# SBEDA
# SUBCONTRACTING GOAL-WAIVER REQUEST

## Evaluation Criteria

CITY OF SAN ANTONIO
**ECONOMIC DEVELOPMENT DEPARTMENT**

www.sanantonio.gov/edd

## Subcontracting Program Overview

The SBEDA Ordinance outlines tools that promote the growth of Small, Minority, and Women owned businesses by providing opportunities to participate in City of San Antonio solicitations. One of the tools available is the Subcontracting Program, which may be applied on City solicitations. If the Subcontracting Program is applied, Respondents must meet the required subcontracting goals. Respondents have the option to request a full or partial waiver of the required subcontracting goal. When the Respondent submits their bid/proposal, this waiver request must be included. Waiver requests turned in after bid/proposal submittal will not be accepted.

## Subcontractor Waiver Criteria Overview

The City developed this booklet as a guide to provide a clear outline of the City's expectations when a respondent requests a full or partial waiver from the required subcontracting goal. In this booklet, the criteria for each section of the Subcontractor Waiver Request Form will be outlined. Each section has allocated points that will be awarded to Respondents fully satisfying the specific criteria.

Outlined below are the assigned point values of each section and their criteria:

**Subcontracting Goal-Waiver Request Evaluation Criteria**

| Section | Criteria | Points |
|---|---|---|
| A | Sufficient Commercially Useful Work Identified to Meet Subcontracting Goal | 25 |
| B | Initial Communications to Potential S/M/WBE Subcontractors Using Central Vendor Registry / Website Posting of Subcontractor Solicitations | 20 |
| C | Follow-up Communications & Bid Negotiations with Potential Subcontractors | 35 |
| D | Attendance at Pre-Submittal Conference | 5 |
| E | Other Criteria (Bonding / Insurance / Supplier Credit Assistance) | 15 |

**Respondents must obtain a total of 70 or more points in order to pass .**
**No partial points will be awarded to Respondents in sections not meeting the criteria .**

Respondents will be considered non-responsive upon denial of the Subcontracting Waiver Request.

For more information on the Subcontracting Waiver Criteria or for assistance on completing the Subcontracting Waiver Request Form, please contact the Small Business Office contact listed on the solicitation.

# Section A

**Identification a Sufficient Comercially Useful Work Identified to Meet Subcontracting Goal.**

**25**pts

In its solicitation of subcontractor bids, Respondent identified adequate commercially useful subcontracting opportunities by breaking down or combining elements of work in economically feasible units to facilitate applicable S/M/WBE participation without unduly burdening the capacity of those S/M/WBE subcontractor(s) that are being solicited.

Respondent should reference, but not be limited to, the elements of work City staff identified as commercially useful when setting the subcontracting goals for this specific contract. In its effort to reach the subcontracting goal, Respondent must solicit a reasonable number of available S/M/WBE subcontractors that are capable of performing each type of work that Respondent is subcontracting out.

## REQUIRED DOCUMENTATION

- Provide a list of combined or segmented elements of the scope of work, specifically referencing appropriate NIGP codes, and estimated percentages of subcontracting opportunities and estimated percentage of work to be self-performed by Respondent.
  - ◊ City staff must confirm the commercial usefulness of any elements of work listed by a Respondent, but not originally included in the list of NIGP codes associated with the contract.
  - ◊ City staff must evaluate scope of work retained by Respondent for self-perfo-mance to determine whether it is susceptible to further subcontracting of commercially useful functions, and / or whether Respondent is instead capable of retaining and self-performing a different scope of work that would enable it to meet overall S/M/W-BE subcontracting goals.
- No points will be awarded for this category if the respondent fails to identify sufficient commercially useful subcontracting opportunities to meet the established goal.

