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**Small & Minority Business Resources**

*Opening the door to opportunities.*

# **MBE/WBE PROGRAM PARTICIPATION REQUIREMENTS**

**CLMB300**

**Job Order Contract (2010) –  
City of Austin Facility Improvements  
April 14<sup>th</sup> and April 21<sup>st</sup>, 2010**

# MBE/WBE SUBGOALS

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## Annual Project Participation Subgoals

<b>African American</b>	<b>1.70%</b>
<b>Hispanic</b>	<b>9.70%</b>
<b>Native/Asian American</b>	<b>2.30%</b>
<b>WBE</b>	<b>13.80%</b>



# Counting Participation

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- Only City of Austin certified MBE/WBE firms will be counted toward the goals.
- Certified MBE/WBE Bidders/Proposers may count their own participation, less any amount subcontracted.
- An ethnic female firm certified as M/WBE or W/MBE may be counted towards the MBE or WBE goal, but not both. (Designations cannot be changed after submission of the compliance plan.)



# Counting Participation continued

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- A firm with a WBE certification code can only be counted towards the WBE goal.
- A firm with an MBE certification code can be counted towards the MBE goal or towards the appropriate ethnic subgoal.
- Use only the base bid amount or the proposal amount to calculate your MBE/WBE participation percent (if applicable).



# Compliance Determinations

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Compliance is determined by one of the following (City Code 2-9(A-D)-21):

- Meeting Goals set for the project
  - MBE/WBE Participation/Project Specific Goals
  - Ethnic Participation/Project Specific Subgoals
- Meeting Good Faith Effort Requirements
  - Minimum Requirements
  - Additional Requirements



# Meeting Goals

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- City of Austin Certified Firms
- Certified for listed scopes of work
- Percentages meet or exceed solicitation goals (if applicable)
- Dollar amounts consistent with bids received (if applicable)
- As per City Code Chapter 2-9A-22 (A), “Upon award of a Contract by Austin City Council that includes Goals or Subgoals that are met, the Goals and Subgoals become covenants of performance by the Contractor....”



# Good Faith Efforts

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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.



# Minimum Requirements

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- Sending written notices to MBE/WBE firms **in the Significant Local Business Presence (SLBP)** identified on the availability list not less than **5 business days** prior to bid date.
- Providing adequate information about plans and specifications, requirements of the contract, including addendas, contact information, and due date for responding.
- Taking appropriate steps to follow up the initial solicitation with interested MBEs or WBEs.
- Stating a specific and verifiable reason for not contacting each certified firm.



# Minimum Requirements

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- Selecting portions of the work consistent with MBE/WBE availability.
- Negotiating in good faith with interested MBEs and WBEs.
- Contacting SMBR for an availability list, if additional scopes of work or services are identified.
- Rejecting MBEs or WBEs as being unqualified without sound reasons.



# Additional Good Faith Efforts

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If the Bidder/Proposer meets less than half of any goal, SMBR may also consider the following additional factors in determining whether a Bidder/Proposer has made Good Faith Efforts.



# Additional Requirements

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- Sending written notices to MBE/WBE firms **outside the** SLBP on the availability list not less than 5 business days prior to bid date.
- Selecting portions of the work that will increase the likelihood that the MBE/WBE goals will be met.
- Efforts to assist MBE/WBEs in bonding requirements, lines of credit, and insurance where appropriate.
- Seeking the assistance of SMBR if the goals are not met.
- Seeking the services of available minority and women community organizations



# Good Faith Effort Documentation

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- Minimum Requirements
  - 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.



# Good Faith Effort Documentation

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- Additional Requirements
  - Fax logs and copies of documents sent to firms outside the SLBP area.
  - Copies of advertisements with local newspapers, 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.



# Reminders

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- Attach good faith effort documentation if goals are not met.
- Verify MBE/WBE certifications using availability list, SMBR website, or contacting SMBR Project Representative.
- Vendors have to be certified with the City of Austin as MBE or WBE.
  - HUB certification is not accepted in lieu of MBE/WBE certification.
- Review the availability list and contact SMBR for additional lists.
- Ask non-certified subcontractors if using certified low-tier subcontractors (able to count participation).
- Contact SMBR to provide an Excel format of the project availability list. The list includes email addresses.
- Contact SMBR for any assistance.





