

CITY OF AUSTIN



CITY CODE CHAPTER 2-9C NON-PROFESSIONAL SERVICES MBE/WBE PROCUREMENT PROGRAM

Project Name: Catering and Concessions Services

Project/Solicitation Number: PAX0105

Date: October 17, 2011

FEBRUARY 2010

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MBE/WBE GOALS

Annual/Project Participation Goals:			Annual/Project Participation Subgoals:		
MBE	12.8	%			
	13.8	%	OR	African American	NA %
WBE	13.8	%		Hispanic American	NA %
	13.8	%		Asian/Native American	NA %
				WBE	NA %

OVERVIEW

This document should be read in conjunction with the City of Austin’s Minority-owned and Women-owned Business Enterprise Procurement Program for Construction (Chapter 2-9C of the Austin City Code) and the Small and Minority Business Resources Department (SMBR) Rules. The definitions contained in Chapter 2-9C apply to this document. Copies of Chapter 2-9C and SMBR Rules may be obtained online at <http://www.ci.austin.tx.us/smbr/rules.htm> or from SMBR, 4201 Ed Bluestein, Austin, Texas 78721 (512) 974-7600.

Firms or individuals submitting bids for this solicitation agree to abide by the City’s MBE/WBE Procurement Program and Rules. The City’s MBE/WBE program is intended (1) to promote and encourage MBEs and WBEs to participate in business opportunities with the City of Austin; (2) to afford MBEs and WBEs an equal opportunity to compete for work on City contracts; and (3) to encourage contractors to provide subcontracting opportunities to certified MBEs and WBEs by soliciting such Firms for subcontracting opportunities. The City of Austin and its contractors shall not discriminate on the basis of race, color, national origin, disability, or gender in the award and performance of contracts.

The City encourages Bidders to achieve the MBE/WBE participation goals and subgoals for this contract. However, Bidders may comply with the City Code and Rules without achieving the participation goals so long as they make and document Good Faith Efforts that would allow MBE and WBE participation per Section 2-9C-21 of the City Code and Section 9.1 of the Rules. Bidders that do not meet the project’s goals and subgoals are subject to Good Faith Efforts review.

Prior to the due date and time specified in the City’s solicitation documents, all Bidders (including those Firms certified as MBE/WBEs) shall submit: (1) an *MBE/WBE Compliance Plan* (Appendix A); and (2) if the project goals are not met, all appropriate documentation to demonstrate Good Faith Efforts to meet the project goals. Any questions regarding preparation of the *Compliance Plan* should be directed to SMBR at (512) 974-7600. Such contact will not be a violation of the anti-lobbying ordinance.

The City has implemented Anti-Lobbying Ordinance 20071206-045 (Chapter 2-7 of the Austin City Code). Under Chapter 2-7, there is a “no-contact” period from the date the City issues a solicitation until 2-9C

the contract is executed. During the “no-contact” period, a person responding to a City solicitation can speak only to the contract’s authorized contact person regarding their solicitation response. Chapter 2-7 allows certain exceptions; for instance, a person responding to a City solicitation may speak to SMBR regarding this *Compliance Plan*. See the full language of the Ordinance, City Chapter, or solicitation documents for further details.

If the *Compliance Plan* and Good Faith Efforts documentation are not submitted prior to the due date and time specified in the solicitation documents, the bid will be deemed non-responsive and not be accepted for consideration.

COMPLIANCE PLAN INSTRUCTIONS

(See Appendix A)

SMBR may request written clarification of items listed on the *Compliance Plan*. However, there will be no further opportunity for the Bidder to augment the MBE/WBE participation originally listed in the *Compliance Plan* or to demonstrate Good Faith Efforts that were not made prior to the submission of the *Compliance Plan*. Changes to the *Compliance Plan* are permitted only after contract execution and only with prior written approval of SMBR.

Please type or clearly print all information, use “none” or “N/A” where appropriate, and sign and date the *Compliance Plan* as indicated. Please fill in all the blanks and use EXACT numbers. DO NOT USE: “approximate,” “plus or minus (+ -),” “up to,” “to be determined (TBD),” < >, or any other qualifying language.

***Compliance Plans* not complying with *Compliance Plan* Instructions shall be rejected as non-responsive. Submissions not utilizing the forms provided with the solicitation may render the submission nonresponsive or noncompliant.**

Section I Project Identification and Goals

This section includes the pre-printed Project Name, Project/Solicitation Number, and goals and/or subgoals. The Bidder does not need to fill in any information under Section I.

Section II Prime Company Information

The Bidder should complete this section with its information and sign in the space provided. The portion of Section II marked as “Reserved for City of Austin SMBR Only” should be left blank.

Section III *Compliance Plan* Summary

This section is a summary of subcontractor participation in this Bid. Bidder should complete Sections IV-VII, described below, before attempting to complete Section III. After completing Sections IV-VII, calculate the percentage of MBE/WBE participation for each goal and enter the information in the blanks provided. Because Section III is a summary, if there are any inconsistencies between Sections IV-VII and Section III, the calculations contained in Sections IV-VII will prevail.

Section IV Disclosure of MBE and WBE Participation

Please list all certified MBE/WBEs subcontractors using the legal name under which they are registered to do business with the City of Austin and the value of the work they will be performing themselves except for subcontractor(s) that will be performing the trucking or hauling scope of work (see Section VII below). Do not include the value of work that the MBE/WBE’s subcontractors will be subcontracting to second-level subcontractors. By listing certified MBE and WBE Firms on the *Compliance Plan*, the Bidder indicates that both parties acknowledge the price and scope of work and that they are prepared to contract for that price and scope if the City awards the project to the Bidder. Unit price subcontracts are acceptable if appropriate to the type of work being performed. A Letter of Intent (LOI) does not replace a binding contract between a prime contractor and a subcontractor.

