



## GREATER SOUTHEAST MANAGEMENT DISTRICT

### REQUEST FOR QUALIFICATIONS

**REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL DESIGN SERVICES FOR  
ASUPPLEMENTAL LIGHTING PLAN TO SUPPORT DISTRICT BRANDING, PLACEMAKING  
AND PUBLIC REALM ENHANCEMENT EFFORTS  
WITHIN HOUSTON SOUTHEAST**

DUE TO: THEOLA PETTEWAY  
INTERIM EXECUTIVE DIRECTOR  
GREATER SOUTHEAST MANAGEMENT DISTRICT  
5445 ALMEDA, SUITE 503  
HOUSTON, TEXAS 77004

BY

**February 4, 2020**  
**3:00 PM CST**

**ISSUED: January 10, 2020**

### **ELECTRONIC FORMAT OF REQUEST FOR QUALIFICATIONS (RFQ)**

Follow the steps below to access the RFQ:

1. Go to [houstonse.org](http://houstonse.org)
2. Click on "About" tab
3. Click on "Notices" Link
4. Click on "Request for Qualifications for Professional Services for Design Services for a Supplemental Lighting Plan to Support District Branding, Placemaking and Public Realm Enhancement Efforts within Houston Southeast"

**REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL DESIGN SERVICES  
FOR A SUPPLEMENTAL LIGHTING PLAN TO SUPPORT DISTRICT BRANDING, PLACEMAKING  
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## **INTRODUCTION**

Greater Southeast Management District (“the District”) also branded as Houston Southeast, is seeking statements of qualifications from professional design consultants to provide design services (planning, conceptual design and schematic design) for a supplemental lighting plan to enhance street and pedestrian lighting along the economic corridors within the District. The qualified firm will provide design services that incorporates creative concepts and strategies that provide feasible options for lighting supplements based on analysis of the current and planned infrastructure, industry best practices and proven sustainable lighting solutions for urban inner-city communities.

## **REQUEST FOR QUALIFICATIONS OVERVIEW**

The intent of this RFQ is to obtain Statements of Qualifications (SOQs) in order to award a contract to the best qualified firm for professional design services described herein. The District’s Board of Directors creates no obligations, expressed, or implied by issuing this RFQ or by receipt of any submissions pursuant hereto. Neither this RFQ nor any proposal submitted in response, hereto, is to be construed as a legal offer.

No contract will be awarded without further discussion and negotiation with a short-list created from the responding firms. The award of any contract(s) as a result of this RFQ shall be at the sole discretion of the District’s Board of Directors. The District will not be responsible for any expenses incurred by any firm in preparing and submitting information in response to this request.

### **I Confidential Information**

Respondents are advised that materials contained in their responses are subject to the Texas Public Information Act (TPIA) and, after the execution of the contract, may be viewed and/or copied by any member of the public, including news agencies and competitors. The District will not determine any portions of the submittal to be confidential information.

### **II Scope of Services and Projects**

This RFQ solicits statements of qualifications from design consultants to provide a supplemental lighting plan to support Greater Southeast Management District (branded as Houston Southeast) in branding, placemaking and public realm enhancement efforts to promote/market the District and improve the existing street and pedestrian lighting along the economic corridors within Houston Southeast. This plan will provide lighting solutions that are attractational, innovative and curated to the distinct appeal of Houston Southeast. Additionally, the plan will integrate best practices that use lighting to encourage walkability, create a better quality of life experience, spur economic development and to support increased tourism. The plan will provide short-term and long-term solutions to develop and maintain a well-lit pedestrian realm, facilitate seasonal and decorative lighting opportunities, support District branding and placemaking initiatives and other enhancements/projects in the public rights-of-way (ROW). Respondents shall adhere to and

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recommend best practices, strategies and/or innovative approaches. Such approaches should include but are not limited to options that suggest the use of LED fixtures, solar power, relevant historical/cultural designs that capture unique neighborhood characteristics with corresponding methodology to identifying and addressing risks/challenges to the implementation of this program. The qualified firm will provide a comprehensive supplemental lighting design plan (planning through schematic design) that includes planning and coordinating efforts with OST/Alameda Corridors Redevelopment Authority-TIRZ #7 as well as District consultants to retrieve photometric analysis data to determine existing streetlight placement, height, and street width, and an analysis of the proposed lights to show minimum equivalent and/or improved lighting levels for safe and adequate light.

