New MWSBE Pre-Bid Requirements

Presented by
OFFICE OF BUSINESS OPPORTUNITY AND LEGAL DEPARTMENT

JULY 26, 2013
Recent Changes to the MWSBE Program
Key Changes

• New MWSBE ordinance (Chapter 15) as of July 1st.
• Citywide Overall MWSBE Goal in Construction (34%) 
• WBE Component Reinstated
• Focus on Contract Specific Goals, which includes categorical goals (PWE & GSD)
• Limit credit for SBE Participation to 4% (Construction only)
• Revised Good Faith Efforts policy
• Participation Plans or Good Faith Efforts Plans required at time of bid submissions.
Amended Documents

• Document 00600
  ❖ Comprehensive list of all subcontractors
• Document 00800
  ❖ Supplementary Conditions (Goals)
• Document 00808
  ❖ MWSBE Policy
Pre Bid

- Document 00470
  - Bidder’s MWSBE Participation Plan
- Document 00471
  - Pre-Bid Good Faith Efforts
- Document 00472
  - Bidder’s MWSBE Goal Deviation Request
Document 00470: Bidder’s MWSBE Plan
What Does Document 00470 Do?

• Captures the MWSBE participation that the Bidder commits to achieve for that contract.

• Helps Contracting Department and OBO determine whether the Bidder has a plan to actually meet the goal.

• The 00470 is submitted at the time of bid.
Document 00470

BIDDER’S MWSBE PARTICIPATION PLAN

The Bidder or Proposer shall submit this completed form with the bid, to demonstrate the Bidder/Proposer’s plan to meet the contract-specific MWSBE goal (contract goal). If the Bidder or Proposer cannot meet the contract goal, the Bidder/Proposer has the burden to demonstrate “Good Faith Efforts”, which shall include correctly and accurately preparing and submitting this form, a Record of Good Faith Efforts (Document 00471), and a Request for Deviation from the Goal (Document 00472), the documentation evidencing their “Good Faith Efforts”, as required by the City of Houston’s Good Faith Efforts Policy (Document 00839). The City will review the Participation Plan and Good Faith Efforts at the time of bid opening. For more information, visit https://houston.mwsbe.com/FrontEnd/Vendor/GetPublic.asp.

<table>
<thead>
<tr>
<th>Contract Goal</th>
<th>MBE</th>
<th>WBE</th>
<th>Bidder’s Participation Plan Percentage</th>
<th>SBE</th>
<th>MIN</th>
<th>MBE</th>
<th>WBE</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS Code (6 digit)</td>
<td>Plan Item Number (if applicable)/ Description of Work</td>
<td>% of Total Bid Price (2 decimal places)</td>
<td>Cert. Type for Goal (MBE, WBE, OEC)</td>
<td>Certified Firm Name</td>
<td>Firm Address</td>
<td>Contact Name</td>
<td>Phone No. and E-Mail (if available)</td>
<td></td>
</tr>
</tbody>
</table>

Signature for Company: ___________________________  * Date: ________________
Print Name: ___________________________  Phone: ___________________________

*Understand that supplying inaccurate information may violate Texas Penal Code Section 37.10 and lead to City sanctions.

00470-1  07-01-2013  <<Bidder Name>>
00470 vs. 00600

**BIDDER’S MWSBE PARTICIPATION PLAN**

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### Bidder’s Participation Plan Percentage

<table>
<thead>
<tr>
<th>NAICS Code (8 digit)</th>
<th>Plan Item Number (if applicable)/ Description of Work</th>
<th>% Total Projects (2 decimal places)</th>
<th>MBE</th>
<th>WBE</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

**Notes:**
1. Understand that supplying inaccurate information may violate Texas Penal Code Section 37.19 and result in City sanctions. (00470-1 07-01-2013)

**Signature for Company**

* Print Name:  
* Print Name:  
* Phone:  
* Date:  