# Resources

<http://www.ci.austin.tx.us/snbr/>

# SMBR Website



# SMBR Staff

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## Certification Division Manager

Elton Price-974-7725

## Certification

Deanna Brown-974-7612

Kristi Samilpa – 974-7650

Amy Amaya – 974-7645



# SMBR Staff

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## Compliance Division Manager

Amelie Gonzalez Flores -974-7014

### Pre-Award

Raymond M. Young-974-9183 (Construction)

Linda Moore-974-7735 (Construction)

Joe Sanchez-974-7606 (Professional Services)

### Post-Award

Stella Richerson-Kinley-974-7256(Construction)

Harold Tolbert-974-7736(Construction)

Kenneth Kalu-974-7621(Construction)

Margaret Castillo-974-7737 (Construction)

Natalie Cuccia-974-7623 (Professional Services)



# SMBR Staff

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## Contract Compliance Manager

Thomas Owens -974-7732

## Plan Room

Hemant Motwani – 974-7745

## Outreach

Blender Hill – 974-7677



# SMBR Staff

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## Director

Veronica Briseño Lara -974-2156

4201 Ed Bluestein Blvd. Austin, Texas 78721

Phone: (512) 974-7600

Fax: (512) 974-7601

[SMBR@ci.austin.tx.us](mailto:SMBR@ci.austin.tx.us)





CONTRACT & LAND MANAGEMENT

CITY OF AUSTIN

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**2010 JOB ORDER CONTRACT  
FOR CITY OF AUSTIN FACILITY  
IMPROVEMENTS – CLMB300**



# Job Order Contracting

LGC Chapter 271, Subchapter H, Alternative Project Delivery Methods, Sec. 271.120. Job Order Contracts for Facilities Construction or Repair

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JOC is a contracting method whereby the City may award contracts for “facilities improvements” based on established set of unit prices for work items for which offerors will propose a coefficient (overhead and profit percentage)

As with other Alternative Delivery Methods, evaluation and selection is based on “**BEST VALUE**” evaluation criteria, such as:

- Qualifications, relevant experience and skills
- Cost (Coefficient or Overhead and Profit Percentage)
- Ability to perform and deliver project
- Local business presence
- Other criteria as determined



# Facility Improvements

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“Facility” means a buildings for which the design and construction is governed by accepted building codes



Specifically, facility improvements includes any minor construction, repair, rehabilitation or alteration



## Scope of Work / Description

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- Includes various building trades:
  - Electrical, mechanical, plumbing, painting, carpentry, drywall, roofing, etc.
- Various work locations includes, but not limited to:
  - Austin Bergstrom International Airport, City office buildings, Austin Parks and Recreation buildings, and other City owned or leased building facilities
- Minor construction may include:
  - Demolition and/or construction of workspace within an existing facility
- Repairs may include:
  - Broken systems/components, i.e., doors, electrical outlets, plumbing, flooring, sheetrock, air conditioning systems, etc.
- Rehabilitation or restoration may include:
  - Office, floor, doors, electrical, plumbing, etc. in order to restore functionality
- Alterations may include:
  - Changes to a structure in terms of lay-out or function



# Contract Requirements

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Same as with any construction contract for the COA:

- Payment
- Wage Compliance
- General Conditions of the Contract
- MBE/WBE Compliance
- Technical Specifications
- Technical Plans
- Insurance
- Bonds
- Etc.



## Overview of 2010 JOC

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- Total Value of JOC for first year is \$3 million
- Anticipate selecting three (3) Job Order Contractors
- Base contract term will be for one-year with the option to renew for one additional year
- Job Order Assignments (JOA) will range from \$50K to \$300K
- JOA pricing is based on R.S. Means plus coefficient (O & P)



# JOC Administration

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- Job Order Assignments (JOA) or work requests will be administered by Contract Procurement Division, CLMD
- A JOA request will be made by the Client Department to the JOC Administrator
- Administrator will contact the Contractor and send a JOA Proposal Request
- Client PM & JOC Administrator will evaluate and verify scope, UPB pricing & proposal
- Administrator will issue a NTP with the work
- Client PM will monitor work and contractor's performance
- SMBR, in coordination with the JOC Administrator, will closely monitor MBE/WBE participation & compliance



