



Post-Award Deviation Request



As set forth in the City of Houston Code of Ordinances, Chapter 15, Section 15-85, after execution of a contract, the Prime contractor shall comply with the approved participation plan, unless it has received approval from Office of Business Opportunity (OBO) to deviate from the submitted plan. Below is a list of the types of deviation requests with explanations of what a Prime contractor needs to follow and document when submitting the deviation request. ***This process applies to all non-federally funded City contracts unless expressly stated otherwise by contract documents.***

Removal and Reduction in Participation

I) The Prime contractor must give notice of removal or substantial reduction (more than 50%) in participation to the affected MWSBE, with a copy sent to OBO stating the request to remove or reduce and the specific reason(s). The Prime contractor must demonstrate a good cause to justify the removal or reduction. Good cause includes, but is not limited to:

- The affected MWSBE fails or refuses to execute a written subcontracting agreement with reasonable terms.
- The affected MWSBE fails or refuses to perform the work of its subcontract or fails to perform its work in a way that is acceptable to the contracting department.
- The affected MWSBE becomes bankrupt, insolvent or exhibits credit unworthiness.
- The affected MWSBE is ineligible to work on projects because of sanction or debarment proceedings or applicable state law.
- The affected MWSBE voluntarily withdraws from the project and provides written notice of its withdrawal.
- The affected MWSBE is ineligible to receive credit for the type of work required.
- Other documented good causes not listed above that compels the removal of the affected MWSBE.

II) The Prime contractor must give the affected MWSBE five (5) business days to respond to the written notice of removal or reduction.

III) The Prime must provide OBO with a copy of the notice to the affected MWSBE along with any objections, a completed Deviation Request form, and an updated MWSBE Utilization Schedule.

OBO or its designee will contact the affected MWSBE to confirm their consent or objection to the removal or reduction.

The affected MWSBE must provide a written response consenting to the removal or reduction, or a detailed written response objecting to the removal or reduction.

Addition

The Prime contractor must submit a completed Deviation Request form when adding an MWSBE for goal credit to the approved MWSBE participation plan. The Prime contractor must also submit an updated MWSBE Utilization Schedule upon request. ***SBEs cannot be added for goal credit on professional services and goods and services contracts.***

SRF Projects

Prime contractors submitting deviation requests for SRF (state revolving funds) projects must complete this document and provide an accompanying letter stating the reason for the addition, removal or substantial reduction of a subcontractor(s).

Notification of Final Determination

The Prime contractor will be notified of the final determination via a letter signed by the OBO Director or designee. If the determination is to approve the addition, removal, or substantial reduction of participation of a goal credit MWSBE firm, the appropriate adjustments will be made to the project in the contract management system.

Within 14 business days of the date of OBO's approval letter to add an MWSBE for goal credit, the Prime must provide OBO with a copy of an executed subcontracting agreement with the new MWSBE.



City of Houston
Office of Business Opportunity
DEVIATION REQUEST



To: The Office of Business Opportunity (OBO) Director
Date:
Prime Contractor:
Project Description:
Contract Number:
OBO Compliance Officer:
City Of Houston Contract Project Manager:

Submitted By (Name and Title):		
Company Mailing Address:		
City:	State:	Zip code:
Contact Phone Number:		

Name of Firm(s) Requested to Add (a copy of the executed agreement must be provided to OBO within 14 days of approval of the deviation request).

Name of Firm Requested to Add	Certification	NAICS Code	Start Date	Estimated Dollar Value
	Choose an item.			
	Choose an item.			
	Choose an item.			

Name of Firm(s) Requested to Reduce/Remove

Name of Firm Requested to Remove	Certification	NAICS Code	Start Date	Estimated Dollar Value
	Choose an item.			
	Choose an item.			

If applicable, list subcontractors below that will be used as a supplier or manufacturer on this contract (no more than 50% of the MWSBE goal can be met using suppliers).

Name of Firm	Supplier or Manufacturer
	Choose an item.
	Choose an item.
	Choose an item.
	Choose an item.

Summarize why you are requesting a change to your MWSBE participation plan and whether it will affect other goal credit participants assigned on this project.

Please upload/attach the five-day removal or reduction notification to the affected MWSBE.

SRF Projects

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Signature:

Email to: OBOcontractcompliance@houstontx.gov