00470 vs. 00600

**LIST OF PROPOSED SUBCONTRACTORS AND SUPPLIERS**

### Project Name:

<table>
<thead>
<tr>
<th>NAICS (Right)</th>
<th>SUBCONTRACTOR OR SUPPLIER (INCLUDE “MWSBE” “PORE”, “DBE”, OR “HUB” DESIGNATION)</th>
<th>ADDRESS</th>
<th>SCOPE OF WORK</th>
</tr>
</thead>
<tbody>
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</table>

**Notes:**
1. RETURN FOR ALL PROJECTS AS REQUIRED IN DOCUMENT 00470—SUPPLEMENTARY CONDITIONS RETURN WITHIN THE SPECIFIED NUMBER OF DAYS AFTER RECEIPT OF NOTICE OF INTENT TO AWARD.
2. DESIGNATIONS MUST BE AUTHORIZED BY THE CITY OFFICE OF BUSINESS OPPORTUNITY ON THIS FORM.
3. DESIGNS THE WORK TO BE PERFORMED FOR WHICH THE FIRM IS CERTIFIED, SUCH AS HAVING.
4. CONTRACTOR SHALL EXECUTE CONTRACTS WITH APPROVED SUBCONTRACTORS AND SUPPLIERS WITHIN 90 DAYS AFTER THE DATE OF THE NOTICE TO PROCEED. COPIES OF CONTRACTS WITH DESIGNATED FIRMS MUST BE SENT TO THE OFFICE OF BUSINESS OPPORTUNITY.

**Signature:**

* Print Name:  
* Company Name:  
* Title:  
* Phone:  
* Date:  

00600-1 07-01-2013
Filling Out Document 00470*

1. Bidders fills out the 00470 prior to bid submission.
2. Bidders must submit the 00470 with the bid or else the bid is non-responsive.
3. Bidders must fill in each box
4. **Sign** the document.

*Use pre-bid conferences and B2G to help find certified firms*
BIDDER’S MWSBE PARTICIPATION PLAN

The Bidder or Proposer shall submit this completed form with the bid, to demonstrate the Bidder/Proposer’s plan to meet the contract-specific MWSBE goal (“contract goal”). If the Bidder or Proposer cannot meet the contract goal, the Bidder/Proposer has the burden to demonstrate “Good Faith Efforts”, which shall include correctly and accurately preparing and submitting this form, a Record of Good Faith Efforts (Document 00471), and a Request for Deviation from the Goal (Document 00472), the documentation evidencing their “Good Faith Efforts”, as required by the City of Houston’s Good Faith Efforts Policy (Document 00808). The City will review the Participation Plan and Good Faith Efforts at the time of bid opening. For more information, visit [https://houston.mwdb.e.com/FontEnd/VendorSearchPublic.asp](https://houston.mwdb.e.com/FontEnd/VendorSearchPublic.asp).

<table>
<thead>
<tr>
<th>NAICS Code (6 digit)</th>
<th>Plan Item Number (if applicable)/Description of Work</th>
<th>% of Total Bid Price (2 decimal places)</th>
<th>Cert. Type for Goal (MBE, WBE, SBE)</th>
<th>Certified Firm Name</th>
<th>Firm Address</th>
<th>Contact Name</th>
<th>Phone No. and E-Mail (if available)</th>
</tr>
</thead>
<tbody>
<tr>
<td>541330</td>
<td>Plan Item #16: Electrical Design &amp; Services</td>
<td>5.00%</td>
<td>WBE</td>
<td>Ferguson Consulting, Inc.</td>
<td>37602 Tournament Lane Magnolia, TX 77355 Carolyn Ferguson 281 252-9232 <a href="mailto:Ferguson@fci-engr.com">Ferguson@fci-engr.com</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
What Goes Into 00470?

Why is the North American Industry Classification System (NAICS) Code Important?

- NAICS Code helps to determine eligibility for Goal Credit and assess Commercially Useful Function on certain contracts.
- OBO uses the NAICS Code to certify firms.
- The NAICS Code should always be at least six (6) digits long for purposes of the 00470.
**BIDDER’S MWSBE PARTICIPATION PLAN**

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<th>SBE</th>
<th>MBE</th>
<th>WBE</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>0.00%</td>
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**CITY OF HOUSTON**

**MAYOR’S OFFICE**

**BUSINESS OPPORTUNITY**
Plan Item Number & Work Description:

- **Plan Item Number** used in the proposed project plan that corresponds with a particular work activity.

