

CITY OF HOUSTON
REQUEST FOR PROPOSAL (RFP)
SOLICITATION NO.: S33-T25658
DISPARITY STUDY

Date Issued: February 5, 2016

Pre-Proposal Conference: February 19, 2016 @ 9:00 A.M. CST
Strategic Procurement Division
900 Bagby, Conference Room 1
Houston, TX 77002

**Pre-Proposal Questions
Deadline:** February 24, 2016 @ 12:00 P.M CST.

Solicitation Due Date: March 10, 2016 @ 2:00 P.M., CST

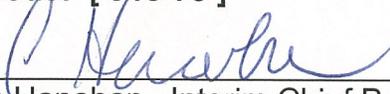
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Project Summary: Three year contract for a Minority and Women Owned Business Enterprise, Disadvantaged Business Enterprise, Small Business Enterprise, Persons with Disabilities Business Enterprise and Airport Concessions Disadvantaged Business Enterprise Disparity Study

Project Description: The City of Houston, hereinafter referred to as the City, seeks submittals in response to this Request for Proposals (RFP) from a consultant qualified and experienced in conducting Minority and Women Owned Business Enterprise (M/WBE), Disadvantaged Business Enterprise,(DBE), Persons with Disabilities Business Enterprise,(PDBE), Small Business Enterprise (SBE), Airport Concession Disadvantaged Business Enterprise (ACDBE) disparity studies. The selected consultant shall conduct a M/WBE/DBE/SBE/PDBE/ACDBE disparity study consistent with constitutional mandates, governing law, and M/WBE/DBE/SBE/PDBE/ACDBE best practices. In addition, veteran-owned businesses will be included in this disparity study analysis for further review by the City. The consultant's final report shall outline the results of the disparity study and clearly and concisely offer the consultant's recommendations consistent with the results of the disparity study and governing law.

NIGP Code: [918-79]

M/WBE Goal: 24%


Carolyn Hanahan, Interim Chief Procurement
Officer

February 5, 2016

Date

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PART I – GENERAL INFORMATION

1.0 General Information

The City of Houston, hereinafter referred to as the City, seeks submittals in response to this Request for Proposals (RFP) from a consultant qualified and experienced in conducting M/WBE, DBE, PDBE, SBE, ACDBE disparity studies.

2.0 City of Houston Background

The City of Houston (“the City” or “City”) is committed to ensuring that M/WBE, SBE, including PDBE, DBE, and ACDBE have significant practicable opportunities to compete for and participate in the City’s procurement of goods and services and professional services as well as in construction contracts and Houston Airport System concession contracts. To this end, the City is seeking to assess the level of M/WBE, SBE, PDBE, DBE and ACDBE participation to adequately address or reassess goals in light of changing market conditions in its current practice of procurement of goods and services.

3.0 Solicitation Schedule

Listed below are the important dates for this Request for Proposal (RFP).

<u>EVENT</u>	<u>DATE</u>
RFP Issued	February 5, 2016
Pre-Proposal Conference	February 19, 2016
Questions from Proposers Due to City	February 24, 2016
Proposals Due from Proposers	March 10, 2016
Notification of Intent to Award (<i>Estimated</i>)	April 4, 2016
Council Agenda Date (<i>Estimated</i>)	May 3, 2016
Contract Start Date (<i>Estimated</i>)	June 1, 2016

PART II – SCOPE OF WORK

1.0 OBJECTIVES

This Request for Proposal’s (“RFP”) endeavors to select a qualified, responsive, and responsible consultant who will conduct a Disparity Study Analysis (“Study”) to address the following issues:

- a) Determine if disparity exists in awarding contracts to minority-owned, women-owned business enterprises, and small business enterprises including persons with disabilities disadvantaged businesses enterprises, and airport concession disadvantaged businesses enterprises which are qualified and available to perform professional services and construction contracts and provide goods and services in the City’s Relevant Geographic Market Area (RGMA).
- b) If disparity as described above does exist, determine whether the effects of any past discrimination against M/WBE, SBE, PDBE, DBE and ACDBE in the city’s procurement of goods and services and professional services as well as in construction contracts and Houston Airport System concession contracts exist or continue to exist within the geographical market, as a result of direct action by the City, or as a result of the City’s role as a passive participant in discriminatory behavior practiced by entities that do business with the City.
- c) If disparity as described above does exist between the utilization of M/WBE, SBE, PDBE, DBE and ACDBE in the RGMA that results from any cause or causes described in the second issue, whether the use of only race- or gender-neutral and/or economically based measures would be effective to remedy such discrimination.

- d) The utilization by the City of M/WBE, SBE, PDBE, DBE and ACDBE in contract and procurement activities.
- e) Determination of a basis by which the City will originate goals that applies to the participation of M/WBE, SBE, PDBE, DBE and ACDBE.
- f) If race- or gender-neutral and/or economically based measures alone would not be effective to remedy such discrimination, the proposer will, by rigorous and applicable statistical methods, determine the bases, and the mathematical or statistical formula(s), to be applied in formulating the City's diversity goals for its M/WBE Program. The resultant formula should effectively offset past and present discrimination against M/WBE, SBE, PDBE, DBE and ACDBE while remaining sufficiently narrowly tailored to refrain from needlessly violating the rights of non- M/WBE, SBE, PDBE, DBE and ACDBE or their owners.

2.0 STUDY OVERVIEW

- 2.1 The selected proposer will perform a comprehensive, effective and legally supportable Study and provide a report for the City that satisfies the constitutional test for judicial "strict scrutiny" as expressed by the U.S. Supreme Court in *City of Richmond v. J.A. Croson*, 488 U.S. 469 (1989), and subsequent rulings issued by Texas state and federal courts (including the Fifth Circuit Court of Appeals).
- 2.2 The Study will evaluate the extent of marketplace discrimination, if any, against M/WBE, SBE, PDBE, DBE and ACDBE regarding their participation in the City's procurement of goods and services and professional services as well as construction contracts and Houston Airport System concession contracts.
- 2.3 The Study will be based on four and a half years of historical data, from July 1, 2011 to December 31, 2015. The study should include statistical analysis, empirical evidence and an assessment of any anecdotal and qualitative evidence of discrimination.
- 2.4 As part of their submission, proposers must provide a preliminary draft report on the validation of the City's current data on M/WBE, SBE, PDBE, DBE, and ACDBE availability and utilization in the relevant geographic market area. Upon request, City shall provide proposers with a representative data sample from its B2G Now system (cloud based software that manages government diversity programs).
- 2.5 The selected proposer shall commence work within ten (10) calendar days following the City's approval of the contract for the study. The successful proposer shall complete and deliver to the City an initial draft of the study not later than sixteen (16) months from commencement, and a final report not later than sixty (60) days from receipt of the City's review and feedback of draft. The proposer should demonstrate the benefits of amending these dates if different dates are suggested.

