

CITY OF AUSTIN



Austin-Bergstrom International Airport (ABIA)

Small and Minority Resources Department



Austin-Bergstrom
International Airport



Small & Minority Business Resources
Opening the door to opportunities.

AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

**Project Name: ABIA Airport Advertising
Concession Agreement**

**Project Solicitation Number:
RFP-8100-ABIA-002**

Date: August 17, 2015

CITY OF AUSTIN

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FOR YOUR INFORMATION

In order to maintain eligibility for Federal Aviation Administration (FAA) grant funding, the City of Austin becomes an "FAA SPONSOR". It is therefore necessary to follow the requirements of the United States Department of Transportation, as contained in 49 CFR Part 23, and the City of Austin's City Code, Chapter 2-9B, as amended.

For assistance relating to Airport Concession Disadvantaged Business Enterprises, please contact:

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CITY OF AUSTIN
Austin-Bergstrom International Airport (ABIA)
AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE
(ACDBE) PROGRAM

GENERAL INFORMATION

It is the policy of the City of Austin and the United States Department of Transportation (DOT) that Airport Concession Disadvantaged Business Enterprises (ACDBE), as defined in 49 CFR Part 23, have equal opportunities to participate in the performance of contracts on the City of Austin's Austin-Bergstrom International Airport. The ACDBE requirements of 49 CFR Part 23 and the applicable City of Austin City Code, Chapter 2-9B, as amended, apply to this solicitation. **All bidders must comply with 49 CFR Part 23 and the applicable City of Austin's Code and Rules to ensure that Airport Concession Disadvantaged Business Enterprises have equal opportunity to compete for and perform on contracts.** The City of Austin and its consultants shall not discriminate on the basis of race, color, national origin, disability or gender in the award and performance of contracts.

Consultants seeking to participate on this project agree to ensure that Airport Concession Disadvantaged Business Enterprises have equal opportunity to participate in the performance of contracts and subcontracts. A firm submitting a bid or proposal on this project is asked to make good faith efforts to meet or exceed the goal for ACDBE participation.

To maximize our race-neutral aspirations, the City of Austin has incorporated the following activities as a component of its ACDBE program to assist prime consultants meet their ACDBE goals:

1. City funded bonding, technical assistance and training programs to assist ACDBE firms.
2. A comprehensive ACDBE directory of ACDBE firms included in every proposal and bid package for easy accessibility of ACDBE companies.
3. The City encourages consultants to aspire to meet the ACDBE participation goal for this project. However, it is not the City's intent for consultants to have to pay higher prices in order to achieve the goal.
4. Consultants are asked to make sincere efforts to allow bidding opportunities and contract participation for ACDBE firms, but are not required to award any subcontracts to ACDBE firms where such award would increase the cost of the contracts. (See attached ACDBE Goal Compliance Plan Instructions.)

In order to assure equal opportunity for ACDBE participation, all bidders must submit the ACDBE Goal Compliance Plan documents by the deadline specified in the bid solicitation. The ACDBE Goal Compliance Plan instructions should be read and carefully followed.

The City will evaluate the bidder's good faith efforts to meet ACDBE goals as part of the determination of the lowest responsive bid.

The ACDBE goal is calculated against the allocated funding for the completed project. If a given project includes supplemental agreements and change orders which increase or decrease the dollar amount allocated by the City, the contractor must submit a revised ACDBE Goal Compliance Plan. These revised ACDBE Goal Compliance Plans will be submitted to the Department's Contract Administrator or Project Manager on or before the tenth (10th) day of the month following any execution of a Change Order/s that increases or decreases the contract value.

A. ACDBE PARTICIPATION GOAL

The ACDBE participation goal, which applies, to this solicitation is as follows: **ACDBE Goal – 7.89%**

The ACDBE goal is a reflection of the total offer amount of the contract. The ACDBE participation shall be computed as outlined in Section C.

B. DEFINITIONS

1. Affiliates: Business concerns are affiliates of each other when either directly or indirectly, (1) one business concern controls or has the power to control the other, or (2) a third party or parties control or has the power to control both. In determining whether business concerns are affiliated, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships. The provisions of 13 C.F.R. PART 124.106 will be used to guide the City in determining whether firms are affiliated.
2. Bidders: Any business enterprise that submits a bid as defined herein. This includes responses to Request for Qualifications, Invitation for Bids, and Request for Proposals.
3. Broker/Transaction Arranger - a business that is not a manufacturer or a regular dealer that arranges transactions for the delivery of materials and supplies.
4. Commercially Useful Function:

A ACDBE is considered to perform a commercially useful function when it:
 - (a) Engages in meaningful work that provides for a performance of a distinct element of the contract where that distinct element of work is worthy of the dollar amount to be awarded to the ACDBE; or,
 - (b) Carries out its responsibilities by actually performing, managing, and/or supervising the work involved.
5. Contractor: Any person or business enterprise that submits a bid or proposal to provide labor, goods or services to the City by contract for profit; any person who supplies or provides labor, goods or services to the City by contract for profit; any person who is a subconsultants under any such contract.
6. ACDBE or Airport Concession Disadvantaged Business Enterprise: ACDBE refers to firms meeting the social and economic disadvantage criteria as defined in 49 C.F.R. PART 23.3 or other applicable federal regulations.
7. SMBR is an acronym for the City of Austin's Small and Minority Business Resources Department.
8. Eligible ACDBE shall mean firms that have submitted proof to the SMBR or the Texas Unified Certification Program of their ACDBE Certification from another agency.
9. Good Faith Efforts: efforts to achieve an ACDBE goal or other requirements of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirements.
10. Joint venture: shall mean an association of an ACDBE firm and one or more other firms to carry out a single, for-profit business enterprise for which the parties combine their property, capital, efforts, skills and knowledge, and in which the ACDBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks and profits of the joint venture are commensurate with its ownership interests. All joint venture

agreements with ACDBE partners must be submitted to SMBR for approval to be counted as ACDBE participation on the project

