

CITY OF AUSTIN



DISADVANTAGED BUSINESS ENTERPRISE PROCUREMENT PROGRAM CONSTRUCTION (FAA/NON-FAA)

Project Name:

Project/Solicitation Number:

Date:

AUGUST 2009

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DBE GOAL

The City of Austin is a Recipient of Federal Aviation Administration (FAA) and Department of Transportation (DOT) grant funding, therefore it is necessary to follow the requirements of the United States Department of Transportation, as contained in 49 CFR Part 26 and the applicable City of Austin's City Code, Chapter 2-9(A-D), as amended.

The DBE participation goal that applies to this solicitation is as follows:

OVERVIEW

It is the policy of the City of Austin and the United States Department of Transportation (DOT) that Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 26, have equal opportunities to participate in the performance of contracts on the City of Austin's Austin-Bergstrom International Airport. The DBE requirements of 49 CFR Part 26 and the applicable City of Austin City Code, Chapter 2-9A, as amended, apply to this solicitation. **All bidders must comply with 49 CFR Part 26 and the applicable City of Austin's Codes, Section 2-9(A-D) and Program Rules to ensure that Disadvantaged Business Enterprises have equal opportunity to compete for and perform on contracts.** 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.

Contractors seeking to participate on this project agree to ensure that Disadvantaged Business Enterprises have equal opportunity to participate in the performance of contracts and subcontracts. A firm submitting a bid or proposal on this project is asked to make good faith efforts to meet or exceed the goal for DBE participation.

Prior to the due date and time specified in the City's solicitation documents, all Bidders (including those Firms certified as DBEs) shall submit: (1) an *DBE Compliance Plan* (Appendix A); and (2) if the project goal is 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.

Pursuant to Chapter 2-7 (Anti-Lobbying Ordinance), there is a "no-contact" period from the date the City issues a solicitation until 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 DBE 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. 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 DBE 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 DBE Participation

Please list all certified DBEs subcontractors 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 DBE’s subcontractors will be subcontracting to second-level subcontractors. By listing certified DBE 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 DBE participation:

- (A) When a DBE participates in a contract, only the value of the work actually performed by the DBE will be counted towards the goal.
- 1) When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward the DBE goal only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward the DBE goal.
 - 2) The entire amount of that portion of a construction contract that is performed by the DBE's own forces shall be counted, including the cost of supplies and materials obtained by the DBE for the work of the contract, and supplies purchased or equipment leased by the DBE (except supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate).
 - 3) The entire amount of fees or commissions charged by a DBE 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, toward the DBE goal, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services shall be counted.
- (B) When a DBE 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 DBE performs with its own forces toward DBE goals shall be counted.
- (C) Only expenditures to a DBE contractor that is performing a commercially useful function shall be counted. In determining whether an DBE contractor is performing a commercially useful function, the following considerations shall be taken into account:
- 1) A DBE 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, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. The determination that a DBE is performing a commercially useful function will be informed by the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing, and other relevant factors.
 - 2) A DBE 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 DBE participation.
 - 3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a

contract than would be expected on the basis of normal industry practice for the type of work involved, it is not performing a commercially useful function.

- 4) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (C)(3) of this section, the DBE may present evidence to rebut this presumption. SMBR may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

(D) In determining whether a DBE trucking company is performing a commercially useful function, the following criteria shall be considered:

- 1) The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting the DBE goal.
- 2) The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- 3) The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
- 4) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
- 5) The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not count for the total value of the transportation services provided by the lessee toward the goal, since these services are not provided by a DBE.
- 6) For purposes of this paragraph (D), a lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

(E) Expenditures with DBEs for materials or supplies shall be counted toward the DBE goal as follows:

- 1) If the materials or supplies are obtained from a DBE manufacturer or regular dealer, 100 percent of the cost of the materials or supplies toward DBE goals shall be counted.
- 2) For purposes of this paragraph (E)(1), a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

- 3) For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.
 - 4) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.
 - 5) A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.
 - 6) Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers.
 - 7) With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of 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, toward the DBE goal if the fees are reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward the DBE goal, however.
- (F) If a firm ceases to be a certified DBE 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.
- (G) In determining achievement of DBE goal, the participation of a DBE subcontractor shall not be counted until the amount being counted toward the goal has been paid to the DBE.
- (H) Where the solicitation requires the Bidder/Proposer to submit a base bid and one or more alternates, the City's decision regarding whether the Compliance Plan demonstrates the bidder's achievement of the goal or sufficient good faith efforts will be determined only on the base bid. However, the bidder is encouraged to use DBEs to complete any additional work added through alternates.