Before completing Section IV of the *Compliance Plan*, please read the following instructions regarding how to count MBE/WBE participation:

(A) Only the value of the work actually performed by the MBE/WBE shall be counted toward the goals. This includes:

- (1) work performed by the MBE/WBE's own forces;
- (2) the cost of supplies, materials, or equipment purchased, leased, or otherwise obtained by the MBE/WBE for the work of the contract (except that supplies, materials, and equipment purchased or leased from the prime contractor or its affiliate may not be counted toward the goal); and
- (3) fees or commissions charged by an MBE/WBE 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, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services.

(B) When a Bidder purchases supplies, materials, or equipment from an MBE/WBE, the cost of those supplies, materials, or equipment shall be counted toward the goals as follows:

- (1) If the supplies, materials, or equipment are obtained from an MBE/WBE that is a Manufacturer or Regular Dealer, 100 percent of the payment for the supplies, materials, or equipment shall be counted toward the goals.
- (2) If the supplies, materials, or equipment are obtained from an MBE/WBE that is neither a Manufacturer nor a Regular Dealer, the cost of the materials and supplies themselves shall not be counted toward the goals. However, fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, may be counted toward the goals if the payment of such fees is a customary industry practice and such fees are reasonable and not excessive as compared with fees customarily allowed for similar services.

(C) When an MBE/WBE subcontractor listed on the *Compliance Plan* subcontracts part of the work of its contract to another Firm, the value of that second-level subcontracted work may not be counted toward the goals based on the initial subcontractor's MBE/WBE certification. Please see Section VI for an explanation of how to count the value of second-level subcontractors' work.

(D) A Firm owned by a minority woman may be certified as both an MBE and a WBE (dual certified). On a single contract, the value of the work performed by a dual certified subcontractor may not be counted toward both the MBE and the WBE goals. The Bidder must decide whether to designate the dual certified subcontractor as an MBE or a WBE in the *Compliance Plan* for the purpose of meeting the goals set for that contract. That designation may not be changed for the duration of the contract.

(E) When an MBE/WBE performs as a participant in a certified Joint Venture, only the portion of the contract value that is the result of the distinct, clearly defined portion of the work that the

MBE/WBE performs with its own forces and for which it is at risk shall be counted towards the project goals. For more specific information regarding requirements and evaluations of certified MBE/WBE Joint Ventures, please see the City's Program Rules or contact SMBR's Certification Division.

(F) Only expenditures to an MBE/WBE contractor that is performing a Commercially Useful Function shall be counted toward the project goals. If SMBR makes an initial determination that an MBE/WBE is not performing a Commercially Useful Function given the type of work involved and normal industry practices, the MBE/WBE may present evidence to rebut this presumption.

(G) To be counted toward project goals, MBE/WBEs must be certified by SMBR prior to the due date to submit the *Compliance Plan* as specified in the City's solicitation documents. A Firm that is certified as an MBE/WBE at the time that the *Compliance Plan* is filed may cease to be a certified Firm before the contract is completed. Only the value of the work performed by such a Firm while it is certified may be counted toward the project goals.

Section V Disclosure of Non-Certified Subcontractors

Please list all known non-certified subcontractors, using the legal name under which they will be registered to do business with the City, to be used in the performance of this contract, except for subcontractor(s) that will be performing the trucking or hauling scope of work (see Section VII below). If Bidder will not use any non-certified Firms, please write "N/A" in the first box on this page.

If additional scopes of work are identified in this section as available for subcontracting beyond those identified in the availability lists provided, Bidder must contact SMBR to request an availability list of certified Firms for those additional scopes of work.

The scopes of work indicated in Section V will be considered subcontracting opportunities for MBEs and WBEs, unless it is demonstrated that certified MBEs or WBEs are unavailable or do not possess the requirements in the technical portion of the solicitation to perform the work involved. If Bidder did not meet the project goals, Bidder must explain in the space provided why MBEs/WBEs were not used as subcontractors. If Bidder did meet the project goals, please write "Goals Met" in the space provided.

Section VI Disclosure of Second-Level Subcontractors

Please complete this section if Bidder knows that one or more of their subcontractors will subcontract part of the work of their contracts to second-level subcontractors. Identify second-level contractors by the legal name under which they will be registered to do business with the City. In the last line of each entry box, please write the name of the first-level subcontractor that will be subcontracting work to the second-level subcontractor. The first-level subcontractor should be listed in Section IV or Section V. If Bidder is not aware of any second-level subcontractors, please write "N/A" in the first box on this page.

As discussed in Section IV above, when an MBE/WBE subcontractor subcontracts part of the work of its contract to another Firm, the value of that second-level subcontracted work may not be counted toward the goals based on the initial subcontractor's MBE/WBE certification. The value of the second-level subcontracted work may be counted toward the project goals only based on the second-level subcontractor's own MBE/WBE certification, if any. Work that an MBE/WBE subcontracts to a non-

certified Firm does not count toward the goals. Work that an MBE/WBE subcontractor contracts to another certified Firm shall not be counted twice towards the goal.

Section VII Disclosure of Primary and Alternate Trucking Subcontractors

Please complete this section if the project includes trucking or hauling services as a scope of work. Each time this scope of work is required on the project, Bidder must contact the Firm listed as the primary trucking subcontractor in this section. If the primary trucking subcontractor is not available or cannot perform the entirety of the work at the time required, Bidder may contact the alternate trucking subcontractors in the order that Bidder lists them in this section. Identify primary and alternate trucking subcontractors by the legal name under which they will be registered to do business with the City. Bidder must contact the primary trucking subcontractor at least 24 hours before the work is to be performed. Bidder will not need to submit a Request for Change to use the alternate trucking subcontractors if Bidder contacted the primary trucking subcontractor first and then proceeded to contact the alternates in the order Bidder listed them on this section.