11. Letters of Intent (LOI): signed agreements between the bidder and ACDBE subconsultants in which each expresses their intent to enter into a contract after award of bid for the scope of work and price indicated on Section V of the ACDBE Goal Compliance Plan. Letters of Intent are required for all levels of subcontracting.
12. Manufacturer - is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies.
13. Minority Owned Business Enterprise (certified MBE): A business (including, without being limited to, a sole proprietorship, partnership, corporation, joint venture or any other business or professional entity): (A) Which is at least 51% owned by one or more minority persons, or in the case of a publicly owned business, at least 51% of all classes of the stock of which is owned by one or more minority persons; (B) Whose management, policies, major decisions and daily business operations are independently controlled by one or more such minority persons; (C) Which performs a commercially useful function; (D) The size of which does not exceed the size limits established by rule; and (E) Operating within the City's marketplace, which is the State of Texas, for at least three months prior to the date of application for certification.
14. Regular Dealer: is a firm that owns, operates, or maintain a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and the sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment.
15. Subcontractor: Any person or business enterprise providing goods, labor or services to a contractor if such goods, labor or services are procured or used in fulfillment of the consultants obligations arising from a contract with the City. Subcontractor includes every level of subcontracting required to fulfill a contract with the City. For purposes of this chapter, the term subcontractor includes subconsultants. Subconsultants are persons or business enterprises providing professional services to a prime consultant if such professional services are procured or used in fulfillment of the prime consultant's obligations arising from a contract with the City and includes every level of subconsulting required to fulfill a contract with the City.
16. Woman Owned Business Enterprise (certified WBE): A business including, without being limited to, a sole proprietorship, corporation, partnership, joint venture, or any other business or professional entity: (A) Which is at least 51% owned by one or more women; or, in the case of a publicly owned business, at least 51% of all classes of the stock of which is owned by one or more such women. Women who are minority persons, but who for the purposes of certification and recertification choose to be treated as only women will be certified as WBEs; (B) Whose management, policies, major decisions and daily business operations are independently controlled by one or more such women; (C) Which performs a commercially useful function; (D) The size of which does not exceed size limits established by rule; and (E) Operating in the City's marketplace, which is the State of Texas, for at least three months prior to the date of application for certification.

C. COUNTING ACDBE PARTICIPATION - The City will count ACDBE participation as follows:

TYPES OF BUSINESS STRUCTURE	PERCENTAGE OF PARTICIPATION COUNTED
Certified ACDBE Prime Contractor	The Percentage equal to the value of the work actually performed by the ACDBE with its own forces.
Joint Venture with ACDBE Partners	The Percentage equal to the distinct, clearly defined portion of the work of the contract that the ACDBE performs with its own forces.
Non-ACDBE Prime Contractor:	The Percentage equal to the value of the work actually performed by the non-ACDBE with its own forces.
ACDBE Manufacturer	100% of expenditures with a ACDBE Manufacturer
ACDBE Regular Dealer	60% of expenditures with a Regular Dealer
ACDBE Broker/Transaction Arranger	Dollar Value equivalent to the fees or commissions for providing a bona fide service.
ACDBE Trucking Services:	100% of Expenditure with own trucks and drivers including leases with ACDBE independent owner operators and ACDBE trucking companies. Dollar value equivalent to the fees and commissions received from Non-ACDBE leases.

(A) When an ACDBE participates in a contract, only the value of the work actually performed by the ACDBE will be counted towards the goal.

- 1) When an ACDBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward the ACDBE goal only if the ACDBE's subcontractant is itself an ACDBE. Work that an ACDBE subcontracts to a non-ACDBE firm does not count toward the ACDBE goal.
- 2) The entire amount of that portion of a construction contract that is performed by the ACDBE's own forces shall be counted, including the cost of supplies and materials obtained by the ACDBE for the work of the contract, and supplies purchased or equipment leased by the ACDBE (except supplies and equipment the ACDBE subcontractant purchases or leases from the prime contractor or its affiliate).
- 3) The entire amount of fees or commissions charged by a ACDBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, toward the ACDBE goal, provided the fee is reasonable and not excessive as compared with fees customarily allowed for similar services shall be counted.

(B) When an ACDBE performs as a participant in a joint venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the ACDBE performs with its own forces toward ACDBE goals shall be counted.

(C) Only expenditures to an ACDBE contractor that is performing a commercially useful function shall be counted. In determining whether an ACDBE contractor is performing a commercial useful function, the following considerations shall be taken into account:

- 1) An ACDBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and

supervising the work involved. To perform a commercially useful function, the ACDBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. The determination that an ACDBE is performing a commercially useful function will be informed by the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing, and other relevant factors.