3.0 PROPOSER CREDENTIALS

3.1 Profile

Each proposal must include a profile of the proposer's experience developing and conducting disparity, availability and utilization studies of M/WBE, SBE, PDBE, DBE and ACDBE. Proposers should demonstrate their ability to meet the constitutional requirements promulgated in *City of Richmond v. Croson* and subsequent cases. Profiles shall include, but not be limited to, any experience of proposer's personnel serving as designated testimonial or consulting expert witnesses under the Federal Rules of Civil Procedure or comparable state rules, in *Croson* litigation or other lawsuits challenging race- or gender-conscious contracting programs.

3.2 **Principal Researcher**

The proposal must identify a researcher who will be the principal point of contact and exercise responsibility for the overall conduct, day-to-day activities and timeliness of the Study ("Principal Researcher"). The Principal Researcher must have served in this capacity on a similar disparity or availability study. Other professional team members must also be identified by name, title, qualifications and duties to be performed in producing the study. Proposer agrees that the Principal Researcher and other key staff assigned to the Study shall remain available for contact, direction, and management by the City during the entirety of the project throughout the term of the contract as long as that individual is employed by the selected proposer. At least one member of proposer's personnel assigned to the study must have a doctorate degree in economics or statistics from an accredited university and be able to apply statistical measurements in conformity with scientifically valid and accepted methods.

3.3 **References**

All proposers must provide at least five (5) client references that have received comparable and satisfactory disparity, availability or utilization analysis services from the proposer within the past ten (10) years. Proposer shall include the contact person, governmental entity, address, telephone number, project start and end dates, and a brief description of the project.

3.4 **Staffing/Staff Replacement**

All proposers shall provide a list of additional staff assigned to the study and must demonstrate its ability, if necessary, to provide qualified additional and/or replacement staff to meet the Study's due date(s). Proposed replacement staff shall meet minimum qualifications and have experience comparable to the person(s) being replaced. Resume(s) and references may be requested for the proposed replacements. Substitution of professional personnel after the award may be a basis for termination of the study contract unless agreed to by the City. The City retains the right to object to any subtraction, addition or substitution of proposer staff assigned to the Study made ten (10) days after the city's approval of the project award. If the City objects to any subtraction, addition or substitution of proposer's staff, proposer shall refrain from making any such change to the composition of its staff assigned to the Study.

3.5 **Legal Counsel**

The proposer must identify a licensed attorney or law firm that is experience in disparity studies and compliance monitoring and who will provide services to the proposer for this Study on the legality of policies, development of the legal framework, analysis of disparity study assignments and consult on other legal issues for this Study.

3.6 **Litigation Report**

The Proposer shall provide a listing and disposition of all state and federal court cases, including its Principal Researcher, participated and which involved their research or consultation in disparity studies and availability and utilization studies.

4.0 **STUDY GOAL**

The primary goal of this study is to analyze both statistical data and anecdotal information to address the following issues:

4.1 **Study**

A comprehensive study conforming to relevant legal requirements designed to ascertain:

- 4.1.1 Discriminatory Effect: Whether the effects of past discrimination against M/WBE, SBE, PDBE, DBE and ACDBE in City contracting exist or continue to exist within the Relevant Geographic Market Area, as a result of direct action by the City, or as a result of the City's role as a passive participant in discriminatory behavior practiced by entities that do business with the City.
- 4.1.2 Active Discrimination: Whether active racial and gender discrimination continues to exist in the Relevant Geographic Market Area; whether there is still a disparity between the utilization of M/WBE, SBE, PDBE, DBE and ACDBE in the RGMA compared to their availability, and if not, whether there would be disparities but for the existence of remedial programs, including the City's M/WBE Program.

4.2 Remedies

If there is evidence of discrimination, determine:

- 4.2.1 Whether race- or gender-neutral and/or economically based measures would be effective to remedy such discrimination.
- 4.2.2 If current race- or gender-neutral and/or economically based measures are deemed not to be effective to eliminate identified discrimination, whether narrowly tailored race- or gender-conscious or economically based remedies could be fashioned to effectively redress the discrimination.

5.0 LEGAL FRAMEWORK

Proposers shall outline and discuss in detail the legal requirements for both race- and gender-conscious programs operated by local governments as set forth by the United States Supreme Court in the cases of *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989) (Croson), and *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995) (Adarand) and any other decisions that bear on the abilities, legal rights and obligations of state and local governments to implement race and gender conscious preference programs in the context of the study and analysis described in the Study goal.

The Study shall include an explanation of the methods and practices to be employed by the City to comply with such legal requirements and shall also specifically address:

- 5.1 The application of the strict scrutiny standard of review for race-conscious remedies and the intermediate scrutiny standard of review for gender-conscious remedies; and
- 5.2 The method(s) by which identifiable discrimination against minority- or women-owned business enterprises directly related to public entities' contracts can be determined.
- 5.3 Analysis of any available judicial or administrative public hearing transcripts, summaries, or findings as to allegations of commercial discrimination made against contractors, subcontractors, vendors, consultants and Texas political subdivisions, including the City of Houston.
- 5.4 Proposers are encouraged to propose additional tasks or activities to be included in the study if they will substantially explain, justify or improve the results of the study. These suggestions should be itemized and separated from the required items on the cost proposal. Costs should be presented as hourly rates and Proposers should provide their experience in these additional tasks and activities.

