

GREATER SOUTHEAST MANAGEMENT DISTRICT
PROJECT NO. MD1910
REQUEST FOR STATEMENT OF QUALIFICATIONS
FOR PROFESSIONALS WITH EXPERTISE IN
MARKETING & PUBLIC RELATIONS

**DUE TO: THEOLA PETTEWAY, INTERIM EXECUTIVE
DIRECTOR**

GREATER SOUTHEAST MANAGEMENT DISTRICT
5445 ALMEDA, SUITE 503
HOUSTON, TEXAS 77004

BY

TUESDAY

AUGUST 13, 2019

~~WEDNESDAY,~~

~~AUGUST 13,~~

~~2019~~

3:00 PM CST

ISSUED: THURSDAY, JUNE 25, 2019

ELECTRONIC FORMAT OF REQUEST FOR QUALIFICATIONS (RFQ)

Follow the steps below to access the RFQ and any subsequent Addenda issued:

1. Go to houstonse.org
2. Click on "About" tab
3. Click on "Notices" link

ACKNOWLEDGEMENT FORM

DESCRIPTION: **Request for Qualifications for professional services to support in an on-call capacity in the areas marketing, communications and public relations.**

ACKNOWLEDGEMENT DUE: 1:00 P.M., Wednesday, August 7,2019

PRE-SUBMITTAL MEETING: 5:30 P.M., Wednesday, August 7,2019

PROPOSALS DUE: 3:00 P.M. Tuesday ~~Wednesday~~, August 13, 2019

It is strongly recommended that interested and potential qualifiers complete this Acknowledgement Form and return to Greater Southeast Management District (GSMD) on or before 1:00 P.M., Wednesday, August 7, 2019 or via fax (713-942-9882) email to oletha@ostalmeda.com.

GSMD will issue clarifications or additional information by addenda only to those firms and professionals returning this completed Acknowledgement Form. Submittals from firms and professionals not acknowledging the addenda may be considered incomplete and subject to disqualification.

A non-mandatory, pre-submittal meeting is scheduled for Wednesday, August 7, 2019 at 5:30 P.M. at GSMD offices, located at 5445 Almeda Road, Suite 502, Houston, TX 77004. Conference call information for the meeting will be provided at a later date to all firms and professionals who submit this form.

Name of Firm: _____

Address: _____

Telephone No: _____

Fax No.: _____

Name (of Primary Contact): _____

Title (of Primary Contact): _____

Email Address (of Primary Contact): _____

Signature: _____

Signature Date: _____

Deadline to submit Acknowledgement Form: _____

REQUEST FOR QULAIFICATIONS

Professional Services to support Marketing, Communications and Public Relations

ISSUE DATE: Thursday, July 25, 2019

PROPOSALS DUE: Tuesday ~~Wednesday~~, August 13, 2019

FORMAT: Hard copy and digital copy as a locked Adobe Acrobat Reader (pdf) file.

NUMBER OF COPIES: One (1) original hard copy – clearly marked – plus (6) hard copies
One (1) digital copy, label CD-R or USB with Company Name

REFERENCE NO: **GSMD No. MD1910**
Display Reference No. in subject of digital copy email

SUBMIT TO: Oletha Jacobs
Administrative Services Manager – GSMD
oletha@ostalmeda.com

Submittals delivered by telephonic, electronic, or facsimile media will not be evaluated.

The deadline for digital receipt of the proposal is no later than 3:00 P.M., Tuesday ~~Wednesday~~, August 13, 2019 . Proposals received after 3:00 P.M., Tuesday ~~Wednesday~~, August 13, 2019 will not be evaluated. Respondents to this request may submit proposals at any time prior to the deadline. Failure to submit per the above guidelines may result in disqualification by GSMD.

NOTE: All A.M. and P.M. time references in this RFP are specific to Houston, Texas, Central Standard Time (CST).

OVERVIEW:

Greater Southeast Management District (the District), also branded as Houston Southeast is seeking Statements of Qualifications (SOQ) to develop a list of pre-qualified firms to provide on-call marketing and public relations services in support of the five (5) service areas of the District: 1) transportation and local mobility; 2) environmental urban design and visual improvement, 3) enhanced public safety; 4) business & economic development; 5) marketing, public relations and perception enhancement.