- 2) An ACDBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of ACDBE participation.
 - 3) If an ACDBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the ACDBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, it is not performing a commercially useful function.
 - 4) When a ACDBE is presumed not to be performing a commercially useful function as provided in paragraph (C)(3) of this section, the ACDBE may present evidence to rebut this presumption. SMBR may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.
- (D) In determining whether a ACDBE trucking company is performing a commercially useful function, the following criteria shall be considered:
- 1) The ACDBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting the ACDBE goal.
 - 2) The ACDBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
 - 3) The ACDBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
 - 4) The ACDBE may lease trucks from another ACDBE firm, including an owner-operator who is certified as an ACDBE. The ACDBE who leases trucks from another ACDBE receives credit for the total value of the transportation services the lessee ACDBE provides on the contract.
 - 5) The ACDBE may also lease trucks from a non-ACDBE firm, including an owner-operator. The ACDBE who leases trucks from a non-ACDBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The ACDBE does not count for the total value of the transportation services provided by the lessee toward the goal, since these services are not provided by a ACDBE.
 - 6) For purposes of this paragraph (D), a lease must indicate that the ACDBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the ACDBE, so long as the lease gives the ACDBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the ACDBE.
- (E) Expenditures with ACDBEs for materials or supplies shall be counted toward the ACDBE goal as follows:
- 1) If the materials or supplies are obtained from an ACDBE manufacturer or regular dealer, 100 percent of the cost of the materials or supplies toward ACDBE goals shall be counted.

- 2) For purposes of this paragraph (E)(1), a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.
 - 3) For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.
 - 4) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.
 - 5) A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.
 - 6) Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers.
 - 7) With respect to materials or supplies purchased from a ACDBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward the ACDBE goal if the fees are reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward the ACDBE goal, however.
- (F) If a firm ceases to be a certified ACDBE during a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.
- (G) In determining achievement of ACDBE goal, the participation of an ACDBE subconsultant shall not be counted until the amount being counted toward the goal has been paid to the ACDBE.
- (H) Where the solicitation requires the Bidder/Proposer to submit a base bid and one or more alternates, the City's decision regarding whether the Compliance Plan demonstrates the bidder's achievement of the goal or sufficient good faith efforts will be determined only on the base bid. However, the bidder is encouraged to use ACDBEs to complete any additional work added through alternates.

Counting Joint Ventures

An ACDBE joint venture must be certified by the City prior to or on bid opening. Joint Ventures do not have to be fifty-one percent (51%) ACDBE owned in order to be counted toward the participation goal. A Joint Venture can include partners that do not include any ACDBE firms and obviously will not count toward the goal. However, a Joint Venture with ownership of ACDBE partners in any percentage will be counted for that percentage equal to the distinct, clearly defined portion of the work of the contract that the ACDBE performs with its own forces provided the ACDBE ownership is real and substantial and the ACDBEs are performing a commercially useful function.

Joint Ventures with ACDBE Partners

The required documentation to be submitted to SMBR for Joint Ventures with ACDBE partners shall include:

1. The Joint Venture Agreement for the specific contract including a detailed statement of ownership.

2. Corporate resolutions or other documents authorizing the firms to enter into the Joint Venture.
3. Proof of current certification status of the individual ACDBE venture partners.
4. A Description of the work to be performed by all the Joint Venture Partners.

D. DOCUMENTATION TO BE SUBMITTED WITH BID

The following documents shall be submitted as part of the Bid:

1. ACDBE Goal Compliance Plan

The bidder is to submit an *ACDBE Goal Compliance Plan* indicating how the Participation goal is to be achieved. If the bidder is unable to achieve the ACDBE goal, it must submit documented Good Faith Efforts as set forth in Section E.

All bidders including those who are City of Austin certified or recognized as ACDBEs or joint ventures and who plan to count themselves to fulfill the ACDBE requirement shall submit the *ACDBE Goal Compliance Plan* prior to the time specified in the solicitation documents. The *ACDBE Goal Compliance Plan* consists of Sections I-VI, *the Log of Contacts for Soliciting Subcontract Participation*, and all appropriate documentation to demonstrate good faith efforts.

By listing City certified ACDBE firms on the *Compliance Plan*, the bidder indicates that both firms agree to the price and scope of work. In the event the bidder is awarded the contract, the bidder agrees to contract with these businesses for the scope and price disclosed. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

The *Compliance Plan* shall list all firms that will participate on the contract, including prime consultants, joint ventures, subconsultants of all levels, manufacturers, suppliers, and distributors. Use Section IV for certified ACDBE subconsultants who will be performing all work themselves. Section V for non-certified subconsultants who will be performing all work themselves. The *Compliance Plan* should be signed and dated by an authorized representative of the bidder.

If an *ACDBE Compliance Plan* is not submitted prior to the deadline specified in the solicitation documents, the bid will not be accepted for consideration.

SMBR may request written clarification of items listed on the *Compliance Plan*, provided that such clarification does not include an opportunity to augment listed ACDBE participation or good faith efforts. Changes to the *Compliance Plan* are permitted only after award of the bid and only with prior written approval of SMBR.