6.0 STUDY REQUIREMENTS

In order to provide the minimum deliverables as specified, the selected proposer will be expected to perform the tasks delineated below at appropriate points during the project as well as all tasks necessary to provide the agreed upon deliverables in accordance with applicable legal and industry standards.

- 6.1 **The selected proposer shall perform and the Study shall include, at a minimum, and without limitation, the following:**
- 6.1.1 An examination of the utilization and availability of M/WBE, SBE, PDBE, DBE and ACDBE in public and private sector construction, professional services and procurement of goods, as applicable, in the RGMA.
 - 6.1.2 A written analysis and opinion on the validity of the City's current data on M/WBE, SBE and DBE and ACDBE utilization.
 - 6.1.3 Definitions of all terms used in the Study;
 - 6.1.4 Determination and analysis of the Relevant Geographic Market Area(s) by industry, for purposes of assessing the availability of prime contractors and subcontractor M/WBE and small businesses including SBE (small businesses enterprise), DBE (disadvantaged business enterprise), ACDBE (airport concession disadvantaged businesses enterprises) and PDBE (persons with disabilities business enterprise) to participate on the City contracts, based upon the narrowly tailored geographic, product market and zip codes where the majority of primes and subs are located; and define the relevant geographic market area based upon the discrete industry or industries from which such purchases are made. Include analysis on the effect of certified prime contractors in obtaining utilization of City-wide M/WBE, PDBE, ACDBE and DBE goals based on a percentage of contract dollars awarded for prime and subcontracts.
 - 6.1.4.1 Determine, within the RGMA, availability of persons with disabilities businesses to participate in City contracts and compare availability to City's current certified directory for Persons with disabilities business enterprises (PDBE). Identify areas of growth and participation, and provide written recommendation on remedies to increase growth participation.
 - 6.1.4.2 Determine, within the Relevant Geographic Market Area, availability of veterans to participate in City contracts and compare availability to City's current certified directory. Identify areas of growth and participation, and provide written recommendation on remedies to increase growth participation.
 - 6.1.5 A comprehensive review of all the City's construction, professional services, goods and services and airport concession contracts including inter-local agreements, Houston Galveston Area Council (HGAC), Department of Information Resources (DIR), etc., and contracting policies, procedures, and practices contracting records and contract files for the Study period;
 - 6.1.6 Review and analyze prior disparity and availability studies that relate to the relevant market area and, to the extent possible, reconcile or distinguish those studies with the current findings of the Study update;
 - 6.1.7 Interview City staff responsible for issuing contracts for airport concessions, construction, architecture and engineering and other professional services, and the procurement of goods and other services regarding the methods of contracting and types of contracts issued, procurement policies, actual procurement and M/WBE contracting practices, and the market areas covered by solicitations, advertising and mailing;
 - 6.1.7.1 Interview minority and non-minority trade association representatives that may have some insight into general industry and market dynamics that may potentially affect the formation, growth, and participation of M/WBE, and SBE (including PDBE, DBE and ACDBE) firms.

- 6.1.8 Collect statistical data from various sources, including City records, and anecdotal information from testimony at public hearings, personal interviews, and telephone or other surveys from interested persons documenting past instances of discrimination against minority- or women-owned businesses (including non-minority women-owned businesses), small businesses, and disadvantaged businesses and opposing points of view, as appropriate, including direct evidence of corroboration, rebuttals, and denials;
- 6.1.9 Design and administer a survey or other method of accurate data collection to gain information from contractors, subcontractors, vendors and consultants (by ethnic group and gender) as to the type of work, capacity and utilization on various types of contracts, reasons for levels of utilization, identification of any forms and instances of discrimination (past or present) experienced by survey respondents, the effects and sources of past or present discrimination, and their interest in bidding (or submitting proposals) on the City contracts;
- 6.1.10 Collect, document and analyze anecdotal evidence, including ethnic, gender and industry categories based on the experience of businesses in the City's markets, including business owners (to include various ethnic, gender, and industry categories) in the relevant marketplace to address identified statistical disparities and to identify barriers to business formation, utilization, and growth. This shall include, but is not limited to, facilitating at least three (3) community stakeholder meetings. An invitation shall be sent to the City of Houston's database of vendors and information regarding the community stakeholder meetings shall be posted on the City's website. The community stakeholder meetings shall be at least one (1) hour. There should also be additional focus groups, and a website dedicated to receive input for the study. Input obtained may also include interviews, surveys and other methods approved by the City. Summarize all anecdotal evidence collected and analyzed, including that obtained from similar studies conducted within the relevant geographic market. Consult with any M/WBE, SBE, PDBE, DBE and ACDBE program staff, trade association representatives, office records, and business directories for information regarding the number and identity of M/WBE, SBE, PDBE, DBE and ACDBEs in the relevant market;
- 6.1.11 Research and analyze data obtained from the City's database to ascertain the level of M/WBE and SBE (including PDBE, DBE, ACDBE) availability and utilization of the same in the Relevant Geographic Market Area(s) with respect to construction, procurement and professional services contracts typically awarded by the City.
- 6.1.12 Provide an accurate assessment of the number of businesses owned and controlled by minorities and/or women, as well as small businesses, including persons with disabilities, and disadvantaged businesses in the Relevant Geographic Market Area; and
- 6.1.13 Identify the group population of "ready, willing, and able" M/WBE, SBE, DBE and PDBE and non-minority contractors available to perform City-related or private sector construction, professional services and/or provide goods and services, within the Relevant Geographic Market Area(s);
- 6.1.14 Calculation of the share of construction projects broken down into various sectors of City construction such as civil construction, airport-related construction, and other types of City construction in the Relevant Geographic Market Area awarded to M/WBE's and non-minority-owned firms including all tiers of sub-contracting and the size (in dollar value) of such contracts; Determine what impact SBEs have had on M/WBE utilization.

