



**VENDOR
ACADEMY**

Minority and Women-Owned Business Enterprise Program Overview

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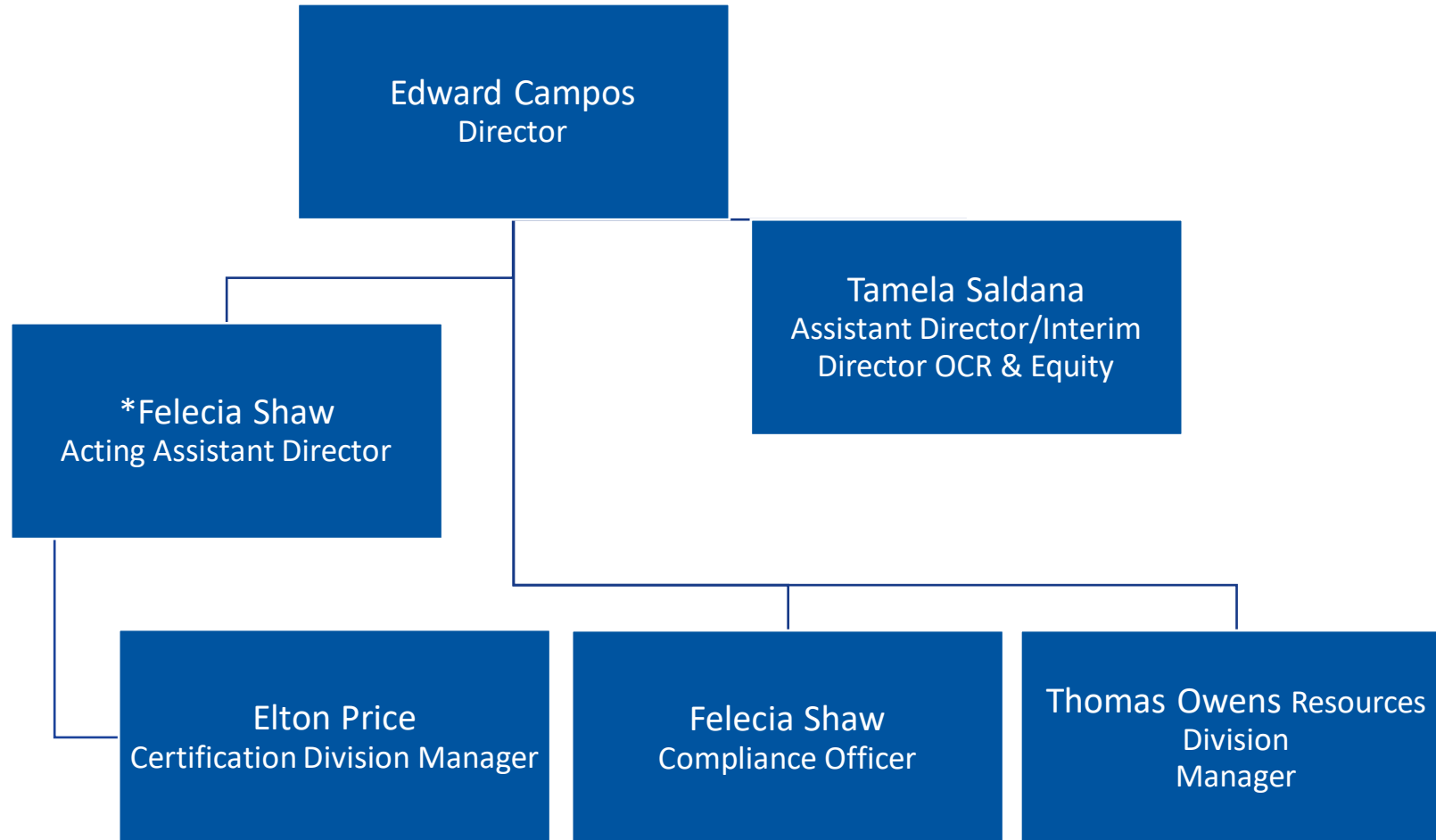
Mission and Purpose



SMALL AND MINORITY BUSINESS RESOURCES

The Small and Minority Business Resources Department (SMBR) administers the City of Austin's Minority-Owned Business Enterprise/Women-Owned Business Enterprise (MBE/WBE) Procurement Program. We provide development opportunities and resources for small businesses so that they can have affirmative access to city procurement opportunities and show productive growth.

