

M/WBE Compliance Plan & GFE

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COMPLIANCE OFFICER



Objectives

- ▶ Provide a general overview of SMBR
- ▶ Review MBE/WBE Compliance Plan
- ▶ Review specific City of Austin GFE Requirements



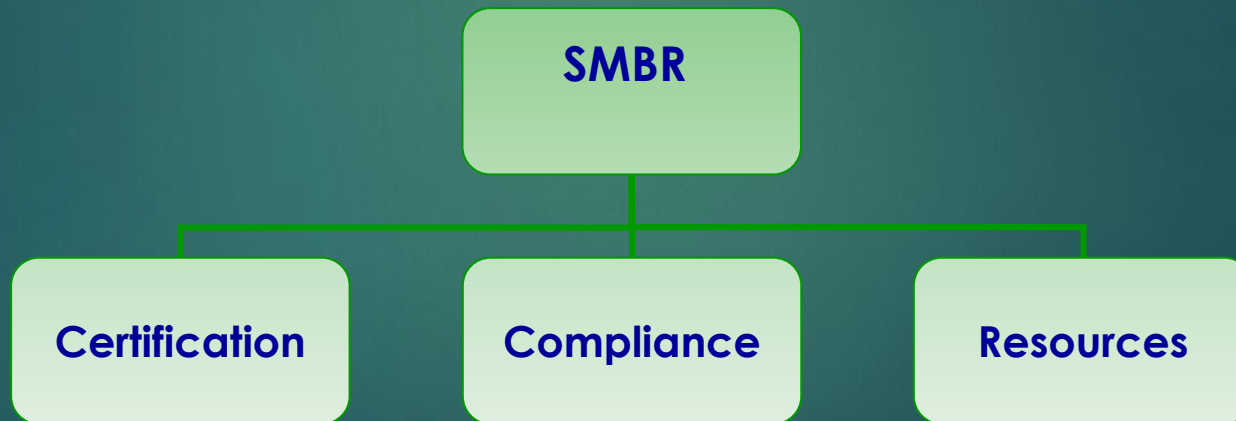
What is the MBE/WBE Program?

- ▶ City's MBE/WBE Procurement Program established in 1987
- ▶ Establishes criteria for interested Bidders/Proposers to solicit participation of certified MBEs and WBEs to meet commitments throughout project completion
- ▶ Establishes guidelines for the use of certified MBEs, WBEs, and DBEs on COA contracts & (ACDBE/DBE program governed by 49 CFR Part 26 & Part 23)



Small & Minority Business Resources

- ▶ Administer the Minority- and Women-Owned Business (MBE/WBE) Enterprise Procurement Program; and
- ▶ Certifies businesses that meet eligibility criteria for the City's M/WBE Program and the Federal DBE/ACDBE Program.
- ▶ Provide development opportunities and resources for small businesses so that they can have affirmative access to city procurement opportunities and show productive growth.



M/WBE Compliance Plan Review



M/WBE Compliance

Firms are compliant by:

- ▶ Meeting Solicitation Goals
- ▶ Meeting GFE Requirements

MBE/WBE GOALS

Annual/Project Participation Goals			Annual/Project Participation Subgoals	
MBE	_____	%	African American	_____ %
WBE	_____	%	Hispanic	_____ %
Combined MBE/WBE	_____	%	Asian/Native American	_____ %
			WBE	_____ %



CITY CODE 2-9A-20 COUNTING PARTICIPATION



City certified firms indicates that firms agree to the price and/or scope of work.



List all firms (certified and non-certified) that will participate on the contract.



Only City of Austin certified MBE/WBE firms will be counted toward the goals.



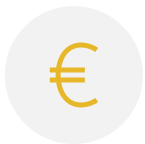
Certified MBE/WBE firms may count their own participation, less any amount subcontracted.



A certification code of M/WBE or W/MBE may be counted towards the MBE or WBE goal, but not both.



Firms dually certified with MBE/WBE code must only be used to meet MBE or WBE goal but not both.



Use only the base bid amount or the proposal amount to calculate your MBE/WBE participation.