The *ACDBE Compliance Plan* is to include the names of all firms that are participating in the contract, (including prime consultants, joint ventures, subconsultants, manufactures, suppliers, distributors); the address of each firm, the work for which they will be responsible including the scope (labor only, material only, both), and the agreed price for such work. **This form should be signed and dated by the bidder.**

In addition, all bidders will be required to submit the following information with their bid proposal;

- (a) The names and addresses of ACDBE firms that will participate in the contract;
- (b) A description of the work that each ACDBE will perform;
- (c) The dollar amount of the participation of each ACDBE firm participating;
- (d) **Written documentation of the bidder commitment to use a ACDBE subconsultant whose participation it submits to meet a contract goal;**
- (e) **Written confirmation from the ACDBE that it is participating in the contract as provided in the prime contractor's commitment.**

E. GOOD FAITH EFFORTS

In those instances where the Prime Contractor is unable to meet the ACDBE goal, the bidder is asked to demonstrate and provide documentation supporting “good faith efforts”. The bidder shall demonstrate to the satisfaction of SMBR, that genuine efforts have been made. In making this determination, SMBR will consider, at a minimum, the Contractor’s efforts to do the following:

1. Written notices to every ACDBE on the City’s certified vendor list for the Project for those specific scopes of work identified by the Bidder for subcontracting opportunities not less than five (5) business days prior to bid date. Such notices shall include information on the plans, specifications and scope of work, and bidding procedures, including the deadline for submission of quotes. The bidder must determine with certainty if the ACDBEs are interested by taking appropriate steps to follow up initial solicitations;
2. Efforts made to define additional elements of the work proposed to be performed by ACDBEs in order to increase the likelihood of achieving the ACDBE Goal;
3. For those ACDBEs responding affirmatively in writing to the notice required by paragraph (1) above,
 - (a) Negotiating in good faith with interested ACDBEs; Reasons why agreements were not reached, including written explanations for rejection of bids;
 - (b) If additional elements of work have been identified by the bidder as available for subcontracting, the bidder shall contact the Department of Small and Minority Business Resources or the ACDBE Liaison or ACDBE Program Designee to ascertain the availability of ACDBE subconsultants in those areas.
4. Seeking the assistance of the ACDBE Liaison Officer, ACDBE Program Designee and the Department of Small and Minority Business Resources in contacting ACDBEs.

F. EVALUATION OF GOOD FAITH EFFORTS

The good faith effort of a bidder will be evaluated by the City to determine whether the efforts to obtain ACDBE participation were those that a firm seeking subconsultants would take in the normal course of doing business; whether the steps taken had a reasonable prospect of success; and whether based upon the size, scope and complexity of the subcontract, there were qualified ACDBE firms available and willing to accept the contract at a competitive price.

The following is a list of types of actions which the City of Austin may consider as part of the bidder's good faith efforts to obtain ACDBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

Criteria used to evaluate “Good Faith Efforts” are as follows:

1. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified ACDBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the ACDBEs to respond to the solicitation. The bidder must determine with certainty if the ACDBEs are interested by taking appropriate steps to follow up initial solicitations.
2. Selecting portions of the work to be performed by ACDBEs in order to increase the likelihood that the ACDBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate ACDBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

3. Providing interested ACDBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. (a). Negotiating in good faith with interested ACDBEs. It is the bidder's responsibility to make a portion of the work available to ACDBE subconsultants and/or suppliers and to select those portions of the work or material needs consistent with the available ACDBE subconsultants and/or suppliers, so as to facilitate ACDBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of ACDBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for ACDBEs to perform the work.

(b). A bidder using good business judgment would consider a number of factors in negotiating with subconsultant, including ACDBE subconsultants, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using ACDBEs is not in itself sufficient reason for a bidder's failure to meet the contract ACDBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime consultants are not, however, required to accept higher quotes from ACDBEs if the price difference is excessive or unreasonable.
5. Not rejecting ACDBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
6. Making efforts to assist interested ACDBEs in obtaining bonding, lines of credit, or insurance.
7. Making efforts to assist interested ACDBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
8. Effectively using the services of available minority/women community organizations; minority/women consultants' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of ACDBEs.
9. In determining whether a bidder has made good faith efforts, the City of Austin may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, the City of Austin may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average ACDBE participation obtained by other bidders, the City of Austin may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.
10. In cases of dispute over the evaluation of Good Faith Efforts, the decision in determining whether Good Faith Efforts have been made rests with the City Manager. The City Manager may determine that the efforts of the Bidder substantially comply with the purpose of this program and such determination is in the best interest of the ACDBE Program and the City.

G. Letters of Intent (LOI)

The lowest responsive bidder is required to submit a signed and notarized Letter of Intent (LOI) from each ACDBE that is identified in the *ACDBE Compliance Plan*. The LOIs must be in the format shown on the sample and must contain all information included in the sample. LOIs are required for all levels of subcontracting. LOIs must be submitted within three (3) business days after receipt of a written request by the City.

H. POST-AWARD COMPLIANCE

1. Compliance Review

All bidders are hereby notified that the City will conduct post-award compliance reviews to ensure that the named ACDBEs on the original or, as a result of contract modification, *amended ACDBE Compliance Plan*, submitted to and accepted by the City, perform the work that was identified on the *ACDBE Compliance Plan*.

The City's will conduct monitoring of post-award compliance with the ACDBE program regarding use of certified ACDBE firms listed on the *ACDBE Compliance Plan* as set forth in Chapter 2-9B-22 of the City code, as amended, and in the Program Rules. The contractor will be required to submit post award reports detailing the utilization of all subconsultants. The reports and other information regarding post award compliance will be discussed with the successful bidder.

The Contractor cannot make changes to the ACDBE Goal Compliance Plan or substitute ACDBE subconsultants named in the Compliance Plan without the prior written approval of the Director of the Small and Minority Business Resources Department in conjunction with ACDBE Liaison Officer.