**Exception to SBEDA Policy** – *If the Respondent has determined NO commercially useful subcontracting opportunities exist for a specific contract, Respondent should complete the request for Exception to SBEDA Policy form, rather than the Subcontracting Waiver Request Form.*

# Section B

**Initial Communications to Potential S/M/WBE Subcontractors Using Central Vendor Registry / Website Posting of Subcontractor Solicitations**

**20**pts

For each NIGP / construction category of commercially useful work for which the Respondent is soliciting S/M/WBE subcontracting bids, the Respondent must present written documentation of email or fax solicitations that it has sent to no fewer than five, or the total number (whichever is lesser), of the certified S/M/WBE subcontractors that are registered in the Central Vendor Registry ("CVR") as being capable of performing each such category of work. (www.sanantonio.gov/purchasing/SAePS_intro.aspx)

- Each such subcontractor solicitation must be documented to have been sent by Respondent no later than seven calendar days prior to the City's bid due date, and to have been sent to the last known email address or fax number and contact person for the S/M/WBE firm that has been registered with the City.
- Each initial communication to potential S/M/WBE subcontractors by Respondent must contain in the subject line a reference to "subcontractor solicitation" as well as the name of the project and bid solicitation number as provided in the City's bid solicitation.
- The body of each initial communication to S/M/WBE subcontractors from Respondent must contain a current web link to:

**(a)** the City's web page established for purposes of posting the prime contract solicitation; or

**(b)** Respondent's own web page wherein its solicitation for subcontractors for various scopes of work for that specific prime contract are posted.

In either case, such web posting by Respondent must reference the City's bid solicitation number and the project name and description, and it must also provide plain descriptions of the various scopes of work for which subcontracting bids are being solicited by Respondent, as well as the specific NIGP codes referenced by the City as being available for subcontracting.

In addition, Respondent's web posting must provide detailed instructions to prospective subcontractors as to the appropriate format and means for submitting a subcontract bid, as well as all information that is required for submitting a bid to the Respondent, including, but not limited to, Respondent's contact information for subcontracting bid submittals, bid specifications for each element of subcontracted work, the bid due date for subcontractors, bonding and insurance requirements for subcontractors, and reference requirements.

## REQUIRED DOCUMENTATION

- For each category of work identified by Respondent as being available for subcontracting, copies of emails or fax correspondence to no fewer than five, or the total number (whichever is less), of certified S/M/WBE subcontractors that are registered in the Central Vendor Registry ("CVR") as being capable of performing that category of commercially useful work. (City's Staff will verify the status of S/M/WBE recipients via www.sanantonio.gov/purchasing/SAePS_intro.aspx).
- Copies of email and/or fax records reflecting that each such subcontractor solicitation sent by Respondent was sent no later than seven calendar days prior to the bid due date as established by the City of San Antonio, and that each such solicitation was sent to the last known fax number and / or email address and contact person for the S/M/WBE firm that has been registered with the City as being capable of performing each such category of work.
- Documents reflecting or confirming that the web link to the web page contained in the initial communication was current and valid as of the date the communication was sent to prospective S/M/WBE subcontractors. (Printed web pages reflecting the web page address and the date of printing may suffice.)
- The reference line and the body of each copy of initial communication with prospective S/M/WBE subcontractors must contain the content as outlined above (i.e. reference line: "subcontractor solicitation", City bid solicitation number, and brief description of project; body of initial written communication: brief description of subcontractor bid solicitation requirements and instructions for clicking on web page links to visit either the City's website page or the Respondent's website page wherein full descriptions of scopes of work available for subcontracting, and requirements for format, substance, and procedures for submittal of subcontractor bids are posted.)

*Respondent will **ONLY RECEIVE POINTS** for this Section if **ALL REQUIRED DOCUMENTATION** listed above is included with the Subcontracting Waiver request and if outreach occurred within the specified time frame.*

# Section C

**Follow-up Communications & Bid Negotiations with Potential Subcontractors**

**35**pts

Respondent must follow-up on initial communications by contacting identified SBEDA-eligible firms no less than three (3) calendar days prior to the City of San Antonio solicitation response deadline to determine, with certainty, whether the SBEDA-eligible firms are interested in performing as subcontractors/suppliers on the project. Respondent must conduct bid negotiations regarding scope of work and pricing with prospective subcontractors in a fair and non-discriminatory fashion.