For purposes of meeting the project goals or subgoals at the *Compliance Plan* stage, the entire value of this scope of work shall be assigned to the primary trucking subcontractor. At contract closeout, MBE/WBE participation will be counted based on the actual usage of the primary and alternate trucking subcontractors.

Section VIII MBE/WBE *Compliance Plan* Check Sheet

Please complete the MBE/WBE *Compliance Plan* Check Sheet with the information requested.

GOOD FAITH EFFORTS INSTRUCTIONS

(See Appendices B and D)

The Bidder has a responsibility to make a portion of the work available to MBE/WBE subcontractors so as to facilitate meeting the goals or subgoals. If the Bidder cannot achieve the goals or subgoals, documentation of the Bidder's Good Faith Efforts to achieve the goals or subgoals must be submitted at the same time as the *Compliance Plan*. The SMBR Director will review the documentation provided and determine if the Bidder made sufficient Good Faith Efforts. That there may be some additional costs involved in soliciting and using MBEs and WBEs is not a sufficient reason for a Bidder's failure to meet the goals and subgoals, as long as such costs are reasonable. However, a Bidder is not required to accept a higher quote from a subcontractor in order to meet a goal or subgoal.

Contacting Potential MBE/WBE Subcontractors

The City has determined the scopes of work for this project and provided an Availability List of all the MBE and WBE firms certified to perform those scopes. The Availability List is found at Appendix D and has two sections: *Vendors Within the Significant Local Business Presence (SLBP) Area* and *Vendors Outside the Significant Local Business Presence (SLBP) Area*. As part of Good Faith Efforts, Bidders **must** contact **all** the firms in the *Vendors Within the SLBP Area* section. Please note that every firm on the Availability List – within and outside the SLBP – is certified as an MBE or WBE for purposes of meeting the project goals, and Bidders are encouraged to contact all the firms. If a Bidder identifies an additional scope of work for this project, the Bidder must request an Availability List for that scope. The SMBR Director determines whether the Bidder has made sufficient Good Faith Efforts if goals or subgoals are not met.

The City neither warrants the capacity nor guarantees the performance of any Firm indicated on the availability list.

The availability list is sorted in numerical sequence by National Institute of Governmental Purchasing (NIGP) Commodity Code. It includes all certified MBE/WBE vendors for the scopes of work identified by the City as being potentially applicable to this project. However, the availability list is not a comprehensive identification of all areas of potential subcontracting opportunities. If a Bidder identifies one or more work areas that are appropriate subcontracting opportunities that are not included on the availability list, the Bidder shall contact SMBR to request the availability of MBE and WBE Firms in those areas. Requests for supplemental availability lists will be evaluated as a part of the Bidder's Good Faith Efforts to meet the goals.

If the Bidder believes any of the work areas on the availability list are not applicable to the project's scope of work or if the Bidder believes that the lists are inaccurate, notify the authorized contact person of the concern. All the Bidders will be notified in writing of any inaccuracy by addendum to the solicitation. Concerns about a particular MBE/WBE's certification status may be addressed to SMBR at (512) 974-7600 or the SMBR Certification Division at (512) 974-7645. If the Bidder wants to use a subcontractor that does not appear on this list, Bidder may either request the subcontractor to furnish proof of certification and the specific work areas for which it has been certified or request such information from SMBR.

Appendix B shows the format for collecting required information from the subcontractors on the *Vendors Within SLBP Area* availability list. The information must be obtained at least five (5) business days prior to the submission of the *Compliance Plan*; alternate formats may be acceptable as long as they gather the

same required information. Attached to the Subcontractor Vendor List at Appendix D is a list containing the names and addresses of all the MBE/WBE Firms in alphabetical order. This list is in label format and is designed to facilitate the printing of mailing labels.

The following codes are used on the availability lists:

GND	A firm's two-digit gender/ethnicity code (e.g., FA, MA, or FB)	LCTN	A firm's two-digit location code (e.g., SL or TX)
FA	Female / Asian-American	FN	Female / Native American
MA	Male / Asian-American	MN	Male / Native American
FB	Female / African-American	FW	Female
MB	Male / African-American	SL	Significant Local Business Presence (SLBP)
FH	Female / Hispanic	TX	Outside SLBP
MH	Male / Hispanic		
MBE	A firm certified as a Minority-owned Business Enterprise	WBE	A firm certified as a Woman-owned Business Enterprise
M/WB	A firm certified as both a Minority-owned & Woman-owned Business Enterprise	W/MB	A firm certified as both a Minority-owned & Woman-owned Business Enterprise
M/WDB	A firm certified as a Minority-owned; Woman-owned; and Disadvantaged Business Enterprise	W/MDB	A firm certified as a Minority-owned; Woman-owned; and Disadvantaged Business Enterprise

Good Faith Efforts Review

If goals are not met, SMBR will examine the *Compliance Plan* and the Good Faith Efforts documentation submitted with the *Compliance Plan* to ensure that the Bidder made Good Faith Efforts to meet the project goals or subgoals. In determining whether the Bidder has made Good Faith Efforts, SMBR will consider, at a minimum, the Bidder's efforts to do the following:

- (A) Solicit certified MBE or WBE subcontractors with a Significant Local Business Presence (SLBP) and request a response from those interested subcontractors who believe they have the capability to perform the work of the contract. The Bidder must solicit this interest more than five (5) business days prior to submission of the *Compliance Plan* to allow sufficient time for the MBEs or WBEs to respond. The Bidder must take appropriate steps to follow up with subcontractors who respond. The Bidder must state a specific and verifiable reason for not contacting each certified Firm with a significant local business presence.
- (B) Provide interested MBEs or WBEs with adequate information about the plans, specifications, and requirements of the contract, including addenda, in a timely manner, to assist them in responding and submitting a bid.

