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# MBE/WBE Goal Setting & Procurement Compliance

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# MBE/WBE Goal Setting & Procurement Compliance

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4c.

- Presentation Objectives:
  - Highlight COA's MBE/WBE Ordinances related to Goal Setting & Good Faith Effort (GFE) Processes
  - Provide overview of goal setting methodology, processes and determinations on COA Projects
  - Review Prime Contractors GFE Requirements
  - Present COA's internal GFE Review Processes & Administrative Procedures



# COA Goal Setting Methodology

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- § 2-9(A-D)-18 Establishes Annual Participation Goals
- Cumulative Goal for Minority Groups & Separate Goal for Women
- Based on availability of MBEs and WBEs in the City's Marketplace
- Expressed as percentages for each Minority and Women under each type of Contract.



# COA Goal Setting Methodology

- § 2-9(A-D)-18 Establishes Annual Participation Goals

Group	Construction	Professional Services	Nonprofessional Services	Commodities
African-American	1.7%	1.9%	2.5%	0.3%
Hispanic	9.7%	9.0%	9.9%	2.5%
Native/Asian American	2.3%	4.9%	1.7%	0.7%
MBE	13.7%	15.8%	14.1%	3.5%
WBE	13.8%	15.8%	15.0%	6.2%



# COA Goal Setting Methodology

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- § 2-9(A-D)-19 ESTABLISHMENT OF MBE/WBE PARTICIPATION LEVELS FOR INDIVIDUAL CONTRACTS
- All COA's solicitations are reviewed for project specific goals
- Exceptions:
  - Solicitations under \$58,000
  - Professional Service Contracts Annual Industry Goals
  - Interlocal Agreements
  - Solicitations exempted from M/WBE Program (SMBR M/WBE Rules Section 1.2)



# Setting Goals

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- Solicitation document provide details of project
- Trade Summary Sheet identifies scopes of work
- Percentages reflect the anticipated amount of materials/supplies and services



# Trade Summary Example

**Trade Summary**

Solicitation Number: FB 6100 CLMC605  
 Solicitation Name: ABA Stormwater Channel Improvements/Repair  
 Solicitation Type: Construction Project  
 Solicitation Phase: Phase 1  
 Solicitation Requestor: Vonsten, Alison  
 Solicitation Estimate: \$1,664,913  
 SMBR Contact:

**Add Commodity Codes**

Get Commodity Codes from Trade Summary Templates.  
 Templates have a predefined list of commodity codes commonly used for the type of trade summary.  
 Choose a template:

**Commodity Codes**

Value entry type: Percentages  Availability List  Download XLS

Category	Code	Description	Base-Amt	%
Goods	21016	Concrete Beams, Channels, Roof Decks, Etc., Prestr	1,420	
Goods	65834	Pipe, Concrete	1,810	
Goods	7503542	Rip Rap, Concrete	20,750	
Goods	75070	Ready-Mix Concrete	0,520	
Construction	90976	Site Work	2,440	
Non-Professional	91059	Pest Control (Incl Termites Insp, Birds, Rodent)	0,010	
Construction	9122345	Headwalls, Concrete, This Work Shall Consist Of Fu	0,900	
Construction	91244	Excavation Services	18,850	
Construction	91268	Management, Construction	13,020	
Construction	9135039	Embankments, Construction Of, This Work Shall Cons	1,270	
Non-Professional	9157297	Photography, Construction	0,010	
Non-Professional	96836	Dust Control Watering	0,010	
Non-Professional	96877	Survey (Not Aerial Or Research	0,020	
Non-Professional	96814	Erosion Control Services	31,710	
Non-Professional	96815	Fence Installation And Repair	0,750	
Non-Professional	96838	Hydromulching Services	0,210	
Non-Professional	96852	Landscaping (Including Design, Fertilizing, Planting	6,220	
<b>Total:</b>			<b>100 %</b>	



# Project Specific Goal Calculation

formula:

$$\frac{\text{No. of Certified Vendors (Per Ethnicity)} \times \% \text{ of Scope}}{\text{Total Vendors}}$$

**eCAPRIS**  
Capital Project Reporting and Information System

Tamela Saldana | My eCAPRIS | Projects | Subprojects | FDUs | Solicitations | Contracts | Task Orders | Bonds | Requisitions | Reports | Logout

**Calculated Project Specific Goals**

Solicitation Number: IFB 6103 CLM0605 | Solicitation Name: ABIA Stormwater Channel Improvements/Repair | Solicitation Type: Construction Project

