

Project Name: Lee's Creek Park
Pre-Submittal Date: January 22, 2015
SBEDA Requirements: 17% M/WBE Subcontracting Program



I. **Small Business Economic Development Advocacy (SBEDA) Program API's Applied:**

- **M/WBE Subcontracting Program - 17%** must be subcontracted to certified M/WBE(s) designated within the San Antonio Metropolitan Statistical Area (SAMSA)
 - ◆ All M/WBE(s) must also be certified as SBE
- Respondents must demonstrate their commitment to meeting the subcontracting requirements by submitting a signed **Subcontractor/Supplier Utilization Plan** form with their bid response
 - ◆ Failure to submit the **Subcontractor/Supplier Utilization Plan** form or meet the subcontracting requirements will deem the bid response NON-RESPONSIVE
- Only first tier certified M/WBE(s) will count toward the subcontracting requirements
- **SBE or M/WBE Prime participation does NOT count toward the Subcontracting requirements**

II. **Eligibility Criteria**

- Certified through the South Central Texas Regional Certification Agency (SCTRCA) as: **SBE** and **MBE/WBE** (AABE/ABE/HABE/NABE/WBE)
- Headquartered in the SAMSA or demonstrate "significant business presence" in the SAMSA (20% of total company employees regularly based in the SAMSA for at least one year) (SAMSA counties are: Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina, or Wilson)

III. **Waivers**

- A full or partial waiver of a specified subcontracting goal may be requested, for good cause, by submitting the *Respondent Subcontracting Waiver Request* form with the solicitation bid response
 - ◆ Form is available at: <http://www.sanantonio.gov/SBO/Forms.aspx>
 - ◆ Waiver request must fully document subcontractor unavailability despite good faith efforts to comply with the goal
 - ◆ Please refer to the Good Faith Effort Tips Sheet for SBEDA waiver for additional information on how to complete a *Respondent/Vendor Subcontracting Waiver* :
<http://www.sanantonio.gov/Portals/0/Files/SBO/Forms/GFETips07232013FinalVersion.pdf>

IV. **Central Vendor Registry (CVR) / San Antonio eProcurement System (SAePS)**

- All contractors/consultants (Prime or Sub) wishing to do business with the City must first register in the CVR / SAePS
- To begin the registration process, please go to: <http://www.sanantonio.gov/purchasing/SAePS.aspx>
- For technical assistance please call (210) 207-0118

V. **COSA Vendor Listing**

- The City of San Antonio has a new and improved vendor search function. Please visit the COSA Vendor Listing at <http://sanantonio.gov/purchasing/vendorinformation/cosavendorlisting.aspx> to view or to download a listing of certified and non-certified vendors registered with the City.

For questions regarding SBEDA requirements, contact Ruben A. Flores at (210) 207-3923 or the Economic Development Department at 207-3922

Good Faith Effort Tips for SBEDA Waivers

- 1. Attend Pre-Submittal Conference:** Respondent should indicate whether they attended the relevant pre-submittal conference.

Tip: To receive credit for attending a pre-submittal conference, the attendee must be a person who will be directly involved with the project (i.e., owner, project manager, estimator, etc.). The Economic Development Department's (EDD) Small Business Office (SBO) will obtain a copy of the sign-in sheet to confirm attendance.
- 2. Subdivide the Work:** Respondent should demonstrate subdivision of the work into commercially useful disciplines or work elements that can be economically performed by certified small, minority and/or women-owned business enterprises (S/M/WBEs), when feasible. It is the respondent's responsibility to demonstrate that sufficient work was made available to S/M/WBEs to meet specified SBEDA requirements.

Tip: The work should be subdivided into categories or disciplines to allow for maximum SBE and M/WBE participation. For example:

Project Name:	Annual Contract for Various Departments Lawn Maintenance
Work Elements:	Grounds Maintenance – 50%
	Landscaping – 20%
	Irrigation System Maintenance and Repair – 10%
	Litter/Removal Services – 10%
	Weed and Vegetation Control – 10%
- 3. Advertise:** Respondent should advertise in general circulation, trade publications, or minority/women's business focused media for S/M/WBE subcontractors at a reasonable time prior to the bid due date. A copy of the advertisement, showing the advertisement date(s), name of publication(s), type of work and amount of work being solicited, must be provided.

