation opportunities? 4. Was information provided to M/WBEs concerning bonding, lines of credit, technical assistance, insurance, scope of work, plans/specifications, etc.? 5. Were subcontracting opportunities advertised in general circulation, trade associations, M/WBE focused media and/or minority chambers of commerce? 6. Did the bidder encourage non-certified M/WBEs to pursue certification status? 7. Did the M/WBEs receive a letter, including the reasons(s) for rejection or the terms of acceptance, within at least (5) of the M/WBEs? 8. An explanation to HISD of why the company was unable to utilize M/WBEs to meet the goal. 2. Attach the advertisement and five (5) letters sent to newspapers and/or M/WBE organizations a minimum of seven (7) consecutive days before the bid opening date and host and advertise the Networking Meet &amp; Greet event a minimum of seven (7) consecutive days before the bid. 3. Submitting a dispute with an M/WBE to arbitration/mediation when requested by the Director. For Professional Services, at a minimum: 7. Responding to inquiries from the City regarding M/WBE performance or to verify compliance. 8. Ensuring that the M/WBE is engaging in a commercially acceptable function. 9. Ensuring the accuracy of information submitted to the City.</td>
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<td>Definition: The M/WBE Participation Report outlines the Good Faith Effort: 1. Solicit M/WBEs for at least seven (7) consecutive days before the bid opening date. Documentation must include: A. Copies of at least 10 outreach letters that were sent to M/WBEs. B. Responses to potential M/WBEs subcontractors. C. Documentation of contact with the (10) M/WBEs to determine whether the companies are interested. D. Provide interested M/WBEs with adequate information about the plans, specifications and requirements. E. Rejection and/or acceptance letter, including the reason(s) for rejection or the terms of acceptance, sent to at least (5) of the M/WBEs. F. An explanation to HISD of why the company was unable to utilize M/WBEs to meet the goal. 2. Attach the advertisement and five (5) letters sent to newspapers and/or M/WBE organizations a minimum of seven (7) consecutive days before the bid opening date and host and advertise the Networking Meet &amp; Greet event a minimum of seven (7) consecutive days before the bid. 3. Track and report the business it does with M/WBEs. 4. Enter into subcontracts with M/WBEs in accordance with the Plan, unless deviation is approved by the Director. 5. Submitting a dispute with an M/WBE to arbitration/mediation when requested by the Director. For Professional Services, at a minimum: 7. Responding to inquiries from the City regarding M/WBE performance or to verify compliance. 8. Ensuring that the M/WBE is engaging in a commercially acceptable function. 9. Ensuring the accuracy of information submitted to the City.</td>
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<td>Definition: Good faith efforts mean efforts to achieve a HUB goal which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement. If a bidder/proposer anticipates it cannot meet the contract goal prior to the award, the bidder/proposer must demonstrate to AISD that it has made Good Faith Efforts to meet the contract goal, to be eligible for the contract award. This also applies to change orders. AISD determines whether the bidder/proposer has made Good Faith Efforts. The bidder/proposer shall submit documentation on AISD forms which include at a minimum: 1. Solicitation of all HUBs in the scope of work requested and minority and women focused trade associations, chambers of commerce and news media. Through at least two reasonable, available, and verifiable means deemed appropriate by AISD for at least 10 calendar days before the bid opening date and allow the HUBs sufficient time to respond, not less than five (5) business days. Provide copies of the advertisement/notice and at least 10 outreach letters that were sent to HUBs. 2. Division of the contract into small, economically feasible segments that could be performed by HUBs. 3. Attend pre-bid/proposal conference to discuss HUB participation opportunities. 4. Documented follow-up with interested HUBs. Provided copies of responses to HUBs at time of submittal of bid/proposal. 5. Provide information to HUBs concerning bonding, lines of credit, technical assistance, insurance, scope of work, plans/specifications, etc. 6. Negotiate in good faith with interested HUBs. 7. Statement of a verifiable reason for not contacting each HUB certified firm with a Significant Local Business Presence, if necessary. 8. Written explanation for rejection to any HUB whose bid or price is rejected and to AISD unless another HUB is accepted for the same work. 1. Letters of intent to enter into subcontracts with HUBs in accordance with the Plan. 2. Encourage non-certified HUBs to pursue certification status. 3. Participate in an AISD sponsored HUB expo.</td>
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<td><strong>SUBSTITUTION – CITY OF AUSTIN</strong></td>
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<td><strong>Written approval from the City is required for a substitution.</strong></td>
<td><strong>Respondents must submit a Letter of Intent to substitute with a non-HUB subcontractor prior to an agreement being executed.</strong></td>
<td><strong>The Subcontractor Change Request Form required Reasons for change request listed on the form are:</strong></td>
<td><strong>The contractor/consultant must present a work schedule that includes when the HUB subcontractors will be utilized.</strong></td>
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<td><strong>The facts supporting requests for substitution must not have been known nor reasonably should have been known by the parties prior to the submission of the compliance plan.</strong></td>
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<td><strong>1. Unable to meet financial requirements</strong></td>
<td><strong>Contracts should make Good Faith Efforts to ensure that the Participation Plan Percentage remains substantially the same after the issuance of change orders.</strong></td>
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<td><strong>Unavailability after receipt of reasonable notice to proceed;</strong></td>
<td><strong>2. A deviation request must include a Record of Post-Award Good Faith Efforts for each Certified Firm that the Contractor does not use in accordance with the Approved Plan before the Contractor uses another firm to perform the work.</strong></td>
<td><strong>2. Unable to meet insurance requirements</strong></td>
<td><strong>Written approval from AISD is required for a substitution. A written request for deviation from the HUB Compliance Plan must include a Record of Post-Award Good Faith Efforts for each certified HUB firm that the consultant/contractor does not use.</strong></td>
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<td><strong>Failure of performance;</strong></td>
<td><strong>3. Unable to agree to contract terms</strong></td>
<td><strong>3. Negative issues with references</strong></td>
<td><strong>Substitutions made without prior written approval of the Executive Director and the HUB Director constitute a breach of contract and AISD may impose penalties or other sanctions.</strong></td>
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<td><strong>Financial incapacity;</strong></td>
<td><strong>4. Unable to provide verification of M/WBE certification</strong></td>
<td><strong>4. Incomplete bid/exclusions to required work scope</strong></td>
<td><strong>Changes to the list of subcontractors must be reviewed and approved by the M/WBE Director before the Contractor uses another firm to perform the work.</strong></td>
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<td><strong>Refusal by the subcontractor to honor the bid or proposal price;</strong></td>
<td><strong>5. HISD Scope of Work does not allow use of firm.</strong></td>
<td><strong>5. Unable to provide verification of M/WBE certification</strong></td>
<td><strong>After contract award, the contractor shall submit monthly HUB utilization reports using AISD diversity management software (B2GNOW).</strong></td>
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<td><strong>Mistake of fact or law about the elements of the scope of work of a solicitation where a reasonable price cannot be agreed;</strong></td>
<td><strong>6. Firm is no longer in business</strong></td>
<td><strong>6. Failure of the subcontractor to meet insurance, licensing or bonding requirements; or</strong></td>
<td><strong>The contractor shall make Good Faith Efforts first to substitute with a Like-Kind MBE/ WBE.</strong></td>
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<td><strong>For construction contract change orders that require work beyond the scope of trades originally required, the contractor must fulfill the Goals. Change orders that do not alter the type of trades originally required may be undertaken using the subcontractors/suppliers already under contract.</strong></td>
<td><strong>The facts supporting requests for substitution must not have been known nor reasonably should have been known by the parties prior to the submission of the compliance plan.</strong></td>
<td><strong>For professional and nonprofessional services contracts, when there is a change to the scope of work which requires new, additional services, Good Faith Efforts must be made to fulfill the goals of the subcontractor.</strong></td>
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1. **Unavailability after receipt of reasonable notice to proceed;**
2. **Failure of performance;**
3. **Financial incapacity;**
4. **Refusal by the subcontractor to honor the bid or proposal price;**
5. **Mistake of fact or law about the elements of the scope of work of a solicitation where a reasonable price cannot be agreed;**
6. **The contractor reasonably believes that, due to a change of scope, execution of the work is unlikely to meet the terms of the Plan.**
7. **After the Date of Substantial Completion, the City shall evaluate the contractor’s Good Faith Efforts towards meeting the Plan, as it may be amended.**
8. **If the Contractor fails to conform to the Plan and fails to submit a Post-Award Deviation Request or provide documents and associated information required by the Good Faith Efforts Policy or reasonably requested in writing by the district, the district may impose sanctions.**

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**Note:**
- **Changes to the list of subcontractors must be reviewed and approved by the M/WBE Director before the Contractor uses another firm to perform the work.**
- **Contracts should make Good Faith Efforts to ensure that the Participation Plan Percentage remains substantially the same after the issuance of change orders.**
- **Written approval from AISD is required for a substitution. A written request for deviation from the HUB Compliance Plan must include a Record of Post-Award Good Faith Efforts for each certified HUB firm that the consultant/contractor does not use.**
- **Substitutions made without prior written approval of the Executive Director and the HUB Director constitute a breach of contract and AISD may impose penalties or other sanctions.**
The contractor monitors to ensure subcontractors are paid on time and that prime contractors are meeting their HUB participation goals.

The awarded bidder/proposer will be required to submit a Pay Activity Report indicating the amount paid to its MWBE subcontractors, sub consultants, suppliers, or sole proprietors with each pay application submitted or as requested by the district.

If the Contractor fails to conform to the Participation Plan and fails to submit a Post-Award Deviation Request or provide information required, the City may impose sanctions – suspension for up to five years.

Violation of MWBE Program policies, procedures, or contractual obligations may result in any one or more of the following sanctions imposed by the Superintendent of Schools or designee:
1. Administrative Warning for first-time or minor violations.
2. Administrative Reprimand for repeated violations, de-liberate violations, or major violations.
3. Loss of points on future bids/proposals.
4. Denial of opportunity to bid on future quotation or proposals.

The awarded supplier could be deemed as non-compliant if they fail to meet and/or report their MWBE subcontracting commitment, provides inaccurate, incorrect, and/or false information related to reporting MWBE information.

If the district determines that a supplier is non-compliant, actions include, but are not limited to the following:
1. Termination of contract.
2. May not be eligible to do business with the district for a minimum of one year.

AISD monitors to ensure subcontractors are paid on time and that prime contractors are meeting their M/WBE participation goals.

M/WBE subcontractor plan that outlines how subcontractors will provide the services they have agreed to.

MWSBE Monthly Utilization Reports are required even when no activity has occurred in a monthly period.

If a HUB Compliance Plan Percentage is not being met, the monthly report shall include a narrative description of the progress being made in HUB participation.

Monthly spend report submitted by prime contractors a monthly basis online via the Business Assistance Department's Compliance and Monitoring System (B2G Now) monthly and with each pay application.

SANCTIONS – CITY OF HOUSTON

By contract, the City may impose a penalty for an unexcused failure to meet the goals or to otherwise comply with the Program. Also, the City may deduct from retainage any difference in subcontract prices from substitutions not approved by the City.

Violation of MWBE Program policies, procedures, or contractual obligations may result in any one or more of the following sanctions imposed by the Superintendent of Schools or designee:
1. Administrative Warning for first-time or minor violations.
2. Administrative Reprimand for repeated violations, de-liberate violations, or major violations.
3. Loss of points on future bids/proposals.
4. Denial of opportunity to bid on future quotation or proposals.

The awarded supplier could be deemed as non-compliant if they fail to meet and/or report their MWBE subcontracting commitment, provides inaccurate, incorrect, and/or false information related to reporting MWBE information.

If the district determines that a supplier is non-compliant, actions include, but are not limited to the following:
1. Termination of contract.
2. May not be eligible to do business with the district for a minimum of one year.

If the Contractor fails to conform to the HUB Compliance Plan and/or violates the HUB Program policies, procedures or contractual obligations, the Superintendent may impose sanctions including but not limited to the following:
1. Penalty
2. Deduction from retainage any difference in subcontract prices from substitutions not approved by AISD
3. Termination of contract
4. Loss of points on future bids/proposals
5. Denial of opportunity to bid on future bids, proposals, quotations for a minimum of one year up to five years.
EXHIBIT "A"

City of Austin Code

§ 2-9A-21 -PRE-AWARD COMPLIANCE PROCEDURES

(E) Where the Bidder/Proposer cannot achieve the Goals or Subgoals, its compliance plan shall document its Good Faith Efforts to achieve the Goals or Subgoals. SMBR will determine whether the Bidder/Proposer has made such Good Faith Efforts. In making this determination, SMBR will consider, at a minimum, the Bidder/Proposer’s efforts to do the following:

1. Soliciting through at least two reasonable, available, and verifiable means MBEs/WBEs within the SLBP who have the capability to perform the Contract work. The Bidder must solicit this interest within sufficient time to allow the MBEs/WBEs to respond to the Solicitation. The Bidder/Proposer must take appropriate steps to follow up initial Solicitations with interested MBEs/WBEs. The Bidder/Proposer must state a specific and verifiable reason for not contacting each certified Firm with a Significant Local Business Presence. For some Contracts, based on criteria to be determined by SMBR in consultation with the User Department and set forth by rule pursuant to Section 2-9A-6 (Adoption of Rules), SMBR shall make the initial contact with MBEs, WBEs and DBEs, as the case may be, in which case a Bidder/Proposer’s efforts under this Subsection (E)(1) shall not be considered.

2. Providing interested MBEs/WBEs with adequate information about the plans, specifications, and requirements of the Contract, including addenda, in a timely manner to assist them in responding to a Solicitation.

3. (a) Negotiating in good faith with interested MBEs/WBEs that have submitted Bids to the Bidder/Proposer. A MBE/WBE that has submitted a Bid to a Bidder/Proposer but has not been contacted within five business days of submission of the Bid may contact SMBR to request a meeting with the Bidder/Proposer. SMBR will schedule a meeting between the MBE/WBE and the Bidder/Proposer to facilitate negotiation. If such a meeting does not occur and the MBE/WBE submitting the Bid to the Bidder/Proposer is not selected, the Bidder/Proposer must explain the reason for not selecting the MBE/WBE and provide written documentation supporting the stated reason. Bid shopping is prohibited. Written documentation of negotiation may include the names, addresses, and telephone numbers of MBEs/WBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for MBEs/WBEs to perform the work.

(b) That there may be some additional costs involved in soliciting and using MBEs and WBEs is not a sufficient reason for a Bidder/Proposer’s failure to meet the Goals and Subgoals, as long as such costs are reasonable.

4. Publishing notice in a local publication such as a newspaper, trade association publication, or via electronic/social media.

5. Not rejecting MBEs/WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The MBE’s/WBE’s standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for rejecting or not soliciting Bids to meet the Goals and Subgoals.
Making economically feasible portions of the work available to MBE/WBE Subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MBE/WBE Subcontractors and suppliers, so as to facilitate meeting the Goals or Subgoals.

The ability or desire of a Bidder/Proposer to perform the work of a Contract with its own organization does not relieve the Bidder/Proposer of the responsibility to make Good Faith Efforts. A Bidder/Proposer who desires to self-perform the work of a Contract must demonstrate Good Faith Efforts unless the Goals or Subgoals have been met.

Bidders/Proposers are not required to accept higher quotes in order to meet the Goals or Subgoals.

Effectively using the services of Minority Person/Women community organizations; Minority Person/Women Contractors groups; local, state, and federal Minority Person/Women business assistance offices; and other organizations to provide assistance in solicitation and utilization of MBEs, WBEs and/or DBEs.

The following factors may also be considered by SMBR in determining that a Bidder/Proposer has made Good Faith Efforts. These factors are not intended to be a mandatory checklist, nor are they intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases:

Making efforts to assist interested MBEs/WBEs in obtaining bonding, lines of credit, or insurance as required by the City or Contractor.

Making efforts to assist interested MBEs/WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

In assessing minimum Good Faith Efforts, SMBR may consider:

Whether the Bidder/Proposer sought guidance from SMBR on any questions regarding compliance with this chapter.

The performance of other Bidders/Proposers in meeting the Contract Goals. For example, when other Bidders/Proposers meet the Goals or Subgoals, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Bidder/Proposer could have met the Goals or Subgoals. Similarly, if the apparent successful Bidder/Proposer fails to meet the Goals, but meets or exceeds the average MBE/WBE participation obtained by other Bidders/Proposers, this may be evidence that the apparent successful Bidder/Proposer made Good Faith Efforts.

The Director shall review the compliance plan prior to award, including the scope of work, within a reasonable time so as not to unduly delay award of the Contract.

If the Director determines that the compliance plan demonstrates that the Goals or Subgoals have been achieved, then the Contract Awarding Authority, with the concurrence of the Director, after the Contract Awarding Authority and Director review the letters of intent, shall recommend award to the city council. For all competitively Bid projects, signed letter(s) of intent between the certified low Bidder and the MBE and/or WBE Subcontractor(s) must be received by the Contract Awarding Authority within three business days of notification of the status as certified low Bidder. For procurements conducted through the request for Proposal or request for qualifications process, no later than after final execution of a professional or nonprofessional services agreement but before the issuance of a notice to proceed, the successful Proposer must deliver signed subcontracts between itself and the MBE and/or WBE Sub-contractor(s) and/or Subconsultant(s) for the scope of work reflected in the Proposal as awarded.
(2) In the event the applicable Goal(s) or Subgoals have not been achieved, then the Director shall evaluate the Bidder's/Proposer's Good Faith Efforts to achieve those Goals or Subgoals as documented in the compliance plan. The Director shall evaluate the compliance plan based on the criteria established in Subsection (E) of this section. The Director may request clarification in writing of items listed in the compliance plan, provided such clarification is minor and shall not include the opportunity to augment listed MBE/WBE participation or Good Faith Efforts.