- The **Work Description** is a brief description of the type of work to be performed.
**Note:** All 00470’s should include a Description of Work, but not all will have a Plan Item Number.

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Plan Item Number/Description of Work</th>
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<tbody>
<tr>
<td>484220</td>
<td>Trucking – Rebar (No Plan Item Number)</td>
</tr>
<tr>
<td>238220</td>
<td>Plan Item Number 6: Plumbing</td>
</tr>
<tr>
<td>238220</td>
<td>Plan Item Number 42: HVAC</td>
</tr>
<tr>
<td>561990</td>
<td>Flagging / Traffic Control (No Plan Item Number)</td>
</tr>
</tbody>
</table>
% of Total Bid Price

Round to second decimal place: 00.00

Document 00470

BIDDER’S MWSBE PARTICIPATION PLAN

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What Goes Into 00470?

**Percent of Total Bid Price:**

- The *Percent of Total Bid Price* indicates what percent out of the total contract each MWSBE makes up.

- The *Percent of Total Bid Price* should *always* be written out to the 2\textsuperscript{nd} decimal point.
**Percent of Total Bid Price**

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<tr>
<th>Total Bid Price</th>
<th>Total Dollar Amount Awarded to Firm</th>
<th>% of Total Bid Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000,000 (Amount on Document 410)</td>
<td>$50,000 (For Electrical Design &amp; Services)</td>
<td>5.00%</td>
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**Document 00470**
What Goes Into 00470?

Certification Type for Goal:

• Indicates the Certified Firm’s business classification.

• Certification Type will always be either
  o MBE, WBE, or SBE

  • Only one of these should be listed for each certified firm listed.
  o DBE should never be listed.
Document 00470

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<tbody>
<tr>
<td>0.00%</td>
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Ferguson Consulting, Inc.
37602 Tournament Lane
Magnolia, TX 77355
Carolyn Ferguson
281 252-9232
Ferguson@fcn-ent.com
What has to be Included on 00470?

**Certified Firm Contact Information**

- Make sure all information requested is included on the form
Contracting Department & OBO will determine whether the 470 submitted is responsive.

*All information must be provided in order to be deemed responsive.*
How To Identify Prospective Certified Companies By Using The B2G Directory
How To Perform a certified firm search using the directory:

There are two links to the MWSDBE directory:


• Or access the certified directory directly at: https://houston.mwdbe.com/FrontEnd/VendorSearchPublic.asp

• The certified directory also includes DBEs in the Houston area, however for a complete list of DBE firms in the state of Texas, an agreement mandated by Federal DOT which establishes a central directory (UCP) located on the State of Texas website. The combined TUCP directory contains DBE firms certified by all TUCP partner agencies.
Go to B2G Website for direct access
https://houston.mwdbe.com/FrontEnd/VendorSearchPublic.asp
Or, go to directory – through OBO’s website
https://houston.mwdbe.com/FrontEnd/VendorSearchPublic.asp

• Go to OBO Website at http://www.houstontx.gov/obo/ and click “Certified Firm Directory” link.
How To Search for Certified Firms:

- Type the first word of the MWSBE Firm Name into the “Business Name/DBA” field.
- You may also search by the description of the business or the commodity code. The commodity code describes the type of services provided by the firm.
Click “Search” Box or press “Enter”

- If you would like to search for specific details you may also search by location, or the contact person or owner, however if these fields can be left blank if they aren’t needed.

- If you would only like to search for the companies certified by certification type, leave the business name, description, commodity code, and location blank and click the “Search” box or press “Enter”. You must select at least one certification type.
In “Commodity Codes,” check the firm’s NAICS Code and type of work.

<table>
<thead>
<tr>
<th>Commodity Codes</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS 541330</td>
</tr>
</tbody>
</table>
How To Perform a Verification Search in B2G

• Scroll down to see the search results and click the blue certification link (WBE, DBE and etc.)
• If nothing appears, no certified firms are available under the criteria selected.
The “Vendor Information” will appear in separate window.