Houston Southeast is comprised of seven (7) distinct areas: Historic Third Ward, MacGregor, Museum Park, Hermann Park, Texas Medical Center, Universities and OST/Palm Center. Each area maintains a corridor that uniquely attracts diverse national, regional, and local attention. Visit Houstonse.org for more information about the (7) areas.

PROFESSIONAL SERVICES TO BE PROVIDED:

Greater Southeast Management District is requesting proposal that offer quantifiable solutions for the following objectives and services. The desired qualified individual, firm or team will provide professional services that may include all or some of the following:

1. Public Relations/Communications

- Nurture a strong industry network, increase awareness and support the development an enviable District image by developing and executing effective communication and media relations programs.
- Ensure all marketing plans are executed to the highest level while adhering to established media budgets and timelines.
- Develop and execute effective media plans across all paid channels to support District goals and objectives.
- Manage public relations resources to accomplish the objectives as described in the marketing plan
- Write press releases and manage media placement.
- Support in the planning and curation of social media content.
- Development a strategy to increase digital database and online engagement.
- Project management of all marketing and communications needs as directed by internal staff.

2. Photography & Videography:

- Uses a variety of digital and film cameras, lenses and lighting equipment and is expected to apply wide professional knowledge and experience to achieve the highest quality images based on project needs
- Employ an array of storytelling tools using: video, still images and words
- Build internal capacity for creating small digital media videos for social media

3. Graphic/Brand Design:

- Conceptualize, plan, design, and produce a wide range of marketing literature, from simple to complex (i.e. brochures, ads, flyers, presentation material, packaging, etc.).
- Provide graphic design and content development for digital, print, and collateral material, as requested and make recommendation on brand advancement.
- Support Houston Southeast internal marketing needs by providing collateral templates.

4. Writing / Proof Reading

- Reports on and writes engaging articles for the print and digital outlets. To include but not limited to: copy edits, fact checks, and proofreads articles and content.
- Participate in planning communications projects and contributes to decisions on content and style
- Assume editorial responsibility for communications projects; reviews and edits the work of others
- Adheres to journalistic standards for fact-finding, research, verification, and style for internal and external communication across multiple media platforms.
- Scope of writing services may include but is not limited to: digital content across multiple platforms, print content and grants.

ANTICIPATED PROJECT SCHEDULE AND TIME FRAME:

Services of selected firms or individuals will be on a short or long- term basis based on a list of upcoming projects and needs.

PROPOSAL CONTENT:

The submittal of qualifications should concisely communicate the capability, experience, knowledge, methodology, and expertise of the professional or firm.

PARTICIPATION OF MINORITY, WOMEN, and DISADVANTAGED BUSINESS ENTERPRISES (MWDBE):

It is the policy of Greater Southeast Management District to encourage the growth of minority, women, and disadvantaged business enterprises (MWDBEs) by encouraging the full participation of MWDBE businesses in all phases of its procurement activities and affording those firms a full and fair opportunity to compete for contracts. MWDBE firms must be certified by the City of Houston, Houston Minority Business Council, and /or the Houston Women's Business Council, or complete the requirements as outlined by the District (Exhibit 1). Certifications and/or supporting documentation should be included with the response.

EVALUATION AND SELECTION CRITERIA:

Professional or firms will be specifically evaluated and selected to interview based on the following equally-weighted criteria outlined in Exhibit 2.

NOTIFICATION PROCEDURES:

All firms and professionals who submit for this SOQ will be notified by email upon receipt of the submissions.

QUERIES PRIOR TO SUBMITTAL OF PROPOSALS:

Requests for clarification or additional information from potential qualifiers will be considered by GSMD through written request to oletha@ostalmeda.com submitted on or before Wednesday, August 7, 2019 at 1:00 p.m.