(3) If the Director finds that a Bidder/Proposer did not make sufficient Good Faith Efforts, the Director shall communicate his finding to the Contract Awarding Authority or other appropriate City official. The Director shall recommend to the Contract Awarding Authority that the Bid/Proposal be rejected based on failure to comply with this chapter. The Contract Awarding Authority may reject the Bid/Proposal as not in compliance with this chapter, or may advise the City Manager of additional considerations which may form the basis for accepting the Bid/Proposal as being in the best overall interest of the Program and the City.

(4) If the Contract Awarding Authority finds that the Bid/Proposal does not comply with this chapter, a Bidder/Proposer may request a protest hearing. The City Manager has the authority to make the final decision, subject to council action, if required. In determining whether compliance with this section has been met, the City Manager may determine that the effort of the Bidder/Proposer substantially complies with the purpose of this chapter and such determination is in the best interest of the Program and the City.

(I) The rejection of Bids/Proposals in conformance with this section does not affect the ability of the Contract Awarding Authority to continue to evaluate and consider the remaining Bids/Proposals that achieve the Goals or Subgoals or demonstrate Good Faith Efforts and to develop a recommendation to city council for award of the Contract.

(J) The City purchasing officer or relevant Contract Awarding Authority may waive minor informalities in the compliance plan. A minor informality is one that does not affect the competitiveness of the Bid/Proposal.

Source: Ord. 20060608-058; Ord. 20081211-060; Ord. 20101028-041.
City of Houston, Office of Business Opportunity

Good Faith Efforts Policy

General Policy

Good Faith Efforts are steps taken to achieve an Contract Goal or other requirements which, by their scope, intensity and usefulness demonstrates the bidder’s responsiveness to fulfill the business opportunity objective prior to the award of a contract, as well as the contractor’s responsibility to put forth measures to meet or exceed the Contract Goal throughout the duration of the contract.

Good Faith Efforts are required to be made and demonstrated by an apparent successful bidder on goal oriented contracts or proposer on a regulated contract prior to award of a contract. Good Faith Efforts are required on professional services and construction contracts and on procurement of goods and non-professional service contracts with goals. If a bidder, when submitting a participation plan at the time of bid or proposal submission, anticipates it cannot or will not meet the Contract Goal prior to the award, the bidder must demonstrate to Office of Business Opportunity (“OBO”) it has made Good Faith Efforts to meet the Contract Goal, to be eligible for the contract award.

Good Faith Efforts shall be evaluated on a case-by-case basis in making a determination whether a bidder or contractor is in compliance with this policy. The efforts employed by a bidder or contractor should be those that one could reasonably expect a bidder or contractor to take if the bidder were actively and aggressively attempting to obtain MWSBE participation sufficient to meet the Contract Goal. Efforts taken that are mere formalities or other perfunctory acts shall not be considered Good Faith Efforts to meet Contract Goals.

The factors provided herein are representative of the types of actions OBO will consider in determining whether the bidder or contractor made Good Faith Efforts to obtain MWSBE participation to meet the Contract Goal. The factors prescribed below are not intended to be a mandatory checklist, nor is it intended to be exhaustive or exclusive. OBO may consider other factors or types of efforts that may be relevant in appropriate cases.

If a contractor fails to submit Good Faith Efforts documentation as provided in this Policy, it waives the right to appeal OBO decisions related to this Policy. OBO will review all the efforts made by the contractor, including the quality and quantity of those efforts.

Pre–Award

A bidder must submit a participation plan (Document 00470) to OBO at the time the bidder submits the bid. If the participation by certified MWSBE subcontractors documented on the participation plan (“participation”) is less than the Contract Goal, a bidder should submit a Record of Good Faith Efforts (Document 00471) with the bid. A bidder should also submit a request for a deviation (Document 00472) if the bidder, having used Good Faith Efforts, reasonably believes that it cannot meet the Contract Goal or a commercially useful deviation.

In making a determination that the bidder has made a good faith effort to meet the Contract Goals, OBO shall consider specific documentation concerning the steps taken to obtain MWSBE participation, with a consideration of, by way of illustration and not limitation, whether the bidder demonstrated a genuine effort to comply with the following factors:

1. Attended any pre-bid or pre-proposal meetings scheduled by the City Department;
2. Followed up with MWSBEs that attended the pre-bid or pre-proposal meetings to discuss subcontracting and supplier opportunities and contacted MWSBEs listed in the City’s online directory;
3. Conducted outreach with minority and women focused organizations and associations far in advance of solicitation due date (no less than 10 business days);
4. Identified and designated portions of the work to be performed by MWSBEs to increase the likelihood of meeting the Contract Goals (including where appropriate breaking down the contract into reasonably sized subcontracts to ensure participation);

5. Advertised subcontracting opportunities in news media focused towards minority and women persons far in advance of solicitation due date;

6. Provided MWSBEs with a point of contact that was knowledgeable about the project and possessed decision-making authority to answer questions from interested MWSBEs;

7. Provided a reasonable number of MWSBEs certified with timely written notices via email, mail, and/or fax and/or with documented contact regarding the subcontracting/supplier opportunities. A “reasonable number of MWSBEs” shall be based on the number of MWSBEs available in the directory;

8. Solicited the MWSBEs within a reasonable amount of time (no less than seven business days) before bid submission, as well as followed up with the MWSBEs solicited to determine if they were interested in submitting a bid or proposal or participating on a team.

9. Provided interested MWSBEs certified to perform the solicited work with prompt access to the plans, specifications, scope of work and requirements of the contract;

10. Negotiated in good faith with interested MWSBEs, and not rejecting MWSBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;

11. Entered into a formal contract, or signing enforceable letters of intent with MWSBEs;

12. Provided an explanation to any MWSBE whose bid or price quotation is rejected, unless another MWSBE is accepted for the same work, as follows:
   a. Where price competitiveness is not the reason for rejection, a written rejection notice including the reason for rejection will be sent to the rejected MWSBE firm;
   b. Where price competitiveness is the reason for rejection, a meeting must be held with the price-rejected MWSBE, if requested, to discuss the rejection;

13. Made efforts to assist interested MWSBEs in obtaining bonding, lines of credit, insurance required for the contract, and documenting MWSBE denied by bona fide surety agents;

14. Ensured that the conditions and requirements for subcontracts are commensurate with industry standards and would not cause an economic hardship on MWSBEs, such as unnecessary insurance or coupling bid bonds with retainage;

15. Incorporated efforts not attempted earlier or on previous bids that appear more likely to lead to attaining the Contract Goal. Past performance on similar contracts with similar scopes will also be taken in consideration when determining Good Faith Efforts. A bidder that continues to make same efforts without any significant change in the level of participation may not be making Good Faith Efforts.

Post–Award

The contractor must sign the approved participation plan (Document 00470 or Document 00570) prior to starting work on the Project. A contractor should submit a request for deviation (Document 00572) from OBO if the contractor, having made Good Faith Efforts, reasonably believes that it will not achieve the Participation Plan Percentage documented in the approved participation plan. Unless OBO approves a deviation, a contractor must submit to OBO a Participation Summary (Document 00660) prior to City Council’s consideration of any close-out, term extension, or change order. If participation is less than anticipated in the approved participation plan, the contractor must submit a Record of Good Faith Efforts (Document 00571) along with the Participation Summary. A contractor that fails to submit a deviation request and Good Faith Efforts documentation waives the right to appeal OBO decisions related to this Policy.
If the contractor is awarded the contract and fails to achieve the established Participation Plan Percentage, the contractor must demonstrate to OBO its efforts to meet the Participation Plan Percentage and failure to do so based on circumstances that the contractor could not reasonably control. In determining whether the contractor made Good Faith Efforts to ensure full participation and achievement of the Participation Plan Percentage, OBO shall consider the following factors:

1. Whether the contractor designated an MWSBE liaison officer to administer the Contractor’s MWSBE programs and to be responsible for maintenance of records of Good Faith Efforts.
2. Whether the contractor furnished prompt MWSBE Utilization Reports in a timely and accurate manner through the online Contract Monitoring System or via hard copy.
3. Whether the contractor responded to efforts to resolve disputes with MWSBEs, and genuinely attempted to resolve these issues.
4. Whether the contractor disclosed payment discrepancies timely and within the monthly reporting period;
5. Whether the contractor complied with the participation plan, unless the contractor received a deviation from the OBO Director and whether upon approval, the contractor made Good Faith Efforts to replace a removed MWSBE with another certified firm;
6. Whether the contractor furnished prompt written responses to written inquiries from the Director or any employee of OBO regarding the MWSBE’s performance or information germane to the MWSBE’s certification;
7. Whether the contractor ensured that at all times during the performance of any contract or subcontract the MWSBE firm is engaging in a commercially useful function as that term is defined in Chapter 15 of the City of Houston Code of Ordinances;
8. Whether the contractor provided the OBO information, or other material, that was factually accurate and free of material misrepresentation; and
9. Whether the contractor attended all meetings and mediation hearings as requested by the Director or his/her designee; and
10. How the contractor may be affected by change orders, with consideration given to the size of the change orders.

**Change Orders**

The requirement to make Good Faith Efforts to achieve the approved Participation Plan Percentage is applicable to change orders. Contractors should make Good Faith Efforts to ensure that the Participation Plan Percentage remains substantially the same after the issuance of change orders. If a contractor cannot maintain substantially the same level of participation provided in the latest approved Participation Plan (Document 00470 or Document 00570) due to a change order, the contractor shall submit to the OBO Director and Contracting Department a Document 00571 (Post-Award Record of Good Faith Efforts) and Document 00572 (Post-Award Plan Deviation Request) in a timely manner that does not cause disruption to the project. In addition to other relevant factors, in evaluating whether Good Faith Efforts were made by the contractor to meet the Participation Plan Percentage despite change orders, the OBO Director shall consider the contractor’s efforts to timely and efficiently deliver the project.
Minority/Women Business Enterprise (M/WBE) Compliance Guidelines and Forms

To be completed and signed by the Prime Vendor/Contractor

Bid/RFP No: __________________________  Title: __________________________

Company Name: __________________________

Company Address: __________________________

City: __________________________  State: __________________________  Zip: __________________________

Contact Person/Authorized Agent: __________________________  Phone No: __________________________

Email Address: __________________________

The undersigned authorized agent agrees that he/she has read and understood the M/WBE Compliance Guidelines and Forms and that all information is correct to the best of his/her knowledge.

Signature: __________________________  Date: __________________________

For additional information regarding this form, contact:
M/WBE Department, 3700 Ross Avenue, Box 76, Dallas, TX 75204
Phone: (972) 925-4140, Fax: (972) 925-4141, Website: www.dallasisd.org/mwbe

Please read carefully:
The M/WBE Program requirements are applicable to all bidders/proposers. All bidders/proposers, including minority and women-owned companies, are required to complete, sign, and attach these forms to any procurement document totaling $50,000 or more (single transaction or fiscal year aggregate). If the completed and signed M/WBE Compliance Guidelines & Forms are not attached by the due date, responses to the procurement documents will be considered nonresponsive.
Minority/Women Business Enterprise (M/WBE) Policy Endorsement

It is a continuing goal of the district to involve minority and women-owned businesses (M/WBE) to the maximum extent possible in all facets of the district’s contracting and purchasing activities. The completed and signed M/WBE Compliance Guidelines & Forms must be attached to all procurement responses totaling $50,000 or more (single transaction or fiscal year aggregate). If the completed and signed M/WBE Compliance Guidelines and Forms are not attached by the due date, responses to the procurement documents will be considered nonresponsive.

General Information regarding the M/WBE Compliance Guidelines and Forms

1. The district’s aspirational M/WBE goal is 30 percent for goods, services, and construction contracts. The aspirational M/WBE goal for bond funded professional service contracts is 35 percent. Please note, the district may assign a contract specific M/WBE goal. The M/WBE goal is applicable to any change orders, additional services, modifications or revisions to the original contract. Review your solicitation documents.

2. The district recognizes M/WBE certifications issued by the North Central Texas Regional Certification Agency (NCTRCA), State of Texas’ Historically Underutilized Business (HUB), D/FW Minority Supplier Development Council (DFW MSDC), Women’s Business Council Southwest (WBC SW), Department of Transportation (DOT), South Central Texas Regional Certification Agency (SCTRCA), City of Houston, Corpus Christi Regional Transportation Authority, City of Austin, Small Business Administration (SBA) - 8A or certified SDB, National Minority Supplier Development Council (NMSDC), and National Women’s Business Enterprise Certification (WBENC). Other certifications may be considered on an individual basis. Only certified disadvantaged, minority and women-owned companies will be counted towards the prime’s M/WBE subcontracting goals.

3. Vendors do not have to be certified as an M/WBE to participate in the district’s contracting and purchasing activities.

4. **All district bidders/proposers are required to demonstrate positive and reasonable good faith efforts to subcontract with and/or procure supplies/services with M/WBEs.**

5. Bidders/proposers may not apply one of its subsidiary companies or its own workforce towards meeting its’ M/WBE subcontracting goals.

At Bid/Proposal Time:

1. Submit the completed and signed M/WBE Compliance Guidelines & Forms by the due date. Include all M/WBE supporting documentation (M/WBE Certificates, Affirmative Action, Equal Employment Opportunity or Supplier Diversity Plan, notarized Joint Venture Agreement, notarized Mentor Protégé Agreement, etc.) within the M/WBE section. Evaluation will be based upon the documentation provided within the M/WBE section.

2. Complete Section F for the subcontractors you plan to utilize. Attach a copy of the current M/WBE certificate or proof of M/WBE certification for each M/WBE subcontractor.

3. You are not required to submit Letter of Intent to Perform/Contract as an M/WBE Subcontractor form (Section J) with the bid/proposal; however, it will be required at the contract negotiation meeting with the district, or as requested by the M/WBE Department.
M/WBE Compliance Guidelines and Forms
To be completed by the Prime Vendor/Contractor

4. For exceeding the district’s aspirational M/WBE goals by an additional percentage, points will be awarded as follows:

<table>
<thead>
<tr>
<th>Exceeding M/WBE Goal by an Additional</th>
<th>Cumulative Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1% up to 5% utilization</td>
<td>.5</td>
</tr>
<tr>
<td>5.01% up to 10% utilization</td>
<td>1</td>
</tr>
<tr>
<td>10.01% up to 15% utilization</td>
<td>1.5</td>
</tr>
<tr>
<td>15.01% up to 20% utilization</td>
<td>2</td>
</tr>
<tr>
<td>20.01% up to 25% utilization</td>
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<td>25.01% up to 30% utilization</td>
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<td>30.01% up to 35% utilization</td>
<td>3.5</td>
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<tr>
<td>35.01% up to 40% utilization</td>
<td>4</td>
</tr>
<tr>
<td>40.01% up to 45% utilization</td>
<td>4.5</td>
</tr>
<tr>
<td>45.01% and greater utilization</td>
<td>5</td>
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</tbody>
</table>

After Bid/RFP Submission:

5. The recommended respondent who will subcontract portions of the work should obtain the Letter of Intent to Perform/Contract as an M/WBE Subcontractor form (Section J) for each proposed M/WBE subcontractor. The recommended respondent will be required to provide the Letter of Intent to Perform/Contract as an M/WBE Subcontractor form at the contract negotiation meeting with the district, or as requested by the M/WBE Department.

6. Changes to the List of Subcontractors (Section F) must be reviewed and approved by the M/WBE Department prior to any changes being made. This applies after Bid/RFP submission and throughout the contract duration.

At contract execution:

7. Contractor agrees to establish a written contract with each subcontractor. At minimum, the contract must include the scope of work, payment terms, termination of M/WBE Clause, Prompt Payment Clause, and Retainage Clause.

After contract execution:

8. The contractor/proposer shall notify the M/WBE Department if the percentage of M/WBE participation declines or falls below the level of participation represented in the contract. The contractor shall promptly notify the M/WBE Department within 7 days and obtain a listing of other certified M/WBE vendors to meet the commitment amount.

9. Contractor will be required to submit a Pay Activity Report indicating the amounts paid to its subcontractors with each pay application submitted or as requested by the district. Acceptable proof of payments includes canceled checks, partial lien releases, proof of electronic funds transfer, and/or emails from the sub-vendor.

10. The contractor will be required to maintain records showing the subcontractor/supplier awards, subcontractor payment history, efforts to identify and award contracts to M/WBEs, and copies of executed contracts with M/WBEs. The contractor must provide access to books, records and accounts to authorized district, state and federal officials for the purpose of verifying M/WBE participation and good faith efforts. District contracts are subject to an M/WBE audit.

Clarification for the Joint Venture and Mentor Protégé Criteria

1. A company that has currently established a Joint Venture Partnership with a certified M/WBE for this proposal may be awarded up to 5 points. The Joint Venture Partnership is evaluated and awarded points as a prime vendor; therefore, the certified M/WBE partner will not be counted towards the M/WBE subcontractor goal.