Plan shall meet or exceed City of Houston and/or Center Point Energy lighting requirements.

**Project Limits:** The project location is in the southeast section of Houston, Texas, specifically:

- Alameda Road from US59/Cleburne to El Paseo Street
- Binz Street from Main Street to Alameda Road
- Emancipation Avenue from Prospect Street to Pierce Street
- Martin Luther King Blvd from IH610 to Wheeler Avenue
- Griggs Road from Long Drive to Scott Street
- Old Spanish Trail from Fannin Street to Spur 5
- Blodgett Street from Alameda Road to Scott Street
- Scott Street from Tristan Street to IH45
- Holman Street from Emancipation Avenue to Scott Street

A map of the boundaries of Greater Southeast Management District is attached as **Exhibit "A"**. **Banner District Designation** information is attached as **Exhibit "B"**.

### **III Terms**

Contract negotiations will be a subsequent process outside of the RFQ process. The successful respondent should anticipate executing a standard Professional Services Agreement, which is available from the District, upon request.

### **IV Response Submissions**

Please see **Exhibit "C"** for response format. Responses must be received no later than **3:00 p.m. CST on February 4, 2020**. Responses received after **3:00 p.m. CST on such date will not be considered**. Faxed or e-mailed copies of responses will not be considered. The outside of the sealed package containing hard copies of responses should be clearly marked as follows: **"RESPONSE TO REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL DESIGN SERVICES FOR A SUPPLEMENTAL LIGHTING PLAN TO SUPPORT DISTRICT BRANDING, PLACEMAKING AND PUBLIC REALM ENHANCEMENT EFFORTS WITHIN HOUSTON SOUTHEAST"**

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Any legal and/or administrative questions regarding this RFQ must be submitted to Theola Petteway at [tdpetteway@ostalmeda.com](mailto:tdpetteway@ostalmeda.com) or delivered to Theola Petteway, 5445 Almeda Rd, Suite 545, Houston, TX 77004.

Any technical, format or project questions regarding this RFQ may be submitted to Gerald Wilson, P.E., Capital Projects Manager at [gwilson@ostalmeda.com](mailto:gwilson@ostalmeda.com).

Inquiries must not be directed to any other staff members or any member of the Board of Directors of the District. Such action may disqualify the firm from further consideration. Firms may not rely upon verbal responses to any inquiry.

#### **V Coordination of Information for the RFQ**

Firms interested in providing these services to the District should submit **an original, five (5) hard copies, and one (1) digital PDF format file suitable for printing of their written response to:**

**Theola Petteway  
Interim Executive Director  
Greater Southeast Management District  
5445 Almeda, Suite 545  
Houston, TX 77004**

Note: Disks or USB drives containing digital files will not be returned.

#### **Pre-Qualification Meeting**

A Pre-Qualification Meeting will be held on **Wednesday, January 22, 2020** at **2:00 p.m. (CST)** at 5445 Almeda Road, Suite 502, Houston TX 77004 to respond to general questions relating to the request for qualifications.

#### **VI Selection and Evaluation Process**

The District Evaluation Team will review the responses in the following manner and process:

1. Each response will be evaluated on the basis of the Qualifications/Evaluation Criteria listed below.
2. At the discretion of the District, the Evaluation Team may decide to conduct interviews from a short-list of respondents, if deemed appropriate.
3. The respondent determined to be most qualified and offers the best means of servicing the interests of the District and its project requirements taking into account the evaluation and interview(s) may be recommended for approval by the District's board of directors.