- After you click on the certification type, a box will pop up which will provide a listing of all services the business you selected can provide under that certification type.

- The commodity (NAICS) code provides the specific type of services provided by the company selected under this certification type.
Export list of certified firms

You may also export a list of certified firms by clicking on the buttons below:

- Click on “Excel” if you want a formatted table in excel
- Click on “CSV” if you want an unformatted excel raw data file

<table>
<thead>
<tr>
<th>Search by Certification Type</th>
<th>certifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)</td>
<td></td>
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<tr>
<td>Minority Business Enterprise (MBE)</td>
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<tr>
<td>Small Business Enterprise (SBE)</td>
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<tr>
<td>Women Business Enterprise (WBE)</td>
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<tr>
<td>Disadvantaged Business Enterprise (DBE)</td>
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<tr>
<td>Persons with Disabilities Business Enterprise (PDBE)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Search by Reference</th>
<th>Category</th>
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</table>

Download Entire Directory:
- to Excel
- to CSV

Include Commodity Codes in download
Document 00471: Record of Good Faith Efforts
“Either you turn in one document (00470) or you turn in three documents (00470, 00471, & 00472). **Always.**”
PRE-BID GOOD FAITH EFFORTS

Bidder or Proposer Name: ___________________ Project Name & Bid Contract #: ____________

A Bidder or Proposer that may be unable to complete or follow a Participation Plan (Document CCD-00470) to meet the contract specific goal in the Supplemental Conditions (Document 00800), must submit this completed form as well as a Goal Deviation Request Form (Document 00472), and any other documentation of “Good Faith Efforts” with the bid (see Document 00808). The Bidder or Prime Contractor has the burden to demonstrate “Good Faith Efforts” to meet the MWSBE goal, which includes correctly and accurately preparing and submitting this form and other efforts described in the City’s Good Faith Efforts Policy (Document 00808). The Office of Business Opportunity will review Good Faith Efforts and Participation Plan after selection of an apparent low bidder.

UNLESS THE BIDDER’S/PROPOSER’S PARTICIPATION PLAN MEETS THE CONTRACT GOAL, FAILURE TO SUBMIT THIS FORM MAY RESULT IN THE BID BEING FOUND NON-RESPONSIVE.

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Plan Item No.</th>
<th>MWBE Type for Goal</th>
<th>Certified Firm Name, Phone No., and E-Mail</th>
<th>Certified Firm Contact Person</th>
<th>Method of Contact</th>
<th>Prime Contact Date</th>
<th>Certified Firm Response</th>
<th>Results of Contact (why suitable or not suitable for work)</th>
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<tbody>
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<td>Phone ☐</td>
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Authorized Signature: ___________________ Date: ___________ Phone: _________

Print Name: ___________________ Email Address: ___________________
What Does Document 00471 Do?

• Allows the Bidder to document Good Faith Efforts to meet its MWSBE goal.

• Allows the City to see how much effort the bidder put into finding MWSBE firms.
1. Bidder must fill out every box.
2. Bidder must sign document.
Document 00471
PRE BID GOOD FAITH EFFORTS

Bidder or Proposer Name: _______________ Project Name & Bid/Contract #: _______________

A Bidder or Proposer that may be unable to complete or follow a Participation Plan (Document CCD-00470) to meet the contract specific goal in the Supplemental Conditions (Document 00800), must submit this completed form as well as a Goal Deviation Request Form (Document 00472), and any other documentation of “Good Faith Efforts” with the bid (see Document 00808). The Bidder or Prime Contractor has the burden to demonstrate “Good Faith Efforts” to meet the MWSBE goal, which includes correctly and accurately preparing and submitting this form and other efforts described in the City’s Good Faith Efforts Policy (Document 00808). The Office of Business Opportunity will review Good Faith Efforts and Participation Plan after selection of an apparent low bidder.

UNLESS THE BIDDER’S/PROPOSER’S PARTICIPATION PLAN MEETS THE CONTRACT GOAL, FAILURE TO SUBMIT THIS FORM MAY RESULT IN THE BID BEING FOUND NON-RESPONSIVE.