(C) Negotiate in good faith with interested MBEs or WBEs that have submitted bids to the Bidder. An MBE/WBE that has submitted a bid to a Bidder but has not been contacted within five (5) business days of submission of the bid may contact SMBR to request a meeting with the Bidder. Evidence of good faith negotiation includes 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.

If the Bidder meets less than half of any goal, the following factors may also be considered by SMBR in determining whether a Bidder has made Good Faith Efforts. These factors are not intended to be a mandatory checklist, nor are they intended to be exclusive or exhaustive:

- (A) Whether the Bidder selected portions of the work to be performed by MBEs/WBEs in order to increase the likelihood that the MBE/WBE goals or subgoals will be met. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE/WBE participation, even when the Bidder might otherwise prefer to perform these work items with its own forces.
- (B) Whether the Bidder made efforts to assist interested MBEs/WBEs in obtaining bonding, lines of credit, or insurance as required by the City or contractor.
- (C) Whether the Bidder made efforts to assist interested MBEs/WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- (D) Whether the Bidder used the services of available community organizations; minority persons/women contractors' groups; local, state, and federal minority persons/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of MBEs/WBEs. It is the Bidder's responsibility to seek guidance from SMBR on any questions regarding compliance with this section.
- (E) Whether other Bidders successfully met the goals.

The ability or desire of a Bidder to perform the work of a contract with its own organization does not relieve the Bidder of the responsibility to make Good Faith Efforts.

Bidders may reject MBE/WBEs as unqualified only following thorough investigation of their capabilities. The MBE/WBE's membership or lack of membership in specific groups, organizations, or associations, and political or social affiliations (for example union or non-union employee status), are not legitimate causes for the rejection or non-solicitation of bids/proposals in the Bidder's efforts to meet the project goals or subgoals.

At a minimum, the following should be submitted to support Good Faith Effort documentation (documentation is not limited to this list):

- Fax logs and copies of documents sent to firms within the SLBP area.
- Copies of written correspondence to certified firms (include names, addresses, and other identifying information).
- Phone logs with responses (*Phone contacts, alone, will not be sufficient.*).
- Lists and copies of letters sent by mail, hand delivered, or e-mailed.
- Breakdown of negotiations made with certified firms.

The following additional Good Faith Efforts factors may also be considered

- Fax logs and copies of documents sent to firms outside the SLBP area.
- Copies of advertisements with local newspapers or trade associations and Chambers of Commerce.
- Copies of all bids received in response to Bidder contacting other Firms.
- Other communications regarding contacts with trade associations and Chambers of Commerce.

POST-AWARD INSTRUCTIONS

(See Appendix C)

Letter of Intent

The low Bidder according to the Certified Bid Tab is required to submit a signed and notarized Letter of Intent (LOI) from each subcontractor that is identified in the *Compliance Plan* within three (3) business days after receipt of a written request by the City. The LOIs must be in the format shown on the sample at Appendix C and must contain all information included in the sample. LOIs are required for all levels of subcontracting, and a separate LOI for each subcontractor is required. The amount and scope of work indicated on each LOI shall be the actual amount indicated on the *Compliance Plan* submitted with the bid and approved by the City.

Changes to the *Compliance Plan* including substitution of subcontractors are permitted only after contract execution and only with prior written approval of SMBR. Request for changes to the *Compliance Plan* must be submitted on the *Request for Change of Compliance Plan Form* for all levels of subcontracting. LOIs must be submitted for all additions of Subcontractors to the *Compliance Plan* prior to the start of work.

Post-Award Monitoring

The City will monitor post-award compliance information regarding the use of certified MBE/WBE Firm(s) listed on the *Compliance Plan*. The contractor will be required to submit post award reports detailing the utilization of all subcontractors. The reports and other information regarding post-award compliance will be discussed with the successful Bidder. The following information on Payment Verification, Change Order/Contract Amendments, and Progressive Sanctions provides an overview of some of the post-award monitoring process.

- **Payment Verification**

Bidders are advised that the contract resulting from this solicitation includes a subcontractor payments clause. This clause requires all subcontractors to be paid within ten (10) calendar days from the date that the prime contractor has been paid by the City for invoices submitted by subcontractors.

The prime contractor shall submit a *Subcontractor/Supplier Awards and Expenditures Report* to the project manager and/or contract administrator at the time specified by the managing department. The report shall be in the format required by the City and shall include all awards and payments to subcontractors for goods and services provided under the contract during the previous month. This report may be used by the City to verify utilization of and payment to MBEs and WBEs.

The prime contractor and/or any subcontractor whose subcontracts are being counted toward the MBE/WBE requirements shall allow the City access to records relating to the contract, including but not limited to, subcontracts, payroll records, tax information, and accounting records, for the purpose of determining whether the MBEs/WBEs are performing the scheduled subcontract work.

In determining achievement of MBE/WBE goals, the participation of an MBE/WBE subcontractor shall not be counted until the amount being counted toward the goal has been paid.

▪ **Change Order/Contract Amendments**

The goals on this contract shall also apply to change orders that require work beyond the scope(s) of trades originally required to accomplish the project. The contractor is required to make Good Faith Efforts to obtain MBE/WBE participation for additional scopes of work.

Change orders that do not alter the type of trades originally required to accomplish the project may be undertaken using the subcontractors already under contract to the prime contractor. Project managers will have automatic SMBR approval to authorize any change order that **increases** the contract amount for an **existing** certified subcontractor and is **within** the existing scope being performed by that subcontractor.