2. The Joint Venture Partnership (as a whole) may submit an Affirmative Action, Equal Employment Opportunity or Supplier Diversity Plan, 5 M/WBE References, and a notarized Mentor Protégé Agreement. The document should clearly state this information is submitted on behalf of the Joint Venture Partnership (as a whole). In cases where the Joint Venture Partnership (as a whole) doesn’t have this information, you should submit this information for each individual joint venture partner, to obtain the maximum points. Each individual joint venture partner should submit its’ own Work Force Composition.

3. A company that has a current notarized Mentor Protégé Agreement with an M/WBE firm may be awarded up to 1 point. A certified M/WBE protégé may be counted towards the M/WBE subcontractor goal, if performing as a subcontractor.
M/WBE Compliance Guidelines and Forms
To be completed by the Prime Vendor/Contractor

<table>
<thead>
<tr>
<th>Bid/RFP No:</th>
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<tbody>
<tr>
<td>Title:</td>
<td></td>
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<tr>
<td>Prime Vendor / Contractor:</td>
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</table>

**Section A.** Is your company “CERTIFIED” as a Minority or Woman-Owned Business (M/WBE)?

Dallas ISD Recognized M/WBE Certification Agencies: North Central Texas Regional Certification Agency (NCTRCA), State of Texas’ Historically Underutilized Business (HUB), D/FW Minority Supplier Development Council (DFW MSDC), Women’s Business Council Southwest (WBC SW), Department of Transportation (DOT), South Central Texas Regional Certification Agency (SCTRCA), City of Houston, Corpus Christi Regional Transportation Authority, City of Austin, Small Business Administration (SBA) - 8A or certified SDB, National Minority Supplier Development Council (NMSDC), and National Women’s Business Enterprise Certification (WBENC).

- **Yes**  
  If you answered “Yes,” complete the current certification information below. Indicate ethnicity and gender.

- **No**  
  If you answered “No,” but your company is minority or woman-owned, indicate non-certified in the M/WBE Certification Agency section below. Indicate “Self” for the certification number. Indicate ethnicity and gender.

- **No**  
  If you answered “No,” that your company is not minority or woman-owned, leave the section blank.

<table>
<thead>
<tr>
<th>M/WBE Certification Agency</th>
<th>M/WBE Certification Number</th>
<th>Ethnicity</th>
<th>Gender</th>
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**Section B.** Did your company attach an Affirmative Action, Equal Employment Opportunity or Supplier Diversity Plan with this bid/proposal?

- **Yes**  
  My company has attached an Affirmative Action, Equal Employment Opportunity or Supplier Diversity Plan on page ________________.

- **No**  
  My company did not attach an Affirmative Action, Equal Employment Opportunity or Supplier Diversity Plan.

**Section C.** Workforce Composition

<table>
<thead>
<tr>
<th>EMPLOYEE CATEGORY</th>
<th>TOTAL EMPLOYEES</th>
<th>NON MINORITY</th>
<th>AFRICAN AMERICAN</th>
<th>HISPANIC</th>
<th>NATIVE AMERICAN</th>
<th>ASIAN</th>
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<tr>
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<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
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<td>Executive &amp; Managerial</td>
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<td>Technical &amp; Skilled</td>
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<td>Office &amp; Clerical</td>
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M/WBE Compliance Guidelines and Forms Must be Attached to All Procurement Documents Totaling $50,000 or More (Single Transaction or Fiscal Year Aggregate)

Form #3000  
Date Issued: 11/12/2015
Section D. Historical M/WBE Utilization

List **5 different M/WBE** subcontractors, sub consultants, suppliers, sole proprietors or joint venture partners that performed work for your company. Specify the names of the actual M/WBE subcontractors, sub consultants, suppliers, sole proprietors or joint venture partners that have knowledge regarding the contract. **Note: List only 5 different companies.**

<table>
<thead>
<tr>
<th>Owner / Name of Project</th>
<th>M/WBE Subcontractor/Sub consultant/ Supplier/Sole Proprietor/ or Joint Venture Partner</th>
<th>M/WBE Subcontractor/Sub consultant/ Supplier/Sole Proprietor/ or Joint Venture Partner</th>
<th>Scope of Work /Services Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name</td>
<td>Contact Person and either Phone Number or Email</td>
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Regarding Dallas ISD specific experience, please check the appropriate box below.

- **Yes**  
  Within the past 4 years, did your company utilize any M/WBE subcontractors, sub consultants, suppliers, sole proprietors or joint venture partners on any Dallas ISD projects? Specify the name of the contract or Bid/RFP No. _________________.

- **No**  
  Within the past 4 years, my company didn’t utilize any M/WBE subcontractors, sub consultants, suppliers, sole proprietors, joint venture partners on any Dallas ISD projects?

Section E. Will you use subcontractors, sub consultants, suppliers, or sole proprietors as a part of this current bid/proposal?

- **Yes**  
  If you answered, “Yes”, complete Section F.

- **No**  
  If you answered “No”, **provide a written explanation indicating why subcontractors will not be utilized.** Sections F, G, and J are not applicable.

**Written Explanation:**

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**Section F. Subcontractor Utilization**

List all subcontractors, suppliers, sub consultants, or sole proprietors (minority and non-minority) that will be utilized in this bid/proposal. Indicate the amount and/or percentage of the bid. Non-certified firms will not be counted towards the prime’s M/WBE subcontracting goals. Joint venture partners will not be counted towards the M/WBE subcontracting goals. Bidders/proposers may not apply one of its subsidiary companies or its own workforce towards meeting its M/WBE subcontracting goals. Use additional sheets if necessary.

<table>
<thead>
<tr>
<th>Subcontractor/Supplier</th>
<th>Contact Person &amp; Phone Number</th>
<th>M/WBE Certification Agency</th>
<th>M/WBE Certification Number</th>
<th>Ethnicity/Gender</th>
<th>Scope of Work</th>
<th>Amount</th>
<th>% of Total Bid</th>
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<tbody>
<tr>
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<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

**Totals**

**Special Note:** Attach a copy of the current M/WBE certificate or proof of current M/WBE certification for each M/WBE subcontractor, sub consultant, supplier or sole proprietor. Respondents who will subcontract portions of the work will be required to submit the Letter of Intent to Perform/Contract as an M/WBE Subcontractor form (Section J) for each proposed M/WBE subcontractor at the contract negotiation meeting with the district, or as requested by the M/WBE Department. The awarded bidder/proposer will be required to submit a Pay Activity Report indicating the amount paid to its M/WBE subcontractors, sub consultants, suppliers, or sole proprietors with each pay application submitted or as requested by the district.

M/WBE Compliance Guidelines and Forms Must be Attached to All Procurement Documents Totaling $50,000 or More (Single Transaction or Fiscal Year Aggregate)
# M/WBE Compliance Guidelines and Forms

## Section G. Good Faith Efforts Documentation

Complete this section if subcontractors will be utilized; however, the subcontractors are not M/WBE.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Was contact made with M/WBEs by telephone or written correspondence at least one week before the bid was due to determine whether any M/WBEs were interested in subcontracting and/or joint ventures?</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>2. Were contracts broken down to provide opportunities for subcontracting?</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>3. Was your company represented at a pre-bid/proposal conference to discuss, among other matters, M/WBE participation opportunities and obtain a list (not more than two months old) of certified M/WBEs?</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>4. Was information provided to M/WBEs concerning bonding, lines of credit, technical assistance, insurance, scope of work, plans/specifications, etc.?</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>5. Were subcontracting opportunities advertised in general circulation, trade associations, M/WBE focused media and/or minority chambers of commerce?</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>6. Did you encourage non-certified M/WBEs to pursue certification status?</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>7. Were negotiations conducted in good faith with interested M/WBEs?</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>8. Were the services utilized of available minority and women, community organizations, contractor groups, local, state, and federal business assistance offices, and other organizations that provide assistance in the identification of M/WBEs?</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

**Special Note:** The good faith efforts documentation is subject to an M/WBE audit. Upon request, you will be required to provide supporting documentation for the purpose of verifying your good faith efforts.

## Section H. Did your company attach a notarized Joint Venture Agreement with a certified M/WBE with this bid/proposal?

- [ ] Yes  
  My company attached a notarized Joint Venture Agreement on page __________.
- [ ] No  
  My company did not attach a notarized Joint Venture Agreement.

For additional information, refer to pages three (3) and nine (9) of this document and visit the following website:  
http://www.dallasisd.org/Page/1068

## Section I. Did your company attach a notarized Mentor Protégé Agreement with an M/WBE with this bid/proposal?

- [ ] Yes  
  My company attached a notarized Mentor Protégé Agreement on page __________.
- [ ] No  
  My company did not attach a notarized Mentor Protégé Agreement.

For additional information, refer to pages three (3) and nine (9) of this document and visit the following website:  
http://www.dallasisd.org/Page/1062
M/WBE Compliance Guidelines and Forms
To be completed by the Prime Vendor/Contractor

Letter of Intent to Perform/Contract as an M/WBE Subcontractor
Not required with bid/proposal. To be submitted at the contract negotiation meeting with the district, or as requested by the M/WBE Department.

Section J. Prime Contractor must submit a Letter of Intent to Perform/Contract as an M/WBE Subcontractor form for each minority or woman–owned subcontractor which will be utilized to supply any services, labor or materials pursuant to the bid/proposal. If necessary, make copies.

This Letter of Intent is submitted to confirm the intent of the prime contractor and subcontractor to conduct good faith negotiations toward a subcontract agreement, with terms agreeable to both parties, for the scope of work identified herein. The parties acknowledge that any obligation of the prime contractor to enter into a subcontract agreement with subcontractor is expressly contingent upon the prime contractor entering into a contract with Dallas ISD for the work as defined in the bid/proposal.

Bid/Proposal #: ____________________ Bid/Proposal Title: ____________________

1. Name of Offeror / Prime Contractor ____________________
   Address, City, State & Zip ____________________

SUBCONTRACTOR INFORMATION (Pertains to the proposed M/WBE Subcontractor):

2. The undersigned has been certified by a Dallas ISD recognized certification agency.
   Pursuant to district policy (CH Local), only M/WBEs which are currently certified with one of the Dallas ISD recognized certifying agencies may be counted towards meeting the district’s M/WBE goal at the subcontracting level. Refer to page two (2), number two (2) for a listing of Dallas ISD-recognized certification agencies.
   Name of Agency: ____________________ Certification Number: ____________________ Ethnicity/Gender: ____________________

3. The undersigned is prepared to perform the following services, labor, or materials listed in connection with the project
   Scope of Work: ____________________
   Price: ____________________
   ____________________
   By: ____________________
   ____________________
   (Name of the M/WBE Firm) (Signature of Owner, President or Authorized Agent) (Date)
   ____________________
   (Phone) ____________________
   (Print or Type – Name and Title of Owner, President or Authorized Agent)

DECLARATION OF PRIME CONTRACTOR (Pertains to the Prime Contractor):

I ____________________ HEREBY DECLARE AND AFFIRM that I am the
   (Name of Declarant) (Title of Declarant)
   and am duly authorized to make this declaration on behalf of ____________________
   (Name of Prime Contractor)
   that I have personally reviewed this Letter of Intent to Perform/Contract as an M/WBE Subcontractor form. To the best of my knowledge, information and belief, the facts and representations contained in this form are true and correct. The owner, president or authorized agent of the M/WBE firm signed this form, and no material facts have been omitted.

The prime contractor has designated the following person as their M/WBE Liaison Officer:

__________________________
   (Name of M/WBE Liaison Officer) ____________________
   (Phone) ____________________

Caution: Any false statements or misrepresentations regarding information submitted on this form may be a criminal offense in violation of Section 37.10 of the Texas Penal Code.

__________________________
   (Signature of Declarant) ____________________
   (Phone) ____________________
   (Date)
The Joint Venture Agreement will be evaluated based upon the below referenced criteria. One of the JV partners must be a certified M/WBE. There is a maximum of 5 numerical points available. Refer to page 3 for additional clarification. If applicable, specify the page number within your bid document that addresses each individual component.

<table>
<thead>
<tr>
<th></th>
<th>Has a meaningful Joint Venture been established?</th>
<th>Available Points</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Has a meaningful Joint Venture been established?</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a Is the Joint Venture agreement signed by all partners, and is it notarized?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b What is the MWBE partner(s) percentage participation?</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>( .25 for 10% and greater, .5 for 20% and greater, .75 for 30% and greater, 1 for 40% and greater)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c Will the MWBE partner have bank signature authority?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d Will the M/WBE partner have the authority to establish policies, select key employees, assign roles and responsibilities?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>e Does the insurance recognize the MWBE partner?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>f Does it provide a provision obligating all parties of the JV to perform and complete performance despite withdrawal of any member for any reason?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>g Is there a history of the Joint Venture partners working together?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>h Does it require the approval of Dallas ISD before the JV partnership can be dissolved?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i Is there a dispute resolution procedure? Does it require direct, in person discussion; mediation to be conducted within a designated time frame, with a mediator agreed to by the parties, if the issue isn’t resolved by direct discussion?</td>
<td>0.25</td>
<td></td>
</tr>
</tbody>
</table>

|   | Is the MWBE partner involved in the operational management of the Joint Venture? |                  |             |
|   | a Does it designate the M/WBE as a managing partner and does the M/WBE partner provide senior management? | 0.25             |             |
|   | b Does it identify the respective roles and responsibilities of all parties? | 0.25             |             |
|   | c Will the MWBE partner be involved in scheduling, progress reviews, subcontractor disputes, and management decisions? | 0.25             |             |
|   | d Will the MWBE partner provide equipment, facilities, personnel, or other resources? | 0.25             |             |

|   | Is the MWBE partner involved in the financial management of the Joint Venture? |                  |             |
|   | a Will the Joint Venture establish a JV bank account? | 0.25             |             |
|   | b Will the Joint Venture maintain JV project accounts? | 0.25             |             |
|   | c Will the MWBE partner participate in the production and review of financial reports, budgeting, and/or financial forecasting? | 0.25             |             |
|   | d Will the MWBE partner be involved in contract negotiations with Dallas ISD and subcontractors? | 0.25             |             |

Total Available Points: 5.00

---

**Mentor Protégé Analysis**

The Mentor Protégé Agreement will be evaluated based upon the below referenced criteria. There is a maximum of 1 point available in this category. The protégé must be an M/WBE. If you’re responding as a joint venture, refer to page 3.

<table>
<thead>
<tr>
<th></th>
<th>Does the firm currently participate in a Mentor Protégé Program as a mentor, with an M/WBE?</th>
<th>Available Points</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a Is the Mentor Protégé Agreement signed by all parties, and is it current, active, and notarized?</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b Did the firm provide current, signed and notarized progress reports, deliverables, or meeting minutes?</td>
<td>0.50</td>
<td></td>
</tr>
</tbody>
</table>

Total Available Points: 1.00

---

M/WBE Compliance Guidelines and Forms Must be Attached to All Procurement Documents Totaling $50,000 or More (Single Transaction or Fiscal Year Aggregate)

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Form #3000  
Page 9  
Date Issued: 11/12/2015
M/WBE Compliance Guidelines and Forms
To be completed by the Prime Vendor/Contractor

M/WBE Joint Venture Analysis - CONSTRUCTION

The Joint Venture Agreement will be evaluated based upon the below referenced criteria. One of the JV partners must be a certified M/WBE. There is a maximum of 5 numerical points available. Refer to page 3 for additional clarification. If applicable, specify the page number within your bid document that addresses each individual component.

<table>
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<th></th>
<th>Has a meaningful Joint Venture been established?</th>
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<td>a</td>
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<td>0.25</td>
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<td>b</td>
<td>What is the MWBE partner(s) percentage participation?</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>c</td>
<td>(.25 for 10% and greater, .5 for 20% and greater, .75 for 30% and greater, 1 for 40% and greater)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td>Is there a cash call provision in the agreement?</td>
<td>0.25</td>
<td></td>
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<tr>
<td>e</td>
<td>Does the insurance recognize the MWBE partner?</td>
<td>0.25</td>
<td></td>
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<tr>
<td>f</td>
<td>Does it provide a provision obligating all parties of the JV to perform and complete performance despite withdrawal of any member for any reason?</td>
<td>0.25</td>
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<td>g</td>
<td>Is there a history of the Joint Venture partners working together?</td>
<td>0.25</td>
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<td>Does it require the approval of Dallas ISD before the JV partnership can be dissolved?</td>
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<td>i</td>
<td>Is there a dispute resolution procedure? Does it require direct, in person discussion; mediation to be conducted within a designated time frame, with a mediator agreed to by the parties, if the issue isn’t resolved by direct discussion?</td>
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<th>Is the MWBE partner involved in the operational management of the Joint Venture?</th>
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<tr>
<td>a</td>
<td>Does it designate the M/WBE as a managing partner and does the M/WBE partner provide senior management?</td>
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<td>Does it identify the respective roles and responsibilities of all parties?</td>
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<td>Will the MWBE partner be involved in scheduling, progress reviews, subcontractor disputes, and management decisions?</td>
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<td></td>
</tr>
<tr>
<td>d</td>
<td>Will the MWBE partner provide equipment, facilities, personnel, or other resources?</td>
<td>0.25</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Is the MWBE partner involved in the financial management of the Joint Venture?</th>
<th>Available Points</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Will the Joint Venture establish a JV bank account?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>Will the Joint Venture maintain JV project accounts?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>c</td>
<td>Will the MWBE partner participate in the production and review of financial reports, budgeting, and/or financial forecasting?</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>d</td>
<td>Will the MWBE partner be involved in contract negotiations with Dallas ISD and subcontractors?</td>
<td>0.25</td>
<td></td>
</tr>
</tbody>
</table>

Total Available Points: 5.00

Mentor Protégé Analysis

The Mentor Protégé Agreement will be evaluated based upon the below referenced criteria. There is a maximum of 1 point available in this category. The protégé must be an M/WBE. If you’re responding as a joint venture, refer to page 3.