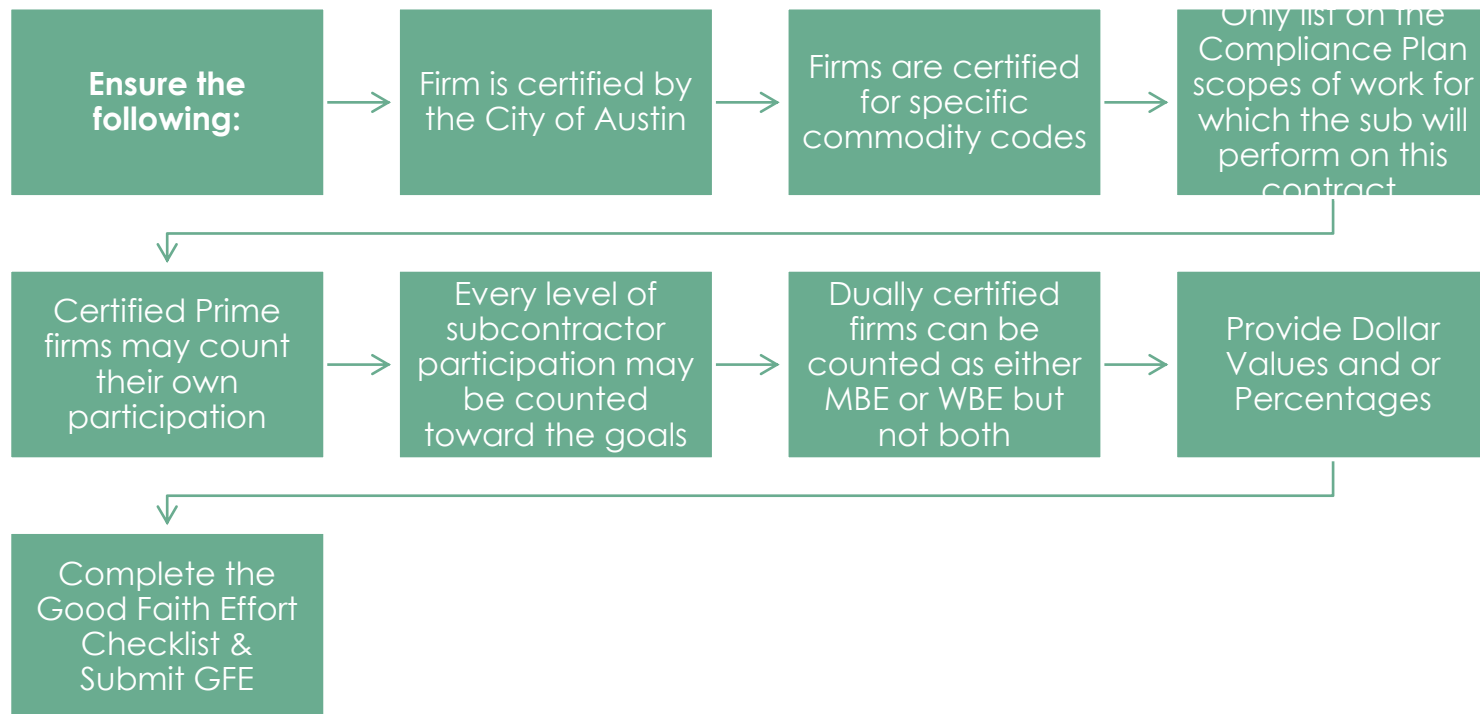


CITY CODE 2- 9A-21 GOOD FAITH EFFORTS

- ▶ When bidder cannot meet the established goals, the firm shall provide documentation of good faith efforts.
- ▶ Notify all certified firms on the availability list not less than 7 business days prior to bid closing date using two separate reasonable and verifiable methods; i.e. fax, e-mail, mail or phone.
- ▶ Publish notice in local publication
- ▶ Seek service of minority and women organizations
- ▶ Select portions of work that will increase MBE/WBE opportunities
- ▶ Negotiate with MBE/WBE firms in good faith
- ▶ Documented justification for not meeting MBE/WBE goals (*provide GFE documentation with submission*)
- ▶ Contact SMBR for assistance



MBE/WBE Compliance Plan



Section 1: MBE/WBE Goals

- ▶ Goals have been assigned to this solicitation
 - ▶ African American
2.47%
 - ▶ Hispanic
4.29%
 - ▶ Asian/Native American
1.77%
 - ▶ WBE
3.91%

- ▶ Section I of the compliance plan is autogenerated with the information specific to this solicitation

Appendix A

MBE/WBE COMPLIANCE PLAN

All applicable sections must be completed and submitted by the due date and time as indicated in the solicitation documents.