Solicitation Requestor: Vonstein, Alison  
Estimated Cost: \$1,864,913  
Solicitation Phase: Phase 1  
Goals Approved: No  
SMBR Contact:

**Availability Lists**

There are no saved Availability Lists

**Goal Calculation for Availability 06/06/2016**

Comm Code Desc	Comm Code	TS %	#	Hiap	Afr	Asi	Ntv	MBE	WBE	Non Cert	Total	#	#	#	WtAvg			
Concrete Beams, Channels, Roof Decks, etc., Preslr	21016	1.420	0	0.00	0	0.00	0	0.00	0	0.09	28	30	6	0.28				
Pipe, Concrete	65834	1.810	1	0.04	3	0.13	0	0.00	1	0.04	5	0.21	3	0.13	35	43	7	0.29
RIP RAP, CONCRETE	7503542	20.750	0	0.00	1	0.58	0	0.00	0	0.00	1	0.58	0	0.00	34	36	4	2.31
Ready-Mix Concrete	75070	0.520	1	0.01	0	0.00	0	0.00	1	0.01	0	0.00	34	36	3	0.04		
Site Work	90976	2.440	11	0.12	5	0.05	2	0.02	0	0.00	18	0.20	3	0.03	199	223	21	0.23
Pest Control (incl Termite Insp, birds, rodent)	91059	0.010	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00	53	54	1	0.00		
HEADWALLS, CONCRETE, THIS WORK SHALL CONSIST OF FU	9122345	0.980	7	0.05	2	0.01	0	0.00	1	0.01	10	0.07	3	0.02	131	146	17	0.11
Excavation Services	91244	18.850	15	0.85	6	0.34	0	0.00	1	0.06	22	1.25	4	0.23	305	333	27	1.53
MANAGEMENT, CONSTRUCTION	91268	13.020	15	0.47	16	0.50	4	0.13	2	0.06	37	1.17	8	0.25	360	413	47	1.48
EMBANKMENTS, CONSTRUCTION OF THIS WORK SHALL CONS	9135039	1.270	4	0.05	1	0.01	0	0.00	0	0.00	5	0.06	0	0.00	93	99	7	0.09
PHOTOGRAPHY, CONSTRUCTION	9157297	0.010	4	0.00	5	0.00	2	0.00	0	0.00	11	0.00	3	0.00	106	120	16	0.00
Dust Control Watering	96836	0.010	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	5	5	0	0.00
SURVEY (NOT AERIAL OR RESEARCH	96877	0.020	4	0.00	0	0.00	1	0.00	1	0.00	6	0.00	9	0.00	108	126	19	0.00
Erosion Control Services	96814	31.710	5	1.62	2	0.65	0	0.00	0	0.00	7	2.27	4	1.29	87	98	11	3.56
Fence Installation and Repair	96815	0.750	4	0.03	1	0.01	0	0.00	0	0.00	5	0.04	3	0.02	95	104	6	0.04
Hydromulching Services	96839	0.210	1	0.00	2	0.01	1	0.00	0	0.00	4	0.01	4	0.01	52	60	5	0.02
Landscaping (Including Design, Fertilizing, Planting	96852	6.220	9	0.19	4	0.08	2	0.04	0	0.00	15	0.31	8	0.16	279	302	22	0.45
<b>Total:</b>		100 %	81	3.43	48	2.37	12	0.19	6	0.17	147	6.18	55	2.23	2004	2228	219	10.43

Recommend Calculated Goals | Go to Goals

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# Availability List

- Certified Vendors

eCAPRIS: City of Austin Project Reporting and Information System - Internet Explorer

http://ecapris.ci.austin.tx.us/index.cfm?fuseaction=tradeSum Search | AustinTexas.gov - The... eCAPRIS: City of Austin Proj... X

X Find: 580 Previous Next Options

**eCAPRIS**  
Capital Project Reporting and Information System

Jessica Oberembt My eCAPRIS Projects Subprojects FDU's Solicitations Contracts Task Orders Bonds Requisitions Reports Logout

**Searches**

Project  
Subproject  
FDU  
Solicitation  
Contract  
Task Order  
Requisition  
Vendor

**Availability List**

Solicitation Number	Solicitation Name	Solicitation Type
IFB 6100 CLMC605	ABIA Stormwater Channel Improvements/Repair	Construction Project

Solicitation Phase: Phase 1  
Solicitation Requestor: Vonstein, Allison  
Solicitation Estimate: \$1,864,913  
SMBR Contact:

**Lists**

Rotation Lists

**Subprojects**

Subproject Impact

**Availability List Snapshots**

Snapshot No	Snapshot Date	Saved By	Reason	Trade Summary Version No	Trade Summary Version Date	Bid Packet	GFE	Bid Opp	Report	Labels
There are no availability list snapshots.										