2. Payment Verification

- (a) Bidders are advised that the contract resulting from this solicitation includes a subconsultant payments clause. The prime contractor agrees to pay each subconsultant under this prime contract for satisfactory performance of its contract no later than fourteen (14) days from the receipt of each payment the Prime Contractor receives from the City of Austin. The prime contract agrees further to return retainage payments to each subconsultant within fourteen (14) days after the subconsultant's work is satisfactorily completed. Any delay or postponements of payment from the above referenced time frame may occur only for good cause following written approval from the City of Austin. This clause applies to both ACDBE and non-ACDBE subconsultants.
- (b) The Contractor and/or any subconsultant whose subcontracts are being counted toward the Contract's ACDBE requirement shall allow the City access to records relating to the Contract, including but not limited to, subcontracts, payroll records, tax information and accounting records, for the purpose of ascertaining whether the ACDBEs are performing the scheduled subcontract work.
- (d) The Prime Contractor shall submit a Subconsultant/Supplier Awards and Expenditures Report to the Project Manager and/or Contract Administrator no later than the 10th calendar day of each month. The report shall be in the format required by the City and shall include all awards and payments to subconsultants/suppliers for goods and services provided under the resultant contract during the previous month. This report may be used by the City to verify utilization of and payment to ACDBEs.

3. Change Order Requirements

The ACDBE goal on this project shall also apply to "Change Orders" which require work beyond the scope of trades originally required to accomplish the project. The contractor is asked to make good faith efforts to meet the goal. Change orders, which do not alter the type of trades originally required to accomplish the project, may be undertaken using the subconsultants and suppliers already under the contract. Any change orders affecting the scope of work or value of the contract should be reflected in an amended ACDBE Compliance Plan, including increases and decreases.

I. NON-PERFORMANCE SANCTIONS

The contractor's ACDBE Compliance Plan shall be incorporated into the Contract and shall be considered as part of the Contractor's overall performance requirements. Consequently, sanctions may be imposed

for failure to perform in accordance with the Compliance Plan. Refer to Section 2-9B-25 of the MBE/WBE Procurement Ordinance for additional information.

ACDBE PROGRAM FORMS AND ATTACHMENTS

CONTENTS INCLUDE:

- A. Sample Letter to Potential Subconsultant/Supplier from Prime Consultant
- B. Explanation of Letter of Intent and Sample Letter of Intent
- C. ACDBE Availability List Explanation
- D. Compliance Plan Instructions
- E. ACDBE Compliance Plan
- F. Good Faith Efforts Check List
- G. Log of Contacts for Soliciting Subcontract Participation

SAMPLE LETTER TO POTENTIAL SUBCONSULTANT/SUPPLIER FROM PRIME CONTRACTOR
(For Construction Contracts)

_____ is soliciting Airport Concession Disadvantaged Business Enterprise participation for the following City of Austin Austin-Bergstrom International Airport (ABIA) project.

Name of Project _____

Project/Solicitation Number _____

Pre-bid Conference (if any): _____ (Location) _____

Bid Date and Time: _____

Plans are available at the Austin area plan rooms, our office, and the locations indicated in the Invitation for Bids.

The Work/Services on This Project Includes the Following:
(Please list work areas that pertain to the subconsultant/supplier's areas of specialty.)

- | | | | |
|--------------------------|-------------|--------------------------|-------|
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | Other _____ | | |
| <input type="checkbox"/> | Other _____ | | |

Contact our office for detailed information on the scopes of work being subcontracted and the relevant terms and conditions of the contract.

Please contact: _____ at _____ or _____
(Name) (Telephone) (Fax)

All bids MUST be received by: _____

**EXPLANATION OF LETTER OF INTENT (LOI)
BETWEEN PRIME CONTRACTOR
AND ACDBE SUBCONSULTANT/SUPPLIER**

**(TO BE COMPLETED BY BIDDER
AFTER NOTIFICATION OF THEIR STATUS
AS APPARENT LOW BIDDER)**

The lowest responsive bidder is required to submit a signed and notarized *Letter of Intent (LOI)* from each ACDBE (of all levels) that is identified on the Compliance Plan. A sample LOI is attached. The LOIs must be in this format and must contain all the specified information. LOIs must be submitted within three (3) business days after receipt of a written request by the City. LOIs must be notarized by both parties. Submit a separate LOI for each ACDBE subconsultant/supplier. The amount and scope of work indicated on each LOI shall be the actual amount indicated on the *ACDBE Compliance Plan* submitted with the bid and approved by the City.

Changes to the Compliance Plan including substitution of ACDBE subconsultants/suppliers are permitted only after award of the bid and only with prior written approval of SMBR. Request for changes to the compliance plan must be submitted on the *Request for Change of Compliance Plan Form* for all levels of subcontracting. LOIs must be submitted for all additions of ACDBEs to the *Compliance Plan* prior to the start of work.