<table>
<thead>
<tr>
<th></th>
<th>Does the firm currently participate in a Mentor Protégé Program as a mentor, with an M/WBE?</th>
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<th>Page Number</th>
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<tr>
<td>a</td>
<td>Is the Mentor Protégé Agreement signed by all parties, and is it current, active, and notarized?</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>Did the firm provide current, signed and notarized progress reports, deliverables, or meeting minutes?</td>
<td>0.50</td>
<td></td>
</tr>
</tbody>
</table>

Total Available Points: 1.00

M/WBE Compliance Guidelines and Forms Must be Attached to All Procurement Documents Totaling $50,000 or More (Single Transaction or Fiscal Year Aggregate)

Form #3000
Date Issued: 11/12/2015
Specific Conditions for Minority and Woman-Owned Business Enterprise (M/WBE) Participation

The Office of Business Assistance was established by the Houston Independent School District Board of Education in 1988 to assist minority and women-owned business enterprises (M/WBEs) in the participation of various district business projects. The district’s M/WBE subcontractor participation goals are as follows:

- 20% for purchasing of goods & non-professional services over $50,000
- 20% for construction over $50,000
- 25% for professional services over $50,000

The district requires all M/WBE documents and supporting materials to be completed and submitted as a part of the response to a proposal. All required documents should be submitted with an original signature by an official from the Proposer’s company. Although most pre-bid meetings are not mandatory, the district recommends that the Proposer attends to become familiar with the M/WBE requirements. If you are unable to attend the pre-bid meeting, please contact Supplier Diversity for assistance on completing the required documentation.

Important Notice

M/WBE documents are a part of Proposer’s evaluation. This documentation is required for your proposal to be evaluated by the district. HISD will determine whether the Proposer’s efforts meet the minimum standards of “Good Faith Effort” consistent with the district’s policy on the participation of M/WBEs. Failure to provide the required M/WBE documentation will be considered non-compliant. If a company is deemed non-compliant, it can lead to disqualification from the provision of goods and services to the district for current and/or future projects.

Instructions

1. Review the M/WBE Participation Options and instructions on (page B-4) of this section.

2. Complete the M/WBE Participation Report on (page B-5) of this section. Submit this form with your proposal.

3. Complete all additional documentation required for the participation option that your company selected.

4. Submit all requested/required forms and documentation with your proposal.
HISD AUTHORITY AND INTERPRETATION OF M/WBE DOCUMENTATION
HISD shall have sole authority for the interpretation of all rules and regulations concerning M/WBE participation and for all determinations of compliance or non-compliance of any Proposer with the M/WBE participation requirements as set forth herein. The decision of HISD shall be final and conclusive as to such compliance or non-compliance. All Proposers, by the submission of a proposal, acknowledge and agree that HISD shall have such sole and exclusive authority to make such interpretations and determinations and that all such interpretations and determinations shall be conclusive.

For companies obtaining consultants: Proposer must submit a letter of consent on company letterhead granting Houston ISD permission to speak with the company’s consultant who was retained to complete M/WBE documentation. This letter must be submitted with the M/WBE Participation Report.

**DEFINITIONS**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certified</td>
<td>Refers to a firm that has been formally certified as an MBE or WBE with one or more of the following agencies: (1) City of Houston Office of Business Opportunity (MBE and/or WBE only); (2) National Minority Supplier Development Council (NMSDC) or local affiliate; and/or (3) Women’s Business Enterprise National Council (WBENC) or local affiliate.</td>
</tr>
<tr>
<td>MBE</td>
<td>A business enterprise which is owned by a Minority person or persons.</td>
</tr>
<tr>
<td>WBE</td>
<td>A business enterprise which is owned by a Woman or Women.</td>
</tr>
<tr>
<td>Contractor/Proposer</td>
<td>A firm that enters into a contract with the District to provide goods or services.</td>
</tr>
<tr>
<td>Subcontractor</td>
<td>A firm that enters into a contract with the Contractor/Proposer to provide goods or services pursuant to a contract between the Contractor/Proposer and the District.</td>
</tr>
<tr>
<td>First Tier Spend</td>
<td>M/WBE Proposer invoices HISD for goods and services directly</td>
</tr>
<tr>
<td>Second Tier Spend</td>
<td>M/WBE Subcontractor invoices the Proposer for goods and services.</td>
</tr>
</tbody>
</table>

**M/WBE SPEND REPORTING & COMPLIANCE**
To ensure that all M/WBE participation obligations under the awarded contract are met, the Business Assistance Department will require documentation of the awarded supplier’s M/WBE participation throughout the performance of the contract and upon the contract renewal.

The awarded supplier will be required to report M/WBE subcontracting participation on a monthly basis online via the Business Assistance Department’s Compliance Management System. Prior month’s payments must be submitted by the 5th of each month throughout the term of the awarded contract. Documents requested by the Business Assistance Department from the awarded supplier’s company to show documentation of M/WBE spend include, but are not limited to: invoices, purchase orders, and other pertinent documents that the district deems necessary to verify the usage of M/WBE companies. Awarded Proposers will also be required to complete M/WBE documentation provided by the Business Assistance Department, which includes monthly reporting.
Houston Independent School District
Request For Proposal

The awarded supplier could be deemed as non-compliant if they fail to meet and/or report their M/WBE subcontracting commitment, provides inaccurate, incorrect, and/or false information related to reporting M/WBE information.

If the district determines that a supplier is non-compliant, actions include, but are not limited to the following:

1. If the supplier, during any year of the contract, (a) fails to meet their M/WBE subcontracting commitment; and/or (b) fails to provide the requested and accurate M/WBE documentation will be subject to having the contract terminated.

2. If the supplier is undergoing M/WBE compliance review at the end of their current contract and (a) fails to meet their M/WBE subcontracting commitment; and/or (b) fails to provide the requested and accurate M/WBE documentation, the supplier may not be allowed to bid on the new RFP issued for that particular product or service.

3. If a supplier fails to meet their M/WBE subcontracting commitment on more than one contract with the district, the supplier may not be eligible to do business with the district for a minimum of one year.
# M/WBE Participation Requirements

**Proposer must select one (1) of the following M/WBE participation options** and submit required documentation.

<table>
<thead>
<tr>
<th>OPTION I*</th>
<th>Certified M/WBE Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete this section if Proposer’s company is a certified minority and/or woman-owned business enterprise (M/WBE) with the (1) City of Houston Office of Business Opportunity (MBE and/or WBE only); (2) National Minority Supplier Development Council (NMSDC) or local affiliate; and/or (3) Women’s Business Enterprise National Council (WBENC) or local affiliate. If a supplier chooses this option, they are expected to maintain their M/WBE certification throughout the duration of the contract. (*First Tier: M/WBE Proposer invoices HISD for goods and services directly.)</td>
<td></td>
</tr>
<tr>
<td>1. Proposer must complete &amp; submit page B-5 and attach current M/WBE certification. <strong>NOTE:</strong> It is the Proposer’s responsibility to provide valid certification documentation.</td>
<td></td>
</tr>
<tr>
<td>2. If M/WBE Proposer also subcontracts with other M/WBE companies other documentation is required. Proposer is required to submit an M/WBE subcontracting Plan (page B-6) and M/WBE subcontractor agreement(s) (page B-7).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OPTION II**</th>
<th>Subcontract to meet district’s M/WBE goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete this section if Proposer’s company will subcontract with M/WBE firm(s) to meet and/or exceed the district’s M/WBE participation goals. HISD M/WBE Participation Goals are: 20% for purchasing of goods, non-professional services &amp; construction projects; 25% for professional services. If a supplier chooses this option, they are expected to report their M/WBE subcontractor spend throughout the duration of the contract. Any additions or changes to the M/WBE subcontractors utilized during the contract require the prior written approval of the Business Assistance Department before any changes are permitted. A subcontractor change request form can be found on (page B-18). (**Second Tier: M/WBE Subcontractor invoices the Proposer for goods and services.)</td>
<td></td>
</tr>
<tr>
<td>1. Proposer must complete &amp; submit page B-5.</td>
<td></td>
</tr>
<tr>
<td>2. Submit an M/WBE Subcontracting Plan (page B-6) and M/WBE subcontractor agreement(s) (page B-7). Please attach M/WBE firm(s) current certifications. Companies must be certified by (1) City of Houston Office of Business Opportunity (MBE and/or WBE only); (2) National Minority Supplier Development Council (NMSDC) or local affiliate; and/or (3) Women’s Business Enterprise National Council (WBENC) or local affiliate. <strong>NOTE:</strong> It is the Proposer’s responsibility to provide valid certification documentation for any subcontractor(s) utilized.</td>
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<thead>
<tr>
<th>OPTION III</th>
<th>Good Faith Efforts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete this section to comply with the district’s “Good Faith Efforts” (GFE) documentation. Company has the option to subcontract with M/WBE firm(s), if they cannot meet the district’s goal. If a supplier chooses to subcontract as a part of their GFE, they are expected to report their M/WBE subcontractor spend throughout the duration of their contract. Any additions or changes to the M/WBE subcontractors utilized during the contract require the prior written approval of the Business Assistance Department before any changes are permitted. A subcontractor change request form can be found on (page B-18).</td>
<td></td>
</tr>
<tr>
<td>1. Proposer must complete &amp; submit page B-5.</td>
<td></td>
</tr>
<tr>
<td>2. <strong>Good Faith Efforts (Required) -</strong> Proposer must complete &amp; submit (pages B-8, B-9, B-10, B-11, B-12). Please attach all requested documentation.</td>
<td></td>
</tr>
<tr>
<td>3. <strong>Subcontract (Optional) -</strong> In addition to the GFE documentation listed above, submit an M/WBE Subcontracting Plan (page B-6) and M/WBE subcontractor agreement(s) (page B-7). Attach current M/WBE certifications for each subcontractor listed. Companies must be certified by (1) City of Houston Office of Business Opportunity (MBE and/or WBE); (2) National Minority Supplier Development Council (NMSDC) or local affiliate; and/or (3) Women’s Business Enterprise National Council (WBENC) or local affiliate. <strong>NOTE:</strong> It is the Proposer’s responsibility to provide valid certification documentation for any subcontractor(s) utilized.</td>
<td></td>
</tr>
</tbody>
</table>
**M/WBE Participation Report**

**Business Assistance Department**

HISD PROJECT NUMBER: ________  PROJECT TITLE: ________________

COMPANY NAME: ____________  DBA: ________________

CONTACT NAME: ________________  PHONE: ________________  EMAIL: ________________

TOTAL PROPOSAL AMOUNT: $__________  M/WBE SUBCONTRACTOR: ______%  

Select one of the following options and complete section. Attach and complete requested documentation.

<table>
<thead>
<tr>
<th>□ OPTION I – Complete section if company is certified as a minority or woman-owned business (M/WBE).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIRST TIER</strong></td>
</tr>
<tr>
<td>1. Please select current M/WBE certification(s) that HISD recognizes. Please attach current M/WBE certification.</td>
</tr>
<tr>
<td>□ City of Houston Office of Business Opportunity (MBE and/or WBE only).  <strong>Expiration Date:</strong> ______</td>
</tr>
<tr>
<td>□ National Minority Supplier Development Council (NMSDC) or local affiliate.  <strong>Expiration Date:</strong> ______</td>
</tr>
<tr>
<td>□ Women’s Business Enterprise National Council (WBENC) or local affiliate.  <strong>Expiration Date:</strong> ______</td>
</tr>
<tr>
<td><strong>NOTE:</strong> It is the Proposer’s responsibility to provide valid certification documentation.</td>
</tr>
</tbody>
</table>
| 2. Additional M/WBE Subcontractor Contract Commitment: ______%  
| ______ (initial) Proposer’s company agrees to subcontract with M/WBE companies to meet or exceed the above written goal. |
| Please submit an M/WBE Subcontracting Plan (page B-6) and M/WBE subcontractor agreement(s) (page B-7) and attach M/WBE firm(s) current certifications. |

<table>
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<tr>
<th>□ OPTION II – Complete section if company agrees to subcontract with M/WBE firm(s) for the awarded contract.</th>
</tr>
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<tbody>
<tr>
<td><strong>SECOND TIER</strong></td>
</tr>
<tr>
<td>1. Company will meet or exceed the district’s M/WBE Subcontractor Goals.</td>
</tr>
<tr>
<td>20% for purchasing of goods, non-professional services &amp; construction; 25% for professional services</td>
</tr>
</tbody>
</table>
| 2. M/WBE Subcontractor Contract Commitment ______%  
| ______ (initial) Proposer’s company agrees to subcontract with M/WBE companies to meet or exceed the above written goal. |
| Please submit an M/WBE Subcontracting Plan (page B-6) and M/WBE subcontractor agreement(s) (page B-7) and attach M/WBE firm(s) current certifications.  **NOTE:** It is the Proposer’s responsibility to provide valid certification documentation for any subcontractor(s) utilized. |

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<tr>
<th>□ OPTION III – Complete section to comply with the district’s “Good Faith Efforts” documentation.</th>
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<tbody>
<tr>
<td>1. Proposer’s company must complete all “Good Faith Efforts” prior to the bid opening date and attach requested documentation.</td>
</tr>
<tr>
<td>2. Please complete the district’s “Good Faith Efforts” documentation on page B-8, B-9, B-10, B-11 &amp; B-12.</td>
</tr>
<tr>
<td>3. Company must complete “Good Faith Efforts” for a total of 100 points.</td>
</tr>
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<tr>
<th>□ NON-PROFIT ORGANIZATION – Organization is a 501(c)3 non-profit entity.</th>
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<tbody>
<tr>
<td>1. Please attach a copy of the organization’s IRS determination letter.</td>
</tr>
<tr>
<td>2. Sign and date the bottom of the M/WBE Participation Report form.</td>
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</table>

Signature of Proposing Company Officer  
__________________________  Date  
__________________________  
Printed Name
Option I*/II**/III
M/WBE Subcontracting Plan

Please complete the information below if you agreed to subcontract with M/WBE companies.

<table>
<thead>
<tr>
<th>HISD PROJECT NUMBER:</th>
<th>PROJECT TITLE:</th>
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<tbody>
<tr>
<td>COMPANY NAME:</td>
<td>CONTACT NAME:</td>
</tr>
<tr>
<td>PHONE NUMBER:</td>
<td>EMAIL ADDRESS:</td>
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<tr>
<td>M/WBE SUBCONTRACTOR:</td>
<td>%</td>
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</tbody>
</table>

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<thead>
<tr>
<th>M/WBE Subcontractors</th>
<th>Scope of Products or Services Provided</th>
<th>Agreed Price or % of Contract</th>
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</tbody>
</table>

Total M/WBE Subcontractor Commitment:

Attach current M/WBE certifications for each subcontractor listed. Companies must be certified by (1) City of Houston Office of Business Opportunity (MBE and/or WBE only); (2) National Minority Supplier Development Council (NMSDC) or local affiliate; and/or (3) Women’s Business Enterprise National Council (WBENC) or local affiliate. NOTE: It is the Proposer’s responsibility to provide valid certification documentation for any subcontractor(s) utilized.

Proposer’s company agrees to subcontract with the M/WBE(s) listed above for the percentage of the awarded contract amount with HISD. If the awarded supplier fails to meet and/or report their M/WBE subcontracting commitment, it may be considered a breach of contract. You will be required to provide any requested documentation and report M/WBE subcontractor payments monthly.

Proposer must enter into a formal subcontractor agreement with M/WBE firm(s) listed above for their respective product(s) and/or service(s). Please complete the M/WBE Subcontractor Agreement Form for each M/WBE Subcontractor listed. Any additions or changes to the M/WBE subcontractors utilized during the contract require the approval of the Business Assistance Department before any subcontractor changes are made.