- 6.1.15 Calculation of the share of professional services projects in the Relevant Geographic Market Area awarded to M/WBE's and non-minority-owned firms including all levels of sub-contracting and the size (in dollar value) of such contracts;
- 6.1.16 Calculation of the share of goods and services purchasing projects in the Relevant Geographic Market Area awarded to M/WBE and non-minority-owned firms including all levels of sub-contracting and the size (in dollar value) of such contracts;
- 6.1.17 Evaluate the City's current threshold on construction and goods and services contracts and make recommendations whether a goal should actually be established for the non-goal oriented contracts and whether certified firms can participate, leveraging the City's data and best practices. Evaluate City policy to determine whether a threshold value on professional services contracts should be implemented. Currently, goal-oriented contract means any contract for construction work in excess of \$1,000,000 or non-personal or nonprofessional services in excess of \$100,000.
- 6.1.18 Review the current goal setting process for goods and services contracts and evaluate whether this process maximizes participation by M/WBE, SBE, DBE, PDBE and ACDBE or the City should explore implementing prime-level goals instead of subcontracting-level goals to address identified disparities.
- 6.1.19 Due to the volume of small dollar non contract purchase orders (less than \$50,000) and immediate need and small dollar purchases via purchasing card (Pcard) by the City, the proposer need only identify and evaluate a statistically sound sampling of such contracts from each of the various City departments. The OBO Director must approve the sampling methods prior to implementation. The proposer must determine if there are possible opportunities for M/WBE, SBE, DBE, PDBE and ACDBE with these purchases, review the City's policies on small purchases, determine whether the City should strengthen its policy on established business enterprises participation on these purchases, and submit recommendations to revising the policy, if needed.
- 6.1.20 Evaluation of the availability of waiver provisions and waivers issued from any or all City M/WBE SBE, P/DBE and ACDBE programs and the legal impact of their exclusion from being goal-oriented on the marketplace.
- 6.1.21 Analyze data collected, both statistical and anecdotal, for each contracting category and established business enterprise or other study group and the performance of disparity analyses for RGMA firms in the RGMA utilized during the Study period;
- 6.1.22 A determination of the extent of discrimination against minority-owned, women-owned, small businesses, and disadvantaged business enterprises, if any, that would be expected to occur if the City's M/WBE, SBE, and PDBE programs were discontinued;
- 6.1.23 Analysis on efforts by firms to circumvent M/WBE, SBE, PDBE, DBE and ACDBE program policies and requirements by "fronts" and other methods;
- 6.1.23.1 Determine whether firms that have graduated from the program are continued to be used as subcontractors in lieu of other established business enterprises, and
- 6.1.24 Draft a detailed report together with related appendices of relevant findings and recommendations, and an executive summary of those findings and recommendations.

- 6.1.25 Assist City staff—as necessary—in preparation of testimony, presentation of Study findings and other relevant evidence, and making recommendations to the governing body.
- 6.1.26 Analyze statistical disparities in M/W/S/P/D/BE business formation and projected growth rates. This may include the number of paid minorities and women in relevant companies;
- 6.1.27 Conduct an econometric analysis of statistical disparities concerning the access by M/WBE, SBE, PDBE, DBE and ACDBE firms to commercial capital, credit, bonding, and business, family, and social networks, as compared to non- M/WBE, SBE, PDBE, DBE, ACDBE firms. The analysis should control for other factors that may affect access and lending rates, such as size and net worth of the business;
- 6.1.28 Provide a statistical comparison of private sector utilization to availability categorized by industry and by major racial/ethnic and gender categories to determine any private sector disparity ratios in the relevant market area;
- 6.1.29 Evaluate the effectiveness of any race/gender neutral initiatives that have been used by the City;
- 6.1.30 Recommendations for activities to remedy the effects of any disparity identified and to reduce or eliminate any marketplace barriers that adversely affect the contract participation of M/WBE, SBE, PDBE, DBE, and ACDBE owned businesses and other activities of the City;
- 6.1.31 Propose actions to improve or modify the contracting and procurement processes of the City of Houston to ensure that all M/WBE, SBE, PDBE, DBE, and ACDBE owned businesses have a fair and adequate opportunity to participate in the procurement and contracting processes; and
- 6.1.32 Provide recommendations for narrowly-tailored race and/or gender-conscious measures to remedy identified ongoing effects of marketplace discrimination and to improve or modify the contracting and procurement processes so that all businesses have a fair and adequate opportunity to participate in the procurement and contracting processes even if no disparity is found.
- 6.1.33 Determine whether M/WBE goals should be disaggregated by race and ethnicity. Analyze and provide report on feasibility.
- 6.1.34 Development of recommendations, including, where appropriate, specific goals by construction, professional services, and goods and services categories, based on study findings, narrowly tailored to address the levels of discrimination, if any, found by the Study.

6.2 **Work Plan**

At the beginning of the Study and on a date mutually agreed by the Parties, Proposer should deliver a work plan to address timing and resource allocations for fourteen (14) major-work tasks:

- 6.2.1 Finalize Study work plan;
- 6.2.2 Provide detailed report including but not limited to validation of the data provided by the City, within forty-five (45) days of the start of the contract.
- 6.2.3 Conduct detailed review of applicable legal standards and requirements;
- 6.2.4 Review current City policies, procedures and practices;

- 6.2.5 Analyze effectiveness of race- and gender-neutral and race- and gender-based programs in reducing or eliminating race or gender bias in public and private construction, professional services, and goods and services contracting;
- 6.2.6 Conduct analysis to determine utilization of M/WBE's, small businesses, and disadvantaged businesses in public and private construction contracting, professional services and purchasing of goods and services in Relevant Geographic Market Area;
- 6.2.7 Determine, within the Relevant Geographic Market Area, availability of minority-owned, women-owned, small businesses, and disadvantaged businesses to participate in City contracts and compare availability to City's current certified M/WBE, SBE, PDBE, DBE, and ACDBE list;
- 6.2.8 Conduct analysis of utilization and availability data and determine disparities, if any;
- 6.2.9 Conduct regression analysis based on current study data;
- 6.2.10 Conduct surveys in person and by phone, mail, and public hearings;
- 6.2.11 Collect and analyze anecdotal information;
- 6.2.12 Collect and review allegations of discrimination or bias involving the City.
- 6.2.13 Identify race and gender neutral remedies and, if necessary, narrowly tailored race- and gender-conscious remedies; and
- 6.2.14 Prepare final report.