The Bidder/Proposer by submitting and signing this solicitation's 0300 form, understand and agree that the MBE/WBE Compliance Plan submitted as a part of the bid/proposal shall become a part of the contract with the City of Austin. The Bidder/Proposer further understand that the City of Austin's Minority-owned and Women-owned Business Enterprise Procurement Program Ordinance) and the Small and Minority Business Resources Department (SMBR) Rules shall apply.

Section I — Project Identification and Goals

Project Name	CMR-Colony and Givens Aquatic Facilities-Pools
Solicitation Number	RFQS 6100 CLMA032

Project Goals or Subgoals	
Combined MBE/WBE	- %
MBE	- %
African American	2.47 %
Hispanic	4.29 %
Asian/Native American	1.77 %
WBE	3.91 %



Section 2: Bidder Company Information

- ▶ All company information should match the information on Vendor Profile
 - ▶ Company Name, Address and Vendor Code
 - ▶ Contact person is who we can speak to in regards to compliance plan
- ▶ Indicate how Prime's certification status as registered/certified by COA
- ▶ Reminder: All firms MUST be registered with the COA to perform on a COA project; certification is a separate designation/process

Section II — Bidder Company Information	
Company Name	
Address	
City, State Zip	
Phone	
Fax	E-Mail
Name of Contact Person	
Is your company registered on Vendor Connection?	Yes <input type="checkbox"/> <i>If yes, provide Vendor Code _____</i> No <input type="checkbox"/> All vendors; Subconsultants and consultants must register with COA's Vendor Connect prior to award. See Link for registration information at www.austintexas.gov/vendor_registration
Is your company COA M/WBE certified?	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>(If yes, please indicate type below)</i> 1. MBE <input type="checkbox"/> WBE <input type="checkbox"/> MBE/WBE <input type="checkbox"/> Joint Venture <input type="checkbox"/> 2. AA <input type="checkbox"/> H <input type="checkbox"/> A/NA <input type="checkbox"/> WBE <input type="checkbox"/>
City of Austin SMBR Use Only	
I have reviewed this Compliance Plan and found that the Bidder HAS <input type="checkbox"/> HAS NOT <input type="checkbox"/> complied as per the City Code Chapter 2-9A through GFE.	
Reviewing Counselor _____	Date _____
I have reviewed this Compliance Plan and have found the Bidder COMPLIANT <input type="checkbox"/> NON-COMPLIANT <input type="checkbox"/>	
Director / Assistant Director _____	Date _____



Section 3: Compliance Plan Summary

- ▶ This section is a summary of Subcontractor participation in this Bid. Therefore, if there are any inconsistencies between Sections 4-7 and section 3, the calculations contained in Sections 4-7 will prevail.
 - ▶ Percentages should total 100%
- ▶ If the Bidder indicates that they did not meet the goals with certified MBE/WBE firms, then the Bidder shall submit documentation detailing their Good Faith Efforts (GFE) to meet the goals.
- ▶ Use Base Bid Amount to calculate Subcontractors' percentages, if applicable.

Appendix A

Section III — MBE/WBE Compliance Plan Summary & Statement of Responsibility

Directions:

- For each subcontractor listed in Sections IV, V, VI or VII, fill in all blanks (if applicable).
- For project participation numbers use an EXACT number.
- Goal percentages should be based on the Base Bid amount only. Allowances are not included.
- Alternates are not recorded on this MBE/WBE Compliance Plan.
- If Proposer is a certified MBE/WBE, include participation details in the Proposer box ONLY.
- MBE/WBE Compliance Plans not complying with these requirements shall be rejected as non-responsive.