Calendar of Events – Exhibit 1

Notice of intent to release SOQ	Monday, July 22, 2019
Publish RFQ on Website	Thursday, July 25, 2019
1 st Week of Advertisement	Week of July 22, 2019
2 nd Week of Advertisement	Week of July 29, 2019
Acknowledgements due	Wednesday, August 7, 2019 (1:00 PM)
Pre-Qualification Meeting	Wednesday, August 7, 2019 (5:30 PM)
Deadline for Submitting Questions for Clarification	Friday, August 9, 2019 (3:00 PM)
District response to submitted questions & clarifications	Friday, August 9, 2019
Deadline for submitting SOQ	Tuesday, August 13, 2019 (3:00 PM)
Deadline for submitting SOQ	Wednesday, August 13, 2019 (3:00 PM)
Review period for submissions	Thursday, August 14 – Friday, September 6, 2019
Board approval of qualified firms or teams	Wednesday, September 11, 2019
Notify selected respondents	Thursday, September 12, 2019
Notify all other SOQ respondents	Thursday, September 12, 2019

(The above calendar of events is tentative and subject to change)

Calendar of Events – Exhibit 2

Proposer:

Item	Criterion	Max. Value	Evaluators Value %
A.	Expertise/Experience/Qualification of Key Personnel. Demonstrate experience of the Team's ability to successfully complete the tasks listed in the scope of work and provide portfolio and contact information for references.	20%	
B.	Project Approach. Demonstrate the approach and control appropriate for accomplishing the scope of work in accordance with the Service and Assessment Plan	20%	
C.	Technical Competence. Demonstrate technical abilities to perform the tasks listed in the scope of work	20%	
D.	Schedule Plan. Demonstrate that the team can meet the project schedule and has efficient and effective means in place to manage the progress of the project	20%	
E.	QA/QC Program and Plan. Demonstrate the team's ability to implement and manage QA/QC.	10%	
F.	M/W/SBE Plan. Demonstrate the ability to comply with the District's M/W/SBE program	10%	
Total Score		100%	

Special Notes/Justification:

GREATER SOUTHEAST MANAGEMENT DISTRICT MINORITY/WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM

I. SUMMARY OF THE GREATER SOUTHEAST MANAGEMENT DISTRICT'S MINORITY/WOMEN AND SMALL BUSINESS ENTERPRISE DEVELOPMENT PROGRAM

The Greater Southeast Management District's ("District") Minority/Women and Small Business Enterprise Development Program ("M/W/SBE" or the "Program") was created to provide inclusion and business opportunities for local minority, women and small businesses to participate in the procurement and contracting process with the District. By formalizing existing practices and implementing new procedures, the M/W/SBE Program allows the District to generate a larger economic impact on the minority/women/small businesses in the communities in which they live and work. The District demonstrates its commitment and support of Houston's diverse communities by creating business opportunities and promoting a broader inclusion of diverse suppliers.

It is anticipated that through the growth of the Program, the District will positively contribute to the building of capacity of M/W/SBE's; while increasing competition and utilization among diverse businesses. Creating these opportunities will ensure the best value is delivered to the District.

Shown below are the key features of the Program.

1. The M/W/SBE is a goal-oriented program, requiring Contractors or Consultants who receive contracts from the District to use Good Faith Efforts to utilize certified M/W/SBE business enterprises.
2. Contractors or Consultants are subject to penalties and point deduction for future contracts if the District discovers the Contractor has failed to meet the goal or Good Faith Effort standard.
3. The Program applies to all Contracts over \$50,000.00, except contracts for sole-source items, and those contracts that are otherwise prohibited by applicable law or expressly exempted by the District.
4. The District will establish an annual goal for M/W/SBE business participation. The initial overall annual goal of the M/W/SBE will be set at twenty-five (25%) percent of the dollar amount of all M/W/SBE-Eligible Procurement Contracts. However, individual contract goals will vary based on subcontracting opportunities, availability of certified M/W/SBE businesses, and price competitiveness. The annual goal may change from year to year based on all relevant factors considered by the District.