▪ **Progressive Sanctions**

The successful Bidder's *Compliance Plan* will be incorporated into the resulting contract with the City. As described in Section 16.5 of the 00700 General Conditions to the Contract, progressive sanctions may be imposed for failure to comply with Chapter 2-9C of the City Code, including:

- Providing false or misleading information to the owner in connection with the submission of a Bid, in responses to requests for qualifications or proposals, in Good Faith Efforts documentation, in post award compliance, or in other Program operations;
- Substituting Subcontractors without first receiving approval for such substitutions, which may include the addition of an unapproved Subcontractor and failure to use a Subcontractor listed in the approved *Compliance Plan*; and
- Failure to comply with the approved *Compliance Plan* without an approved Request for Change, an approved Change Order, or other approved change to the Contract.

Please refer to Section 2-9C-25 of the City Code and SMBR Rule 11.5 for additional information.

IFB – MBE/WBE COMPLIANCE PLAN
*All sections (I-VIII) must be completed and submitted
 prior to the due date in the solicitation documents*

Section I — Project Identification and Goals

Project Name	Catering and Concession Services
Solicitation Number	PAX0105

Project Goals or Subgoals	
MBE	12.8%
African American	NA%
Hispanic American	NA%
Native/Asian American	NA%
WBE	13.8%

Section II — Prime Company Information

Name of Company	
Address	
City, State Zip	
Phone	
Fax	
Name of Contact Person	
Is prime company City certified?	Yes <input type="checkbox"/> No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> MBE/WBE Joint Venture <input type="checkbox"/>

I certify that the information included in this Compliance Plan is true and complete to the best of my knowledge and belief. I further understand and agree that this Compliance Plan shall become a part of my contract with the City of Austin.

 Name and Title of Authorized Representative

 Signature

 Date

For SMBR Use Only:	
I have reviewed this compliance plan and found that the Bidder HAS <input type="checkbox"/> or HAS NOT <input type="checkbox"/> complied as per the City Code Chapter 2-9C.	
Reviewing Counselor _____	Date _____
Director/Assistant Director _____	Date _____

Section III — Compliance Plan Summary

Note:

- Fill in all the blanks.
- For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.
- Compliance plans not complying with these requirements shall be rejected as non-responsive.

Total Base Bid (if applicable): \$ _____

Goals: Proposed Participation		
MBE	\$ _____	%
WBE	\$ _____	%
Non-Certified	\$ _____	%

SubGoals: Proposed Participation		
African American	\$ _____	%
Hispanic	\$ _____	%
Native/Asian American	\$ _____	%
WBE	\$ _____	%
Non-Certified	\$ _____	%

Bidder's own participation in base bid (less any amount subcontracted):

Amount: \$ _____ **Percentage:** _____%

Are the stated goals or subgoals of the solicitation met? *(If no, attach documentation of Good Faith Efforts)*

Yes No

For SMBR Use Only:

Verified Goals OR Subgoals:

MBE _____ % WBE _____ %

African-American _____ %; Hispanic _____%; Native/Asian American _____%; WBE _____%

Section IV — Disclosure of MBE and WBE Participation
Duplicate As Needed

Note:

- Fill in all the blanks.
- For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.
- Compliance plans not complying with these requirements shall be rejected as non-responsive.
- Fill in names of MBE/WBE Certified Firms as registered with the City of Austin.

Name of MBE/WBE Certified Firm	
City of Austin Certified	MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Subcontract	\$ %
Commodity codes/describe services	

Name of MBE/WBE Certified Firm	
City of Austin Certified	MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Subcontract	\$ %
Commodity codes/describe services	

Name of MBE/WBE Certified Firm	
City of Austin Certified	MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Subcontract	\$ %
Commodity codes/describe services	

Name of MBE/WBE Certified Firm	
City of Austin Certified	MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Subcontract	\$ %
Commodity codes/describe services	

Section V — Disclosure of Non-Certified Subcontractors
Duplicate As Needed

Note:

- Fill in all the blanks.
- For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.
- 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.

Will non-certified subcontractors/suppliers be used? Yes No

Subcontractor	
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Subcontract	\$ _____ %
Commodity codes/describe services	
Reason MBE/WBE not used	

Subcontractor	
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Subcontract	\$ _____ %
Commodity codes/describe services	
Reason MBE/WBE not used	

Subcontractor	
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Subcontract	\$ _____ %
Commodity codes/describe services	
Reason MBE/WBE not used	

Subcontractor	
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Subcontract	\$ _____ %
Commodity codes/describe services	
Reason MBE/WBE not used	

Section VI Disclosure of Second-Level Subcontractors

Duplicate as Needed

Note:

- Fill in all the blanks.
- For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.
- 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.

Second-Level Subcontractor	
City of Austin Certified?	No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Second-Level Subcontract	\$ %
Commodity codes/describe services	
First-Level Subcontractor	

Second-Level Subcontractor	
City of Austin Certified?	No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Second-Level Subcontract	\$ %
Commodity codes/describe services	
First-Level Subcontractor	

Second-Level Subcontractor	
City of Austin Certified?	No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Second-Level Subcontract	\$ %
Commodity codes/describe services	
First-Level Subcontractor	

Second-Level Subcontractor	
City of Austin Certified?	No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Second-Level Subcontract	\$ %
Commodity codes/describe services	
First-Level Subcontractor	

Section VII Disclosure of Primary and Alternate Trucking Subcontractors

Duplicate as Needed

Note:

- Fill in all the blanks.
- For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.
- *Compliance Plans* not complying with these requirements shall be rejected as non-responsive.
- Fill in the names of Trucking Subcontractors as registered with the City of Austin.