**LETTER OF INTENT
BETWEEN PRIME CONTRACTOR
AND ACDBE SUBCONSULTANT/SUPPLIER
(Page 1 of 2)**

Name of Prime Consultant: _____

Address: _____
Street City State Zip Code

Telephone: (____)_____ Fax: (____)_____ Proposed Contract Amount \$ _____

Project/Solicitation Number: _____

Project Name _____

Type of Agreement: _____
(Lump Sum/Unit Price/Commodity)

Period of Performance: _____

Name of ACDBE Subconsultant/Supplier: _____

Level of Subcontracting: 1st _____ 2nd _____ 3rd _____

Address: _____
Street City State Zip Code

Telephone: (____)_____ Fax: (____)_____ Proposed Subcontract Amount \$ _____

Commodity Code and description of work to be performed by ACDBE firm:

**LETTER OF INTENT
BETWEEN PRIME CONSULTANT
AND ACDBE SUBCONSULTANT/SUPPLIER
(Page 2 of 2)**

The Prime Consultant and the ACDBE listed above hereby agree that upon the execution of a contract for the above-named project between the Prime Consultant and the City of Austin, the ACDBE will perform the scope of work for the price as indicated above.

Prime Consultant:

Name of Firm

By: _____
Signature

Print Name

Title

Date

STATE OF _____
COUNTY OF _____

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 200____.

Notary Public

Printed Name of Notary

ACDBE Subconsultant/Supplier:

Name of Firm

By: _____
Signature

Print Name

Title

Date

STATE OF _____
COUNTY OF _____

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 200____.

Notary Public

Printed Name of Notary

**ACDBE AVAILABILITY LIST
EXPLANATION**

PROJECT NAME: **ABIA Airport Advertising Concession Agreement**

PROJECT/SOLICITATION NUMBER: RFP-8100-ABIA-002

DATE ISSUED: August 17, 2015

The availability list found on the following pages includes names of certified ACDBE businesses. It includes ACDBEs certified for work areas identified by the City for potential subcontracting opportunities on this project. Bidders/Proposers are encouraged to visit the Texas Unified Certification Program website to secure additional ACDBE subconsultants for this project in order to meet the established ACDBE goal. <http://www.dot.state.tx.us/business/tucp/>

Concerns about a particular ACDBE's certification status may be addressed to the Small and Minority Business Resources Department (SMBR) (512) 974-7600. **Please note that subconsultants/suppliers must be certified by the City of Austin or a member of the Texas Unified Certification Program (TUCP) as a ACDBE on or before the bid date to achieve the ACDBE goal.** If you want to use a subconsultant/supplier whose name does not appear on this list, request the subconsultant/supplier to furnish proof of certification and the specific work areas for which it has been certified. This information may also be acquired from SMBR.

The availability list is not a comprehensive identification of all areas of potential subcontracting opportunities, and should not be construed as such. **If a bidder identifies one or more work areas that are appropriate subcontracting opportunities but are not included on the availability list, the bidder shall contact SMBR to request the availability of ACDBE firms in those areas. Requests for supplemental availability lists will be evaluated as a part of the bidder's good faith efforts to meet the goals.**

If you believe any of the work areas on the availability list are not applicable to the project's scope of work or if you believe that the lists are inaccurate, notify the project manager or buyer of your concern. If it is determined that there are errors in the list or that the work area(s) in question are not applicable to the project's scope of work, all bidders will be notified in writing of the determination by addendum to the solicitation.

The City neither warrants the capacity nor guarantees the performance of any ACDBE/MBE/WBE firm indicated on the availability list.

Gender/Ethnicity	Code	Location	Code
Female / Asian-American	FA	Austin	AU
Male / Asian-American	MA	Local (Austin MSA)	LO
Female / African-American	FB	Texas	TX
Male / African-American	MB	Significant Local Business	
Female / Hispanic	FH	Presence (SLBP)	SL
Male / Hispanic	MH		
Female / Native American	FN		
Male / Native American	MN		
Female	FW		

USING THE ACDBE AVAILABILITY LIST

The attached availability list titled Subcontract Vendor List is provided for use in contacting ACDBE firms. This list is sorted in numerical sequence by National Institute of Governmental Purchasing (NIGP) Commodity Code. It lists all the vendors certified for the applicable commodity area. Attached to that list is a report containing the names and addresses of all the ACDBEs in alphabetical order. This report is in label format and is designed for making mailing labels. To make mailing labels, use the report to make copies onto label stock. The label stock must be designed for two labels across, size 4 1/4" x 2" labels, or three labels across, 30 labels per sheet, size 2 5/8" x 1" labels.

To read and interpret the list properly, begin on page 1 at the top left hand corner that shows:

Solicitation No.: (e.g. PW96300082) This tells you the solicitation number for the project that the availability list belongs to.

Selection Criteria: Indicates the type of firms and types of Commodity Codes used to generate the availability list.

Type of Firms: For City funded and federally funded projects, except DOT, the category "ACDBE/MBE/WBE/OBE" will be used.

NIGP/CSI Code: Identifies which type code was used to pull availability. NIGP commodity codes will be used.

Availability Information: Current information on the ACDBEs/MBEs/WBEs certified in the applicable commodity area. Some vendors may be listed in multiple areas.

Commodity Code: The numeric commodity code begins below the dotted line. Numbers between 005 - and 898 are for supplies only. These are in alpha and numeric sequence.

Numbers between 905 - and 998 are for services and list firms that primarily perform the services (which may include providing the appropriate supplies). These too are in alpha and numeric sequence.

NIGP/CSI Code Description: This is the description of the NIGP or CSI code.

Vendor Code and Address: The code assigned to the firm along with their address. Phone and Fax numbers: Numbers on file for the firm.

ACDBE: This vendor is certified as a Disadvantage Business Enterprise.