## Anticipated Schedule (subject to change)

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- Issued Solicitation: March 29, 2010
- Pre-Proposal Conference: April 14<sup>th</sup> & April 21<sup>st</sup>, 2010
- Proposals Due: May 18, 2010
- Anticipate Council Award: June 2010
- Anticipate Executing Contracts by: July/Aug 2010
- Job Order Assignments available by: Aug/Sept 2010



## Selection Overview

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- In compliance with City Policy and LGC 271, Subchapter H
- Evaluation Panel evaluates Proposals based on Evaluation Criteria
- Evaluation Panel scores and ranks Offerors
- Staff will make recommendation to Council the top ranked firms who offers the best value to the City of Austin, based upon evaluation criteria
- Anticipate selecting three (3) contractors



## General Submittal Information

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- Due Date: Tuesday, May 18, 2010 **prior to 3:00 p.m.**
- Submit: **1 Original and 6 copies**
- Use the current forms enclosed in the RFP
- Organize response in the order in which the forms are presented in the Evaluation Criteria
- Follow guidelines for submitting and putting together response
- All prime firms and subcontractors must be registered to do business with the City prior to the RFP due date
- For registration information, visit vendor registration website at: [www.ci.austin.tx.us/vss/advantage](http://www.ci.austin.tx.us/vss/advantage)



## General Submittal Information

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- Failure to adhere to the requirements of this solicitation may result in your firm being deemed non-responsive which may cause your submittal to not be evaluated.
- Protest Procedures are found in Section 00100JOC, Page 10 of 21 of the solicitation manual. (Please read it carefully.)
- Section 00630JOC Non-Discrimination Certificate: Must be signed and returned with proposal. (Please read it carefully.)
- Section 00440JOC Affidavit of Non-Collusion, Non-Conflict of Interest and Anti-Lobbying: Must be completed and returned with proposal. Violation of this provision may result in your firm being deemed non-responsive which may cause your submittal to not be evaluated.



# General Submittal Information

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- The Anti-Lobbying Ordinance can be found in its entirety at [www.ci.austin.tx.us/clmd](http://www.ci.austin.tx.us/clmd)
- Please contact the authorized individuals:
  - Marylou Ochoa for Process questions (512) 974-7215
  - Lynda Williams for Project questions (512) 974-3066
- All City procurements are subject to the City's MBE/WBE Procurement Program. Offerors are required to complete and return the MBE/WBE Compliance Plan with their proposal.



# EVALUATION CRITERIA

## ITEM 1–Debarment or Suspension Lists

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- Offeror must provide a certification on the City's Section 00405JOC– Certificate of Non-Suspension or Debarment form that its company and principals are not currently debarred or suspended by any federal, state or City of Austin governmental agencies.
  
- Offeror must submit:
  - Section 00405JOC – Certificate of Non-Suspension or Debarment
  
- Scoring: Yes or No; If the Offeror is on a suspension or debarment list, it will not be considered for award of the contract.



## ITEM 2 – ALL REQUIRED DOCUMENTS

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- Offeror must submit all documents required by this solicitation. Failure to submit all required documents may cause Offeror to be deemed “non-responsive” and disqualified. Offeror shall also comply with project and page number limitations requested in the Submittal Requirements of the Section 00100JOC solicitation. If the Offeror fails to do so, then the Offeror may be disqualified.
  
- Offeror must submit:
  - Section 00400JOC - Attachment A, Offeror’s Information
  - Section 00400JOC - Attachment J, Authentication of Proposal Submittal
  - Section 00440JOC – Affidavit – Prohibited Activities
  - Section 00475JOC – Nonresident Offeror Provisions
  - Section 00630JOC – Non-Discrimination Certificate
  - Provide copy of statement of legal entity status, including but not limited to, Statement of Sole Proprietorship, Articles of Partnership or Incorporation and resolution, or corporate board minutes, empowering signatory to bind Offeror, attested to by an officer of Offeror. Such document must state the legal name, address, and telephone number of person in your organization authorized to negotiate contract terms and render binding decisions on contract matters.
  - Section 00400, Attachment J - Authentication of Proposal Submittal
  
- Scoring: Yes or No; if No, then Offeror may be disqualified



## ITEM 3 – SAFETY

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- Offeror must submit safety experience and safety program information, including a separate single bound copy of the Offeror's Written Safety Program. If the Offeror is found to have an unacceptable safety record or program, the Offeror's response may not be evaluated.
  