__________________________  _______________________
Signature of Proposing Company Officer  Date

__________________________  _______________________
Name of Officer (Print)

*First Tier: M/WBE Proposer invoices HISD for goods and services directly.
**Second Tier: M/WBE Subcontractor invoices the Proposer for goods and services.
Houston Independent School District  
Request For Proposal

**Option I*/II***/III**

M/WBE Subcontractor Agreement

Please complete the information below if you agreed to subcontract with M/WBE companies. **The submission of your subcontractor agreement is required for each M/WBE subcontractor.**

HISD PROJECT NUMBER: ________________________________
PROJECT TITLE: ____________________________________
COMPANY NAME: ___________________________________

**M/WBE SUBCONTRACTOR INFORMATION**

M/WBE COMPANY NAME: ________________________________
COMPANY DBA: ______________________________________
OWNER NAME(S): _____________________________________

SELECT CURRENT M/WBE CERTIFICATION(S) & ATTACH CURRENT CERTIFICATION(S)

- City of Houston Office of Business Opportunity (MBE and/or WBE only). **Expiration Date:** ______
- National Minority Supplier Development Council (NMSDC) or local affiliate. **Expiration Date:** ______
- Women’s Business Enterprise National Council (WBENC) or local affiliate. **Expiration Date:** ______

**NOTE: It is the Proposer’s responsibility to provide valid certification documentation for any subcontractor(s) utilized.**

SCOPE OF SERVICE: _________________________________

AGREED CONTRACT PRICE OR % OF CONTRACT AWARD: ________________________________

COMPANY CONTACT NAME: ________________________________
PHONE NUMBER: ______________________________________
EMAIL ADDRESS: ______________________________________

__________________________________________________________ Date
Signature of M/WBE Subcontractor Officer

__________________________________________________________
Printed Name Printed Title

__________________________________________________________
Signature of Proposing Company Officer

__________________________________________________________
Printed Name Printed Title

*First Tier: M/WBE Proposer invoices HISD for goods and services directly.
**Second Tier: M/WBE Subcontractor invoices the Proposer for goods and services.
Option III
Good Faith Efforts

Complete this section if Proposer’s company selected “Good Faith Efforts”. Proposer must select a combination of good faith efforts listed below to total a minimum of 100 points. If Proposer fails to meet the minimum point requirement for the option selected and/or submit the requested documentation, Proposer may be considered non-compliant.

HISD PROJECT NUMBER: __________________________________________

PROJECT TITLE: _________________________________________________

COMPANY NAME: _______________________________________________

Select and complete “Good Faith Efforts” below to total a minimum of 100 points.

☐ Joint-Venture Relationship.
Bidder is a party in a legal Joint-Venture. The Joint-Venture must be registered with the appropriate state agency and must submit sealed state registration, properly executed corporate articles, and a formally executed description of each party’s responsibilities within the joint-venture. The Joint-Venture must last the entirety of the contract.

If company selects this option, please choose one of the commitments below.

☐ Joint-Venture with M/WBE firm(s) 51% or greater M/WBE ownership. (100 points)
☐ Joint-Venture with M/WBE firm(s) 49% or less M/WBE ownership. (65 points)

Please complete the following information.

1. M/WBE Joint-Venture Contract Commitment _______%
2. _______(initial) Proposer’s company agrees to legal joint-venture with M/WBE companies to meet or exceed the above written goal. Proposer is required to submit a sealed state registration, properly executed corporate articles, and formalized description of participant’s responsibilities with proposal.

☐ Formalized/Notarized Mentor-Protégé Relationship.
Bidder is a party in a Formalized/Notarized mentoring relationship with M/WBE firm(s). The Formalized/Notarized agreement must include S.M.A.R.T. (Specific, Measurable, Achievable, Realistic, Time-Bound) goals. Participants in the relationship are required to submit joint, quarterly reports signed by both parties. Upon submittal of quarterly report each participant will participate in a joint quarterly review meeting with HISD staff.

If company selects this option, please choose one of the commitments below.

☐ Formalized/Notarized Mentor-Protégé Relationship- Partnership with M/WBE firm(s) related to current project with Houston ISD. (100 points)
☐ Formalized/Notarized Mentor-Protégé Relationship-Partnership with M/WBE Firm(s) outside of Houston ISD (50 points)

Please complete the following information.

1. Attach current M/WBE certifications for each Protégé listed. Protégés must be certified by (1) City of Houston Office of Business Opportunity (MBE and/or WBE only); (2) National Minority Supplier Development Council (NMSDC) or local affiliate; and/or (3) Women’s Business Enterprise National Council (WBENC) or local affiliate. NOTE: It is the Proposer’s responsibility to provide valid certification documentation.
2. _______(initial) Proposer’s company must provide formalized/notarized mentor-protégé relationship with firm(s). Proposer is required to submit formalized documentation including S.M.A.R.T. goals for either Mentor-Protégé relationship listed above.
### Option III

**Good Faith Efforts (continued)**

**☐ Company agrees to subcontract with M/WBE(s) for the awarded contract for less than the goal.**

<table>
<thead>
<tr>
<th>SECOND TIER</th>
<th>If company selects this option, please choose one of the M/WBE subcontracting commitments below.</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Subcontract with M/WBE firm(s) from 10% to the subcontracting goal. (65 points)</td>
<td></td>
</tr>
<tr>
<td>□ Subcontract with M/WBE firm(s) from 9.99% to 1%. (45 points)</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** It is the Proposer’s responsibility to provide valid certification documentation for any subcontractors utilized.

Please complete the following information.

1. M/WBE Subcontractor Contract Commitment ________%
2. (initial) Proposer’s company agrees to subcontract with M/WBE companies to meet or exceed the above written goal. Proposer is required to submit an M/WBE subcontracting plan (page B-6) and the M/WBE subcontractor agreement(s) (page B-7) with proposal.

**☐ Letters of Intent to Find Subcontractors (35 points)**

Proposer must send (10) outreach letters to relevant certifying agencies accepted by HISD (City of Houston Office of Business Opportunity, National Minority Supplier Development Council (NMSDC) or local affiliate, Women’s Business Enterprise National Council (WBENC) or local affiliate and individual M/WBE companies to solicit potential M/WBE subcontractor participation. Please see page B-14 for “Letters of Intent to Find Subcontractors” example letter. Please complete page B-13, “Contact Documentation of Letters of Intent to Find Subcontractors”. Proposer must solicit M/WBE companies a minimum of seven (7) consecutive days before the bid opening date.

The following documentation must be attached and includes:

1. Send (10) outreach letters via email/fax to individual M/WBE companies.
2. Document information on page B-13. Attach and submit page B-13 and copies of the (10) outreach letters sent via email/fax to individual M/WBE companies. Please see page B-13 under “Follow-Up Date” and submit.
3. Proposer must respond to M/WBEs who show interest in becoming a subcontractor. Attach additional email and fax responses and communications from company with potential M/WBE subcontractors.
4. Proposer must follow-up with initial solicitations by contacting the (10) M/WBE companies to determine whether the companies are interested in proposed subcontracting opportunity. Document follow-up activities on page B-13 and submit.
5. Proposer should provide interested minority and women business enterprises with adequate information about the plans, specifications and requirements for the subcontracting opportunities available.

**☐ Letters of Acceptance/Rejection to Potential Subcontractors (15 points)**

This option can only be selected if Letters of Intent to Find Subcontractors has been selected and completed.

Proposer must provide an explanation of rejection or an acceptance to at least (5) of the M/WBE companies who were contacted for the “Letters of Intent to Find Subcontractors”. Please see page B-15 for “Acceptance/Rejection Example Letter”. To select this option Proposer must have sent “Letters of Intent to Find Subcontractors”.

1. A written rejection and/or acceptance letter, including the reason(s) for rejection or the terms of acceptance, will be sent to at least (5) of the M/WBE companies. If less than (5) M/WBEs responded to the letter of intent, failure of an M/WBE to respond can be a reason for a rejection letter to be sent.
2. Please attach a copy of each rejection and/or acceptance letter sent to potential M/WBE subcontractors.
3. Please attach an explanation to HISD, written on company letterhead, of why company was unable to utilize M/WBE subcontractors to meet the district’s M/WBE subcontractor goal.

**☐ Place Advertisement to Find M/WBE Subcontractors (25 points)**

Proposer must place an advertisement in one (1) general print circulation newspaper, magazine, trade association publication, or minority and/or women-focused publication, concerning the potential subcontracting opportunity. Proposer must place advertisement a minimum of seven (7) consecutive days before the bid opening date. Please see page B-16 for an “Advertisement Example” and page B-22 for a list of newspapers and periodicals. *Please attach copy of the advertisement and receipt for proof of purchase.*
Option III
Good Faith Efforts (continued)

☐ Place Advertisement Letters to find M/WBE Subcontractors (10 points)

Proposer must send out (5) advertisement letters, emails and/or faxes to newspapers, periodicals and/or M/WBE organizations within a minimum of seven (7) consecutive days before the bid opening date. Please see page B-16 for an “Advertisement Example Letter” and page B-22 for a list of newspapers and periodicals. *Please attach copy of five (5) letters sent to newspapers, periodicals and/or M/WBE organizations.

☐ Host Networking Meet & Greet Event (35 points)

Proposer must host a Networking Meet & Greet event a minimum of seven (7) consecutive days before the bid opening date. Event details should be provided to the Business Assistance department. The event should solicit potential M/WBE subcontractors.

Proposer must:
1. Host and advertise the Networking Meet & Greet event within a minimum of seven (7) consecutive days before the bid opening date. Advertisement must include date, time, location and purpose.
2. Provide a log or sign in sheet from the event to include company name, attendee name, phone number and email address.
3. Provide proposed event date and time here: _____________

☐ Indirect Spend with M/WBE Suppliers (20 points)

Proposer must track the business it does with M/WBE suppliers as part of its overall operations and submit the M/WBE Participation Indirect Spend Report on page B-17. Proposer must report Indirect Spend with M/WBE Supplier by completing the Indirect spend report on page B-17. The Indirect Spend reported with M/WBE supplier(s) must be part of the company’s operation expenses.

☐ Attend Pre-Bid Meeting to Network with Potential M/WBE Subcontractors (10 points)

Proposer attended the RFP Pre-Bid Meeting in an effort to meet potential M/WBE subcontractors. Business Assistance will verify attendance via the Pre-Bid meeting sign in sheet.

☐ Review M/WBE Participation Report with a Supplier Diversity Specialist (10 points)

Proposer must contact the office of Business Assistance and review the M/WBE Participation Report (Attachment B) with a Supplier Diversity Specialist. Note: This option may not be selected if Proposer attended the pre-bid.

___________Include name of Supplier Diversity Specialist
___________Initial/Verification from Supplier Diversity Specialist

☐ Participation as an Attendee in Business Expo (10 points)

Proposer participates as an Attendee in a Business Expo in an effort to meet potential M/WBE subcontractors. Proposer must have attended one of the following expos no more than one year prior to project bid date.

☐ City of Houston Meet the Buyer Purchasing Forum (occurs in December)
☐ Houston Minority Business Development Agency (MBDA) MED Week (occurs in October)
☐ Houston Minority Supplier Development Council (HMSDC) Annual Expo (occurs in November)
☐ Women’s Business Enterprise Alliance (WBEA) Annual EXPO (occurs in May)

Please attach a copy of your registration form.
Option III
Good Faith Efforts (continued)

☐ Participation as an Exhibitor in Business Expo (25 points)
Proposer participates as an Exhibitor in a Business Expo in an effort to meet potential M/WBE subcontractors. Proposer must have participated as an exhibitor in one of the following expos no more than one year prior to project bid date.
  ☐ City of Houston Meet the Buyer Purchasing Forum (occurs in December)
  ☐ Houston Minority Business Development Agency (MBDA) MED Week (occurs in October)
  ☐ Houston Minority Supplier Development Council (HMSDC) Annual Expo (occurs in November)
  ☐ Women’s Business Enterprise Alliance (WBEA) Annual EXPO (occurs in May)
Please attach a copy of your registration form.

☐ Host a Workshop with an HISD Partner Agency (10 points)
Proposer must host/present a workshop with one of the following partner agency:
  ☐ City of Houston Office of Business Opportunity
  ☐ National Minority Supplier Development Council (NMSDC) or local affiliate
  ☐ Women’s Business Enterprise National Council (WBENC) or local affiliate
Please attach a copy of the workshop flyer/sign in sheet.

☐ Attend a Workshop Wednesday hosted by Business Assistance (10 points)
Proposer must attend and participate in the next available Workshop Wednesday hosted by Business Assistance. These workshops are held monthly and will be advertised via the Business Assistance email distribution list.
  _____ (Initial) Proposer agrees to attend the next available workshop on ________________ (date).

☐ Corporate Membership (25 points)
Proposer must be a corporate member with one of the following agencies:
  ☐ National Minority Supplier Development Council (NMSDC) or local affiliate
  ☐ Women’s Business Enterprise National Council (WBENC) or local affiliate
Please attach a copy of membership certificate or membership registration.

☐ Company Policies that Support M/WBE Participation (15 points)
Proposer has pre-established company policy regarding Supplier Diversity programs, partnerships, and/or agreements with M/WBE firms.
Please attach a copy of your company policies that support and encourage M/WBE participation, including brochures and/or literature.

☐ M/WBE Assistance (10 points)
Proposer must describe how they have assisted M/WBEs in their business operations. Example of assistance includes, but is not limited to: assistance in acquiring equipment, capital, lines of credit, joint pay agreements to secure loans, supplies, letters of credit, or including waiving credit that is ordinarily required.
Please describe how your company assisted M/WBEs in the past 6 months:

______________________________________________________________
______________________________________________________________
______________________________________________________________

Assisted M/WBE(s) Contact Information:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Specific Conditions for M/WBE Participation
Revised: 09/25/2015
Option III
Good Faith Efforts (continued)

☐ M/WBE Organization Participation (15 points)
Proposer must identify M/WBE organizations they actively participate in as members and/or donate company resources. Proposer must include documentation of partnerships, committee involvement, and workshop participation and training.

Please list current organizations that your organization supports:
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Please describe how your company currently supports M/WBE organizations:
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Total Good Faith Efforts Points: _____________

Signature of Proposing Company’s Officer          Date          Printed Name

Signature of Houston ISD Supplier Diversity Specialist          Date          Printed Name

Signature of Houston ISD Supplier Diversity Team Lead           Date          Printed Name
**Option III**  
Good Faith Efforts: Contact Documentation of Letters of Intent to Find Subcontractors

Please complete the information below if your company is completing “Good Faith Efforts” documentation.

- **HISD PROJECT NUMBER:** _______________________________________________________
- **PROJECT TITLE:** _____________________________________________________________
- **COMPANY NAME:** ____________________________________________________________

Please document the potential M/WBE subcontractors and/or M/WBE organizations that you contacted.

<table>
<thead>
<tr>
<th>M/WBE Company Name</th>
<th>Phone Number</th>
<th>Contact Person</th>
<th>Date Contacted</th>
<th>Follow-Up Date</th>
<th>Contact Notes</th>
</tr>
</thead>
<tbody>
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Signature of Proposing Company Officer ___________________________  
Date ___________________________

Name of Officer (Print) ___________________________________________
Option III
Letter of Intent to Find Subcontractors

(Insert Company Contact Information)

(Insert M/WBE Company Contact Information)

Dear M/WBE Supplier -

(Company Name) is bidding on Project (Insert Project Number and Project Title) for the Houston Independent School District. Our company is looking for possible M/WBE subcontractors. We are currently looking for subcontractors for the following products or services.

1. (Insert potential subcontracting opportunity)
2. (Insert potential subcontracting opportunity)
3. (Insert potential subcontracting opportunity)

Our company will be looking for M/WBE Subcontractors for the next 5 business days. If you are interested in providing the above listed products or services please contact (Insert contact information) by (Insert Deadline Date).

(Insert Company Signature)
Option III
Acceptance/Rejection Example Letter

Rejection Letters
Sample 1
March 23, 2013

Dear ABC Company,

This letter is to serve as formal notification that due to a lack of response by the due date, we will not be able to use your services at this time in accordance with the terms set out in the HISD Project #xxxxx. We will keep your information on file and may reach back out to you at another time.

Sincerely,

Sample 2
Dear ABC Co,

WE Corporation is bidding on RFP #xxxxx for Houston Independent School District. We have solicited several MWBE companies to potentially serve as subcontractors and have had a strong response. We have made our selections and at this time we did not select your company due to ABC's inability to provide services in Houston. However, we may be in touch with you for future proposal opportunities.

Regards,

Sample 3
Ms. ABC,

Since we did not receive a reply from you by the requested 2-12-2013 deadline, we will not be able to include you as a possible subcontractor with our proposal.

Thank you.

Acceptance Letter
Dear MWBE Supplier,

WE Corporation has accepted your MWBE Certification and has added you to our list of potential subcontractors for Project #xxxxx for the HISD. If we are the awarded vendor, we may contact you directly regarding potential subcontracting opportunities.

Thank you for your interest.

Best regards,
Option III
Advertisement Example

****ADVERTISEMENT****

(Insert Company Name) is bidding on Project Number (Insert Project Number and Title) for the Houston Independent School District. We are looking for possible M/WBE suppliers to provide the following: (list products or services you are requesting). If you are interested in this opportunity, please contact our office by phone at (Insert you contact name and number).

****LETTER****

(Company Name) is bidding on Project (Insert Project Number and Project Title) for the Houston Independent School District. We are looking for possible M/WBE subcontractors to provide the following products and/or services…… (list here). If you are interested in this opportunity, please contact (Insert contact information) by (Insert Deadline Date).
Option III
M/WBE Participation Indirect Spend Report

HISD PROJECT NUMBER: ________________________________
PROJECT TITLE: ________________________________
COMPANY NAME: ________________________________
PROPOSAL AMOUNT: ________________________________

Please indicate below the M/WBE subcontractors that your company utilizes in your day to day business operations. This document must be filled out completely.

<table>
<thead>
<tr>
<th>M/WBE COMPANY NAME</th>
<th>CONTACT NAME</th>
<th>CONTACT NUMBER</th>
<th>SCOPE OF SERVICE</th>
<th>TOTAL AMOUNT SPENT PRIOR YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<td>$</td>
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</tr>
</tbody>
</table>

* Total Business Expenditures must be filled out for this form to be complete. Your total business expenditures (total purchases) are the purchases that your company has had with other companies. This number should not match your M/WBE Spend Prior Year.