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**Qualifications/Evaluation Criteria**

Firms to address the following in the SOQs:

1. **Expertise/Experience/Qualification of Key Personnel** Demonstrate experience of the Team's ability to successfully complete the Tasks listed in the Scope of Work. Provide key personnel qualifications proposed to be used on the project (including sub-consultants).
2. **Project Approach** Demonstrate the approach and control appropriate for accomplishing the Scope of Work. Detailed proposed plan of action, including but not limited to strategy, understanding of scope, technical requirements, and quality assurance control measures. Specifically describe (a) control of scope to meet the project deliverables (b) manage work processes to meet the project Schedule; (c) manage risks; and (d) manage the budget.
3. **Technical Competence** Demonstrate technical abilities to perform the tasks listed in the Scope of Work. Provide Demonstrated performance and experience on previous or current projects of similar type, complexity, challenges and functionality. Information must relate to the Team's overall abilities to accomplish the project scope. (preferably within the last five years).
4. **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. Provide plan and strategy for meeting the project schedule.
5. **QA/QC Program and Plan** Demonstrate the Team's ability to implement and manage QA/QC. Describe the approach to implementing and managing quality assurance and quality control throughout the Project. Providing a narrative, tables, and/or illustrations that address the QA/QC Process including resources/tools and coordination of quality, testing and corrective action process and procedures.
6. **M/W/SBE Plan** Demonstrate the ability to comply with the District's M/W/SBE Program.

**VII Other Information**

By submission of your RFQ in response to this announcement, you are certifying that neither your firm nor any of their principles are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in this procurement process by any federal, state, or local department or agency. Further, if such a debarment or suspension occurs during the course of the procurement, you shall so inform the District.

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**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	20%	
B.	Project Approach. Demonstrate the approach and control appropriate for accomplishing the	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	20%	
E.	QA/QC Program and Plan. Demonstrate the team's ability to implement and	10%	
F.	M/W/SBE Plan. Demonstrate the ability to comply with the District's M/W/SBE program	10%	
	<b>Total Score</b>	100%	

Special Notes/Justification:

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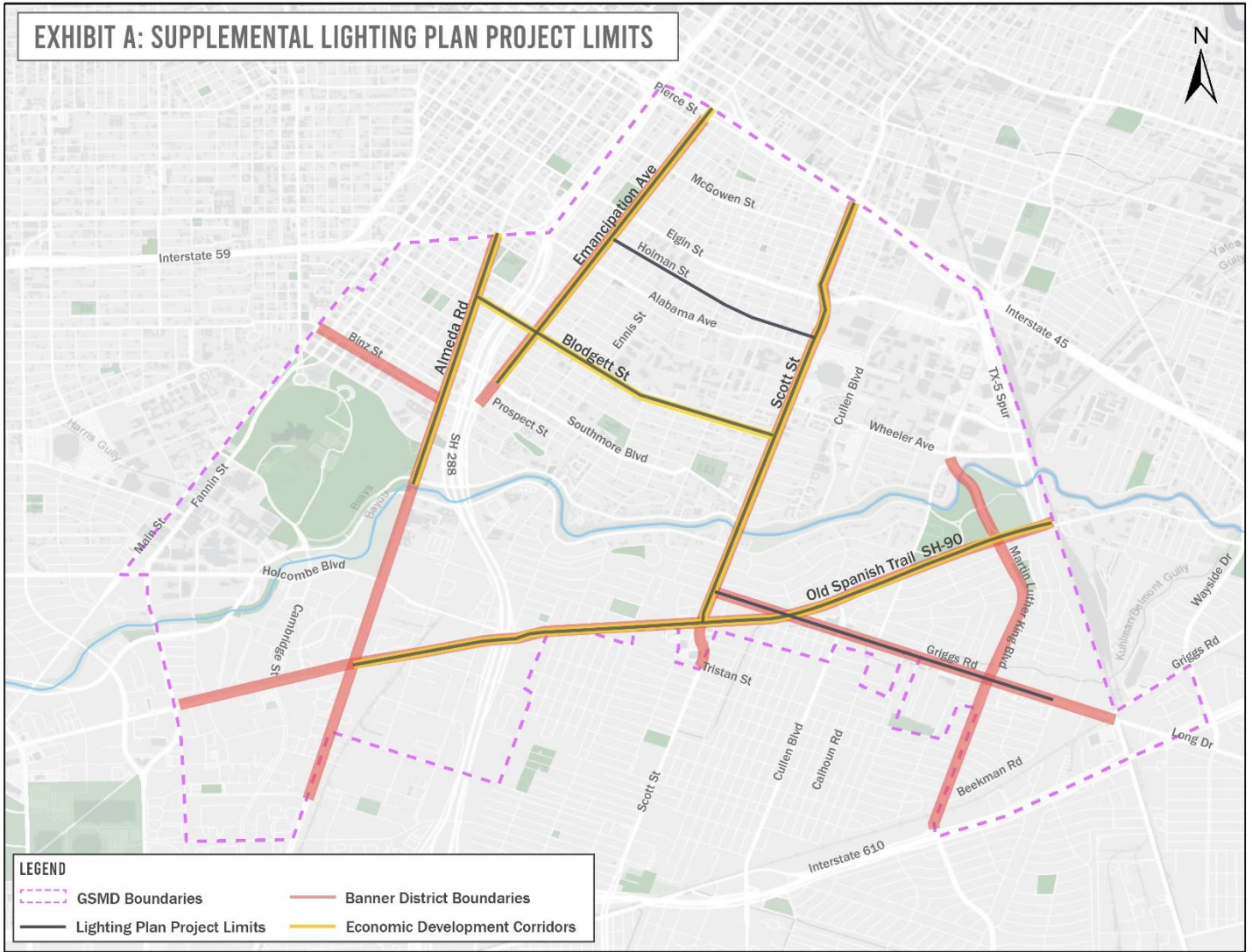
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# EXHIBIT "A"