5. To participate, M/W/SBE businesses must be certified by an agency or organization whose certification is recognized by the District to include; the City of Houston MBE, WBE and SBE Certifications, the Houston Minority Supplier Development Council (HMSDC) Minority Business Enterprise (MBE) certification and the Women Business Enterprise Alliance (WBEA) Women Business Enterprise (WBE) certification.
6. The above-mentioned organizations should also be a resource for Contractors or Consultants to send RFP/RFQ/RFI opportunities and source or search their directories to request and locate qualified firms for sourcing purposes.
7. A reduction in the size of contracts, when feasible, will be considered in an effort to promote broader inclusion of M/W/SBE businesses in procurement opportunities.
8. A written and signed M/W/SBE subcontracting plan is required from prospective Proposers to provide assurance of M/W/SBE business participation in the contract.
9. Outreach activities will be implemented and conducted to better support the M/W/SBE business community in doing business with the District. This includes but is not limited to providing workshops and training sessions on issues frequently encountered by M/W/SBE businesses during the proposal process and generally while performing work for the District.
10. An updated M/W/SBE business directory shall be maintained or sourced through certification entities as a source list(s) to help identify qualified businesses; in addition of providing information on the District's website about opportunities to do business with the District.
11. Information regarding the District's M/W/SBE program, procedures and goals should be on the District's website.
12. The District will incorporate several procedures to help implement the Program. These steps are designed to maximize the Program's success. These procedures include:

The Program requires Good Faith Efforts by Contractors or Consultants to use M/W/SBE businesses in contract performance. The Program has procedures in place to determine whether Contractors or Consultants are meeting this requirement of Good Faith Efforts. Contractors or Consultants are required to document efforts to obtain and utilize M/W/SBE participation. The efforts must be real and substantial. A contract award may be denied, or an existing contract may be terminated for the Contractor's or Consultant's failure to use Good Faith Efforts. The District recognizes that availability, subcontracting capabilities, outreach to supporting organizations in a timely manner and price competitiveness are relevant factors in determining whether a Contractor or Consultant has used Good Faith Efforts to subcontract with M/W/SBE businesses.

District maintains a policy of inclusion of firms that have a documented history of being economically and/or socially underutilized and discriminated against in contracting opportunities. The M/W/SBE is implemented in a non-discriminatory manner.

Contractors or Consultants and M/W/SBE businesses are prohibited from discriminating in the operations of the Program based on age, color, ethnic background, disability, family status, gender, national origin, race, religion, sex, sexual orientation, or veteran status. Any such discrimination by Contractors or Consultants M/W/SBE businesses in selecting or utilizing M/W/SBE businesses may be subject to the Contractor or M/W/SBE businesses disqualification from future contracts with the District.

13. District requires integrity in the operations of Contractors, Consultants, Subcontractors, Subconsultants and M/W/SBE businesses participating in the Program. The District's Program Procedures Manual requires Good-Faith Efforts, proper contract performance, prompt payment, and cooperation by all participants. Pass-Thru Businesses are not permitted. Contractors, Consultants, Subcontractors, Subconsultants and M/W/SBE businesses that violate the District's requirement of operational integrity of the Program will be subject to sanctions.
14. The District utilizes various purchasing methods to acquire goods and services, including but not limited to Purchase Orders, Competitive Sealed Proposals, Requests for Proposals, Design-Build Contracts, Competitive Bidding, Catalog Purchases, Construction Manager Contracts and Job Order Contracts. The District determines which purchasing method to use based on the best value to the District. Regardless of the purchase method utilized, all eligible procurements (unless otherwise exempt) shall have a M/W/SBE goal.
15. The District monitors the progress of the Program, reviewing participation reports, community input, recommendations, and operational efficiency. Annual reports are made to the District's Board of Directors addressing the number of contracts awarded to M/W/SBE businesses, general categories of contracts, and dollar value of contracts. The District will maintain a list of outreach activities it participates in to increase awareness and participation in its M/W/SBE Program.
16. Nothing in the Program should be construed to give a Proposer a property interest in a proposal or Contract prior to the District's Board of Directors' award of the contract and compliance with all statutory and other legal requirements.