Respondent must negotiate in good faith with potential subcontractors/suppliers and not unfairly reject bids received. While Respondents are NOT required to accept any subcontractor/supplier based solely on certification status, price alone is not sufficient reason for rejecting a SBEDA eligible bid, unless Respondent can document with sufficient clarity that price difference is excessive.

## REQUIRED DOCUMENTATION

- Communication log documenting telephone/fax/e-mail follow-up. This log must include the SBEDA-eligible subcontractor's/supplier's company name, telephone number, e-mail address, fax number, contact person, time, date, and result of the follow-up communication.
- Respondent must follow-up with all solicited SBEDA-eligible potential subcontractors/suppliers who have not responded to initial notification or must state reasonable basis for lack of follow-up action.
- If Respondent does not receive feedback from initial communication or receives notification that initial outreach was not successfully received (wrong or disconnected phone/fax number, email delivery failure), Respondent must show alternative methods of communication utilized for outreach.
- Copies of all emails, faxes, subcontractor bid offers, Respondent's written responses to subcontractor bid offers, and other written communications exchanged between Respondent and prospective subcontractors during the bidding process must be provided.

*Respondent will **ONLY RECEIVE POINTS** for this Section if **ALL REQUIRED DOCUMENTATION** listed above is included with the Subcontracting Waiver request and if outreach occurred within the specified time frame.*

# Section D

**Attendance at Pre-Submittal Conference**

**5**pts

Potential subcontractors/suppliers are encouraged to attend pre-submission meetings, which serve as an opportunity to meet potential prime Respondents. Respondents demonstrate attendance at pre-submittal conference by signing-in physically or via teleconference.

## REQUIRED DOCUMENTATION

- None by Respondent; City staff will maintain internal documentation.

# Section E

**Other Criteria (e.g., Bonding / Insurance / Supplier Credit Assistance)**

**15**pts

Respondents may identify other factors, outside of those mentioned above, that demonstrate a Respondent's Good Faith Effort, including, but not limited to:

- Respondent provided subcontractors with detailed information on how, where (within the SAMSA) and when (during normal business hours) interested subcontractors may view or obtain the plans and specifications for the project free of charge. Plans and specifications may be made available on-site or via the internet by the Respondent's internet website.
- Respondent advertised for bids/quotes from interested SBEDA-eligible businesses not less than 10 business days prior to City of San Antonio solicitation response deadline in one or more daily or weekly newspapers, trade association publications, minority- or trade-oriented publications, trade journals, magazines, newsletters, or trade websites.
- Use of the South Central Texas Regional Certification Agency (www.sctrca.org) to identify additional potential SBEDA-eligible subcontractors/suppliers for the bid solicitation.
- Outreach to other organizations' Vendor Directories/Listings, including professional and trade associations, chambers of commerce, other certifying entities and internal vendor directories/listings to contact certified SBEs or M/WBEs who have been identified to perform Commercially Useful Functions for subcontracting work identified for the bid solicitation.
- Assistance provided or offered to potential subcontractors/suppliers in obtaining bonding, lines of credit with suppliers or financial institutions, and insurance in connection with the bid solicitation.
- Offering joint check services to SBEDA-eligible businesses in bid solicitation.
- Participating as a mentor in business mentoring programs in the SAMSA within the past calendar year.
- Attending/hosting SBEDA-eligible business outreach events within the past calendar year.

## REQUIRED DOCUMENTATION

- Respondent should submit any documentation reflecting Respondent's participation in no fewer than three of the above activities to demonstrate their Good Faith Effort under this criterion.