## SUPPLEMENTAL LIGHTING PLAN PROJECT LIMITS



Note: Lighting Plan Project Limits align with the Banner District Designation adopted October 11, 2017.

**EXHIBIT "B"**  
**DISTRICT BANNER DISTRICT DESIGNATION**

MOTION NO. 2017 0625

MOTION by Council Member Cohen that the recommendation of the Acting Director of the Department of Public Works and Engineering, for designation of a banner district in the Greater Southeast Management District, be adopted, and the designation of a banner district within the Greater Southeast Management District as shown below, is hereby approved by the City Council.

Corridor	From	To
Alameda Rd	US 59	El Paseo St
Binz St	Main St	Alameda Rd
Griggs Rd	Scott St	Long Dr
Martin Luther King, Jr. Blvd	IH 610	Wheeler Ave
Old Spanish Trail	Fannin St	Spur 5
Scott St	Tristan St	IH 45
Emancipation Ave	Prospect St	Pierce St

Seconded by Council Member Robinson and carried.

Mayor Turner, Council Members Stardig, Davis, Cohen, Boykins, Martin, Le, Travis, Cisneros, Gallegos, Laster, Knox, Robinson, Kubosh, Edwards and Christie voting aye  
Nays none

Council Member Green absent

PASSED AND ADOPTED this 11th day of October, 2017.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is October 17, 2017.

  
City Secretary



## **EXHIBIT “C”**

### **Statement of Qualifications Format**

#### **Executive Summary**

The executive summary of the proposal shall be a maximum of two (2) pages. Include items such as a cover letter of introduction and/or a brief overview of your firm.

#### **Identifying Information**

The page following the Executive Summary should be **Exhibit “E”** Required Response Form provided in this RFQ or a replica of the form with signature, and must include the name, physical address of principal place of business, mailing address, telephone number, fax number, email, and general information of respondent’s primary contact person.