I certify that the contents of this document are true and correct.

Signature of Proposing Company Officer

Printed Name and Title    Date
# M/WBE Subcontractor Change Request

**Business Assistance Department**  
Telephone: (713) 556-7273  Fax: (713) 556-7274  
Email: BusinessAssistance@houstonisd.org

**HISD PROJECT NUMBER:**  
**PROJECT TITLE:**  
**COMPANY NAME:**

Please select the following reason(s) that you need to change your M/WBE subcontractor(s):
1 = Unable to provide verification of M/WBE status  
2 = Unable to provide requested products/services  
3 = Unable to provide proper insurance/bonding requirements

*Change cannot be made until approved by Business Assistance.*

<table>
<thead>
<tr>
<th>Reason</th>
<th>M/WBE Company Name</th>
<th>Phone Number</th>
<th>Contact Person</th>
<th>Scope Of Service</th>
<th>Agreed Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ORIGINAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>NEW</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>ORIGINAL</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>4</td>
<td>NEW</td>
<td></td>
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<td></td>
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<tr>
<td>5</td>
<td>ORIGINAL</td>
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<tr>
<td>6</td>
<td>NEW</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Please Note: All “Original” M/WBE Subcontractor information must be listed and followed by the “New” replacement M/WBE Subcontractor on the change request on the chart above. M/WBE Firm(s) listed must be at least 51% owned by a woman or a minority; or certified by one of the following M/WBE agencies: (1) City of Houston Office of Business Opportunity (MBE and/or WBE); (2) Houston Minority Supplier Development Council; (3) National Minority Supplier Development Council; (4) Women’s Business Enterprise National Council; and/or (5) Women’s Business Enterprise Alliance.

**Submitted By:**

__________________________  
Signature of Proposing Company Officer  
__________________________  
Date

__________________________  
Printed Name

**Approved By:**

__________________________  
Business Assistance  
__________________________  
Date
Certifying Agencies

CITY OF HOUSTON OFFICE OF BUSINESS OPPORTUNITY
611 Walker, 7th Floor
Houston, Texas 77002
Phone: (832) 393-0600
Fax: (713) 393-0622
Website: https://houston.mwdbe.com
Email: director.obo@houstontx.gov

HOUSTON MINORITY SUPPLIER DEVELOPMENT COUNCIL
Three Riverway, Suite 555
Houston, Texas 77056
Phone: (713) 271-7805
Fax: (713) 271-9770
Website: www.hmsdc.org
Email: info@hmsdc.org

NATIONAL MINORITY SUPPLIER DEVELOPMENT COUNCIL
1359 Broadway, Tenth Floor
New York, NY 10018
Phone: (212) 944-2430
Fax: (212) 719-9611
Website: www.nmsdc.org
Email: maureen.simonette@nmsdc.org

WOMEN'S BUSINESS ENTERPRISE ALLIANCE
9800 Northwest Freeway Suite 120
Houston, Texas 77092
Phone: (713) 681-9232
Fax: (713) 681-9242
Website: www.wbea-texas.org
Email: aday@wbea-texas.org

WOMEN'S BUSINESS ENTERPRISE NATIONAL ALLIANCE
1120 Connecticut Avenue, NW, Suite 1000
Washington, DC 20036
Phone: (202) 872-5515
Fax: (202) 872-5505
Website: www.wbenc.org
Email: support@wbenc.org
M/WBE Business Organizations & Associations

ACRES HOME CITIZENS CHAMBER OF COMMERCE
6112 Wheatley
Houston, Texas 77091
Phone: (713) 692-7161
Fax: (713) 961-7131
Website: www.dscreation6754244.homestead.com
Email: info@acreshomecenter.org

AMERICAN INDIAN CHAMBER OF COMMERCE OF TEXAS-HOUSTON
11245 Indian Trail, 2nd Floor
Dallas, Texas 75229
Phone: (972) 241-6450 ~ Toll Free: (866) 241-6450
Fax: (972) 241-6454
Website: www.aiict.com
Email: tmarshal@aiict.com

ASIAN CHAMBER OF COMMERCE
6833 W. Sam Houston Parkway, Suite 207
Houston, Texas 77072
Phone: (713) 782-7222
Fax: (281) 823-7712
Website: www.asianchamber-hou.org/
Email: info@asianchamber-hou.org

CITY OF HOUSTON OFFICE OF BUSINESS OPPORTUNITY
611 Walker, 7th Floor
Houston, Texas 77002
Phone: (832) 393-0600
Fax: (832) 393-0622
Website: http://www.houstontx.gov/obo/
Email: director.obo@houstontx.gov

GREATER HOUSTON WOMEN’S CHAMBER OF COMMERCE
3201 Kirby Dr., Suite 400
Houston, Texas 77098
Phone: (713) 782-3777
Website: www.ghwcc.com
Email: info@ghwcc.com

GREATER HOUSTON BLACK CHAMBER
4828 Loop Central Drive, Suite 1000
Houston, Texas 77081
Phone: (713) 660-8299
Fax: (713) 393-8700
Website: www.ghbcc.org
Email: info@ghbcc.org

HOUSTON AREA URBAN LEAGUE, INC
1301 Texas
Houston, Texas 77002
Phone: (713) 393-8700
Fax: (713) 393-8790
Website: www.haul.org

HOUSTON HISPANIC CHAMBER OF COMMERCE
1801 Main Street, Suite 890
Houston, TX 77002
Phone: (713) 644-7070
Fax: (713) 644-7377
Website: www.houstonhispanicchamber.com
Email: info@houstonhispanicchamber.com

HOUSTON MINORITY SUPPLIER DEVELOPMENT COUNCIL
Three Riverway, Suite 555
Houston, Texas 77056
Phone: (713) 271-7805
Fax: (713) 271-9770
Website: www.hmsd.org
Email: info@hmsd.org

INDO AMERICAN CHAMBER OF COMMERCE OF GREATER HOUSTON (THE)
1707 Post Oak Blvd., P.O. Box #248
Houston, Texas 77056
Phone: (713) 840-6461
Fax: (713) 840-6462
Website: http://www.iaccgh.com
Email: info@iaccgh.com

LEAGUE OF UNITED LATIN AMERICANS (LULAC)
PO Box 8620
Houston, Texas 77249
Phone: (713) 695-5980
Fax: (713) 691-4128
Website: http://www.luladistrictviii.org/
Email: d8mgr@lulac.org

N.A.A.C.P. Houston Branch
2082 Wheeler
Houston, Texas 77004
Phone: (713) 526-3389
Fax: (713) 630-2699
Website: www.naacp-houston.org
Email: branch@naacp-houston.org

NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS-GREATER HOUSTON CHAPTER (NAWBO-GHC)
P.O. Box 56583
Houston, TX 77256-6583
Phone: (713) 487-8475
Fax: (713) 974-1835
Website: www.nawbohouston.org
Email: membership@nawbohouston.org

NATIVE AMERICAN CHAMBER OF COMMERCE
7457 Harwin, Suite 307
Houston, Texas 77036
Phone: (713) 614-1272
Fax: (832) 251-6312
Website: www.nativeamericanchamber.org
Email: info@namcham.org

TSU/ECONOMIC DEVELOPMENT CENTER
3100 Cleburne Street, Jesse H. Jones School of Business, Room 151, Houston, Texas 77004
Phone: (713) 313-7785
Fax: (713) 313-7101
Website: www.tsu.edu
Email: conneraa@tsu.edu

WOMEN’S BUSINESS ENTERPRISE ALLIANCE
9800 Northwest Freeway Suite 120
Houston, Texas 77092
Phone: (713) 681-9232
Fax: (713) 681-9242
Website: www.wbea-texas.org
Email: aday@wbea-texas.org

Attachment B
Specific Conditions for M/WBE Participation
Revised: 09/25/2015
M/WBE Organizations & Associations (Construction)

ASIAN AMERICAN ENGINEERS/ARCHITECTS
PO Box 270718
Houston, Texas 77277
President: Alan Sadeghpour
Email: asadeghpour@prozign.com

ASSOCIATION OF BLACK CONSULTING ENGINEERS AND ARCHITECTS
P.O. Box 771992
Houston, Texas 77215
Phone: (713) 988-0145
Fax: (713) 988-4624
Website: www.abcea.org
Email: info@abcea.org

ASSOCIATED GENERAL CONTRACTORS OF AMERICA-HOUSTON CHAPTER
3825 Dacoma Street
Houston, Texas 77092-8717
Phone: (713) 843-3700
Fax: (713) 843-3777
Website: www.agchouston.org
Email: membership@agchouston.org

HOUSTON HISPANIC ARCHITECTS AND ENGINEERS
P.O. Box 421372
Houston, Texas 77042
Phone: (713) 426-7488
Fax: (713) 850-7308
Website: www.hhae.org
Email: pfrayre@frayre-ec.com

NATIONAL ASSOCIATION OF MINORITY CONTRACTORS, INC. - GREATER HOUSTON CHAPTER
3825 Dacoma St.
Houston, Texas 77092
Phone: (713) 843-3791
Fax: (713) 843-3743
Website: www.namctexas.org
Email: info@namctexas.org

NATIONAL ASSOCIATION OF WOMEN IN CONSTRUCTION-HOUSTON CHAPTER (NAWIC)
8354 Sorrell Dr.
Houston, TX 77064
Phone: (281) 639-3841
Fax: (281) 304-1773, fax
Website: www.nawic-houston.org/
Email: contactus@nawic-houston.org

WOMEN CONTRACTORS ASSOCIATION
P O Box 70966
Houston, TX 77270
Phone: (713) 807-9977
Fax: (713) 807-9917
Website: www.womencontractors.org/
Email: director@womencontractors.org
M/WBE Newspapers and Periodicals

AFRICAN-AMERICAN NEWS & ISSUES
6130 Wheatley Street
Houston, Texas 77091-3947
Phone: (713) 692-1100
Fax: (713) 692-1892
Website: www.aframnews.com
Email: news@aframnews.com

FORWARD TIMES
P. O. Box 8346
Houston, Texas 77288-8346
Phone: (713) 526-4727
Fax: (713) 526-3170
Website: www.forwardtimesonline.com
Email: forwardtimes@forwardtimes.com

HOUSTON DEFENDER (THE)
12401 South Post Oak, #223
Houston, Texas 77045
Phone: (713) 663-6996
Fax: (713) 663-7116
Website: www.defendernetwork.com
Email: ads@defendermediagroup.com

HOUSTON INSIDER (THE)
1713 Rosewood Street
Houston, Texas 77004
Phone: (713) 526-0544
Fax: (713) 526-0545
Website: www.thehoustoninsider.com
Email: sales@thehoustoninsider.com

INDO AMERICAN NEWS
7545 Harwin Drive, Suite #262
Houston, Texas 77036
Phone: (713) 789-6397
Fax: (713) 789-6399
Website: www.indoamerican-news.com
Email: indoamericannews@yahoo.com

LA INFORMACIÓN
6065 Hillcroft, Suite 400B
Houston, Texas 77081
Telephone: (713) 272-0100
Fax: (713) 272-0011
Website: http://www.lainformacion.us/
Email: lma.martinez@lainformacion.us

LA PRENSA DE HOUSTON
7100 Regency Square, Suite 217
Houston, Texas 77056
Phone: (713) 334-4959
Fax: (713) 334-4995
Website: www.prensadehouston.com
Email: info@prensadehouston.com

LA VOZ DE HOUSTON
4747 SW Freeway
Houston, Texas 77027-6901
Telephone: (713) 362-8100
Fax: (713) 362-8630
Website: http://lavoztx.com/
Email: lavoz@chron.com

MINORITY PRINT MEDIA, LLC dba HOUSTON STYLE MAGAZINE
PO Box 14035
Houston, Texas 77221-4035
Phone: (713) 748-6300
Fax: (713) 748-6320
Website: www.stylemagazine.com
Email: advertising@stylemagazine.com

SOUTHERN CHINESE DAILY NEWS
11122 Bellaire Blvd.
Houston, Texas 77072
Telephone: (281) 498-4310
Fax: (281) 498-2728
Website: http://www.scdaily.com/
Email: ad@scdaily.com

VOICE OF ASIA
8303 S. W. Freeway, Suite 325
Houston, Texas 77074
Phone: (713) 774-5143 (Call before faxing)
Fax: (713) 774-5143 (Call before faxing)
Website: www.voiceofasiaonline.com
Email: voiceasia@aol.com

WORLD JOURNAL OF TEXAS, INC.
5855 Sovereign Dr. Unit C
Houston, Texas 77036
Telephone: (713) 771-4363
Fax: (713) 270-8222

Specific Conditions for M/WBE Participation
Revised: 09/25/2015
The Superintendent shall be responsible for establishing procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above $50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District.

The Board has chosen, however, that unless another method clearly provides the best value, the method to be used for awarding each construction contract valued at $50,000 or more shall be the competitive bidding method.

For construction contracts valued at or above $100,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CV series]

The Board reserves the right to reject any and all bids and proposals and to waive any minor informality or irregularity in a bid or proposal or procurement process.

Bids or proposals for the construction, alteration, or repair of buildings or attachments to buildings exceeding $25,000 must be accompanied by a bid or proposal guaranty.

Historically Underutilized Businesses shall be defined as businesses in which at least 51 percent of the ownership and management is by minority group members or women, or in the case of a publicly owned business, at least 51 percent of the stock is owned and managed by minority group members or women in all phases of the procurement.

The District encourages full participation in all phases of procurement activities and shall afford a full and fair opportunity to all vendors to compete for District contracts. The purposes and objectives of the District’s HUB Program are as follows:

1. To ensure that the District is not a passive participant in a discriminatory marketplace;
2. To ensure that the HUB Program is narrowly tailored;
3. To provide opportunities for HUB firms to broaden and enhance their capacities to do business with the District; and
4. To administer the HUB Program in a manner consistent with applicable federal and state law.

Applicable purchases and transactions shall follow the guidelines specified in the HUB Program Guidelines, CV(REGULATION), which shall establish narrowly tailored goals based upon current evidence of utilization and availability, and shall include:

1. Detailed requirements and procedures for the HUB Program, and
2. Duties of District personnel responsible for implementation, monitoring and enforcement of the HUB Program.

The District shall review this policy, as well as the HUB Program Guidelines, on an annual basis and shall make updates as necessary, to ensure compliance with federal and state law.

**CERTIFICATION BY CONTRACTOR OR VENDOR**

Consistent with the financial oversight requirements of policy CAA(LOCAL) and in order to be considered, competitive bids and proposals submitted to the District shall contain the signed certification set out at CV(EXHIBIT)-B.

**RIGHT TO PROTEST (FILE A COMPLAINT)**

Any bidder or proposer who is aggrieved in connection with a procurement decision may protest to the chief financial officer or designee. The protest shall be submitted in writing within ten calendar days after the facts or occurrence giving rise to the complaint. [See GF]

**PROCUREMENTS AFTER PROTEST**

In the event of a timely protest, the responsible office shall not proceed further with the procurement unless the chief financial officer or designee makes a determination that the award of the contract is necessary to protect substantial interests of the District.

**AUTHORITY TO RESOLVE PROTESTS**

The chief financial officer or designee shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved bidder or proposer concerning a procurement decision.

**DETERMINATION AND APPEAL**

The chief financial officer or designee shall promptly issue a determination relating to the protest. The determination shall:

1. State the reasons for the action taken; and
2. Inform the protesting party of the right to appeal the determination to the Board within 15 days of receipt of the notice of the determination in accordance with policy GF(LOCAL), beginning at Level Three.
FACILITIES CONSTRUCTION

<table>
<thead>
<tr>
<th>AUTHORITY TO SIGN CONTRACTS</th>
<th>A copy of the determination shall be mailed immediately to the protesting party and other bidders or proposers involved in the procurement.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHANGE ORDERS</td>
<td>No one other than the Superintendent, the chief financial officer, (CFO), or designee shall be authorized to sign contracts obligating the District.</td>
</tr>
<tr>
<td>PROJECT ADMINISTRATION</td>
<td>Change orders permitted by law shall be approved by the Superintendent or designee prior to any changes being made in the approved plans or the actual construction of the facility.</td>
</tr>
<tr>
<td>FINAL PAYMENT</td>
<td>All construction projects shall be administered by the Superintendent or designee.</td>
</tr>
<tr>
<td>EMPLOYEE CONFLICT OF INTEREST</td>
<td>The Superintendent shall keep the Board informed concerning construction projects and shall also provide information to the general public.</td>
</tr>
<tr>
<td>ANNUAL POLICY REVIEW</td>
<td>The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board has accepted the work.</td>
</tr>
<tr>
<td>EFFECTIVE DATE</td>
<td>The District shall not purchase goods or services from employees or their immediate family members, as defined in DEC(LOCAL), without prior approval from the Superintendent or designee. [See DBD]</td>
</tr>
<tr>
<td></td>
<td>The chief financial officer shall be responsible for reviewing the District’s purchasing policy and procedures each year and recommending to the Superintendent and the Board any policy changes.</td>
</tr>
<tr>
<td></td>
<td>Revisions to this policy shall be effective as of the adoption date, February 27, 2012.</td>
</tr>
</tbody>
</table>
Austin Independent School District
Historically Underutilized Business (“HUB”) Program

1. PURPOSE

It is the policy of Austin Independent School District (“the District” or “AISD”) to provide equal opportunities to all contractors, and to redress the discrimination found in the relevant marketplace and in public contracting against Historically Underutilized Businesses (“HUBs”). The District seeks to encourage full participation in all phases of procurement activities and to afford a full and fair opportunity to all vendors to compete for the District contracts. The purposes and objectives of this policy are therefore as follows:

(1) To ensure that the District is not a passive participant in a discriminatory marketplace.
(2) To ensure that the program is narrowly tailored.
(3) To provide opportunities for HUBs to broaden and enhance their capacities to do business with the District.
(4) To administer this program in a manner consistent with applicable federal and state law.