- Offeror must submit:
  - Section 00410JOC – Statement of Offeror's Safety Experience
  - Section 00415JOC – Safety Information Form
  - Written Safety Program
  
- Scoring: Yes or No; if No, then Offeror may be disqualified



## ITEM 4 – OFFEROR MEETS MBE/WBE GOALS OR G.F.E.

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- Offeror must comply with the City's MBE/WBE or DBE participation requirements. The City has issued initial MBE/WBE goals for this Project and compliance with such goals will be required with Job Order Assignments. Offeror shall submit with its Proposal, an MBE/WBE Compliance Plan meeting the proposed participation goals. If the Offeror has not met the goals or made good faith efforts to meet the goals, the Offeror's response will be deemed non-responsive and will not be evaluated.
  
- Offeror must submit:
  - MBE/WBE Compliance Plan
  - GFE Documentation (if goals are not achieved)
  - Letters from subcontractors confirming contract commitment to the Job Order program
  
- Scoring: Yes or No; if No, then Offeror may be disqualified



## ITEM 5 – PRICING/COEFFICIENT FACTOR

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- Offeror must submit a “Coefficient Factor” to cover overhead, profit, and any other costs that are not included in the Unit Price Book (“UPB”), which for the purposes of this contract is R.S. Means Facilities Construction Cost Data for Travis County. Submittal of a Coefficient Factor for Pre-priced for both Standard Working Hours (8:00 am-5:00 pm, Monday-Friday) and Non-Standard Working Hours (5:00 pm–8:00 am, Monday–Friday and Weekends) is required. The Coefficient Factor will represent the percentage decrease from or increase to the UPB line items (i.e. -.05%).
  
- The lowest coefficient factor for Standard Working Hours will receive 25 points, with others receiving a prorata percentage of 25 points based on a percentage comparison with the lowest coefficient proposed for Standard Working Hours.
  
- Offeror must submit:
  - Section 00300JOC – Cost Form
  
- Scoring: 25 Points Maximum



## ITEM 6 – OFFEROR’S FINANCIAL STABILITY

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- The Offeror’ must provide evidence of the Offeror’s legal entity status and ownership, and financial viability and stability. Any or all points allocated to this consideration item will be awarded on the basis of the Offeror’s comparative financial status.
  
- Offeror Must Submit:
  - Letter from Offeror’s Surety stating Offeror’s ability to acquire bonding in the full amount of the contract. If the aforementioned is not available, a letter from Offeror’s Surety stating Offeror’s ability to acquire bonding in the maximum value of work under construction at any given time.
  - One (1) separately bound copy of Offerors Financial Statements
    - For the most recent three (3) years, including all notes to the financial statements, OR
    - Business entity federal tax filings for the most recent three (3) years if Audited Financial Statements are unavailable.
  
- Scoring: 5 Points Maximum



## ITEM 7 – OFFEROR’S BUSINESS SIZE

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- Offeror will be awarded points based on its respective business size according to the matrix set forth below as determined from its annual gross receipts.

<b>Points</b>	<b>Range</b>
5	Avg. gross receipts over the previous three years are less than \$5,000,000
4	Avg. gross receipts over the previous three years are between \$5,000,001 and \$7,000,000
3	Avg. gross receipts over the previous three years are between \$7,000,001 and \$9,000,000
2	Avg. gross receipts over the previous three years are between \$9,000,001 and \$11,00,000
1	Avg. gross receipts over the previous three years are between \$11,00,001 and \$13,000,000
0	Avg. gross receipts over the previous three years are more than \$13,000,001

- Offeror must submit:
  - Affidavit from CPA attesting to and stating the Offeror’s annual gross receipts for the previous three (3) years.
- Scoring: 5 Points Maximum