#### **Experience**

1. Provide all pertinent information describing your firm’s history, background, and experience. Provide the total number of years of experience providing planning and pre-design services.
2. Detail organizational capability and commitment providing respondent’s ability and overall understanding of requirements and scope of services for the projects listed in this RFQ.
3. Detail previous experience in providing services for other similar organizations and projects. Provide information and an example(s) of projects that were successful and why. Provide representative photographs, where appropriate. Provide information as to specific projects that may not have come in at or near budget.
4. Provide a minimum of three (3) verifiable references which the respondent has provided similar services to in the past five (5) years.
5. Detail past experience with Center Point Energy or other electrical utility companies and districts providing decorative street and/or special, seasonal lighting displays.
6. Provide a statement as to what projects the firm is currently working on and the date the respondent could be available to begin work on the project(s) listed in this RFQ.

#### **Approach**

1. Provide a work plan (narrative or visual) of how your firm would approach the project(s) listed in this RFQ (beginning to end). Include an approach to working in existing corridors to limit disruption and/or damage to existing urban infrastructure.
2. Interaction with other government and non-government agencies will be required. Provide information as to how you would coordinate with local municipal authorities, governmental agencies (COH, METRO, TxDOT, HCFCD, etc.) and utility companies (CenterPoint, AT&T, Comcast, etc.) to conduct negotiations to achieve maximum efficiency and continuity for the project.

#### **Staff**

1. Include resumes of the staff that will be assigned to the project.
2. Include an organizational chart of the key personnel.
3. Include copies and evidence of appropriate State of Texas licenses (firm and individuals assigned to the project).
4. Clarify if all the work that is being proposed would be performed with in-house personnel or if any portion of the work will be sub-contracted to outside firm or personnel.

#### **Insurance requirements**

1. Provide evidence of insurability. (See attached **Exhibit “E”**)
2. Provide evidence of Texas Worker’s Compensation coverage.

**EXHIBIT “D”  
CALENDAR OF EVENTS**

Publication of the RFQ	Friday, January 10, 2020
Pre-Qualification Meeting	Wednesday, January 22, 2020 (2:00 p.m.)
Deadline for submitting questions and clarifications	Monday, January 27, 2020 (5:00 p.m.)
District response to questions and clarifications	Wednesday, January 29, 2020 (5:00 p.m.)
Deadline for submitting qualifications	Wednesday, February 4, 2020 (3:00 pm)
Review period for submissions	February 5-7, 2020
Screening and Evaluation Team recommendations to the District	Friday, February 7, 2020
Approve firm’s scope of services and fees for a not-to-exceed amount and recommend District Board to take action on contracting firm, and authorize Interim Executive Director, Board Chair, and Legal Counsel to Negotiate a contract and issue a Notice-to-Proceed	Week of February 10 <sup>th</sup> , 2020
Negotiation of best qualified firm’s contract scope of work and fees	February 13–18, 2020
Issue Notice-to-Proceed	Week of February 17, 2020

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

**EXHIBIT “E”  
CERTIFICATE OF INSURANCE REQUIREMENTS**

The Consultant shall obtain and maintain insurance coverage continuously during the term of Agreement, and the Consultant shall cause each of its subcontractors to maintain insurance coverage during the term of Agreement in accordance with the terms of this schedule through any combination of primary and excess coverage and, in the case of “claims made” coverage, for an additional two years thereafter.

The insurance, at a minimum, must include the following coverages and limits of liability:

	<u>Limit of Liability</u>
Worker’s Compensation (when applicable)	Statutory for Workers Compensation (when applicable)
Employer’s Liability	Bodily Injury \$1,000,000
Comprehensive General: Including Broad Form Coverage, Contractual Liability, Bodily and Personal Injury, and Completed Operations	
Automobile Liability Insurance (for automobiles used by the contractor in the course of its performance under this Agreement including employer’s non owned and hired auto coverage)	\$1,000,000 combined single limit per occurrence

If the amount of any contract awarded by the Developer to construct the Project shall exceed \$1,000,000, the Developer shall contract with the contractor to maintain Commercial General Liability coverage for at least twice the combined minimum limits specified above.