Primary Trucking Subcontractor	
City of Austin Certified?	No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:
Amount of Subcontract	\$ _____ %
Commodity codes/describe services	

Alternate Trucking Subcontractor	
City of Austin Certified?	No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:

Alternate Trucking Subcontractor	
City of Austin Certified?	No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:

Alternate Trucking Subcontractor	
City of Austin Certified?	No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:

Alternate Trucking Subcontractor	
City of Austin Certified?	No <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Ethnic/Gender Code:
Vendor Code	
Address/ City / State / Zip	
Contact Person	Phone #:

SECTION VIII — MBE/WBE COMPLIANCE PLAN CHECK LIST

The MBE/WBE *Compliance Plan* must be completed and submitted by the time specified in the solicitation documents. If the goals or subgoals were not achieved, Good Faith Efforts documentation must be submitted with the MBE/WBE *Compliance Plan*. All questions in Section VIII MUST be completed and submitted with the *Compliance Plan* if goals or subgoals are not met.

1. Were written notices sent to all MBE/WBEs from the Significant Local Business Presence availability list at least five (5) business days prior to the submission of this *Compliance Plan*?

Yes No

2. Is documentation of those written notices attached?

Yes No

3. Is written documentation of efforts to reach agreements with the MBE/WBEs who responded affirmatively to the Bidder's written notice attached?

Yes No

4. Is documentation of other efforts to meet the goals or subgoals attached?

Yes No

5. Were additional elements of work identified to achieve the goals or subgoals?

Yes No

If yes, please explain: _____

6. Was SMBR or any other Minority or Women organization contacted for assistance?

Yes No

If yes, complete following:

Organization: _____

Contact Person: _____

Date of Contact: _____

LETTER TO POTENTIAL SUBCONTRACTORS

_____ is soliciting Minority and Women-Owned Business Enterprise participation for the following City of Austin project. Plans are available at the Austin area plan rooms, our office, and the locations listed in the Invitation for Bids.

Name of Project: _____

Project/Solicitation Number: _____

Location of Pre-bid Conference (if any): _____

Bid Date and Time: _____

This Project Includes the Following Scopes of Service:

- Asbestos Abatement
- Carpentry
- Carpeting
- Concrete
- Demolition Services
- Doors and Frames
- Drilling
- Drywall
- Electrical
- Excavation Services
- Fabricated Steel
- Flooring
- Glazing Services
- Hardware
- Heavy Construction Equipment
- Other _____
- HVAC
- Insulation
- Lab and Field Testing Services
- Landscaping
- Masonry
- Millwork
- Painting
- Paving and Resurfacing
- Plumbing
- Roofing
- Stone
- Tile
- Weather and Waterproofing
- Welding
- Windows
- Other _____

Contact our office for detailed information on the scopes of work being subcontracted and the relevant terms and conditions of the contract.

Please contact: _____ at _____ or _____
(Name) (Telephone) (Fax)

All bids MUST be received by: _____

LETTER OF INTENT

Name of Prime Contractor: _____

Address: _____
Street City State Zip Code

Telephone: (____)_____ Fax: (____)_____ Proposed Contract Amount: \$ _____

Project/Solicitation Number: _____

Project Name: _____

Type of Agreement (check one): Lump Sum Unit Price Commodity

Period of Performance: _____ Level of Subcontracting (check one): 1st 2nd 3rd

Legal Name of Subcontractor: _____

Subcontractor Vendor Code: _____

Address: _____
Street City State Zip Code

Telephone: (____)_____ Fax: (____)_____ Proposed Subcontract Amount: \$ _____

Commodity Code and description of work to be performed by Subcontractor Firm:

The Prime Contractor and the Subcontractor listed above agree that the Prime Contractor has provided the Subcontractor with a copy of the City's prevailing wage requirements.

Prime Contractor:

Subcontractor:

Legal Name of Firm, as registered with the City

Legal Name of Firm, as registered with the City

Signature

Signature

Print Name

Print Name

Title

Title

Date

Date

STATE OF _____
COUNTY OF _____
SUBSCRIBED AND SWORN TO before me on the
_____ day of _____, 200____.

STATE OF _____
COUNTY OF _____
SUBSCRIBED AND SWORN TO before me on the
_____ day of _____, 200____.

Notary Public

Notary Public

Accurate Cad & Technical Services Inc
8500 Bluffstone Cv Ste B-103b
Austin Tx, 78759-7811

Daystar Specialty Group Lp / Cappuccino Express
19631 Becker Rd
Hockley Tx, 77447

Mechanical & Process Systems
1804 Central Commerce Court
Round Rock Tx, 78664

Allstar Biz Group Llc
6006 Tasajillo Trail
Austin Tx, 78739

Emily'S Catering Llc / Emily'S Catering
4701 Red Bluff Rd # A
Austin Tx, 78702

Monique Lucia Capanelli / Articulture Designs
2304 Southern Oaks Drive
Austin Tx, 78745

Anne Pritchard / Acclivity Performance
1902 Breaux Lane
Round Rock Tx, 78664

Eq Consultants Group
1003 Justin Lane #1050
Austin Tx, 78757

Pretty Clean Auto Detailing Service Inc / Pretty Clean Jan
1514 Ed Bluestein Ste 309
Austin Tx, 78721

Austin Staffing, Inc / Austin Staffing
314 E. Highland Mall Blvd Suite 411
Austin Tx, 78752

Estilo Communications Inc
1000 East Cesar Chavez Street
Austin Tx, 78702

Richard Cantu / La Cocinita Restaurante
1119 Spur St
Austin Tx, 78721

Beatrice (Gonzalez) Fincher / Mass Appeal
610 W 30th St #226
Austin Tx, 78705

Hong Xing Inc / Wok & Roll
3600 Presidential Blvd # 203
Austin Tx, 78719

Safety Supply Inc
11827 Tech Com #114
San Antonio Tx, 78233

Cadman Design & Building Group(The) / Hurst, Eddie B Jr
1603 Gouda Ct.
Cedar Park Tx, 78613-