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Plan Item No.</th>
<th>MWSBE Type</th>
<th>Certified Firm Name</th>
<th>Address, Phone No. and E-Mail</th>
<th>Certified Firm Contact Person</th>
<th>Method of Contact</th>
<th>Prime Contact Date</th>
<th>Certified Firm Response</th>
<th>Results of Contact (why not suitable for work)</th>
</tr>
</thead>
<tbody>
<tr>
<td>238120</td>
<td>15</td>
<td>MBE</td>
<td>Halcon Erectors</td>
<td>331 Lang Rd TRL 56 Houston, TX 77092 <a href="mailto:halconerectors@yahoo.com">halconerectors@yahoo.com</a></td>
<td>Eduardo Rojas</td>
<td>Phone, E-mail, Fax</td>
<td>4/26/13</td>
<td>4/26/13</td>
<td>Certified Firm Already Booked</td>
</tr>
</tbody>
</table>

[Image of City of Houston Mayor’s Office of Business Opportunity]
**NAICS Code:**

Properly fill out *NAICS code* section for each Certified Firm that was solicited by Bidder.
Plan Item Number:

• Properly fill out *Plan Item Number* section for each Certified Firm that was solicited by Bidder.

• Make sure that *Plan Item Number* corresponds with the work activity that the Certified Firm was solicited to perform.
MWSBE Type for Goal:

• Properly fill out “MWSBE Type for Goal” section for each Certified Firm that was solicited by Bidder.

• There are three possible answers: MBE, WBE, or SBE.
Certified Firm Name, Address, Phone No. & Email:

Properly fill out “Certified Firm Name, Address, Phone No. and E-mail” section.

Certified Firm Name
Firm Address
Contact Name
Phone No. and E-Mail (if available)
Halcon Erectors & Services LLC
331 Lang Rd. TRLR 56
Houston, TX 77092
281-975-9203
halconerectors@yahoo.com
**PRE BID GOOD FAITH EFFORTS**

Bidder or Proposer Name: _______________  Project Name & Bid/Contract #: _____________

A Bidder or Proposer that may be unable to complete or follow a Participation Plan (Document CCD-00470) to meet the contract specific goal in the Supplemental Conditions (Document 00800), must submit this completed form as well as a Goal Deviation Request Form (Document 00472), and any other documentation of “Good Faith Efforts” with the bid (see Document 00808). The Bidder or Prime Contractor has the burden to demonstrate “Good Faith Efforts” to meet the MWSBE goal, which includes correctly and accurately preparing and submitting this form and other efforts described in the City’s Good Faith Efforts Policy (Document 00808). The Office of Business Opportunity will review Good Faith Efforts and Participation Plan after selection of an apparent low bidder.

**UNLESS THE BIDDER’S/PROPOSER’S PARTICIPATION PLAN MEETS THE CONTRACT GOAL, FAILURE TO SUBMIT THIS FORM MAY RESULT IN THE BID BEING FOUND NON-RESPONSIVE.**

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<th>Prime Contact Date</th>
<th>Certified Firm Response Date</th>
<th>Certified Firm Response</th>
<th>Results of Contact (why suitable or not suitable for work)</th>
</tr>
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<tbody>
<tr>
<td>238120 Iron Work</td>
<td>15</td>
<td>MBE</td>
<td>Halcon Erectors</td>
<td>331 Lang Rd TRLR 56 Houston, TX 77092</td>
<td>Eduardo Rojas</td>
<td>Phone, E-mail Fax</td>
<td>4/26/13</td>
<td>4/26/13</td>
<td>Certified Firm Already Booked</td>
<td></td>
</tr>
</tbody>
</table>
Certified Firm Contact Person:

• Completely fill out “Certified Firm Contact Person” section for each Certified Firm that was solicited by Bidder.
• The Contact does not have to be the owner of the Certified Firm, and in many cases will not be.
• More than one Contact may be listed.
Method of Contact:

• Fill out “Method of Contact” section for each Certified Firm that was solicited by Bidder.
• The Method of Contact may be any combination of Phone, E-Mail, or Fax.
• The Bidder should check all that apply.
Prime Contact Date:
• Fill out “Prime Contact Date” section for each Certified Firm that was solicited by Bidder.
• The Prime Contact Date should indicate when the Bidder initiated an attempt at contacting Certified Firm.