Section V Disclosure of Non-Certified Subcontractors

Please list all known non-certified subcontractors 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 DBEs, unless it is demonstrated that certified DBEs 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 DBEs 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. 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 a DBE 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 DBE 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 DBE certification, if any. Work that a DBE subcontracts to a non-certified Firm does not count toward the goals. Work that a DBE 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. 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 at the *Compliance Plan* stage, the entire value of this scope of work shall be assigned to the primary trucking subcontractor. At contract closeout, DBE participation will be counted based on the actual usage of the primary and alternate trucking subcontractors.

Section VIII DBE *Compliance Plan* Check Sheet

Please complete the DBE *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 DBE subcontractors so as to facilitate meeting the goals. If the Bidder cannot achieve the goals, documentation of the Bidder's Good Faith Efforts to achieve the goals must be submitted at the same time as the *Compliance Plan*. That there may be some additional costs involved in soliciting and using DBEs is not a sufficient reason for a Bidder's failure to meet the goals, 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.

Contacting Potential DBE Subcontractors

As part of Good Faith Efforts, Bidders must contact DBE subcontractors for each scope of work where there is a subcontracting opportunity. The availability list found at Appendix D includes information for certified DBE businesses. **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 DBE 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 DBE 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 Bidder believes any of the work areas on the availability list are not applicable to the project's scope of work or if Bidder believes that the lists are inaccurate, notify the authorized contact person of the concern. All Bidders will be notified in writing of any inaccuracy by addendum to the solicitation. Concerns about a particular DBE's certification status may be addressed to SMBR at (512) 974-7600 or the SMBR Certification Division at (512) 974-7645. If 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 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 DBE Firms in alphabetical order. This list is in label format and is designed to facilitate the printing of mailing labels.

Good Faith Efforts Review

If the DBE goal is 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. 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. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
- B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
- C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- D. (1). Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and/or suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and/or suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs 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 DBEs to perform the work.

(2). A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
- E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor'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 the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
- F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance.

- G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
- I. In determining whether a bidder has made good faith efforts, the City of Austin may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, the City of Austin may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, the City of Austin may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

Bidders may reject DBEs as unqualified only following thorough investigation of their capabilities. The DBE'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.

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.
- 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.

The following additional Good Faith Efforts factors may also be considered

- Advertising in local newspapers.
- 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 DBE 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 DBEs.

The prime contractor and/or any subcontractor whose subcontracts are being counted toward the DBE 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 DBEs are performing the scheduled subcontract work.

In determining achievement of DBE goals, the participation of a DBE 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 DBE 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 2-9(A-D) 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 2-9A-25 of the City Code and SMBR Rule 11.5 for additional information.

IFB – DBE 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	
Solicitation Number	

Project Goals	
DBE	

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"/> DBE <input type="checkbox"/> DBE/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** or **HAS NOT** complied as per the City Code Chapter 2-9A.

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		
DBE's	\$	%
Non-Certified		

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

Amount: \$ _____ Percentage: _____%

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

Yes No

For SMBR Use Only:

Verified Goals:

DBE _____ %

Section IV — Disclosure of DBE 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.

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

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

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

Name of DBE Certified Firm		
City of Austin Certified	DBE <input type="checkbox"/>	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.

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.

Second-Level Subcontractor	
City of Austin Certified?	DBE <input type="checkbox"/> NON <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?	DBE <input type="checkbox"/> NON <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?	DBE <input type="checkbox"/> NON <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?	DBE <input type="checkbox"/> NON <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

Primary Trucking Subcontractor			
City of Austin Certified?	DBE <input type="checkbox"/>	NON <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?	DBE <input type="checkbox"/>	NON <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code			
Address/ City / State / Zip			
Contact Person	Phone #:		

Alternate Trucking Subcontractor			
City of Austin Certified?	DBE <input type="checkbox"/>	NON <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code			
Address/ City / State / Zip			
Contact Person	Phone #:		

Alternate Trucking Subcontractor			
City of Austin Certified?	DBE <input type="checkbox"/>	NON <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code			
Address/ City / State / Zip			
Contact Person	Phone #:		

Alternate Trucking Subcontractor			
City of Austin Certified?	DBE <input type="checkbox"/>	NON <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code			
Address/ City / State / Zip			
Contact Person	Phone #:		

Alternate Trucking Subcontractor			
City of Austin Certified?	DBE <input type="checkbox"/>	NON <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code			
Address/ City / State / Zip			
Contact Person	Phone #:		

SECTION VIII — DBE *COMPLIANCE PLAN* CHECK LIST

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

1. Were written notices sent to all DBEs from the 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 DBEs who responded affirmatively to the Bidder's written notice attached?

Yes No

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

Yes No

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

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

Name of Subcontractor: _____

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:

Name of Firm

Name of Firm

Signature

Signature

Print Name

Print Name

Title

Title

Date

Date

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 20____.

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 20____.

Notary Public

Notary Public