**Availability on 06/07/2016** Export All Save Snapshot

Vendor Code	MWBE	G	Ethnicity	Certified Status	Certified End	60 Day Grace	Vendor Name
21016			Concrete Beams, Channels, Roof Decks, etc., Prestr				
VS0000025470	NCD						A to Z Construction, L.L.C.
VS0000018046	NC	M	Hispanic	Pending			ALD VERDE LLC
ALL8308463	NON	M	Asian				ALL STAR CONCRETE INC
VS0000035619	NON						AUGUSTINE PERALES
V00000909325	NCNR	M	African American	New			Adams Construction Group
VS0000023011	NON	F	Hispanic	Pending			Almanza Construction
SBR8309163	NON	M					BRINKNER GENERAL CONTRACTING INC
V00000921132	WDB	F	Caucasian	Certified	09/26/2017	11/25/2017	BULLCHASE, INC.
V00000926282	NON	M	Caucasian				Brian James Spacek
VS0000002296	NON						CDC Publishing LLC

**Contracts**

Monitoring  
Violations Report  
Monthly Notices

**Solicitations**

Advertisements  
Solicitation Calendar  
Solicitation Request

**User Resources**

Trade Summaries  
Change Appearance  
Change Password  
Help



# Compliance Determination

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- City of Austin MBE/WBE compliance determined under City Code 2-9(A-D)-21(E).
- Firms are compliant by:
  - Meeting goals or
  - Demonstrating Good Faith Efforts (GFE)



# Requirement to Meet Goals

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- Bidders/Proposers must submit Compliance Plan with participation that meets or exceeds solicitation goals
- For any ethnic category where goals are not met, the bidder must demonstrate GFE.



# Counting Participation

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- Ensure the following:
  - Firm is certified by the City of Austin
  - Firms are certified for commodity codes on Compliance Plan




# Counting Participation (cont.)

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- Prime certified firms may count their own participation
- Every level of subcontractor participation may be counted toward the goals
- Dually certified firms can be counted as either MBE or WBE but not both





# Minimum Requirements to Achieve<sup>4c.</sup> Good Faith Efforts (GFE)

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- Notify Certified Firms, using two separate verifiable methods, at least seven business days prior to submission of bid/proposal (fax, e-mail, mail or phone call)
  - Notices should contain project requirements, addenda, contact information and due dates for responding



# Minimum Requirements (cont.)

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- Follow up with interested MBE/WBE firms
- Negotiate in good faith with interested MBEs and WBEs
- Publish notice in a local publication (i.e. newspaper, trade association publication, or social/electronic media)



# Minimum Requirements (cont.)

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- Seek services of trade associations and other minority and women community organizations
- Contact SMBR for assistance
- Select portions of work that will increase MBE/WBE opportunities





# Additional Considerations

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- Assist MBE/WBE firms with:
- Bonding, lines of credit, and insurance
- Obtaining necessary equipment, supplies, materials, or related services



# Good Faith Effort Clarifications

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- Self performance does not relieve the Bidder/Proposer of the responsibility to demonstrate GFE
- Bidders/Proposers should not disqualify MBE/WBE firms without sound reasons



# Good Faith Efforts Clarifications<sup>4c.</sup> (cont.)

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- Bid Shopping is prohibited
- SMBR may consider the performance of other bidders/proposers in meeting the goals



# Good Faith Effort Review

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- Verifies all M/WBE in the SLB were contacted
- Verifies two outreach efforts
- Evaluate GFE to provide subcontracting opportunities
- Verify ad was placed in local or minority publication
- Verify contact was made with minority contracting and business organizations
- Verify contact was made to SMBR
- Send GFE Survey to M/WBEs for ethnic category where goal was not met.



# Meeting Goals vs GFE

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- This fiscal year to-date, 92.78% of bidders/proposers who were awarded contracts were compliant by meeting project goals

Percent of "Met Goal" Awards for FY16 To Date	92.78%
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# SMBR Offices

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website: [www.austintexas.gov/smbr](http://www.austintexas.gov/smbr)