MM/DD/YY
Certified Firm Response:

• Fill out “Certified Firm Response” section for each Certified Firm that was solicited by Bidder.

• The Certified Firm Response should indicate when, if at all, the Bidder received a response from Certified Firm.

MM/DD/YY
Results of Contact:

• Fill out “Results of Contact” section for each Certified Firm that was solicited by Bidder.

• OBO will review Results of Contact and determine acceptability.
Document 00472: Request for Goal Deviation
**Document 00472: Request for Goal Deviation**

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**BIDDER’S GOAL DEVIATION REQUEST**

<table>
<thead>
<tr>
<th>Short Project Name</th>
<th>WBS No.</th>
<th>WBS No.</th>
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</thead>
</table>

**Bidder or Proposer Name:**

**Project Name & Bid/Contract #:**

<table>
<thead>
<tr>
<th>Department Approved MWSBE Goals</th>
<th>SBE %</th>
<th>MBE %</th>
<th>WBE %</th>
<th>Total %</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Bidder’s Proposed MWSBE Goals</th>
<th>SBE %</th>
<th>MBE %</th>
<th>WBE %</th>
<th>Total %</th>
</tr>
</thead>
</table>

**Justification:** Please provide the reason the Bidder is unable to meet the MWSBE goal in Document 00860.

**Good Faith Efforts:** Please list any efforts not listed in the Bidder’s Good Faith Effort Report (Document 00471).

**Date:**

**Bidder:**

**Email:**

**By:**

**Phone Number:**

**Title:**

---

**FOR OFFICIAL USE ONLY:**

- Approved [ ]
- Not Approved [ ]

**OBO Representative:**

**Date:**

**Title:**

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04-06-2013
The 00472 allows the Bidder to explain two things:

1. Why the Bidder was unable to meet the advertised MWSBE goals; and

2. What good faith efforts the Bidder made that were not captured on Document 00471.
• Make sure this document is completely filled out.
• Make sure the Bidder has signed the document.
Make sure Bidder had signed the document
Guidelines for MWSBE Policy

Submission and Review of Plan

- The Low Bidder shall provide MWSBE documents as required by Document 00410 – Bid Form Part A.

- The City shall approve an Apparent Low Bidder’s MWSBE Participation Plan–Document 00470 (the “Bidder’s Plan”) if that Bidder’s Plan
  - meets the advertised MWSBE goal; and
  - is administratively complete.
If the City cannot approve the Bidder’s Plan, Document 00471 (Record of Good Faith Efforts) and Document 00472 (Pre-Award Deviation Request) will be reviewed to determine whether the Bidder has made Good Faith Efforts to meet the goals.
Guidelines for MWSBE Policy

• If the OBO determines that the Bidder has failed to make Good Faith Efforts, the OBO may declare the Bidder to be non-responsible, and, on that basis, the bid will be rejected.

• If the OBO determines that the Bidder has made Good Faith Efforts, OBO may approve the Bidder’s Goal Deviation request. Thereafter, the Bidder/Contractor shall be bound by the Bidder’s Plan, as approved or modified by the OBO.
Good Faith Efforts

The Contractor shall:

(1) Ensure that all MWSBE firms listed in the Plan are certified by the Office of Business Opportunity prior to bid date.

(2) Execute written contracts with all certified Subcontractors and Suppliers. All such contracts must be executed and sent to the OBO Director within 30 days after the date of the Notice to Proceed and must include provisions set forth in Articles 3 and 5 of Document 00700 - General Conditions.

(3) Designate an MWSBE liaison officer who will administer the Contractor's MWSBE program and who shall document and maintain records of Good Faith Efforts to subcontract with MWSBE Subcontractors and Suppliers.
Refer to 00808 when you are looking for information on Good Faith Efforts and how they relate to the contract.
QUESTIONS?
OBO Website:
www.houstontx.gov/obo
Thank You.