II. DISTRICT'S REQUIREMENT FOR OPERATIONAL INTEGRITY

The Program gives opportunities for M/W/SBE businesses to provide goods and services to the District. To be successful, the Program must maintain a high level of operational integrity. Therefore, all Contractors, Subcontractors and M/W/SBE businesses must meet and continue to meet the operational requirements of M/W/SBE status. The District will not allow violations of policies or procedures that undercut the integrity of the Program. These types of violations include, but are not limited to, false or misleading representations about eligibility for M/W/SBE certification, failure to make Good Faith Efforts, acts of impermissible discrimination, operating as a Pass-Thru Business, non-payment or continuous slow payment of Subcontractors, other failure to perform, etc. It is the policy of the District to move swiftly and decisively to sanction such violations of the operational integrity of the Program

III. OPERATIONAL PROCEDURES

The procedures herein are established to govern the program components of the Program, including, without limitation, program compliance, certification, specific implementation measures, M/W/SBE business status verification, and reporting of M/W/SBE business participation.

A. SCOPE

These procedures apply to the District, Prime Contractors and Subcontractors, Consultants and Subconsultants involved with M/W/SBE contracts, and all certified M/W/SBE businesses. These procedures apply to those M/W/SBE-Eligible contracts as defined herein (i.e., all contracts valued at over \$50,000.00, excluding contracts for sole-source items, federally funded contracts, contracts with other governmental entities, and those contracts for which participation in the M/W/SBE program is otherwise prohibited by applicable law or exempted by District).

B. CERTIFICATION PROCEDURES

The Program requires prior certification of a M/W/SBE business in order to count the participation of that M/W/SBE business toward program goals. Procurements issued prior to adoption of the M/W/SBE Procedure are eligible to submit certification and data for purposes of reporting and compliance with the Program goals as per the published solicitation document. Any such contract awards will be monitored for M/W/SBE compliance and shall be reported through the expiration of the contract.

1. Eligibility Requirements for Certification

To be eligible for certification as a M/W/SBE business, each applicant must complete the certification process and receive a certificate from one of the District's approved certifying entities.

2. Certification Process

- a. To be eligible to participate in the Program, a M/W/SBE business must have a current certification of its M/W/SBE business status. Certifications may be obtained from public and private agencies that certify M/W/SBE businesses.

The District does not represent that any particular agency employs the same definition of M/W/SBE as that used by the District. It is the responsibility of the applicant to choose an agency for certification that uses the District's definitional criteria for M/W/SBE.

The District recognizes certification by the following governmental and private agencies:

- City of Houston: Minority, Women, Small Business (M/W/SBE) Certifications

- Houston Minority Supplier Development Council: Minority Business Enterprise (MBE) Certification

- Women Business Enterprise Alliance: Women Business Enterprise (WBE) Certification

The District has the right to revoke acceptance of a business as a certified or qualifying M/W/SBE business and to conduct certification reviews in accordance with these procedures.

- a. If a M/W/SBE business experiences any change in its certification status with its certifying agency (i.e. amendments, decertification, termination, graduation), the M/W/SBE business shall immediately notify the District of such change.

- b. If a certifying agency decertifies or removes certification from a certified M/W/SBE business participant in the Program, that business shall be delisted from the Program, until recertified or certified by another Program approved agency. Delisting will automatically occur ninety (90) days after the certifying agency decertifies or removes its certification.

3. Recertification Requirement

- a. M/W/SBE business application is valid through the certification date provided by the certifying agency. To reapply, a business must submit a renewal application and evidence of continuing eligibility of certification.

4. Revocation

The District may revoke a previously approved application if it determines that the business does not meet the definition of a M/W/SBE business, or if the business fails to provide requested information in connection with an application review conducted by the District.

A business may be disqualified from participation in the Program if the business fails to provide evidence of certification to the District. The District may also revoke a previously approved application if it determines that the M/W/SBE business is operating as a Pass-Thru Business. If a question arises regarding certification, the District will contact the certifying agency, investigate the claim but will continue to count the certified M/W/SBE business as a M/W/SBE-Certified Business until the M/W/SBE business certification expires or is officially revoked.