6.3 **Interim Reporting**

The manager of the City Study shall be the Director of the Office of Business Opportunity or her designee ("City Study Manager"). At a minimum, monthly progress reports shall be submitted to the City Study Manager, who may schedule interim meetings with appropriate study staff at the City to facilitate and expedite the study work schedule. In the alternative, the Proposers may provide an interim reporting schedule whereby the proposer provides interim reporting to the City Study Manager throughout the duration of the contract. If the interim reporting schedule is approved, the proposer's interim reporting schedule will be incorporated into the final contract.

6.4 **Methodology**

The proposal must provide a framework to analyze the City's active or passive role, if any, in discrimination against M/WBE, SBE, PDBE, DBE and ACDBE. Proposers must provide a description of the design and implementation of a study methodology to determine the availability of M/WBE, SBE, PDBE, DBE and ACDBEs located within the Relevant Geographic Market Area that are ready, willing and able to do business with the City in the study categories and the City's utilization of such M/WBE, SBE, PDBE, DBE and ACDBE. The methodology description should also address the role or effects, if any, of the City's longstanding M/WBE, SBE, PDBE, DBE and ACDBE initiatives on the utilization of M/WBE, SBE, PDBE, DBE and ACDBE and describe the economic and statistical concepts, methods, and specific steps to analyze the following:

- 6.4.1 The time period to be studied in evaluating the City's activities;

- 6.4.2 A list of databases or other data sources to be relied upon and the means and methods by which such sources will be used to evaluate or determine the capacity of ready, willing and able M/WBE, SBE, PDBE, DBE and ACDBE to participate in City construction, professional services and goods and services contracting in the Relevant Geographic Market Area;
- 6.4.3 The utilization and availability of M/WBE, SBE, PDBE, DBE and ACDBE and non- M/WBE, SBE, PDBE, DBE and ACDBE, broken down by construction, professional services, and goods and services categories included in the study, with separate availability estimates for each racial/ethnic group, women, small, and disadvantaged businesses. Any statistical and/or other bases for adjustments to such estimates to measure the effects of discrimination on availability shall be fully explained. The rationale for the choice of data source(s), including their use and analysis to address weaknesses and inconsistencies of other race- or gender-conscious programs found in judicial decisions and related to the use of various sources (e.g., vendor lists, *Survey of Minority/Women owned Business Enterprises*, etc.), shall be fully stated. If more than one measure of availability and/or utilization is proposed, the proposal shall describe how the Proposer will evaluate such multiple measures and integrate their use in the study;
- 6.4.4 Statistical test(s) of any disparities between the availability of M/WBE, SBE, PDBE, DBE and ACDBE and their utilization by the City, and determine and discuss the evidence that should be examined to establish whether, but for the City's prior affirmative efforts to include M/WBE, SBE, PDBE, DBE and ACDBE in City construction, professional services and goods and services contracting, the City has been or continues to be a passive participant in discriminatory behavior practiced by entities that do business with the City;
- 6.4.5 A methodology for gathering statistical evidence of minorities', Caucasian females' and Caucasian males' access to the credit and capital needed to do business with the City;
- 6.4.6 A methodology for examining evidence of private sector utilization of M/WBE, SBE, PDBE and DBEs and the relevance of such evidence;
- 6.4.7 A methodology for gathering anecdotal evidence of the experiences of M/WBE, SBE, PDBE, DBE and ACDBE and non- M/WBE, SBE, PDBE, DBE and ACDBE in seeking, obtaining, and performing public and private sector construction, professional services and goods and services contracts, as applicable;
- 6.4.8 A methodology for evaluating the City's current contracting affirmative action programs; and
- 6.4.9 A methodology to set overall annual construction, professional services and goods and services purchasing programs and contract-by-contract M/WBE, SBE, PDBE, DBE and ACDBE goals on City-funded contracts should the study's evidentiary analyses provide "strong" evidence warranting the adoption of such remedies by the City. Any analytic or statistical bases used to apply any adjustment to baseline estimates of M/WBE, SBE, PDBE, DBE and ACDBE availability to account for the effects of discrimination shall be clearly explained and documented.

6.5 **Discrimination**

The successful proposer will provide and evaluate as part of their proposal the following:

- 6.5.1 **Procurement Practices** - Contracting practices in the procurement of construction, professional services and purchase of goods and services projects.
- 6.5.2 **Categories** - Classify the categories of contracts for construction, professional services, and goods and services typically awarded by the City (based on North American Industry Classification System standards or "NAICS" codes) and the dollar amounts spent in each category;

6.5.3 **Willing and Available** - Determine the availability of M/WBE, SBE, PDBE, DBE and ACDBE (by ethnic group and gender) in the RGMA for each category of construction, as well as professional services and goods and services contracts awarded by the City (based on NAICS codes). In analyzing availability, the proposer is required to precisely define its measure of availability and explain how such availability was calculated. The analysis of availability shall encompass all goods and services procured by the City (including professional services, goods, construction, and other services, and shall identify the relative percentage of M/WBE, SBE, PDBE, DBE and ACDBE that are available (by ethnic group and gender) in the RGMA for each NAICS category. Determine the availability of certified M/WBE, SBE, PDBE, DBE and ACDBE in the RGMA as reflected in the Small Business Administration (SBA), Central Contractor Registration (CCR), and other appropriate regional or federal databases and, to the extent possible, estimate the availability in each category of construction, professional services and goods and services of non-certified firms that appear eligible to meet the requirements for such race-neutral business categories.

6.5.3.1 The number of M/WBE, SBE, PDBE, DBE & ACDBE and non-minority businesses qualified and available to perform contracts with the City, the number of companies in each category selected to do the work, and the disparity in utilization, if any, among the groups.

6.5.4 **Current City M/WBE, SBE, PDBE, DBE and ACDBE Programs and Policies of the City.** Provide an opinion on whether the City's current program is narrowly tailored to remedy the effects of past discrimination at the local level and its effectiveness in reversing the effects of this discrimination.

6.6 Remedies

If discriminatory practices are found, then the successful proposer must suggest corrective actions appropriate to remedy past or current discrimination, including recommended goals by race or gender.