## ITEM 8 – OFFEROR’S COMPARABLE PROJECT EXPERIENCE

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- The Offeror must present evidence of its Team’s experience based upon the successful completion of three (3) similar projects. The Offeror’s experience in estimating, proposing on, and completing work using a published construction unit price book (UPB) factoring in coefficients or multipliers will also be considered. Experience with Job Order Contracting or similar indefinite delivery/indefinite quantity construction type contracting methods for minor construction, repair, rehabilitation, or alteration of facilities is preferred, though not required. List three (3) projects completed in the last five (5) years, including the experience of Key Personnel, including Project Manager, Superintendent, and Project Estimator.
  
- Offeror must submit:
  - Section 00400JOC, Attachment B, Statement of Experience
  - Section 00400JOC, Attachment C, Statement of Experience for Offeror’s listed Project Manager & Superintendent
  - Section 00400JOC, Attachment E, Statement of Experience for Offeror’s Listed Subcontractors
  
- Scoring: 20 points Maximum



## ITEM 9 – OFFEROR’S PAST RELATIONSHIP WITH THE CITY

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- ❑ The City will consider the performance history of the Offeror in complying with project programs, schedules, and budgets on previous or current City projects within the last five (5) years, including compliance with the City’s MBE/WBE Ordinance. Five (5) of the 15 points will be allocated to Offerors who have had previous (or currently) been awarded contracts with the City and will receive points based on dollar value of such contracts according to the chart below:

<u>Past City Work \$</u>	<u>Points</u>
❑ \$0 to \$5,000,000	5
❑ \$5,000,001 to \$10,000,000	4
❑ \$10,000,001 to \$15,000,000	3
❑ \$15,000,001 to \$20,000,000	2
❑ \$20,000,001 to \$25,000,000	1
❑ Over \$25,000,001	0



## ITEM 9 – OFFEROR’S PAST RELATIONSHIP WITH THE CITY (con’t)

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- The remaining ten (10) points will also be awarded on the basis of the Offeror’s past relationship with the City and performance on City projects and specific consideration items may include the following list of items. If Offeror has no project experience with the City, Offeror will receive five (5) points.
  - Timely completion of projects
  - Cooperative working relationship with City
  - Prompt payment of subconsultants, subcontractors and suppliers
  - History of violations of prevailing wage provisions
  - Compliance with other contract terms
  - Compliance with City ordinances on substitution/addition/deletion of subconsultants, subcontractors and suppliers
  - Evidence of providing contracting opportunities for small businesses and DBEs or MBE/WBEs
  - Compliance with the City’s MBE/WBE Ordinance
  - Compliance with City construction standards
  - Conformance to City budget requirements
- Offeror must submit:
  - Section 00400JOC, Attachment I, All City of Austin Projects (past and present)
- Scoring: 15 Points Maximum



# ITEM 10 – TEAM STRUCTURE, WORK APPROACH & DELIVERY SCHEDULE

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- ❑ Offeror must present reasonably supported evidence of its Team Structure, including its management, reporting, and administrative structure and its proposed work approach methods to successfully complete the Work, its understanding of the techniques and sequencing required to complete the Work, and its ability to meet or beat the anticipated specified construction schedule(s).
  
- ❑ Offeror must submit:
  - ❑ Section 00400JOC, Attachment F, Available Equipment List
  - ❑ Section 00400JOC, Attachment G, Available Workforce
  - ❑ Organizational Chart - Provide organizational chart which specifies project leadership, reporting responsibilities and subcontractors.
  - ❑ Brief Narrative - The total number of pages should not exceed four (4) pages.
  - ❑ Technical Plan - Describe your technical plan for accomplishing a Job Order Assignment. Include a general description of your work plan by tasks (i.e. Task 1, Task 2 etc). Summarize the steps you will take in proceeding from Task 1 to the final tasks. The total number of pages should not exceed four (4) pages.
  - ❑ Summary Level Schedule - Provide a summary level schedule for achieving the Work.
  