5. Certification Reviews

District may conduct random certification reviews of certified M/W/SBE businesses by auditing them to verify that the information submitted by the business is accurate and that the business remains eligible after certification has been granted. An application approval is subject to revocation if it is determined that a business does not qualify as a M/W/SBE-Certified Business under the terms of this

6. Limitations

Notwithstanding any other provision of this Program, except upon a finding of good cause by District, a firm shall be eligible to participate in the program until it can no longer qualify for reasons of growth or change in status.

C. OVERALL ANNUAL PROGRAM GOAL AND INDIVIDUAL CONTRACT GOALS

1. Overall Annual Goal

An overall annual goal for M/W/SBE business participation at the District will be set by the District. The initial overall annual goal of the Program will be set at twenty-five (25%) percent of the dollar amount of all M/W/SBE-Eligible Procurement Contracts. The annual goal may change from year to year based on all relevant factors considered by the District.

The Program staff shall provide an annual report to the District's Board of Directors calculating M/W/SBE business utilization during the previous year. The annual goal for overall M/W/SBE business participation will be based on prior utilization, policy requirements, staff recommendations, and general input regarding capacity analysis, and the District projected contracting opportunities.

The District staff will also seek to track M/W/SBE-Certified Business participation in non-M/W/SBE Contracts, e.g., sole-source items, and those contracts for which participation in the Program is otherwise prohibited by applicable law or exempted by the District. In evaluating performance in reaching its annual goal, the District will count all M/W/SBE business participation resulting from both M/W/SBE-Eligible contracts and non-M/W/SBE Contracts.

2. Individual Contract Goals

Each M/W/SBE-Eligible Contract will have an individual contract goal for M/W/SBE business participation. The following procedures should be utilized to set individual contract goals. All M/W/SBE-Eligible Contracts will be evaluated for M/W/SBE goal potential. These individual contract goals may be higher or lower than the annual goal. Individual contract goals are set by the District's Executive Director, in conjunction with the District's Board of Directors.

The criteria used to set individual contract goals shall include, but not limited to, M/W/SBE business capacity, M/W/SBE business availability, nature of the contract, and District past experiences with M/W/SBE business participation with similar contracts, available M/W/SBE-certified companies, and subcontracting opportunities in the performance of the contract. All individual contract goals will be determined prior to the release of the solicitation. No quotas or set-asides will be used in implementing the Program.

The M/W/SBE-Eligible Contract may otherwise be exempt from a M/W/SBE business goal if it is determined that one or more of the following is present.

A public or administrative emergency exists that requires the goods or services to be provided with unusual immediacy; or

- a. The goods or services requested are of such a specialized, technical, or unique nature as to require the District to be able to select its Contractor without application of M/W/SBE business provisions; or
- b. The application of M/W/SBE business provisions would impose an unwarranted economic burden or risk on the District, would unduly delay acquisition of the labor, goods or services, or would otherwise not be in the best interest of the District; or
- c. The possible M/W/SBE business participation level based on M/W/SBE business availability would produce negligible or no M/W/SBE business participation.

All Program exemptions must be approved by the Executive Director of the District.

D. PROGRAM ACTIVITIES AND RESPONSIBILITIES

In an effort to maximize the Program's activities, the following procedures are in place to maximize opportunities for M/W/SBE business participation:

1. The District has created the position or responsibility of M/W/SBE Program Manager. This administrator is responsible for the direct operation and direct implementation of the Program. The Program Manager works directly with the M/W/SBE businesses Consultants and Contractors to provide information, assistance, and support.
2. The District is authorized to develop and issue a Prompt Payment Directive. The Prompt Payment Directive will provide guidelines and mandates to Contractors/Subcontractors and Consultants/Subconsultants on the timing of payments to M/W/SBE-Certified businesses following the receipt of payment from the District.
3. The District will assist private sector businesses and individuals with developing a Consultant with a mentoring program to bring M/W/SBE business owners together with private sector business owners, to share information and experiences.
4. The District solicitations for M/W/SBE Eligible Contracts with M/W/SBE eligible goals shall require all Proposers to submit a written assurance of meeting the contract goal for M/W/SBE business participation in their proposals. Proposals must also include a proposed schedule of M/W/SBE business participation that lists the names of M/W/SBE business Subcontractors, a description of the work each is to perform, and the dollar value of each proposed M/W/SBE business subcontract. If the M/W/SBE business participation does not meet the M/W/SBE business Contract goals, the Proposers must submit sufficient information and evidence demonstrating that the Proposer made Good Faith Efforts to meet the goals.