6.6.1 **Program Recommendations** – The successful proposer shall develop recommendations based on Study findings to ensure that the City is not a passive participant in discrimination, including potential changes to the M/WBE, SBE, PDBE, DBE and ACDBE program (i.e., race- and gender-neutral or race- and gender-conscious remedies) that comply with applicable legal requirements and are supported by the data generated for the study. If no local discrimination in City construction, professional services, and goods and services contracting is found with respect to any racial or gender group, the Study shall recommend any other modification to the City's contracting procedures that are designed to encourage participation by economically disadvantaged groups without regard to race.

6.6.2 **Recommend goals** - Where appropriate, goals for each construction category, professional services, and goods and services contracts recommended by the study shall be clearly explained and supported by citations to the relevant study evidence. The successful proposer shall review and provide written recommendations on the current threshold of non-goal-oriented contracts and review City's existing threshold and recommend whether policies regarding M/WBE, SBE, PDBE, DBE and ACDBE participation in these contracts should be modified.

6.7 Final Report

The Final Report should contain a comprehensive overview of the City's M/WBE, SBE, PDBE, DBE and ACDBE program, the environment in which the program operates, and a broad understanding of key issues and patterns related to availability and utilization of minority-owned, women-owned, small businesses, and disadvantaged businesses. The Final Report should include background information, detailed methodology, findings, analysis, and recommendations.

6.7.1 The Final Report shall contain the following required elements:

- 6.7.1.1 An in-depth legal analysis of relevant court cases including a discussion of weight given to evidence of discrimination.
- 6.7.1.2 An in-depth review of the City's contracting policies and procedures; the City's M/WBE, SBE, DBE, ACDBE, PDBE program; and analysis of race and gender-neutral data and specific programs.
- 6.7.1.3 Present the methodology used in the collection of data regarding prime and subcontractor contracts in the various sectors of City construction, professional services, and goods and services as they relate to market area, utilization, availability, and disparity.
- 6.7.1.4 Provide analysis of anecdotal evidence collected from personal interviews, a phone survey, and public hearings.
- 6.7.1.5 Summary of the report and present recommendations.
- 6.7.1.6 Provide the survey instruments sent to primes for proposers to verify subcontractors and detailed lists of construction and subcontracts.
- 6.7.1.7 Provide a list of NAICS codes and descriptions for the construction category.
- 6.7.1.8 Provide a copy of anecdotal data collection instruments and all data collected.
- 6.7.2 The Final Report shall reflect the accomplishment of the following steps:
 - 6.7.2.1 Collect, review and summarize the City's contracting manuals currently in use. The manuals reviewed are limited to those provided by the City.
 - 6.7.2.2 Develop questionnaires and conduct interviews of key City contracting officials and staff to determine how existing contracting and purchasing policies have been implemented.
 - 6.7.2.3 Interview M/WBE, SBE, PDBE, DBE and ACDBE and non- M/WBE, SBE, PDBE, DBE and ACDBE owners to determine whether barriers exist within the City's contracting procedures and programs.
 - 6.7.2.4 Analyze the effect of the City's contracting procedures on the utilization of M/WBE, SBE, PDBE, DBE and ACDBE by the City.
 - 6.7.2.5 Review applicable regulations and policies that guide M/WBE, SBE, PDBE, DBE and ACDBE programs and race- and gender-neutral programs.
 - 6.7.2.6 Discuss with appropriate personnel in the City and M/WBE, SBE, PDBE, DBE and ACDBE owners the operations, policies, and procedures of the M/WBE, SBE, PDBE, DBE and ACDBE programs. The policies and procedures reviewed are limited to those provided by the City.

7.0 TIMELINE

- 7.1 The first monthly progress report shall be delivered to the City not later than the end of the second week after the study contract is executed.
- 7.2 The Proposer shall complete and deliver to the City an initial draft of the Final Report not later than sixteen (16) months from commencement, and the Final Report not later than sixty (60) days from receipt of the City's review and feedback of draft.

8.0 POST DISPARITY STUDY FOLLOW UP

- 8.1 Proposers shall, in their proposal, detail a post-study feedback strategy to include, at a minimum, one (1) follow up meeting and recommendations on document and record retention and transfer.

9.0 SCHEDULE OF DELIVERABLES

- 9.1 Unless otherwise agreed by successful responder and the Office of Business Opportunity (OBO), deliverables will be as follows:

Deliverables

Project Kickoff, Initial Analysis and Validation of City Data
Legal Analysis and Update, Review City Policies and Procedures
Data Collection, Cleanup, Obtain Missing Data, Collect Subcontract Data and Analysis
Analysis of Relevant Geographic Market Area
Private Sector Analysis
Anecdotal Data Collection, Public Meetings
Conduct Availability and Utilization
Analysis and Statistical Significance Tests
Develop Narrowly Tailored Remedies and Recommendations
Draft Disparity Study Report
Presentation of Final Disparity Report and Written Recommendations

PRICE

Budget

Proposers shall include a budget for the primary as described below.

The proposed budgets for this project should be as detailed as possible and enclosed in a separate sealed envelope marked "Price Proposal". Please provide a schedule of hourly billing rates for any additional services. All reimbursable expenses, including copies, mail and mileage must be included in the budget.

Billing should occur on the basis of milestones, as supported by monthly status reports corresponding to the required deliverables.

The City will consider the overall pricing for the comprehensive solution in its selection process.

10.0 DEFINITIONS

- **Minority business enterprise (MBE)** means a business which is:
 - a) A sole proprietorship in which the owner is a minority person who owns, controls and manages the business; or b) A corporation in which at least 51 percent of the stock or asset is owned, controlled and managed by one or more minority persons; or c) A partnership in which at least 51 percent of the assets of such partnership is owned, controlled and managed by one or more minority persons; or d) Any other business or professional entity in which at least 51 percent of the assets in such business or professional entity is owned, controlled and managed by one or more minority persons; or e) Any entity in which at least 51 percent of the assets of such entity is owned, controlled and managed by one or more minority persons and one or more women and such minority person; or f) A business which has been certified as an MBE by the office of business opportunity under any recognized MBE program. A minority person means a citizen or legal resident alien of the United States who is: Black American, Hispanic American, Asian-Pacific American, Native American, and Subcontinent Asian American.