SMBR Divisions



SMBR Overview

- Administers the MBE/WBE, DBE and ACDBE Programs by:
 - Certifying businesses that meet eligibility criteria
 - Monitoring utilization of certified firms on City contracts
 - Providing resources (workshops, training and webinars)
 - Meeting with local minority and women service trade organizations
 - Educating Internal/External Stakeholders on program requirements (Pre-Award and Post-award)

Certification Overview



SMBR certifies qualified firms as Minority-Owned Business Enterprises (MBE), Women-Owned Business Enterprises (WBE), Disadvantaged Business Enterprises (DBE), Airport Concession Disadvantaged Business Enterprise (ACDBE), and Small Business Enterprises (SBE). Historically Underutilized Business (HUB) is a certification program offered by the State of Texas. The State of Texas accepts City of Austin certified vendors as candidates for HUB certification for qualified applicants.

CERTIFICATION TYPE	CERTIFICATION	PROJECTS/FUNDING SOURCE	APPLICANT MAX PNW	SITE VISIT
Minority-Owned Business Enterprise (MBE)	COA Certifies	City of Austin Projects and Funding	\$2,218,894	COA Discretion
Women-Owned Business Enterprise (WBE)	COA Certifies	City of Austin Projects and Funding	\$2,218,894	COA Discretion
Dual Certification – (M/WBE)	COA Certifies	City of Austin Projects and Funding	\$2,218,894	COA Discretion
Disadvantaged Business Enterprise (DBE) Airport Concession DBE (ACDBE)	COA Certifies	City of Austin Projects and Funding	\$1,320,000	Federal Requirement

Certification Criteria

- Fifty-one percent (51%) owned, managed, and controlled by an economically and socially disadvantaged individual

Presumed Groups

- Minority
 - Asian-American
 - African-American
 - Native American
 - Hispanic
- Women
- Must have experience directly related to the firm's scope of work
- Must manage and control day-to-day operations

Take Steps to Get Certified

Our Pre-Certification Workshop informs business enterprises about the City's certification process, explains the various types of certifications available, benefits, eligibility requirements, and how to get started.

Click the QR code to sign up or visit us at www.austintexas.gov/smbr

Benefits of certification:

- Priority Access to Government Contracting Opportunities
- Eligible to Participate on Goal Oriented Contracts
- Networking Opportunities
- Listing in the City's Certified Online Directory



Scan Here

Compliance Overview



- Responsible for reviewing, monitoring, and tracking M/WBE participation in City procurements throughout all phases of a project. Solicitations over \$50,000 are reviewed by SMBR.
- Reviews solicitations, collaborates with project managers to help identify scopes of work on projects, sets project M/WBE goals, and verifies compliance plan information submitted by bidders/proposers.
- After contract award by City Council, Compliance continues to monitor and assess compliance by conducting site audits, reviewing payment requests, facilitating performance/payment issues, and determining final compliance with the program.

COA Goal Setting Overview

§ 2-9(A-B)-19 Establishes Contract Specific Goals

- SMBR reviews solicitations from the Purchasing Office for procurements with a value of \$50K and greater that are competitively bid.
- Exceptions:
 - Interlocal Agreements
 - Sole Source Procurements
 - Cooperative Agreements
 - Solicitations exempted from M/WBE Program
(SMBR M/WBE Rules Section 1.2)

Pre-Award: Setting Goals Overview



- City Project Manager – Works with Sponsor to define Scope of Work (SOW) and develops Trade Summary.
- Trade Summary Sheet identifies SOW and commodity codes. Scope percentages reflect the anticipated amounts of materials/supplies and services.
- SMBR reviews project details including the estimate, trade summary, and M/WBE availability to establish goals. Each solicitation has a Compliance Plan with a subcontractor vendor list (“availability list”) of certified M/WBEs. The availability list is based on the trade summary.

SMBR Solicitation Review

SMBR rep reviews scope of work and potential subcontracting opportunities

Review M/WBE Availability

3 MBEs or 3 WBEs in scopes

Review Trade Summary (eCAPRIS)

Assures all scopes are included from the scope document

Minimum two scopes of work

Review previous or similar contract history

Previous goals assignment

Previous utilization

Goal Assignment

Ethnic Specific Goal

- African American
- Hispanic
- Native/Asian American
- Women

Aggregate Goals

- MBE & WBE Goal: Combines African American, Hispanic, & Native/Asian American percentages; separate goal for Women
- Combined MBE/WBE: All groups combined

Compliance Determination

City Code 2-9(A-B)-21(E)

- Firms are compliant by:
 - Either meeting the goals as established in the solicitation
OR;
 - Demonstrating Good Faith Efforts for any ethnic category where goals are not met (GFE).