5. The District requires that all Proposers be required to submit information on M/W/SBE business Subcontractors and on the Proposers at the time of proposal review. Agreements between a Proposer and a M/W/SBE business in which the M/W/SBE business promises not to provide subcontracting quotations to other Proposers shall be prohibited.
6. The District shall include information on it's website to assist M/W/SBE businesses Consultants and Contractors. The website will contain information related to the District's M/W/SBE Program goals and the procurement process.
7. The District will maintain and have available an updated certified M/W/SBE business directory and source list(s) per proposal solicitation to facilitate identifying M/W/SBE businesses with capabilities relevant to general contracting requirements and to particular solicitations. The District will make the directory and source list(s) available to Proposers to assist their efforts to meet the M/W/SBE business requirements.
8. District will coordinate M/W/SBE businesses with educational opportunities available throughout District that may serve to develop M/W/SBE businesses.

E. PURCHASING METHODS

District utilizes various purchasing methods to acquire goods and services.

Regardless of which purchasing method District chooses to use, an individual contract goal will be placed on all Program Eligible Contracts. Purchasing methods used by District include but are not limited to Purchase Orders, Competitive Sealed Proposals, Requests for Proposals, Design-Build Contracts, Competitive Bidding, Catalog Purchases, Construction Manager Contracts, and Job Order Contracts. Note that not all purchasing methods used by the District are Program eligible. In deciding which purchasing method to utilize, District will determine which purchasing method provides the best value to District.

The District Board of Directors shall make the final determination to award a M/W/SBE-Eligible Contract in accordance with the current Procurement Policy and Procedures. M/W/SBE-Eligible Contracts will be awarded consistent with the statutory requirements for certain professional services contained in Section 2254 of the Texas Government Code.

Nothing in the Program should be construed to give a Proposer a property interest in a proposal or Contract prior to the District Board of Directors' award of the Contract and compliance with all statutory and other legal requirements.

NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, NO CONTRACTOR OR ANY OTHER PERSON OR FIRM IS INTENDED TO OR SHALL DERIVE ANY LEGAL OR EQUITABLE RIGHTS, DIRECTLY OR AS A THIRD- PARTY BENEFICIARY, FROM DISTRICT'S M/W/SBE

F. PROCEDURES FOR DETERMINING SATISFACTION OF GOOD FAITH EFFORTS REQUIREMENT

1. Each Bidder or Proposer must acknowledge the Bidder or Proposer's awareness of District's M/W/SBE policy by signing the M/W/SBE Business Assurance Statement.
2. The Bidder or Proposer must submit a Contractor's or Consultant's M/W/SBE Subcontracting Plan (the "Plan") setting out how the Program's goals for the proposed project is to be met. The Plan is to be submitted with the proposal response or within a period designated within the solicitation document, or upon notification of finalist or successful Proposer status. Failure to respond within the designated period could result in a determination by District that a Bidder or Proposer is non-responsive and thereby removed from consideration for an award. The Plan is a form which outlines the M/W/SBE business participation in the M/W/SBE-Eligible Contract with supporting documentation of M/W/SBE certification from an approved certification entity. The Plan must include a list of M/W/SBE-Certified Businesses proposed as Subcontractors and suppliers. All M/W/SBE businesses listed must be approved as M/W/SBE-Certified M/W/SBE Businesses by the District prior to submitting the proposal or bid is submitted.
3. The Plan must also include executed subcontract(s) or letter(s) of intent for each listed M/W/SBE business, including the name of the M/W/SBE business, description of the scope of work to be performed, and the dollar value and percentage amount for each M/W/SBE business Contract. Copies of certification documentation must be included with proposals.
4. The Proposer shall adhere to the Plan submitted unless a waiver is received from the Program Manager of the District.
5. If the Bidder or Proposer is unable to meet the M/W/SBE goal, the Bidder or Proposer must submit documentation of Good Faith Efforts to meet the M/W/SBE business participation goal. Such documentation shall be presented to the Program Manager for review.
6. District may consider, in future procurements, whether any Contractor or Consultant that has failed to make Good Faith Efforts to meet a Contract M/W/SBE business participation goal, and may consider as part of any future procurements any business which has failed to make Good Faith Efforts to meet all requirements necessary for participation of M/W/SBE- Certified Businesses.
7. Prior to being issued a Notice to Proceed or other notification to begin the work, the successful Bidder or Proposer shall execute written Contracts with all of its M/W/SBE business Subcontractors and shall assure that all such Contracts contain the terms set out in all required Program provisions.