Is the stated project goal of the solicitation met? (If no, attach documentation of Good Faith Efforts) Yes No

PROPOSED PARTICIPATION GOALS			
Use this section to calculate participation. Include all details including the total dollar amount and percentage for each category where applicable.			
MBE/WBE Project Goal		Proposer Participation Goal	
African American	2.47 %	\$	%
Hispanic	4.29 %	\$	%
Asian/Native American	1.77 %	\$	%
WBE	3.91 %	\$	%
MBE	- %	\$	%
MBE/WBE Combined	- %	\$	%
Non-Certified		\$	%
Total Subcontractor Amount		\$	%
Proposer's Own Participation (less any subcontracted amount)		\$	%
Are you counting your own participation toward the goals? (if yes, indicate below)		\$	%
<input type="checkbox"/> AA <input type="checkbox"/> HIS <input type="checkbox"/> A/NA <input type="checkbox"/> WBE <input type="checkbox"/> MBE			

Base Bid Amount (Subs + Proposer amount) \$ _____ 100 %



Section 4: Disclosure of Certified Subs

- ▶ All company information should match the information on Vendor Profile
 - ▶ Company Name, Address and Vendor Code
 - ▶ Contact person is who we can speak to in regards to compliance plan
 - ▶ Only indicate the codes the subcontractor agrees to perform. Do not list all scopes listed on their vendor profile.

- ▶ Note: Dually certified firms may only count towards either the MBE goal OR the WBE goal, not both.

Appendix A

Section IV — Disclosure of MBE and WBE Subcontractors
(Duplicate as Needed)

Note:

- Fill in all the blanks (use “none” or “N/A” where appropriate).
- Fill in names of MBE/WBE certified Firms as registered with City of Austin Vendor Connection.
- Select either MBE or WBE for dually certified firms to indicate which certification will count towards the MBE or WBE goal.
- List only the scopes of work that you intend the subcontractor to perform. Do not list all scopes a subcontractor can perform.
- Contact SMBR to request an availability list of certified Firms for additional scopes of work that were not included on the original availability list.

Name of MBE/WBE Certified Firm	
City of Austin Certification Data	<input type="checkbox"/> MBE <input type="checkbox"/> WBE Gender/ Ethnicity:
City Of Austin Vendor Code	
Address/ City / State / Zip	
Contact Person & Phone	
Fax & Email Address	
Commodity Codes	
Commodity Codes Descriptions	
Amount of Subcontract	\$ _____ %
Name of MBE/WBE Certified Firm	
City of Austin Certification Data	<input type="checkbox"/> MBE <input type="checkbox"/> WBE Gender/ Ethnicity:
City Of Austin Vendor Code	



Section 5: Disclosure of Non-Certified Subs

- ▶ All company information should match the information on Vendor Profile
 - ▶ Company Name, Address and Vendor Code
 - ▶ Contact person is who we can speak to in regards to compliance plan
 - ▶ Only indicate the codes the subcontractor agrees to perform. Do not list all scopes listed on their vendor profile.

Appendix A

Section V — Disclosure of Non-Certified Subcontractors
 (Duplicate as Needed)

Note:

- Fill in all the blanks (use "none" or "N/A" where appropriate).
- MBE/WBE Compliance Plans not complying with these requirements shall be rejected as non-responsive.
- Fill in names of Non-Certified Subcontractors as registered with the City of Austin.
- List only the scopes of work that you intend the subcontractor to perform. Do not list all scopes a subcontractor can perform.

Are Goals Met? Yes No If no, state reason(s) below and attach documentation:

Name of Non-Certified Subcontractor		
City Of Austin Vendor Code		
Address/ City / State / Zip		
Contact Person & Phone #		
Fax & Email Address		
Commodity Codes		
Commodity Codes Descriptions		
Amount of Subcontract	\$	%
Reason Certified Firm not used		
Name of Non-Certified Subcontractor		
City Of Austin Vendor Code		



Section 6: Disclosure of 2nd Tier Subs

- ▶ List any Subcontractors that will be 2nd tier to your 1st tier Subcontractors.
- ▶ **NOTE: Certified 2nd tier subs can count towards meeting the goals.**
- ▶ All company information should match the information on Vendor Profile
 - ▶ Company Name, Address and Vendor Code
 - ▶ Contact person is who we can speak to in regards to compliance plan
 - ▶ Only indicate the codes the subcontractor agrees to perform. Do not list all scopes listed on their vendor profile.
 - ▶ Note: Dually certified firms may only count towards either the MBE goal OR the WBE goal, not both.