- ❑ Scoring: 15 Points Maximum



# ITEM 11 – IMPLEMENTATION OF SUSTAINABLE PROCESSES

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- ❑ The City is actively promoting the use of contractors for its capital project delivery program who are able to demonstrate their commitment to improving air quality, using materials with recycled content, and having internal business practices that are aligned with the City’s goals of carbon neutrality and zero waste. To that end, the City will give preference to vendors who demonstrate internal business controls and procedures that promote environmental responsibility and encourage the use of sustainable best practices, including but not limited to, the following:
  - ❑ Office and Equipment Yard located less than 50 miles from the State Capitol
  - ❑ Compliance with City of Austin’s “Anti-Idling Bulletin”
  - ❑ Use of alternative fuels and low emissions construction and Transportation equipment
  - ❑ Use of recycled, reclaimed, or refurbished construction materials, whenever appropriate There is a statute in the H&S code requiring it.
  - ❑ Aggressively implement and monitor recycling program and responsibility to reduce waste to landfills
  - ❑ Understand and have experience with LEED initiatives and measurement criteria
  - ❑ Business practices and internal policies that encourage identification of opportunities for water and energy conservation, reducing greenhouse gas emissions, and purchasing environmentally preferable products
  
- ❑ Offeror must submit:
  - ❑ A brief narrative not exceeding two (2) pages including applicable supporting data addressing these requirements without duplicating information.
  
- ❑ Scoring: 5 Points Maximum



## ITEM 12 – OUTREACH APPROACH

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- ❑ Offeror must provide information relative to its philosophy and approach to outreach and inclusion of local small businesses in execution of the Work. For purposes of this evaluation criteria, a Small Business is one which meets the financial criteria as set forth in the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program Rules, Section 2.6.2, which is part of the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program Ordinance, Chapter 2-9A of the City Code, and incorporates the federal standards found in 13 CFR Part 121.
  
- ❑ Offeror must submit:
  - ❑ A narrative on how the Offeror will work with City of Austin staff, including SMBR. Narrative should not exceed three (3) pages.
  
- ❑ Narrative should explain how the Offeror has been successful on the following criteria:
  - ❑ Potential contracting opportunities for MBE/WBEs and small businesses
  - ❑ Compliance with minority and women owned/historically underutilized/ small business programs, requirements and processes
  - ❑ Strategy and approach for MBE/WBE and small business outreach and inclusion
  
- ❑ Scoring: 5 Points Maximum



# ITEM 13 – TEAM’S LOCAL BUSINESS PRESENCE

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- The City seeks opportunities for businesses in the Austin Corporate City Limits to participate on City contracts. A firm (Offeror or Subcontractor) is considered to have a Local Business Presence if the firm is headquartered in the Austin Corporate City Limits, or has a branch office located in the Austin Corporate City Limits in operation for the last five (5) years. The City defines headquarters as the administrative center where most of the important functions and full responsibility for managing and coordinating the business activities of the firm are located. The City defines branch office as a smaller, remotely located office that is separate from a firm’s headquarters that offers the services requested and required under this solicitation. Points will be awarded through a combination of the Offeror’s Local Business Presence and/or the Local Business Presence of their subcontractors. Evaluation of the Team’s Percentage of Local Business Presence will be based on the allocation of work as reflected in the Offeror’s MBE/WBE Compliance Plan.

<b><u>Team’s Local Business Presence</u></b>	<b><u>Points</u></b>
□ Local business presence of 90% to 100%	5
□ Local business presence of 75% to 89%	4
□ Local business presence of 50% to 74%	3
□ Local business presence of 25% to 49%	2
□ Local presence of between 1 and 24%	1
□ No local presence	0



## ITEM 14 – INTERVIEW (OPTIONAL)

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- The City in its discretion may require interviews with key personnel of Offeror for this solicitation. Only Offerors that are considered, on the basis of their written submittal responses, qualified to perform the work will be invited for interviews. No more than five (5) Offerors will be interviewed.
  
- SCORING: 15 POINTS MAXIMUM



# QUESTIONS & SIGN-IN SHEETS

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Sign-In Sheets and copies of this presentation  
will be made available at:

[www.ci.austin.tx.us/aeservices\\_ads/getcurrentads.cfm](http://www.ci.austin.tx.us/aeservices_ads/getcurrentads.cfm)