- **Woman business enterprise (WBE)** means a business which is:
 - a) A sole proprietorship in which the owner is a woman who owns, controls and manages the business; or
 - b) A corporation in which at least 51 percent of the stock or asset is owned, controlled and managed by one or more women; or
 - c) A partnership in which at least 51 percent of the assets of such partnership is owned, controlled and managed by one or more women; or
 - d) Any other business or professional entity in which at least 51 percent of the assets in such business or professional entity is owned, controlled and managed by one or more women; or
 - e) Any entity in which at least 51 percent of the assets of such entity is owned, controlled and managed by one or more minority persons and one or more women; or
 - f) A business which has been certified as a WBE by the office of business opportunity under any recognized WBE program

- **Small business enterprise (SBE)** means a firm whose gross revenues or number of employees, averaged over the past three years, inclusive of any affiliates as defined by 13 CFR Section 121.103, does not exceed the size standards defined in Section 3 of the Federal Small Business Act and applicable Small Business Administration regulations related to the size standards found in 13 CFR Part 121. The term shall also include a certified minority/women business enterprise defined in the Code.

- **Disadvantaged business enterprise (DBE)** means a for-profit small business concern—
 - (1) That is at least fifty-one (51) percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
 - (2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

- **Disabled veteran** means an individual who served on active duty in the armed forces, separated from the Armed Forces under honorable conditions, and has a disability rating letter issued by the Department of Veterans Affairs establishing a service-connected disability rating between zero and one-hundred percent, or a disability determination from the Department of Defense

- **Person with a disability** means a disabled veteran or citizen or legal resident alien who has a presently existing medically determined physical or mental impairment of a chronic or permanent character which substantially limits one or more of his or her major life activities.

- **Persons with disabilities business enterprise (PDBE)** means a business that is:
 - a) A sole proprietorship in which the owner is a person with a disability who owns, controls and manages the business; or
 - b) A corporation in which at least 51 percent of the stock or of the assets of the corporation is owned, controlled and managed by one or more persons with a disability; or
 - c) A partnership in which at least 51 percent of the assets of the partnership is owned, controlled and managed by one or more persons with a disability; or
 - d) Any other business or professional entity in which at least fifty-one (51) percent of the assets in the business or professional entity is owned, controlled and managed by one or more persons with a

- **Airport Concession Disadvantaged Business Enterprise (ACDBE)** means a concession that is a for-profit small business concern—
 - (1) That is at least fifty-one (51) percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which fifty-one (51) percent of the stock is owned by one or more such individuals; and
 - (2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

- **Construction** is defined as work administered by the appropriate departments for the erection, repair, renovation, or demolition of a structure, street, road, runway and other improvements, or addition to real property and those contracts related to, but not limited to, contracts for testing, boring, and excavating.
- **Professional services** are defined as services which are performed competently only by a person or persons having a special skill, expertise, education, or knowledge which is primarily mental or intellectual in nature rather than physical or manual. Professional services include, but are not limited to, architecture and engineering services, computer programming services, computer maintenance services, auditing services, financial advisory services, instructional services provided by trained educators, appraisal services, mapping services, microfilm and microfiche service, and other personal services exempt from the requirements of statutory competitive bidding.
- **Goods and services** are defined as commodities, materials, supplies, and equipment, including those related to construction, and services performed by a person or persons having special skill that is primarily physical or manual in nature. Services contracts include, but are not limited to, janitorial, security, armored cars and guards, printing and reproduction, pest control, rubbish container, emptying and supply services, and avid vehicle removal services.
- **Availability of certified firms:** the percentage of firms in the City's relevant market area that are owned by minorities/women/small/disadvantaged businesses. For each industry category, availability is defined as the number of minorities/women/small/disadvantaged establishments divided by the total number of business establishments in the City's contracting market area, weighted by the dollars attributable to each detailed industry category.
- **Utilization:** A term of art in disparity studies that refers to the percentage of a given amount of contracting and/or procurement dollars that is awarded or paid to businesses owned by one or more groups of interest.
- **Relevant geographic market Area:** the City's relevant geographic market area was determined to be the Houston-Sugar Land-Baytown Metropolitan Statistical Area, consisting of the counties of Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, San Jacinto, and Waller.

The COH M/WBE ordinance can be accessed online at <https://library.municode.com/index.aspx?clientId=10123>. See Section V, Chapter 15 of the ordinance for more details on the program.

PART III – EVALUATION AND SELECTION PROCESS

An evaluation committee will evaluate responsive proposals in accordance with the evaluation criteria listed below. Upon completion of the evaluation, the committee may develop a short list of Proposer(s) meeting, but not limited to; the qualifications, experience and proposed solutions requirements. Price proposals of those shortlisted will be evaluated/scored once they are identified by the evaluation committee. The shortlisted Proposer(s) may be scheduled for a structured oral presentation, demonstration and/or interview. Such presentations will be at no cost to the City of Houston. At the end of the oral presentation, demonstration and/or interview, the evaluation of the shortlisted Proposer(s) will be completed. However, the evaluation committee reserves the right to issue letter(s) of clarification when deemed necessary to any or all Proposer(s). The oral presentations, demonstrations and/or interviews may be recorded and/or videotaped.

1.0 Interviews/Oral Presentations

The City reserves the right to request and require that each Proposer provide a final presentation of its proposal at a scheduled date and time. No Proposer is entitled to this opportunity, and no proposer will be entitled to attend presentations of any other Proposer. The purpose of the presentations is to inform the work of the evaluation committee. If necessary, Proposers may be required to make more than one presentation or demonstration.

2.0 Selection Process

Upon review of all information provided by shortlisted proposers, the evaluation committee will make a recommendation for selection to City officials. The City reserves the right to check references on any projects performed by the proposer whether provided by the proposer or known by the City. Selected proposal will be submitted for approval by the appropriate City officials. The City of Houston intends to select a proposal that best meets the needs of the City and provides the overall best value. Upon approval of the selected Proposer, a contract will be executed by the appropriate City officials.

3.0 Best and Final Offer

City reserves the right to request a Best and Final Offer from finalist Proposer(s), if it deems such an approach necessary. In general, the Best and Final Offer would consist of updated costs as well as answers to specific questions that were identified during the evaluation of Proposals.