8. Prior to award, the Contractor or Consultant shall designate a M/W/SBE contact person who will administer the Contractor's M/W/SBE commitments and who shall be responsible for maintenance of records of Good Faith Efforts to subcontract with M/W/SBE-Certified Businesses.

1. After award, the Contractor or Consultant shall (1) submit Utilization Reports to the District M/W/SBE Program; and (2) make timely payments to all persons and entities supplying labor, materials, or equipment for the performance of the Contract.
 - a. In the event a M/W/SBE-Certified Business is suspended or removed for any reason, the Contractor shall make a Good Faith Effort to replace the M/W/SBE business with another M/W/SBE-Certified Business.

 - b. Violations of federal or state law or significant ordinances or regulations of any governmental unit may be deemed to be a failure to satisfy the Good Faith Efforts of the Program.

G. PROCEDURES FOR EVALUATING AND REPORTING M/W/SBE BUSINESS PARTICIPATION

Prior to any consideration of a bid or proposal by the District's Board of Directors for Contract award, District staff shall review submitted bids and proposals for verification of M/W/SBE participation.

The staff evaluation process may utilize a point system based on evaluation criteria set forth in the procurement methods. A designated number of points will be set aside for M/W/SBE business participation, if applicable. If the procurement solicitation does not have a M/W/SBE business participation goal, but the Executive Director of the District concludes that M/W/SBE business contractors may be available to perform the work, the point system may include a designated number of points set aside for M/W/SBE business participation.

Proposers may receive none, some, or all of the designated M/W/SBE business participation points, based on the Proposer's plan to satisfy M/W/SBE business participation goals.

If, in the opinion of District staff, the proposal response completely meets the stated M/W/SBE business participation goals, the total amount of eligible points will be awarded for M/W/SBE business participation.

Points shall be awarded in accordance with the proposal response based on the prime vendor's certifications and/or commitment to M/W/SBE business subcontracting stated in the solicitation document and the published point distribution sliding-scale.

The ultimate decision to award contracts will be made by the District's Board of Directors based on its determination of best value to District or otherwise in accordance with the solicitation's method of procurement.



maintenance of records of Good Faith Efforts to subcontract with M/W/SBE-Certified Businesses.

1. After award, the Contractor or Consultant shall (1) submit Utilization Reports to the District M/W/SBE Program; and (2) make timely payments to all persons and entities supplying labor, materials, or equipment for the performance of the Contract.
 - a. In the event a M/W/SBE-Certified Business is suspended or removed for any reason, the Contractor shall make a Good Faith Effort to replace the M/W/SBE business with another M/W/SBE-Certified Business.
 - b. Violations of federal or state law or significant ordinances or regulations of any governmental unit may be deemed to be a failure to satisfy the Good Faith Efforts of the Program.

H. PROCEDURES FOR EVALUATING AND REPORTING M/W/SBE BUSINESS PARTICIPATION

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The staff evaluation process may utilize a point system based on evaluation criteria set forth in the procurement methods. A designated number of points will be set aside for M/W/SBE business participation, if applicable. If the procurement solicitation does not have a M/W/SBE business participation goal, but the Executive Director of the District concludes that M/W/SBE business contractors may be available to perform the work, the point system may include a designated number of points set aside for M/W/SBE business participation.

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