



MBE/WBE Procurement Program Post-Award Compliance

Objectives

- ❑ Identify areas in the City Code that apply to post-award compliance
- ❑ Review post-award processes
- ❑ Provide information on available resources

SMBR Mission

- ❑ To administer the MBE/WBE Procurement Program and
- ❑ To provide development opportunities and resources for small businesses so that they can have affirmative access to City procurement opportunities and show productive growth

MBE/WBE Ordinance Program Rules

- ❑ MBE/WBE Procurement Program is governed by the following City Codes:
 - ❑ Construction-City Code 2-9A
 - ❑ Professional Services-City Code 2-9B
 - ❑ Non-Professional Services-City Code 2-9C
 - ❑ Commodities-City Code 2-9D
- ❑ SMBR procedures are also mandated by the MBE/WBE Program Rules:
 - ❑ Rules are implemented pursuant to the Ordinances (2-9A-D)
 - ❑ The rules explicitly detail procedures, timelines, and other information regarding both Certification and Compliance

Counting Participation

- ❑ Counting Participation Ordinance 2-9(A-D)-20/Rules -Section 9.2/9.3
- ❑ Post-Award
 - Participation calculated by expenditures
 - Count participation of certified firms

Post-Award Compliance

- Ordinance 2-9(A-D)-22/ Rules-Section 10.1
 - Work/Written Schedule on Sub Utilization
 - Monthly Expenditure Report Submissions (SubK Form)
 - Subcontractor payment information
 - MBE/WBE Participation throughout contract
 - Contract Closeout Submission
 - Total subcontractor payment information
 - Final MBE/WBE participation breakdown

Post-Award Changes to the Compliance Plan

- Ordinance Section 2-9(A-D)-23/Rules Section 11.1/11.2
 - “The Contractor/Consultant **cannot make changes** to the compliance plan or substitute subcontractors/subconsultants **without the prior written approval** of the Director.” (City Code)
 - Adding, Deleting, Substituting MBE/WBEs and Contract Changes (Increases/Decreases)
 - Due Process for changes prior to deleting or substituting MBE/WBEs

Post-Award Changes to the Scope of Work

- Ordinance 2-9(A-D)-24/Rules -Section 11.3
 - Change Orders/Amendments Issued
 - Addition of a new scope of work
 - Good Faith Efforts
 - Increase or Decrease to existing work
 - Recalculate Participation
 - Deletion of scopes of work
 - Contractors and MBE/WBEs affected should be notified
 - Recalculate Participation

Sanctions

- Section 2-9(A-D)-25 of Ordinance/Section 11.5 of Rules
 - Chapter Violations
 - Illegal substitutions
 - Adding and deleting without prior SMBR written approval
 - Failure to fulfill contractual goals or subgoals (without justification)
 - Adopted April 16, 2008, Amended January 1, 2010, Progressive Sanctions were implemented for a rolling 24 month period:
 - 1st Violation: Probation for a period of up to 6 months
 - 2nd Violation: Suspension for a period of up to 24 months
 - 3rd Violation: Debarment for a period of up to 5 years
 - Director Discretion Determination
 - Protest process available
 - SMBR makes recommendation to Purchasing Office

Post-Award

Post-Award Team

- Attend Pre-Con/Kick-off meetings
- Review Request for Changes
- Attend Progress Meetings
- Research payment issues
- Facilitate Sub/Contractor issues
- Conduct audits
- Review Contract Close-Outs

Request for Changes (RFC)

- ❑ Contractors/Consultants submit to Project Manager for review and sign off
- ❑ Before submission, review request:
 - ❑ Is scope of work valid?
 - ❑ Has work been completed prior to submission?
 - ❑ Has due process been exercised prior to deletion or substitutions of MBE/WBE certified firm?
 - ❑ Is scope of work already assigned to an MBE/WBEs listed on the original compliance plan?
 - ❑ Were Good Faith Efforts completed prior to the addition of a non-certified firm?
 - ❑ Review MBE/WBE participation.
 - ❑ Are subcontractors certified as MBE or WBE with the City of Austin and for the scope of work?
 - ❑ Are subcontractors registered and have active vendor codes?

[Request for change](#)

Expenditure Reports SubK Form

- Submit monthly SubKs to Project Managers or Contract Administrators.
- Checklist
 - Contractor and financial representative have both signed form
 - MBE/WBE participation breakdown has been updated
 - All subcontractors (certified and non-certified) working on the project are listed
 - Listed subs are approved either on original approved compliance plan or RFC
 - All columns, including payment information, current contract amounts, increases/decreases, MBE/WBE certification status are completed

Sub K

MBE/WBE Contract Closeout

- ❑ Submit Contract Closeout at the end of the project
- ❑ Verify:
 - MBE/WBE participation breakdown
 - Payments made to subcontractors (certified and non-certified firms)
 - Approved Changes
 - Increases/decreases
 - Retainage

Please note: FINAL payment will not be released until closeout is sent to Project Manager and approved by SMBR.

[Contract Closeout](#)



Resources

<http://www.ci.austin.tx.us/snbr/>



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... festival access, road closures.

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[Waller Creek Bridge improvements cause closure](#)

Nearby hike-and-bike trail also rerouted during bridge widening.

[City will produce New Year's event](#)

Family-oriented downtown New Year's event will continue.



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City Of Austin SMALL & MINORITY BUSINESS RESOURCES DEPARTMENT



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The Small & Minority Business Resources Department(SMBR) assists small, minority-owned and women-owned business enterprises (MBE and WBE) as they pursue contracting opportunities with the City of Austin.

The program encourages minorities-owned and women-owned business enterprises to participate in City contracts by establishing special [procurement goals for each contract type](#). SMBR sets MBE/WBE & DBE contracting goals in the areas of construction, professional services, commodities, and non-professional services.

Bid Opportunities
Contract and Land Management
Purchasing - Public Access
Plan Room Projects pdf file
Events and Notices
MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee Meetings

SMALL & MINORITY BUSINESS RESOURCES DEPARTMENT

MBE / WBE / DBE Contract Compliance

PARTICIPATION GOALS

Goals for MBE, WBE & DBE participation differ from contract to contract based on the type of contract, the availability of MBEs, WBEs & DBEs to perform the functions of the contract and other factors.

Annual Participation Goals for The Program				
Group	Construction	Commodities	Professional Services	Nonprofessional Services
African-American	1.7%	0.3%	1.9%	2.5%
Hispanic	9.7%	2.5%	9.0%	9.9%
Native/Asian American	2.3%	0.7%	4.9%	1.7%
MBE	13.7%	3.5%	15.8%	14.1%
WBE	13.8%	6.2%	15.8%	15.0%
DBE Proposed Program Goal FY 2008-2009				
DBE	28.56%	DBE Proposed Program Goal PDF Document		

Contract Compliance Forms (Adobe Acrobat format)

MBE/WBE Compliance Plan - Construction
MBE/WBE Compliance Plan - Professional Services
Request for Change of Compliance Plan – RFC Instructions
Contract Close-Out MBE/WBE Compliance Plan
Monthly Expenditure Report (SubK) Form



TIPS FOR SUCCESSFULLY BIDDING ON CITY OF AUSTIN CONTRACTS

Whether you are a prime consultant, prime contractor, sub-consultant or subcontractor, the success of your business is dependent on many factors including time and effort, knowledge and marketing, and

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Summary

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