Minimum Requirements For Good Faith Efforts



- Notify Certified Firms via fax, e-mail, mail or phone at least 10 business days prior to submission of bid/proposal
- Follow up with interested MBE/WBE firms
- Negotiate in good faith with interested MBEs and WBEs
- Select portions of work that will increase MBE/WBE opportunities
- Publish notice in a local publication (i.e., newspaper, trade association publication, or social/electronic media)
- Seek services of trade associations and other minority and women community organizations
- Contact SMBR for assistance

Additional Good Faith Efforts (GFE) Considerations

- Assisting certified firms in securing bonds/insurance/lines of credit
- Identifying additional elements of work
- Assisting certified firms in obtaining necessary equipment, supplies, materials, or related assistance or services
- Efforts made to reach agreements with certified firms who responded to Bidder's written notice

Compliance Facts

When goals are established:

- Proposers/contractors must either meet goals or perform Good Faith Efforts
 - If neither is achieved, the bid/proposal will not be considered
- The M/WBE goal can only be met by using City of Austin certified MBE/WBE firms for commodities/services listed in the solicitation.
- Dually certified firms can be counted as either MBE or WBE ***but not both***

No Goal Solicitations

- No Goals may be determined on a solicitation due to:
 - insufficient or no “certified firm” availability or
 - insufficient or no subcontracting opportunities identified in the scope of the solicitation.
- In addition to "No Goals," some contracts are exempt from SMBR review by state and local law (i.e., certain sole source contracts, health and safety contracts, legal services contracts, emergency contracts, etc.)

Ref: Local Government Code 252.022 for a complete list of exemptions

Post-Award Compliance Activities

Following Council award, SMBR will engage with the Project Team in the following areas:

- **Pre-Construction & Kick-Off Meetings**
 - SMBR representative discusses MBE/WBE Program requirements
- **Subcontractor Expenditure Reporting (CCS)**
 - Prime Contractor/Prime Consultant submission of sub expenditure reports electronically in the Certification & Compliance System (CCS)
- **Request for Change of Compliance Plan (RFC)**
 - Required for any changes to Compliance Plans (Addition, Substitution, Deletion & Contract Changes +/-)
- **M/WBE Close-Out Report**
 - As part of contract close-out process, confirmation that all subs have been utilized, accuracy of Original Contract amounts, Contract Change amounts, Payment amounts and Retainage (if applicable).

Program Violations

- Prime self-performance of scope intended for subs
- Utilization of subcontractors without SMBR approval
- Using non-certified subcontractors on No Goal Projects without performing GFE
- Failing to meet contractual goals or subgoals at contract close-out without justification

Program Violation Impacts

The Consultants/Contractors

- MBE/WBE Procurement Program violations may impact consideration of future contract awards, including:
 - Award of future City projects
Performance Evaluation Scores
(Consultant and Contractor Performance Evaluation Program)

City Staff Performance Measures

- SMBR tracks this measure of performance and routinely reports to Boards & Commissions and other stakeholders

MBE/WBE Program Tips for Success



- On solicitations where goals have been established, remember:
 - Respondents must either meet goals or perform Good Faith Efforts
 - If neither is achieved, the bid/proposal/offer will not be considered
- MBE/WBE firms must be certified by the City of Austin in the scope of work at the time of bid/offer to count toward meeting the goal.
- Dually certified firms can only count toward meeting a specific ethnic goal/MBE or WBE goal, but not **both**
- Changes made to subs on the compliance plan without SMBR prior approval is a violation of the MBE/WBE Procurement Program.
 - Post-award program violations may result in a sanction
- Always reach out to SMBR for any program related or process questions (i.e. confirming vendor certification status, Availability Lists, Request for Change Process)

Resources Overview

The Resource Services division provides information and assistance to the minority and women-owned business community and facilitates outreach and departmental communications regarding services, key initiatives, special notices; and hosting workshops on topics of interest to the certified firm community.

Outreach	Education	Communication
<ul style="list-style-type: none">• Workshops and Trainings	<ul style="list-style-type: none">• Govology	<ul style="list-style-type: none">• Quarterly Newsletter• News Releases and Emails
<ul style="list-style-type: none">• Collaborations with City Departments	<ul style="list-style-type: none">• Partnership with UT/Travis County/AISD Consortium	<ul style="list-style-type: none">• Annual Satisfaction Survey
<ul style="list-style-type: none">• Supporting key initiatives and community events	<ul style="list-style-type: none">• Partnership with City Departments	<ul style="list-style-type: none">• Phone Calls

Questions

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Vendor Academy
January 24, 2024



VENDOR
ACADEMY



AFO-Policies and Programs