Tip: A copy of the advertisement should be submitted, including the date(s) of advertisement and name of publication.
- 4. Use Public Databases and Minority/Women's Business Focused Organizations/Services:** Respondent should provide evidence of using the City's NIGP Search website, the South Central Texas Regional Certification Agency (SCTRCA), and other organizations' vendor directories/listings to solicit S/M/WBE subcontractors.

Tips: a.) Respondents may acquire a list of potential S/M/WBE subcontractors from the COSA Vendor Listing at <http://sanantonio.gov/purchasing/vendorlisting.aspx> through NIGP code search engine ; b.) SCTRCA's online listing of S/M/WBEs is available at <http://sctrca.org/>; c.) Respondents may use the services and assistance of the SBA, local chambers of commerce, S/M/WBE business associations, and other local outreach programs for locating and contacting S/M/WBEs; d.) To confirm if a potential S/M/WBE subcontractor meets the City's SBEDA program eligibility, the respondent may contact EDD's SBO; e) Contact the Small Business Office
- 5. Provide Relevant Information to Small Businesses:** Provide documentation that respondent provided S/M/WBEs with information regarding contract requirements, solicitation timing, and how to obtain plans and specifications, at a reasonable time (7-10 days) prior to the bid due date.

Tip: This documentation can include ad copies, emails, faxes or any other correspondence between respondent and S/M/WBEs indicating outreach efforts.
- 6. Directly Solicit Small Businesses:** Respondent must provide documentation of directly soliciting S/M/WBE subcontractors. Copies of emails and fax notices sent directly to SBEs and M/WBEs should be submitted. A direct solicitation may include the type of work, amount of work, and a brief specific description of the work being solicited.

Tip: Send emails or faxes to S/M/WBEs detailing the specific scope of work determined would lend to a subcontracting opportunity. Follow up with a call to the S/M/WBEs to make sure they received your email or fax (some emails go directly to spam boxes). Document the S/M/WBE company name, contact person, phone number/email address, certifications, result of contact (left message, no answer, etc.) bid received and reason for rejection.
- 7. Offer Assistance:** Respondent must provide documentation of efforts to assist S/M/WBEs in obtaining bonding, insurance or equipment.

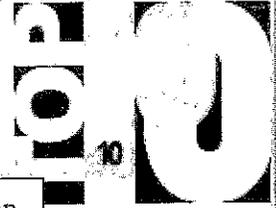
Tip: Submitting the offer to assist with bonding/insurance/equipment included in the ad copy, emails and/or fax correspondences during S/M/WBE outreach efforts satisfies this requirement.
- 8. Document bid and negotiation results:** Respondent should negotiate in good faith with interested S/M/WBEs. The respondent should provide documentation of all the negotiations with S/M/WBEs, unsuccessful and/or bids received but not accepted, and provide the following contact information: company name, telephone number, contact person, price bid (if applicable) and the reasoning for rejecting the bid for each unsuccessful bid.

Tip: If price was the reason for rejecting the bid, the respondent should document the price bid by both the rejected S/M/WBE and the accepted low bidder for that particular scope of work.
- 9. Follow-Up with Vendors:** Respondents must show evidence that they conducted a strong effort to include S/M/WBEs in their response.

Tip: Provide evidence that respondent attempted to reach S/M/WBEs multiple times and provide documentation of response from S/M/WBEs contacted.
- 10. Fill out SBEDA Respondent/Vendor Subcontractor Waiver Request located at <http://www.sanantonio.gov/SBO/Forms.aspx> and attach all Good Faith Effort documentation.**

Tip: Respondents must submit this form with documentation or the waiver request will not be processed by the EDD SBO. As a reminder, respondents must also submit the Subcontractor/Supplier Utilization Plan with their response.