Ida M Ash / Business & Financial Solutions
Po Box 151708
Austin Tx, 78715-1708

Sierra Airport Concessions
4739 Maple Ave
Dallas Tx, 75219-1004

Community Development Management Co Inc
317 South Main Street
Lockhart Tx, 78644

Laura A Alexander / Business Solutions Consultant
10101 W Parmer Lane Ste 617
Austin Tx, 78717

Susan Bryant / Leaderservices
2800 Rollingwood Drive
Austin Tx, 78746

Compsol, Inc.
7607 Eastmark Drive, Suite 253-D
College Station Tx, 77840

Lone Star Office Supplies Inc / Lone Star Supplies
Po Box 151616
Austin Tx, 78715-1616

Texcila, Inc / Casa Chapala Mexican Grill & Catering
3010 W. Anderson Lane, Ste. D
Austin Tx, 78757

Creative Innovation Enterprises Inc / Cie Management Servi
5811 Techni Center Dr Ste 200
Austin Tx, 78721

Lynn Taylor / Taylormade Careers
4500 E. Palm Valley Blvd Ste. 108
Round Rock Tx, 78665

The Mcdonald Consulting Group Inc / Mcdonald Consulti
3317 Lookout Lane
Austin Tx, 78746

Trj Snappy Snacks Mobile Catering Inc / Tom Ramsey

15630 Vision Dr

Pflugerville Tx, 78660

Zander Engineering And Consulting, Inc.

12713 Belcara Place

Austin Tx, 78732

City of Austin
Subcontract Vendor List - VCRCVS

Solicitation No:	0	Adhoc Availability			
Rev. No:	0.00	Selection Criteria:	ALL	Commodity Type	NIGP

C Code & NIGP / CSI Code Description	Vendor Code & Address	Phone / Fax / Email	W/MB Code	G/E	LCTN
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Vendors Within the SLBP Area

20085	Uniforms, Blended Fabric				
	LON8310575 Lone Star Office Supplies Inc / Lone Star Supplies Po Box 151616 Austin, Tx 78715-1616	512-280-5145 512-280-2504 GAYLE@LONESTARSUPPLIES.COM	WDB	F/R	SL
	PRE8321190 Pretty Clean Auto Detailing Service Inc / Pretty Clean Janitorial Service 1514 Ed Bluestein Ste 309 Austin, Tx 78721	512-386-8986 512-386-8775 BRIDGET@PRETTYCLEANDETAILING.COM	M/WDB	F/B	SL
23235	Floral Supplies: Artificial Flowers, Floral Tape,				
	VC0000102527 Allstar Biz Group Llc 6006 Tasajillo Trail Austin, Tx 78739	512-767-2222 512-949-5054 info@allstarbizgroup.com	WBE	F/R	SL
94152	Heating Equipment Maintenance and Repair, Steam				
	MEC8310574 Mechanical & Process Systems 1804 Central Commerce Court Round Rock, Tx 78664	512-670-1715 512-670-0464 MIKE@MPSLTD.US	MDB	M/A	SL
95816	Business Management Services				
	CAD8303529 Cadman Design & Building Group(The) / Hurst, Eddie B Jr 1603 Gouda Ct. Cedar Park, Tx 78613-	512-260-7035 512-260-7035 TCM@ONR.COM	MDB	M/B	SL

City of Austin
Subcontract Vendor List - VCRCVS

Solicitation No: 0 Adhoc Availability

Rev. No: 0.00 Selection Criteria: ALL Commodity Type NIGP

C Code & NIGP / CSI Code Description	Vendor Code & Address	Phone / Fax / Email	W/MB Code	G/E	LCTN
	EST7167205 Estilo Communications Inc 1000 East Cesar Chavez Street Austin, Tx 78702	512-477-1018 512-477-1017 INFO@ESTILOPR.COM	M/WDB	F/H	SL
	VS0000005061 Beatrice (Gonzalez) Fincher / Mass Appeal 610 W 30th St #226 Austin, Tx 78705	512-372-8291 512-372-8291 massappealaustrin@att.net	M/WBE	F/H	SL
	VS0000009594 Ida M Ash / Business & Financial Solutions Po Box 151708 Austin, Tx 78715-1708	512-673-2806 512-873-0882 mara@bafsinc.org	M/WDB	F/H	SL
	VS0000013543 The Mcdonald Consulting Group Inc / Mcdonald Consulting Group Inc 3317 Lookout Lane Austin, Tx 78746	512-280-7175 marymcd@mcdbg.com	WBE	F/R	SL
	VS0000021229 Community Development Management Co Inc 317 South Main Street Lockhart, Tx 78644	512-398-7129 512-376-7304 rudyr@ccaustin.com	MDB	M/H	SL
	VS0000022114 Lynn Taylor / Taylormade Careers 4500 E. Palm Valley Blvd Ste. 108 Round Rock, Tx 78665	512-297-1246 lynn@taylormadecareersllc.com	M/WBE	F/B	SL
	VS0000022768 Zander Engineering And Consulting, Inc. 12713 Belcara Place Austin, Tx 78732	512-779-3459 martha@zander-ec.com	M/WBE	F/H	SL