2. FINDINGS

The District’s Board of Trustees hereby makes the following findings:

(1) The District regularly enters into contracts for the procurement of goods and services of many kinds, including for construction.
(2) In 1989, the U.S. Supreme Court, in the case styled City of Richmond v. J.A. Croson Co., held that a local government may redress race discrimination in its contracting activities if it can demonstrate through relevant evidence a compelling governmental interest sought to be remedied, and that the remedies adopted are narrowly tailored to promote that interest.
(4) The 2015 Study found the following:
   a. Disparities in Construction Contracting exist for all ethnic groups examined in the cohort of Minority- and Women-owned Business Enterprises (“M/WBEs”).
   b. Based on regression analysis using data from Federal Reserve Board & NERA’s own surveys, loan applications of minority-owned firms, especially African Americans, were substantially more likely to be denied than other groups, even after accounting for differences in balance sheets and creditworthiness.
c. Minority-owned firms (specifically African Americans) when they did receive credit, paid higher interest rates, on average, for their loans.
d. Results were not significantly different in the WSC (which includes the AISD Market Area) than in the nation as a whole.
e. The results from NERA’s past credit surveys and more recent research from Dr. Alicia Robb are consistent with the Federal Reserve results.
f. More M/WBEs than non-M/WBEs experienced disparate treatment, even when capacity is held constant across firms.
g. More M/WBEs than non-M/WBEs report business environment factors make it harder or impossible to obtain contracts, even when capacity is held constant across firms.
h. In the large majority of cases, prime contractors who use M/WBEs on contracts with goals rarely use them or even solicit them on contracts without goals.
i. Discriminatory attitudes and negative perceptions continue to prevail in the District’s marketplace.

(5) Although the District has made substantial progress in eliminating discrimination in its own contracting practices, discrimination exists in private companies that contract on public projects. As a result of this discrimination, the District has been in the past a passive participant in a system of discrimination and, in the absence of programs to eliminate disparity in utilization, would continue to be a passive participant in such a system.

(6) Despite the District's efforts to create equal opportunities in its marketplace, the evidence continues to indicate that, absent the programs authorized under this policy, HUBs would be underutilized on the District contracts relative to their availability.

(7) Under these circumstances and based on the factual predicate which has been established after careful study and review, the District has a compelling governmental interest in remedying the racial and gender discrimination that exists in the market segments in which the District does business, and ensuring that the District is not a participant in such discrimination.

(8) The program adopted herein is narrowly tailored to remedy that discrimination.

3. **ESTABLISHMENT OF PROGRAM**

3.1 Based on the foregoing findings, it is the policy of the District to establish this Historically Underutilized Business (“HUB”) Program to remedy the ongoing effects of marketplace discrimination that continue to adversely affect the participation of HUB firms in the District contracts.

3.2 The District seeks to exercise its spending powers in a manner that promotes economic inclusion of all segments of the business population that it serves, regardless of race or gender, so as to maximize the economic vitality and development of the Austin region, to expand and diversify the District’s supplier base in order to maximize competition, and to obtain the best value on behalf of its ratepayers for its purchased goods and services.
3.3 Based upon the foregoing findings and pursuant to the foregoing declaration of policy, there hereby is established a Historically Underutilized Business Program ("HUB Program") for the District.

3.4 This HUB program shall initially be established for and be applicable to the District’s bond-funded construction program including related Professional Services.

4. **PROGRAM ELIGIBILITY**

4.1 Only Business Enterprises that meet the criteria of a Historically Underutilized Business or another accepted certification are eligible to participate in the District’s HUB program.

4.2 HUB certifications shall be conducted by the State of Texas. The District shall also accept Minority-owned Business Enterprise and Women-owned Business Enterprise ("MBE” and “WBE”) certifications by the City of Austin, and Disadvantaged Business Enterprise ("DBE") certifications by the Texas Unified Certification Program. Other certifications may be accepted on a case by case basis as approved by the HUB Program Director.

5. **DEFINITIONS**

**Annual Aspirational Goal.** A non-mandatory annual aspirational percentage goal for the aggregate HUB prime and subcontract participation in the District contracts is established each year for Construction and Construction-related Professional Services. This Annual Aspirational Goal is to be set (and may thereafter be adjusted) by the HUB Program Director on an annual basis.

**Austin Metropolitan Statistical Area (AMSA).** Also known as the Relevant Marketplace, the geographic market area from which the prior Disparity Study analyzed contract utilization and availability data for disparity.

**Award.** The final selection of a Respondent for a specified Prime Contract. Contract awards are made by the District to Prime Contractors/Consultants or vendors and by Prime Contractors/Consultants or vendors to Subcontractors/Subconsultants or sub-vendors, usually pursuant to a solicitation process.

**Best Value Contracting.** A purchasing solicitation process which may evaluate factors other than price. Evaluation criteria for selection may include a Respondent’s previous experience, location, and quality of product or services procured, and other factors identified in the applicable state law. The District considers HUB solicitation and participation as an element of value in the solicitation process.

**Bid.** A complete, properly signed response to a competitive bidding Solicitation issued by the District, submitted on the prescribed forms required by the District, to perform or
provide labor, materials, equipment, supplies or services to or for the District for a stated price.

**Bidder.** A person, Firm or Business Enterprise that submits a Bid in response to a Solicitation. A Bidder may be represented by an agent if such agent provides evidence demonstrating the agent's authority.

**Business Enterprise or Firm.** A corporation, partnership, sole proprietorship, Joint Venture, joint stock company, professional association or any other legal entity that is properly licensed and/or otherwise authorized to do business in the State of Texas.

**Commercially Useful Function.** A HUB firm 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, staffing, managing and supervising the work involved. To perform a Commercially Useful Function, the HUB firm must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quantity and quality, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a HUB firm is performing a Commercially Useful Function, an evaluation must be performed of the amount of work subcontracted, normal industry practices, whether the amount the HUB firm is to be paid under the contract is commensurate with the work it is actually performing and the HUB credit claimed for its performance of the work, and other relevant factors. Specifically, a HUB firm 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 obtain the appearance of meaningful and useful HUB participation, when in similar transactions in which HUB firms do not participate, there is no such role performed.

**Consultant.** A person or Business Enterprise that submits a Proposal to provide professional services to the District by contract, and any person who supplies or provides professional services to the District by contract.

**Contract.** The entire and integrated binding legal agreement between the District and a Contractor or Consultant to provide or procure labor, materials, equipment, supplies or services to, for, or on behalf of the District. Except as otherwise specifically defined in this section, a Contract does not include:

- a) sales transactions where the District sells its personal or real property;
- b) a loan transaction where the District is acting as a debtor or a creditor;
- c) lease and franchise agreements;
- d) agreements to use the District’s real property;
- e) gifts of materials, equipment, supplies or services to the District;
- f) interlocal or intergovernmental agreements between or among political subdivisions;
- g) procurements made by intergovernmental cooperative purchasing agreements; or
h) procurements of commodities or services that are sole source by virtue of intellectual property rights or other exclusive rights and for which there are no other subcontracting opportunities.

**Contractor.** Any person or Business Enterprise that submits a Bid or Proposal to provide labor, goods or services to the District for profit, and any person who supplies or provides labor, goods or services to the District for profit.

**Female.** Persons of female gender without regard to race or ethnicity.

**Formal Solicitation.** An invitation for bids, request for proposals, requests for competitive sealed proposals, request for qualifications or other solicitation document issued by a District department for a contract that requires an expenditure of more than $50,000 (fifty thousand dollars) and that requires Board approval, in accordance with the procurement rules adopted by the District through an official Policy or Regulation.

**Goals.** The targeted participation percentage of HUBs established for a particular Solicitation or Contract, also referred to as “contract-specific goals.”

**Good Faith Efforts.** Documentation of the Respondent’s necessary and reasonable steps to achieve HUB Program Goals or otherwise comply with the requirements of the HUB Program including, but not limited to, the efforts set forth in Section 10 which by their scope, intensity and appropriateness to the objective can reasonably be expected to achieve HUB participation.

**Graduation.** HUB firms shall be graduated from participation when the firms are no longer eligible based upon the Certification standards and definitions set forth in procedures of the State of Texas or other certifying agency.

**HUB.** Historically Underutilized Business. In addition to those firms certified as HUBs by the State of Texas, for purposes of this Program the term shall also apply to Minority-owned Business Enterprise and Women-owned Business Enterprise (“MBE” and “WBE”) certifications by the City of Austin, Disadvantaged Business Enterprise (“DBE”) certifications by the Texas Unified Certification Program, and other certifications as approved by the HUB Program Director.

**HUB Utilization Plan.** The plan submitted with the Bid/Proposal detailing the Bidder/Proposer's plan to achieve the Goals or documenting its Good Faith Efforts to meet the Goals for all elements of the Solicitation. A HUB Utilization Plan must be submitted with a Bid/Proposal for any of the District’s projects for which Goals have been established.

**HUB Program Director.** The individual responsible for oversight, tracking, monitoring, administration, implementation and reporting of the HUB Program. The HUB Program Director is also responsible for enforcement of contractor and vendor compliance with contract participation requirements, and ensuring that overall program objectives are met.
**HUB Program Department.** The office within the District that is primarily responsible for general oversight and administration of the HUB Program.

**Industry Categories.** Procurement groupings for the District inclusive of Construction, and construction-related Professional Services.

**Marketplace.** The geographic market defined as the Austin Metropolitan Statistical Area (AMSA).

**Minority Group Members.** African Americans, Hispanic Americans, Asian Americans and Native Americans legally residing in, or who are citizens of, the United States or its territories, as defined below:

- **African Americans:** Persons having origins in any of the black racial groups of Africa as well as those identified as Jamaican, Trinidadian, or West Indian.
- **Hispanic Americans:** Persons of Mexican, Puerto Rican, Cuban, Spanish, or Central or South American origin.
- **Asian Americans:** Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
- **Native Americans:** Persons having no less than 1/16th percentage origin in any of the Native American Tribes as recognized by the U.S. Department of the Interior, Bureau of Indian Affairs, and as demonstrated by possession of personal tribal role documents.

**Payment.** Dollars actually paid to Prime Contractors/Consultants and/or Subcontractors/Sub-consultants and vendors for the District contracted goods and/or services.

**Prime Contractor.** The vendor or contractor/consultant to whom a purchase order or contract is issued by the District for purposes of providing goods or services to the District.

**Proposal.** A complete, properly signed response to a Solicitation that, if accepted, would bind the Proposer to perform the resultant Contract.

**Relevant Marketplace.** The geographic market area affecting the HUB Program as determined for purposes of collecting data for the prior and any future Disparity Study, and for determining eligibility for participation under various programs established by this Policy, is defined as the Austin Metropolitan Statistical Area (AMSA).

**Respondent.** A vendor, contractor, or consultant submitting a bid, a statement of qualifications, or a proposal in response to a solicitation issued by the District.
Responsible. A firm’s capability in all respects to fully perform contract requirements and has the integrity and reliability which will assure good faith performance of contract specifications.

Responsive. A firm’s submittal (bid, response or proposal) that conforms in all material respects to a solicitation (Invitation for Bid, Best Value Bid, Request for Qualifications, Request for Proposal, or Request for Competitive Sealed Proposal) and includes compliance with HUB Program requirements.

Second Tier Subcontractor: Any vendor or contractor/consultant that is providing goods or services to a Subcontractor in furtherance of the Subcontractor’s performance under a contract or purchase order.

Severability. If any section, paragraph, sentence, clause, phrase or word of this HUB Program, or the application thereof, to any person or circumstance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, invalid or void, such holding shall not affect the remainder of this Policy or the application of any other provisions of this Policy which can be given effect without the invalid provision or application, and to this end, all the provisions of this Policy are hereby declared to be severable.

Significant Local Business Presence. A Firm has a Significant Local Business Presence if it has an established place of business in the Austin Metropolitan Statistical Area, at which one or more of its employees is regularly based. Such place of business must have a substantial role in the HUB’s performance of a Commercially Useful Function. A location utilized solely as a post office box, mail drop, or telephone message center or any combination thereof, with no other substantial work function, shall not be construed to constitute a Significant Local Business Presence.

Solicitation. A Solicitation means, as the case may be, an invitation for Bids, a request for Proposals, a request for qualifications, a request for quotations, or such other request as defined by the District.

Subconsultant. A person, Firm or Business Enterprise providing professional or nonprofessional services to a prime Consultant if such professional or nonprofessional services are procured or used in fulfillment of the prime Consultant's obligations arising from a Contract and including every level of subconsulting required to fulfill a Contract with the District.

Subcontractor. Any vendor or contractor/consultant that is providing goods or services to a Prime Contractor/Consultant in furtherance of the Prime Contractor’s/Consultant’s performance under a contract or purchase order with the District.

Third Tier Subcontractor: Any vendor or contractor/consultant that is providing goods or services to a Second Tier Subcontractor in furtherance of the Second Tier Subcontractor’s performance under a contract or purchase order.
**Unexcused Failure to Meet Goal.** Any substitution made without prior written approval of the HUB Program Director, failure to utilize the HUB firms as indicated in the HUB Utilization Plan without obtaining written approval of a substitution from the HUB Program Director, and non-payment of a HUB firm as outlined in the HUB Utilization Plan.

**Utilization Documentation.** The contractor will be required to report the actual payments to all Subcontractors to the District in the time intervals and format prescribed by the District. This information will be utilized for HUB participation tracking purposes. Any unjustified failure to comply with the committed SWMB levels may be considered breach of contract. Additions, substitutions, deletions, or a modification of the utilization amounts of Subcontractors/Subconsultants requires an amendment to be approved in advance by the HUB Program Director.

6. **ANNUAL ASPIRATIONAL GOALS**

6.1 The Annual HUB Participation Goals for the Program are as follows:

<table>
<thead>
<tr>
<th>Historically Underutilized Business</th>
<th>Construction</th>
<th>Professional Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>1.7</td>
<td>1.9</td>
</tr>
<tr>
<td>Asian/Native American</td>
<td>2.0</td>
<td>7.4</td>
</tr>
<tr>
<td>Hispanic</td>
<td>8.1</td>
<td>9.4</td>
</tr>
<tr>
<td>Female</td>
<td>8.0</td>
<td>9.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19.8</strong></td>
<td><strong>28.5</strong></td>
</tr>
</tbody>
</table>

6.2 These Annual Aspirational Goals shall be reviewed and may be adjusted hereafter by the HUB Program Director on an annual basis based upon the relative HUB availability data to be collected by the District.

6.3 Annual Aspirational Goals are not to be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure the overall effectiveness of the HUB Program on an annual basis. Contract-specific goals will usually be established.

6.4 Annual Aspirational Goals may be stated only in those solicitations that do not contain contract-specific HUB Goals.
6.5 The District shall review its progress towards eliminating discrimination in its contracting activities and revise the Program as necessary to meet legal requirements. Annual Participation Goals may be revised for the balance of the term of the Program if the District finds that the Program has yet to redress the effects of discrimination in its Marketplace against HUBs and that in the absence of race and gender-conscious remedial measures the District would necessarily be a passive participant in a discriminatory marketplace.

7. ESTABLISHMENT OF HUB PARTICIPATION GOALS FOR INDIVIDUAL CONTRACTS

7.1 For ease of Program administration, individual Solicitations may contain Goals, if applicable, rounded up to the nearest tenth using mathematical rounding principles.

7.2 The District recognizes that the availability of HUBs is not uniformly present across all areas of Contracting. Therefore, where appropriate the HUB Program Director may establish contract-specific Goals for individual Contracts, based on:

(1) normal industry practice;
(2) the availability of at least three HUBs to perform the functions of those individual Contracts;
(3) the District utilization of HUBs to date, so as to achieve the Annual Aspirational Goals; and
(4) any additional relevant factors.

7.3 In the absence of the data necessary to calculate contract-specific goals, the HUB Program Director may use the Annual Aspirational Goals on individual contracts.

8. PAYMENT REPORTING

8.1 Contractors/Consultants shall be required to electronically submit Subcontractor/Subconsultant utilization and payment information by reporting payment to the District beginning with the first District payment for services under the contract, and with every payment thereafter (for the duration of the contract).

8.2 Contractors/Consultants shall be required to use the District’s software, including training as required.

8.3 Subcontractors/Subconsultants shall be required to use the District’s software, including training as required, to verify utilization and payment information.

9. COUNTING PARTICIPATION OF HUBS

9.1 When a HUB participates in a Contract as a Contractor, a Consultant, or a Subcontractor or Subconsultant, the value of the work actually performed by the
HUB toward the HUB Goals shall be counted. Work performed by Second Tier HUB Subcontractors or subconsultants and Third Tier HUB Subcontractors or subconsultants shall also be counted. Work performed by non-HUB firms shall not be counted.