COMPLIANCE - TOP 10



1

Post the appropriate Wage Determination for the project in a conspicuous location.

2

Pay time-and-a-half to workers who work on any of the 7 listed City Holidays.

3

Pay time-and-a-half to workers who work in excess of 40 hours in a given week.

4

Workers must be classified for the work performed, in accordance to the Wage Determination.

5

Prime Contractor is accountable and responsible for ensuring that all workers are paid the prevailing wage rates, including subcontractors.

6

Certified payrolls must be submitted through the LCP Tracker System, weekly.

7

Apprentices must be registered in an Apprenticeship Training Program which is approved by the US Department of Labor.

8

All workers must be paid on an hourly rate basis. No piece work or day labor rates.

9

Site Visits may be conducted to ensure proper work classification and wage rates.

10

If workers are underpaid, restitution to the worker is required and the City will impose penalties in accordance to the contract.



CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

August 11, 2014

Dear Contractor,

For all current and future projects awarded by the City of San Antonio, kindly be aware that you are required to adhere to the terms and conditions of the General Conditions for City of San Antonio Construction Contracts (hereafter referred to as the "General Conditions"). It is through those General Conditions that the City is able to ensure projects are built correctly and the project proceeds as required by the City.

Schedule Requirement

One of the key provisions of those General Conditions is **Section 3.10**, titled Contractor's Project Schedules. Under the City's General Conditions, among other obligations, a Contractor is obligated to create and maintain a Critical Path Method (hereafter referred to as "CPM") Project Schedule, showing the manner of execution of Work by which the Contractor intends to follow, in order to complete the Project within the allotted time. This CPM Schedule is required to be in Primavera 5.0 or Contractor 4.1 or greater submitted electronically to the CIMS Schedule and Project Manager.

Schedule Updates

After acceptance of the Contractor's CPM Project Schedule the City, pursuant to **Section 3.10.9** of the General Conditions, Contractor is required to submit a thorough schedule update, to reflect progress to date on the Project and to reflect the current plans of Contractor to complete the Project on a monthly basis.

If Contractor has failed to submit an updated Project schedule, the City reserves the right to withhold payment until the Contractor complies with the schedule update requirement.

Time Impact Analysis

Under **Section 3.10 et al.** of the General Conditions, if a Contractor knows of an event that has occurred or will occur that will impact Contractor's submitted and approved schedule, the Contractor is required to notify the City of the occurrence of the event causing the impact to the schedule within twenty (20) calendar days of the event. Failure to file such notification of an impact to the schedule with the City, results in the forfeiture of the Contractor's right to request a time extension or time suspension, based on the occurrence of that event.

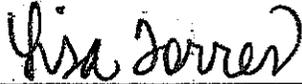
Additionally, when changes are initiated or impacts are experienced, the Contractor electronically shall submit to the City a written Time Impact Analysis describing the influence of each change or impact. A Time Impact Analysis will be required as justification for making time adjustments to the Contract's completion date.

Recovery / Acceleration Schedule

Finally, under **Section 3.10.2** of the General Conditions, upon submission of the schedule update by the Contractor and review by the City, if the City concludes that the Contractor rate of Work is inadequate such that the Contractor will be unable to meet the contract Milestones or the contract's Substantial Completion date, the City then "may give written notice to the Contractor and direct the Contractor, at Contractor's sole expense, to propose and adopt a plan to accelerate the Work so that the Work conforms to the Project Schedule and Project Milestones previously agreed upon" by the City and the Contractor.

If you have any questions about any of the information contained in this letter, or if you wish to discuss any of the items addressed herein, do not hesitate to contact Thomas Gonzalez at (210) 207-1328 or CIMS.Schedules@sanantonio.gov.

Sincerely,



Lisa Torres
CIMS Scheduler
Transportation & Capital Improvements

CC: Razi Hosseini, P.E.
Ruben Guerrero, P.E.