M/WDB: A firm with this code is certified as a Minority-owned Business Enterprise, a Woman-owned Business Enterprise **and an Airport Concession Disadvantaged Business Enterprise.**

W/MDB: A firm with this code is certified as a Woman-owned Business Enterprise, a Minority-owned Business Enterprise **and an Airport Concession Disadvantaged Business Enterprise.**

GND: The two digit gender/ethnicity code (e.g. FA, Female Asian American).

LCTN: The two digit location code for the firm (e.g. AU, Austin).

COMPLIANCE PLAN INSTRUCTIONS

All bidders, whether certified ACDBEs or non-certified firms, must submit a ACDBE Compliance Plan prior to the deadline indicated in the solicitation document or no later than 5 P.M. on bid date, if no otherwise stated. **Failure to submit an ACDBE Compliance Plan will render the bid non-responsive.**

The ACDBE Compliance Plan consists of Sections I-VI. All sections of the compliance plan must be submitted. If the goals have not been achieved, appropriate documentation to demonstrate good faith efforts must also be submitted. The *Log of Contacts for Soliciting Subcontract Participation or similar format* may also be submitted as part of your good faith effort documentation. Please complete all portions of the ACDBE Compliance Plan. Any questions regarding preparation of the compliance plan should be directed to the ACDBE Program Designee at (512) 974-7673.

How to Complete the ACDBE Compliance Plan:

1. Section I Project Identification and Goals
 - Includes Project Name; Project/Solicitation Number; and ACDBE goal. This information is preprinted-you do not need to complete this section.
2. Section II Bidder Information
 - Includes bidder's information and signature box. Complete and sign this section.
 - Reserved for City of Austin SMBR Only. You do not need to complete this section.
3. Section III Compliance Plan Summary
 - Summary of ACDBE participation. Calculate total percentage of participation by type goal set, using base bid.
 - **Fill in all the blanks.**
 - **For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.**
 - **Compliance plans not complying with these requirements shall be rejected as non-responsive to the solicitation.**

4. Section IV Disclosure of ACDBE Participation

- Disclosure of ACDBE participation. List certified ACDBE subconsultants who will be performing all work themselves. A specific dollar amount and percentage is required.
- **DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.**
- **Fill in all the blanks.**
- **Compliance plans not complying with these requirements shall be rejected as non-responsive to the solicitation.**

5. Section V Disclosure of Other Subconsultants/Suppliers

- If you will not use any non-certified firms, check the appropriate box.
- If you will be subcontracting with non-certified firms, add the requested information for each non-certified firm (including the vendor code). A specific dollar amount and percentage is required.
- **DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.**
- **Fill in all the blanks.**
- The scopes of work indicated in Section V will be considered subcontracting opportunities for ACDBEs. Unless shown that certified ACDBEs are unavailable or do not possess the requirements in the technical portion of the solicitation to perform the work involved.
- The bidder must provide an explanation why ACDBEs were not used as subconsultants.
- Only list the subconsultants/subconsultants/suppliers who will perform all work themselves.

6. Section VI ACDBE Compliance Plan Check Sheet

- ACDBE Compliance Plan Check Sheet shall be completed and submitted with the bid.

Additional Information:

- All ACDBEs must be certified by the SMBR or the Texas Unified Certification Program or approved as eligible on the day specified in the solicitation document for receipt of bids.
- Please type or clearly print all information. Use “none” or “not applicable” (i.e. (N/A) where appropriate. Sign and date the ACDBE Compliance Plan.
- The ACDBE Compliance Plan and documentation to demonstrate Good faith efforts, if applicable, must be submitted prior to the time specified in the solicitation document. Failure to submit the ACDBE Compliance Plan will render the bid non-responsive.

ACDBE COMPLIANCE PLAN

All sections (I-VI) must be completed and submitted

Section I	Project Identification and Goals
Project Name	ABIA Airport Advertising Concession Agreement
Solicitation Number	RFP-8100-ABIA-002

The Small and Minority Business Resources Department has determined that the goal for this project is:

Project Goal	Percent
ACDBE	7.89%

Section II	Prime Company Information
Name of Company	
Address	
City, State Zip	
Phone	
Fax	
Name of Contact Person	
Email Address	
Is prime company City certified?	Yes <input type="checkbox"/> No <input type="checkbox"/> ACDBE <input type="checkbox"/> ACDBE Joint Venture <input type="checkbox"/>

THE COMPLIANCE PLAN MUST BE SUBMITTED
PRIOR TO THE DATE AND TIME SPECIFIED IN THE SOLICITATION

I certify that the information included in this ACDBE Compliance Plan is true and complete to the best of my knowledge and belief. I further understand and agree that this ACDBE Compliance Plan shall become a part of my contract with the City of Austin

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Signature

Date

Reserved For SMBR Use	
For Small and Minority Business Resources Department Use Only:	
I have reviewed this compliance plan and found that the bidder or proposer HAS <input type="checkbox"/> or HAS NOT <input type="checkbox"/> complied as per the requirements of 49 CFR Part 23 and the applicable City Code, Chapter 2-9B, as amended.	
ACDBE Program Designee _____	Date _____
Director/Assistant Director/ACDBELO _____	Date _____

Section IV DUPLICATE AS NEEDED	Disclosure of ACDBE Participation
LIST ALL KNOWN ACDBE CERTIFIED SUBCONSULTANTS/SUPPLIERS CURRENTLY TO BE USED IN THE PERFORMANCE OF THIS CONTRACT.	