Form of Policies. The District Board may approve the form of the insurance policies, but nothing the District Board does or fails to do relieves the Developer of its obligation to provide the required coverage under this Agreement. The District Board’s actions, or inactions do not waive the Zone’s or District’s rights under this Agreement.

Issuers of Policies. The issuer of each policy shall have a certificate of District to transact insurance business in Texas or a Best’s rating of at least B+ and a Best’s Financial Size Category of Class VI or better, according to the most current edition *Best’s Key Rating Guide, Property Casualty United States*.

Insured Parties. Each policy, except those for Workers’ Compensation, Employer’s Liability, and Professional Liability, must name the District, the Zone and the City (and its officers, agents, and employees) as additional insured parties on the original policy and all renewals or replacements.

Deductibles. The Developer shall be responsible for and bear (or shall contract with each applicable contractor to bear and assume) any claims or losses to the extent of any deductible amounts and waives (and shall contract with each contractor to waive) any claim it may have for the same against the District or Zone, its officers, agents, or employees.

Cancellation. Each policy must state that it may not be canceled, materially modified, or nonrenewed unless the insurance company gives the District 30 days' advance written notice. The Developer shall (and shall contract with each contractor to) give written notice to the District within five days of the date on which total claims by any party against such person reduce the aggregate amount of coverage below the amounts required by this Agreement. In the alternative, the policy may contain an endorsement establishing a policy aggregate for the particular project or location subject to this Agreement.

Subrogation. Each policy must contain an endorsement to the effect that the issuer waives any claim or right of subrogation to recover against the District, its officers, agents, or employees.

Primary Insurance Endorsement. Each policy, except Workers' Compensation and Professional Liability (if any), must contain an endorsement that the policy is primary to any other insurance available to the additional insured with respect to claims arising under this Agreement.

Liability for Premium. The Developer shall pay (or shall contract with contractors to pay) all insurance premiums for coverage required by this exhibit, and the District or Zone shall not be obligated to pay any premiums.

Subcontractors. Notwithstanding the other provisions of this exhibit, the amount of coverage contracted to be provided by subcontractors shall be commensurate with the amount of the subcontract, but in no case less than \$500,000 per occurrence. The Developer shall provide (or shall contract with contractors to provide) copies of insurance certificates to the District.

Proof of Insurance. Promptly after the execution of this Agreement and from time to time during the term of this Agreement at the request of the District, the Developer shall furnish the District with certificates of insurance maintained by the Developer in accordance with this section along with an affidavit from the Developer confirming that the certificates accurately reflect the insurance coverage maintained. If requested in writing by the District, the Developer shall furnish the Director of Planning with certified copies of the Developer's actual insurance policies. If the Developer does not comply with the requirements of this exhibit, the District, at its sole discretion, may (1) suspend performance by the District and the hereunder and begin procedures to terminate this Agreement for default or (2) purchase the required insurance with District or Zone funds and deduct the cost of the premiums from amounts due to the Developer under this Agreement. The District shall never waive or be estopped to assert its right to terminate this Agreement because of its acts or omissions regarding its review of insurance documents.

Other Insurance. If requested by the District, the Developer shall furnish adequate evidence of Social Security and Unemployment Compensation Insurance, to the extent applicable to the Developer's operations under this Agreement.

**EXHIBIT "F"**  
**REQUIRED RESPONSE FORM**

Include this form (or replica) in your qualifications package after the executive summary.

<b>Name of Respondent:</b>	
<b>Physical Address of your Principal Place of Business:</b>	
<b>Mailing Address:</b>	
<b>Telephone:</b>	
<b>Fax:</b>	
<b>Email:</b>	
<b>Primary Name of Contact:</b>	
<b>Title of Primary Contact:</b>	
<b>Signature:</b>	
<b>Date:</b>	

**EXHIBIT "G"**  
**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 thirty-five (35%) 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 Program.

## 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 thirty-five (35%) 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. A public or administrative emergency exists that requires the goods or services to be provided with unusual immediacy; or
- b. 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
- c. 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
- d. 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 its 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.

9. 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.

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