Section VI — Disclosure of Second-Level Subcontractors (Duplicate as Needed)		Appendix A
Note:		
<ul style="list-style-type: none"> • Fill in all the blanks (use “none” or “N/A” where appropriate). • MBE/WBE Compliance Plans not complying with these requirements shall be rejected as non-responsive. • Fill in names of Second-Level Subcontractors as registered with the City of Austin. • List only the scopes of work that you intend the subcontractor to perform. Do not list all scopes a subcontractor can perform. 		
Name of Second-Level Subcontractor		
City of Austin Certification	<input type="checkbox"/> No <input type="checkbox"/> MBE <input type="checkbox"/> WBE	Gender/ Ethnicity:
City Of Austin Vendor Code		
Address/ City / State / Zip		
Contact Person & Phone #		
Fax & Email Address		
Commodity Codes		
Commodity Codes Descriptions		
Amount of Subcontract	\$	%
First-Level Subcontractor		
Name of Second-Level Subcontractor		
City of Austin Certification (choose one)	<input type="checkbox"/> No <input type="checkbox"/> MBE <input type="checkbox"/> WBE	Gender/ Ethnicity:
City Of Austin Vendor Code		
Address/ City / State / Zip		



Section 7: Disclosure of Primary and Alternate Trucking Subs

- ▶ All company information should match the information on Vendor Profile
 - ▶ Company Name, Address and Vendor Code
 - ▶ Contact person is who we can speak to in regards to compliance plan
 - ▶ Only indicate the codes the subcontractor agrees to perform. Do not list all scopes listed on their vendor profile.
 - ▶ Note: Dually certified firms may only count towards either the MBE goal OR the WBE goal, not both.
- ▶ You may list haulers in Section 7 and the corresponding section 4-6 to ensure proper counting of participation

Appendix A

Section VII — Disclosure of Primary and Alternate Trucking Subcontractors
(Duplicate as Needed)

Note:

- Fill in all the blanks (use “none” or “N/A” where appropriate).
- MBE/WBE Compliance Plans not complying with these requirements shall be rejected as non-responsive.
- List only the scopes of work that you intend the subcontractor to perform. Do not list all scopes a subcontractor can perform.
- Fill in names of Primary and Alternate Trucking Subcontractors as registered with the City of Austin.

Primary Trucking Subcontractor	
City of Austin Certification	<input type="checkbox"/> No <input type="checkbox"/> MBE <input type="checkbox"/> WBE Gender/ Ethnicity:
City Of Austin Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone:
Commodity Codes	
Commodity Codes Descriptions	
Amount of Subcontract	\$ _____ %

Alternate Trucking Subcontractor	
City of Austin Certification	<input type="checkbox"/> No <input type="checkbox"/> MBE <input type="checkbox"/> WBE Gender/ Ethnicity:
City Of Austin Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone:
Commodity Codes	
Commodity Codes Descriptions	



Section 8: Good Faith Efforts Check List

- ▶ Is each stated project goal of the solicitation met?
 - ▶ If “Yes”, GFE requirements are satisfied
 - ▶ If “No”, perform GFE as indicated in the Section 8 Checklist.

Appendix A

Section VIII — MBE/WBE Compliance Plan Check List

Is each stated project goal of the solicitation met?
Yes No

(If no, complete and submit Section VIII Compliance Plan Check List)

If the goals or subgoals were not achieved, all questions in Section VIII *must* be completed and Good Faith Efforts documentation must be submitted with the MBE/WBE Compliance Plan. The completion and submission of this form is not required if the above question is answered *Yes*.