Note:

- **Fill in all the blanks.**
- **For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.**
- **Compliance plans not complying with these requirements shall be rejected as non-responsive to the solicitation.**

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Section IV DUPLICATE AS NEEDED	Disclosure of ACDBE Participation
LIST ALL KNOWN ACDBE CERTIFIED SUBCONSULTANTS/SUPPLIERS CURRENTLY TO BE USED IN THE PERFORMANCE OF THIS CONTRACT.	

Note:

- **Fill in all the blanks.**
- **For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.**
- **Compliance plans not complying with these requirements shall be rejected as non-responsive to the solicitation**

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of ACDBE Certified Firm		
City of Austin Certified	ACDBE <input type="checkbox"/>	Ethnic/Gender Code:
Vendor Code		
Contact Person	Phone Number:	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Section V DUPLICATE AS NEEDED	Disclosure of Non-Certified Subconsultants/Suppliers
Will non-certified subconsultants/suppliers be used? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Note:

- **Fill in all the blanks.**
- **For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.**
- **Compliance plans not complying with these requirements shall be rejected as non-responsive to the solicitation.**

If yes, list below of all known non-certified subconsultants/suppliers to be used in the performance of this contract. **If additional elements of work are identified as available for subcontracting, the bidder shall contact SMBR to request an availability list of firms in those areas.**

<i>SUBCONSULTANT/SUPPLIER</i>	
Vendor Code	
Address	
City / State / Zip	
Contact Person	Phone Number:
Amount of Sub-contract	\$ %
List commodity code and description of service	
Reason ACDBE Not Used	

<i>SUBCONSULTANT/SUPPLIER</i>	
Vendor Code	
Address	
City / State / Zip	
Contact Person	Phone Number:
Amount of Sub-contract	\$ %
List commodity code and description of service	
Reason ACDBE Not Used	

<i>SUBCONSULTANT/SUPPLIER</i>	
Vendor Code	
Address	
City / State / Zip	
Contact Person	Phone Number:
Amount of Sub-contract	\$ %
List commodity code and description of service	
Reason ACDBE Not Used	

Section V Continued:	Disclosure of Non-Certified Subconsultants/Suppliers Duplicate As Needed
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Note:

- Fill in all the blanks.
- For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.
- Compliance plans not complying with these requirements shall be rejected as non-responsive to the solicitation.

<i>SUBCONSULTANT/SUPPLIER</i>	
Vendor Code	
Address	
City / State / Zip	
Contact Person	Phone Number:
Amount of Sub-contract	\$ %
List commodity code and description of service	
Reason ACDBE Not Used	

<i>SUBCONSULTANT/SUPPLIER</i>	
Vendor Code	
Address	
City / State / Zip	
Contact Person	Phone Number:
Amount of Sub-contract	\$ %
List commodity code and description of service	
Reason ACDBE Not Used	

<i>SUBCONSULTANT/SUPPLIER</i>	
Vendor Code	
Address	
City / State / Zip	
Contact Person	Phone Number:
Amount of Sub-contract	\$ %
List commodity code and description of service	
Reason ACDBE Not Used	

Section VI	ACDBE Compliance Plan Check List
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The ACDBE Compliance Plan must be completed and submitted by the time specified in the solicitation documents. If the ACDBE goal was not achieved, good faith efforts documentation must be submitted with the ACDBE Compliance Plan. All questions in Section VI MUST be completed and submitted with the Compliance Plan if goals or sub-goals are not met.

1. Were written notices sent to ACDBEs on the availability list for scopes of work within at least 5 business days of bid due date?
Yes No
2. Is documentation of the written notices to potential ACDBE subconsultants attached, if the goal was not met?
Yes No
3. Are the Logs of Contacts and other documentation of efforts made to meet the ACDBE goal attached?
Yes No
4. Were additional elements of work identified to achieve the ACDBE goal?
Yes , explain No
5. Is there written documentation of efforts to reach agreements with the ACDBE who responded affirmatively to the bidder's written notice?
Yes No
6. Are all bids received in response to written notices included with the documentation?
Yes No
7. Was SMBR contacted for assistance or any other Minority or Women organization:
Yes No

If yes, complete following:

Organization: _____

Contact Person: _____

Date of Contact: _____

LOG OF CONTACTS FOR SOLICITING ACDBE SUBCONSULTANT/SUPPLIER PARTICIPATION

(Documentation of contacts must be submitted with bid/proposal if the ACDBE goal(s) was not achieved.)
 (Duplication of this form or the format of this form is acceptable for documentation of contacts.)

Please use the below form, or the format of this form, to document all conversations and contacts regarding the solicitation of prospective subcontractors/subconsultants/ suppliers, including responses to phone calls, letters, faxes and advertisements.

THE FOLLOWING FIRMS WERE NOTIFIED OF SUBCONTRACTING/SUBCONSULTING/SUPPLIER OPPORTUNITIES:

NAME OF ACDBE	DATE WRITTEN NOTICE WAS SENT AND METHOD (LETTER, FAX)	SCOPE OF WORK/SERVICE SOLICITED	DID ACDBE SUBMIT WRITTEN RESPONSE? (YES/NO)	IF ACDBE RESPONDED, REASON AGREEMENT WAS NOT REACHED

BIDDER/RESPONDENT:

PROJECT NAME:

PAGE _____ OF _____