9.2 The entire amount of that portion of a Contract that is performed by the HUB's own forces shall be counted, including the cost of supplies and materials obtained by the HUB for the work of the Contract, and supplies purchased or equipment leased by the HUB (except supplies and equipment the HUB Subcontractor purchases or leases from the Prime Contractor or its Affiliate).

9.3 The entire amount of fees or commissions charged by a HUB Firm 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 a Contract will count toward HUB Goals, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services shall be counted.

9.4 When a HUB prime Contractor/Consultant subcontracts part of the work of its Contract to another Firm, the value of the subcontracted work may be counted toward Goals only if the Subcontractor is itself a HUB. Work that a HUB subcontracts to a non-HUB Firm does not count toward HUB Goals.

9.5 If a Subcontractor contracts part of its work to a HUB Firm, the value of that work may be counted toward HUB Goals. Work that a HUB Subcontractor contracts to another HUB Firm shall not be counted twice towards the Goal.

9.6 When a HUB performs as a participant in a Joint Venture, only the portion of the total dollar value of the Contract equal to the distinct, clearly defined portion of the work of the Contract that the HUB performs with its own forces and for which it is at risk shall be counted towards HUB Goals.

9.7 Only expenditures to a HUB Contractor or Subcontractor that is performing a Commercially Useful Function shall be counted. The HUB Program Director may determine that the Firm is performing a Commercially Useful Function based on the type of work involved and standard industry practices.

9.8 When a HUB is presumed not to be performing a Commercially Useful Function as provided in this section, the HUB may present evidence to the HUB Program Director. The HUB Program Director will make the final determination.

9.9 Expenditures with HUBs for materials or supplies shall be counted toward HUB Goals as follows:

(1) If the materials or supplies are obtained from a HUB Manufacturer or Regular Dealer, 100 percent of the cost of materials or supplies toward HUB Goals; or,
With respect to materials or supplies purchased from a HUB that is neither a Manufacturer nor a Regular Dealer, the entire amount of fees or commissions charged for assistance in the procurement of materials or supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward HUB Goals shall count only if the payment of such fees are a customary industry practice and such fees are reasonable and not excessive as compared with fees customarily allowed for similar services. Any portion of the cost of materials or supplies themselves shall not count toward HUB Goals, however.

If a Firm ceases to be a certified HUB during a Contract, the dollar value of work performed under a Contract with that Firm after it has ceased to be certified shall not be counted.

In determining achievement of HUB Goals, the participation of a HUB Subcontractor shall not be counted until the amount being counted toward the Goal has been paid to the HUB.

10. PROGRAM REQUIREMENTS AND GOOD FAITH EFFORTS

10.1 In all Solicitations for which Goals have been established for Contracts, the District shall indicate its Goals for the use of HUBs in the solicitation documents. Bidders/Proposers must meet the stated Goals or, in the alternative, demonstrate a documented Good Faith Effort to meet the stated Goals.

10.2 All Solicitation and Contract documents for which Goals have been established shall contain:

(1) The requirements related to achieving the Goals; and
(2) The requirements of documentation of the Bidder's/Proposer's Good Faith Efforts if the Goals are not achieved.

10.3 When the District has established Goals, Bidders/Proposers who do not achieve each of the Goals must document Good Faith Efforts to achieve the Goals that were not met.

10.4 Achievement of the Goals or, in the alternative, the documentation of Good Faith Efforts applies to every Contract for which Goals are established.

10.5 The HUB lists provided by the District to a Bidder/Proposer shall establish the minimum universe from which a Bidder/Proposer must solicit Subcontractors to meet the Goals. Other HUBs may also be contacted.

10.6 The Bidder's/Proposer’s HUB Utilization Plan to meet the Goal shall be due 24 hours after the receipt of bids as set forth in the Solicitation documents.
10.7 Any agreement between a Bidder/Proposer and a HUB in which the Bidder/Proposer requires that the HUB not provide subcontracting quotations to other Bidders/Proposers is prohibited.

10.8 HUB Subcontractors must be competitive with non-HUB Subcontractors on price, quality, and delivery. HUBs shall respond to relevant requests for quotations.

10.9 Where the Bidder/Proposer cannot achieve the Goals, its HUB Utilization Plan shall document its Good Faith Efforts to achieve the Goals.

10.10 The HUB Program Director will determine whether the Bidder/Proposer has made Good Faith Efforts. In making this determination, the HUB Program Director will consider, at a minimum, the Bidder/Proposer's documented efforts submitted on AISD forms including the following:

1. Soliciting all HUBs within the Marketplace who have the capability to perform the Contract work and minority and women focused trade associations and minority news media by providing written notice one month prior to bid (unless the District instructs otherwise) and providing notice through at least two reasonable, available and verifiable means deemed appropriate by the HUB Program Director for at least 10 calendar days before the bid opening date. The Bidder must solicit this interest within sufficient time, at least 48 hours prior to bid opening, to allow the HUBs to respond to the Solicitation. The Bidder/Proposer must take appropriate steps to follow up initial Solicitations with interested HUBs. The Bidder/Proposer must state a specific and verifiable reason for not contacting each certified Firm with a Significant Local Business Presence;

2. Copies of outreach correspondence sent to HUBs and advertisements/correspondence sent to five newspapers and/or HUB organizations;

3. Copies of correspondence with potential HUB subcontractors;

4. Attendance at pre-bid/pre-proposal meetings to discuss HUB participation opportunities;

5. Encouraging non-certified firms to pursue HUB certification;

6. Effectively using the services of Minority Person/Women community organizations; Minority Person/Women Contractors groups; local, state, and federal Minority Person/Women business assistance offices; and other organizations to provide assistance in solicitation and utilization of HUBs;

7. Division of the work into small, economically feasible segments that could be performed by HUBs;

8. Providing interested HUBs with adequate information about the plans, specifications, and requirements of the Contract, including addenda, in a timely manner to assist them in responding to a Solicitation;

9. Providing copies of written explanation for rejection to any HUB whose bid/proposal is rejected, unless another HUB is accepted for the same work;
(10) Negotiating in good faith with interested HUBs that have submitted Bids to the Bidder/Proposer;

(11) Participating in a HUB outreach event sponsored by the District.

10.11 That there may be some additional costs involved in soliciting and using HUBs is not a sufficient reason for a Bidder/Proposer's failure to meet the Goals, as long as such costs are reasonable.

10.12 Rejecting HUBs as being unqualified without sound reasons based on a thorough investigation of their capabilities is not acceptable. The HUB’s perceived standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for rejecting or not soliciting Bids to meet the Goals.

10.13 The ability or desire of a Bidder/Proposer to perform the work of a Contract with its own organization does not relieve the Bidder/Proposer of the responsibility to make Good Faith Efforts. A Bidder/Proposer who desires to self-perform the work of a Contract must demonstrate Good Faith Efforts unless the Goal has been met.

10.14 Bidders/Proposers are not required to accept higher quotes in order to meet the Goal, but rejecting a bid on the basis that it was higher than others should be documented.

10.15 The performance of other Bidders/Proposers in meeting the Contract Goals may reasonably bring to question whether, with additional reasonable efforts, an apparent successful Bidder/Proposer could have met the Goals. As a result, the HUB Program Director may elect to recommend the apparent low bidder be rejected as non-responsive if the next lowest responsive bid does not exceed the low bid by:

(1) 5% for awards $50,000 to $750,000;
(2) 4% for awards $750,000 to $2,000,000; and
(3) 3% for awards $2,000,000.

10.16 The HUB Program Director shall review the HUB Utilization Plan prior to award, including the scope of work, within a reasonable time so as not to unduly delay award of the Contract.

10.17 If the HUB Program Director determines that the HUB Utilization Plan demonstrates that the Goals have been achieved, then the HUB Program Director shall recommend award of the Contract.

10.18 In the event the applicable Goals have not been achieved, the HUB Program Director shall evaluate the Bidder's/Proposer's Good Faith Efforts to achieve those Goals as documented in the HUB Utilization Plan. The HUB Program Director
may request clarification in writing of items listed in the HUB Utilization Plan, provided such clarification is minor and shall not include the opportunity to augment listed HUB participation or Good Faith Efforts.

10.19 If the HUB Program Director finds that a Bidder/Proposer did not make sufficient Good Faith Efforts, the HUB Program Director shall communicate his or her finding to the District’s Chief Financial Officer or its designee. The HUB Program Director shall recommend that the Bid/Proposal be rejected as non-responsive based on failure to comply with this Policy.

10.20 The District may reject the Bid/Proposal as not in compliance with this Policy, or may advise the HUB Program Director of additional considerations which may form the basis for granting a waiver and accepting the Bid/Proposal as being in the best overall interest of the Policy and the District.

10.21 The rejection of Bids/Proposals in conformance with this section does not affect the ability of the Contract Awarding Authority to continue to evaluate and consider the remaining Bids/Proposals that achieve the Goals or demonstrate Good Faith Efforts and to develop a recommendation to the District for award of the Contract.

11. POST-AWARD CONTRACT ADMINISTRATION AND COMPLIANCE PROCEDURES

11.1 Upon award of a Contract by the District that includes Goals that are met, the Goals become covenants of performance by the Contractor in favor of the District.

11.2 Prior to Contract closeout, and at any time after contract award, including upon submission of a contract amendment or change order, the HUB Program Director shall evaluate the Contractor's overall fulfillment of the contracted Goals, taking into account all approved substitutions, terminations and changes to the Contract's scope of work. Should the HUB Program Director find the Contractor to have fulfilled the contracted Goals, the HUB Program Director shall so state in writing to the contract manager; the Contractor must first address issues to the satisfaction of the HUB Program Director before proceeding with any change. Should the HUB Program Director find the Contractor has not fulfilled the contracted Goals, the HUB Program Director shall provide the reasons for such conclusion and shall state in writing to the contract manager. The HUB Program Director may monitor and evaluate any contract at any time.

11.3 The HUB Utilization Plan constitutes intent to use the HUBs listed. The Contractor cannot make changes to the HUB Utilization Plan or substitute Subcontractors listed in the HUB Utilization Plan without the prior written approval of the HUB Program Director. Unauthorized changes or substitutions shall be a violation of this Policy, and may constitute grounds for rejection of the
Bid or Proposal or cause termination of the executed Contract for breach, and/or subject the Bidder/Proposer to Contract penalties or other sanctions.

11.4 All requests for changes or substitutions of the Subcontractors listed in the HUB Utilization Plan shall be made to the HUB Program Director in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute a Subcontractor or self-perform the work designated for a Subcontractor in the HUB Utilization Plan with its own forces unless and until the HUB Program Director approves such substitution in writing. A Contractor shall not allow a substituted Subcontractor to begin work until both the HUB Program Director and the District's Executive Director of Construction Management have approved the substitution.

11.5 Substitutions of the Subcontractor/Subconsultant shall be documented and permitted only for the following reasons:

1. Unavailability after receipt of reasonable notice to proceed. The Contractor/Consultant must obtain written agreement from the Subcontractor/Subconsultant that they are unavailable and a substitution is acceptable;
2. Failure of performance;
3. Financial incapacity;
4. Refusal by the Subcontractor to honor the Bid or Proposal price;
5. Mistake of fact or law about the elements of the scope of work of a Solicitation where a reasonable price cannot be agreed;
6. Failure of the Subcontractor to meet insurance, licensing or bonding requirements;
7. The Subcontractor's withdrawal of its Bid or Proposal;
8. AISD requested change in scope of work that reduces/eliminates use of Subcontractor/Subconsultant; or
9. Subcontractor/Subconsultant is no longer in business.
10. Failure of the Subcontractor/Subconsultant to sign a contract.

11.6 The HUB Subcontractor/Subconsultant shall have the right to cure before any substitution is considered. The HUB Subcontractor/Subconsultant shall be given an amount of time to cure that the HUB Program Director deems reasonable, depending on the nature of the problem and the critical path schedule as determined by the Executive Director of Construction Management.

11.7 Substitution with like-kind HUB firms is preferred. Unless the goals have been met, Good Faith Effort is required prior to use of non-HUB Subcontractor/Subconsultant and shall be undertaken within the critical path schedule as determined by the Executive Director of Construction Management.
12. PROGRAM RESPONSIBILITIES

12.1 Administration: The District’s HUB Program Office has overall responsibility to interpret, administer, and enforce HUB Program policies, standards, definitions, criteria, and procedures to govern the implementation, interpretation, and application of this program in a manner to achieve its stated objectives and purposes.

12.2 Reporting: The HUB Program Director shall be responsible for reporting to the District Board of Trustees on a bi-annual basis, or as directed by the Board of Trustees, regarding the District’s progress toward satisfying the HUB Program policy objectives, and to make recommendations for any necessary adjustments or amendments to the policy and administration of the HUB Program to fully effectuate its purposes. To this end, the HUB Program Director shall also have oversight responsibility to ensure that appropriate data tracking systems are maintained by the District to enable accurate reporting on the relative availability and utilization of the District Prime Contractors, subcontractors, and vendors by race and gender of business ownership, and by industry.

12.3 Contract Administration:

(1) The District’s applicable Department overseeing the designated contract shall have primary responsibility for ensuring that contract specifications relating to the HUB Program requirements are included in all appropriate bid documents. Compliance with such HUB Program bid specifications shall be material in determining whether a bid or proposal is responsive;

(2) The applicable Department overseeing the designated contract is also responsible for ensuring that such specified HUB Program requirements are appropriately incorporated and included in all contract documents; and

(3) The applicable Department overseeing the designated contract shall be primarily responsible for informing the HUB Program Director of change orders and contract amendments, including proposed changes to Subcontractors/Subconsultants’ participation on a contract.

(4) All HUB Subcontractors/Subconsultants listed in the HUB Utilization Plan shall be invited to pre-construction meetings for Subcontractors and pre-design meetings for Subconsultants.

12.4 Complaints: Program abuse, suspected fraud, or any violation of this program’s rules and standards shall be referred to the HUB Program Director or the District’s Internal Audit Department’s Anonymous Reporting Hotline for investigation, review, and appropriate sanctions or resolution.

13. RACE AND GENDER NEUTRAL MEASURES TO ENSURE EQUAL OPPORTUNITY FOR ALL CONTRACTORS

13.1 The HUB Program Director shall develop and use measures to facilitate the participation of all Business Enterprises in the District contracting activities with
respect to Construction and Professional Services. These measures shall include, but are not limited to:

1. Arranging Solicitation times for the presentations of Bids, quantities, specifications, and delivery schedules so as to facilitate the participation of interested Contractors and Subcontractors;
2. Segmenting contracts so as to facilitate the participation of Business Enterprises;
3. Providing timely information programs on contracting procedures, Bid preparation, and specific contracting opportunities;
4. Holding pre-Bid conferences, where appropriate, to explain the projects and to encourage other Contractors to use all available Business Enterprises as Subcontractors;
5. Adopting prompt payment procedures, including requiring by Contract that Prime Contractors pay Subcontractors (and Consultants pay Subconsultants, as the case may be) within 10 calendar days of receipt of payment from the District and, where appropriate, issuing joint checks to Contractors and Subcontractors (or, as the case may be, to Consultants and Subconsultants);
6. Collecting information from all Prime Contractors/Consultants on the District Contracts detailing the bids received from all Subcontractors/Subconsultants for the District Contracts and the expenditures to Subcontractors/Subconsultants utilized by Prime Contractors/Consultants on the District Contracts;
7. Implementing a continuous improvement process for information flow between Contractors/Consultants and the District;
8. Reviewing bonding and insurance requirements to eliminate unnecessary barriers to contracting with the District;
9. Referring complaints of discrimination to the appropriate state or federal agency for investigation and resolution, or taking other action as appropriate;
10. Implementing practices that encourage the utilization of vendors and Small Business Enterprises;
11. Implementing evaluation and award practices that support the encouragement of vendors and Small Business Enterprises.

14. VIOLATIONS AND SANCTIONS

14.1 It is a violation of this Policy to:

1. Fraudulently obtain, retain or attempt to obtain, retain or aid another in fraudulently obtaining, retaining or attempting to obtain or retain Certification status as a HUB.
2. Falsify, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements, reports, or representations, or make use of any false writing, document, or electronic report knowing the same to contain
any false, fictitious, or fraudulent statement or entry pursuant to the terms of this Policy.

(3) Make false statements to any entity that another entity is or is not certified as a HUB

(4) Make false reports regarding payments made to Subcontractors/Subconsultants.

14.2 Any person who violates the provisions of this section shall be subject to the following sanctions and to the maximum penalty provided by law:

(1) A Bidder, Proposer, Contractor, Subcontractor, or applicant for certification is subject to being barred, suspended, or deemed non-responsible in future the District Solicitations and contracts for a period up to five years after notice and an opportunity for a hearing.

(2) The District may by Contract, where appropriate and lawful, impose an administrative penalty.

14.3 In addition to other sanctions available to the District, the violation of any provision of this Policy may be included as an incident of breach in each Contract.

14.4 The HUB Program Director may audit any contract or project at any time for compliance with the HUB Utilization Plan.

14.5 The HUB Program Director may request additional documentation of Good Faith Effort at any time and the Bidder/Proposer, Contractor or Consultant shall provide the documentation requested within 10 business days.

15. EFFECTIVE DATE

15.1 The HUB Policy shall become effective on November 15, 2016.

16. SUNSET DATE

16.1 The HUB Policy shall sunset on December 31, 2021, unless the District Board of Trustees affirmatively decides that the program should continue.