Is the following documentation attached to support good faith effort requirements to achieve goals or subgoals?		
• Copy of written solicitation sent to MBE/WBEs in SLBP area 7 business days prior to the submission of this Compliance Plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>
• Two separate methods of notices sent to MBE/WBEs in SLBP area Indicate notice types: fax transmittals emails phone log letters	Yes <input type="checkbox"/>	No <input type="checkbox"/>
• Copy of advertisements placed in local publication	Yes <input type="checkbox"/>	No <input type="checkbox"/>
• Copy of notices sent to Minority and Women organizations	Yes <input type="checkbox"/>	No <input type="checkbox"/>
• Documentation that demonstrates additional GFEs: <ul style="list-style-type: none"> ○ Efforts to assist interested MBEs/WBEs in obtaining bonding, lines of credit, or insurance as required by the City or contractor ○ Efforts to assist interested MBEs/WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services ○ Efforts made to reach agreements with the MBE/WBEs who responded to Bidder's written notice 	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Were additional elements of work identified to achieve the goals or subgoals? Yes No
If yes, please explain: _____

Was SMBR contacted for assistance? Yes No
If yes, complete following:
Contact Person: _____
Date of Contact: _____
Summary of Request: _____

Were Minority or Women organizations contacted for additional assistance? Yes No
If yes, complete following:
Organization(s): _____
Date of Contact: _____
Summary of Request: _____



Meeting GFE Requirements

Notify Certified Firms using two separate verifiable methods seven business days prior to bid date (fax, e-mail, mail or phone call)

Notices should contain project requirements, addenda, contact information and due dates for responding

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)



Meeting GFE Requirements

Seek

Seek services of trade associations and other minority and women community organizations

Contact

Contact SMBR for assistance

Select

Select portions of work that will increase MBE/WBE opportunities





Document Assistance
to MBE/WBE firms with:



Bonding, lines of
credit, and insurance



Obtaining necessary
equipment, supplies,
materials, or related
services

Additional GFE



GFE Verification Form

21



GOOD FAITH EFFORT(GFE) FOLLOW-UP VERIFICATION Subcontractor Questionnaire

Please complete and return by **05/10/2019** before **5pm**.

From/Return To:

Laura Moreno
Laura.Moreno@austintexas.gov
Phone: 974-6668
Fax: 512-974-7601

Project Name

East Austin
Neighborhood Center
Roof Replacement

Solicitation Number

IFB 6100 CLMC731

COA Project Manager

Mark Northcutt
974-3960

Apparent Bidder

[REDACTED]

Note: You may contact the designated points of contact(s) if you have any questions about the project or bid questions, Monica Lopez, Capital Contracting Office, is the designated contact and can be reached at 974-7057.

1. Did your firm receive a solicitation from Betty Foster?

- Yes
 No

If Yes, please indicate method.

- Email Fax Telephone U.S. Mail
 Other (Please indicate) _____

Please indicate date received.

2. Did your firm receive additional bid opportunity notices from:

- SMBR
 Newspaper or other publication
 Trade Association
 Other (Please indicate) _____

If you received additional bid opportunity notices from a Trade Association, please indicate which association.



GFE Verification Form

3. Did your firm submit a bid/proposal to Betty Foster?

- Yes
- No

If No, indicate why and check all that apply.

- Scope(s) unclear
- Scope(s) N/A
- Funding
- Staffing
- Bonding
- Workload
- Other

4. What scopes of work were included in the bid/proposal?

5. What was the bid/proposal amount?

6. Please submit an electronic copy of your bid/proposal with this questionnaire to SMBR.

7. Are you a member of a Business Development Organization?

- Yes
- No

If Yes, please indicate.

- Hispanic Contractors Association
- Asian American Contractors Association
- Black Contractors Association

Additional comments

Firm Representative

Phone or email address



Reminders/Tips

23



Review solicitation documents for project goals



Verify MBE/WBE certifications



Use the availability list and contact SMBR if additional scopes of work are identified



Attach good faith effort documentation if goals are not met



M/WBEs please respond to the GFE Survey



Compliance Team

SEND ALL COMPLIANCE REQUEST TO:
SMBRComplianceDocuments@austintexas.gov

24

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(512) 974-7758

Amy Amaya
(512) 974-7605

Tracy Burkhalter
(512) 974-7699

Veronica Hawkins
(512) 974-7639



Thank You

We appreciate your feedback. Please complete our CIP Academy survey by clicking the link or scanning the QR Code below.



<https://www.surveymonkey.com/r/CIPAcademy8192020>

Be sure to visit our webpage to learn more about upcoming CIP Academy sessions!

<http://www.austintexas.gov/departments/cip-partners-academy>