**City of Austin
Subcontract Vendor List - VCRCVS**

Solicitation No: 0 Adhoc Availability

Rev. No: 0.00

Selection Criteria: ALL

Commodity Type NIGP

C Code & NIGP / CSI Code Description	Vendor Code & Address	Phone / Fax / Email	W/MB Code	G/E	LCTN
	VS0000026197 Eq Consultants Group 1003 Justin Lane #1050 Austin, Tx 78757	818-679-1790 elizabeth.quintanilla@gmail.com	M/WDB	F/H	SL
	VS0000033288 Susan Bryant / Leaderservices 2800 Rollingwood Drive Austin, Tx 78746	512-327-0084 512-327-0084 leaderservices@yahoo.com	WBE	F/R	SL
	VS0000036288 Anne Pritchard / Acclivity Performance 1902 Breaux Lane Round Rock, Tx 78664	512-821-1111 512-834-0726 anne@acclivityperformance.com	WDB	F/R	SL
	VS0000036613 Laura A Alexander / Business Solutions Consultant 10101 W Parmer Lane Ste 617 Austin, Tx 78717	512-378-0099 info@businesssolutionsconsult.com	M/WDB	F/B	SL
96115	Concessions, Catering, Vending: Mobile and Station				
	CRE8303222 Creative Innovation Enterprises Inc / Cie Management Services 5811 Techni Center Dr Ste 200 Austin, Tx 78721	512-385-0005 512-385-7385 jjimliu@sbcglobal.net	MDB	M/A	SL
	VC0000102595 Richard Cantu / La Cocinita Restaurante 1119 Spur St Austin, Tx 78721	512-963-7714 lola_castro1977@yahoo.com	MBE	M/H	SL
	VC0000103002 Hong Xing Inc / Wok & Roll 3600 Presidential Blvd # 203 Austin, Tx 78719	512-731-1288 512-401-8995 HARRYPOTTERS@MSN.COM	M/WDB	F/A	SL

City of Austin
Subcontract Vendor List - VCRCVS

Solicitation No: 0 Adhoc Availability

Rev. No: 0.00 Selection Criteria: ALL Commodity Type NIGP

C Code & NIGP / CSI Code Description	Vendor Code & Address	Phone / Fax / Email	W/MB Code	G/E	LCTN
	VS0000002811 Tecxila, Inc / Casa Chapala Mexican Grill & Catering 3010 W. Anderson Lane, Ste. D Austin, Tx 78757	512-459-4242 chapala@casachapala.com	M/WBE	F/H	SL
	VS0000012775 Emily'S Catering Llc / Emily'S Catering 4701 Red Bluff Rd # A Austin, Tx 78702	512-389-0740 512-389-9762 emilyscatering@sbcglobal.net	WBE	F/R	SL
	VS0000018280 Trj Snappy Snacks Mobile Catering Inc / Tom Ramsey 15630 Vision Dr Pflugerville, Tx 78660	512-251-6544 512-251-1744 snappysnacks@aol.com	MDB	M/H	SL
9611520	VENDING MACHINE SERVICES. THE CONTRACTOR SHALL BE				
	CRE8303222 Creative Innovation Enterprises Inc / Cie Management Services 5811 Techni Center Dr Ste 200 Austin, Tx 78721	512-385-0005 512-385-7385 jjimliu@sbcglobal.net	MDB	M/A	SL
	VS0000018280 Trj Snappy Snacks Mobile Catering Inc / Tom Ramsey 15630 Vision Dr Pflugerville, Tx 78660	512-251-6544 512-251-1744 snappysnacks@aol.com	MDB	M/H	SL
9613901	FLORAL, FLOWERS, FRESH ARRANGEMENTS				
	ACC8309269 Accurate Cad & Technical Services Inc 8500 Bluffstone Cv Ste B-103b Austin, Tx 78759-7811	512-795-9194 512-338-1160 NAHID@ACCUCADTECH.COM	M/WBE	F/A	SL

**City of Austin
Subcontract Vendor List - VCRCVS**

Solicitation No: 0 Adhoc Availability

Rev. No: 0.00 Selection Criteria: ALL Commodity Type NIGP

C Code & NIGP / CSI Code Description	Vendor Code & Address	Phone / Fax / Email	W/MB Code	G/E	LCTN
	VS0000029571 Monique Lucia Capanelli / Articulture Designs 2304 Southern Oaks Drive Austin, Tx 78745	512-.76-2.5228 monique@articulturedesigns.com	WBE	F/R	SL
96162 Personnel Services (Not Employment)					
	VS0000022114 Lynn Taylor / Taylormade Careers 4500 E. Palm Valley Blvd Ste. 108 Round Rock, Tx 78665	512-297-1246 lynn@taylormadecareersllc.com	M/WBE	F/B	SL
	VS0000027049 Austin Staffing, Inc / Austin Staffing 314 E. Highland Mall Blvd Suite 411 Austin, Tx 78752	800-540-8367 info@austinstaffing.net	MBE	M/H	SL

Total in SLBP 25

**City of Austin
Subcontract Vendor List - VCRCVS**

Solicitation No:	0	Adhoc Availability			
Rev. No:	0.00		Selection Criteria:	ALL	Commodity Type NIGP

C Code & NIGP / CSI Code Description	Vendor Code & Address	Phone / Fax / Email	W/MB Code	G/E	LCTN
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Vendors Outside the SLBP Area

20085	Uniforms, Blended Fabric				
	SAF4069750	800-873-9033	WDB	F/R	TX
	Safety Supply Inc	800-873-9036			
	11827 Tech Com #114	joan@safetysupplyinc.com			
	San Antonio, Tx 78233				
95816	Business Management Services				
	VS0000022940	979-824-4440	WBE	F/R	TX
	Compsol, Inc.	281-605-5999			
	7607 Eastmark Drive, Suite 253-D	sheryl.greiner@compsol.cc			
	College Station, Tx 77840				
96115	Concessions, Catering, Vending: Mobile and Station				
	SIE7110815	214-219-6444	MDB	M/H	TX
	Sierra Airport Concessions	214-219-1064			
	4739 Maple Ave	rquinta433@aol.com			
	Dallas, Tx 75219-1004				
	VC0000102585	832-309-5421	WBE	F/R	TX
	Daystar Specialty Group Lp / Cappuccino Express	832-202-0210			
	19631 Becker Rd	LINDA@DAYSTARSG.COM			
	Hockley, Tx 77447				

Total out of SLBP 4

Total in SLBP: 25

Total out of SLBP: 4

Total Count: 29