If City chooses to invoke this option, Proposals would be re-evaluated by incorporating the information requested in the Best and Final Offer document, including costs, and answers to specific questions presented in the document. The specific format for the Best and Final Offer would be determined during evaluation discussions. Turnaround time for responding to a Best and Final Offers document is usually brief (i.e., five (5) business days).

4.0 Evaluation Criteria

4.1 Responsiveness of Proposal

- a. Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.

4.2 Technical Competence

- a) Quality of overall proposed plan of action, including but not limited to strategy, understanding of RFP technical requirements, and quality assurance control measures.
- b) Quality of proposed approach to provide the deliverables outlined in the RFP.
- c) Qualifications and experience of key personnel assigned as evidenced by their credentials and role in like projects.
- d) Financial stability of the proposer

- e) Quality of proposed sub-contractors, including certified M/WBE firms

4.3 Price Proposal

Enclosed in a separate sealed envelope marked "Price Proposal". The price proposal shall include a detailed budget for each of the following:

- a) Project Kickoff, Initial Analysis and Validation of City Data
- b) Legal Analysis and Update, Review City Policies and Procedures
- c) Data Collection, Cleanup, Obtain Missing Data, Collect Subcontract Data and Analysis
- d) Analysis of Geographic Market Area
- e) Private Sector Analysis
- f) Anecdotal Data Collection, Public Meetings
- g) Conduct Availability and Utilization
- h) Analysis and Statistical Significance Tests
- i) Develop Narrowly Tailored Remedies and Recommendations
- j) Draft Disparity Study Report
- k) Presentation of Final Disparity Report and Written Recommendations

Note: Price will not be used to determine the shortlisted proposers

PART IV – SUBMISSION OF PROPOSAL

1.0 Instructions for Submission

- 1.1 Number of Copies. Please submit **seven (7)** copies of the Proposal, including one (1) printed original signed in BLUE ink, and additional **seven (7)** electronic thumb drives are to be submitted in a sealed envelope bearing the assigned Solicitation Number, located on the first page of the RFP document to:

**City Secretary's Office
City Hall Annex, Public Level
900 Bagby Street
Houston, Texas 77002**

The City of Houston shall bear no responsibility for submitting responses on behalf of any Proposer. Proposer(s) may submit their Proposal to the City Secretary's Office any time prior to the stated deadline.

- 1.2 Time for submission. Proposals shall be submitted no later than the date and time indicated for submission in this RFP. Late submittals will not be considered and will be returned unopened.
- 1.3 Format. Proposal should be left-bound with information on both sides of the page when appropriate. Material should be organized following the order of the submission requirements separated by labeled tabs. Expensive paper and bindings are discouraged since no materials will be returned.
- 1.4 Complete submission. Proposers are advised to carefully review all the requirements and submit all documents and information as indicated in this RFP. Incomplete proposals may lead to a proposal being deemed non responsive. Non-responsive proposals will not be considered.
- 1.5 Packaging and Labeling. The outside wrapping/envelope shall clearly indicate the RFP Title and date and time for submission. It shall also indicate the name of the proposer. The Price Proposal shall be submitted in a separate sealed envelope. The envelope shall clearly identify the content as "Price Proposal". All other submission requirements shall be included with the Technical Proposal.

- 1.6 Timely delivery of Proposals. The proposal, including the technical proposal and pricing proposal must be delivered by hand or sent to the City Secretary's Office via courier services to the address shown on the cover sheet of this RFP. Include the RFP number on any package delivered or sent to the City Secretary's Office and on any correspondence related to the proposal. If using an express delivery service, the package must be delivered to the designated building. Packages delivered by express mail services to other locations might not be re-delivered in time to be considered.
- 1.7 Late Proposals. The proposer remains responsible for ensuring that its proposal is received at the time, date, place, and office specified. The City assumes no responsibility for any proposal not so received, regardless of whether the delay is caused by the U.S. Postal Service, the courier delivery service, or some other act or circumstance.

2.0 Submission Requirements

- 2.1 Cover letter: The cover letter shall be signed by an authorized representative of the proposer. The letter should indicate the proposer's commitment to provide the services proposed. Also, the cover letter shall identify the members of the team that comprise the proposer. Indicate the organizational relationship of the team members.
- 2.2 Executive Summary: The executive summary should include a brief overview of the solution proposed, the overall strategy for implementation, the key personnel who will be responsible for seeing the project through completion.
- 2.3 Offer and Submittal Form: See Exhibit I
- 2.4 Methodology and Solutions Proposed:
 - 2.4.1 Provide a detailed proposed plan of action, including but not limited to strategy, understanding of RFP technical requirements, and quality assurance control measures.
 - 2.4.2 Provide a detailed proposed approach to provide the deliverables outlined in the RFP.
- 2.5 Qualifications and Experience of the Proposer:
 - 2.5.1 The proposer shall include the qualifications and experience of key personnel and additional staff that would be associated with the project.
 - 2.5.2 The proposer shall include the qualifications and experience of licensed attorney(s) or law firm who will be associated with the project.
 - 2.5.3 The proposer shall provide a listing and disposition of all state and federal court cases in which it, including its principal researcher, participated and which involved their research or consultation in disparity studies and availability and utilization studies
 - 2.5.4 The proposer shall include at least five (5) references of past clients that have received comparable and satisfactory disparity, availability or utilization analysis services within the past ten (10) years.
- 2.6 Qualifications of Key Personnel: Provide chronological resumes of the key personnel that will be assigned to the project. Please provide at least three (3) references of projects where key personnel performed in a similar role as that proposed for this project.
- 2.7 M/WBE Participation: Proposer shall identify the M/WBE participation level and the role that each M/WBE firm will have in the project implementation. Since M/WBEs proposed are considered part of the team, the Proposer shall include all relevant information necessary to effectively perform the evaluation of the proposal as it relates to the submission requirements listed in this section.

- 2.8 Financial Stability. Provide the audited financial statements or federal tax forms filed to the Internal Revenue Service (IRS) for the past two fiscal years. At a minimum, include the letter of opinion, balance sheet, schedules, and related auditor's notes.
- 2.9 Legal Actions. Provide a list of any pending litigation and include a brief description of the reason for legal action.
- 2.10 Conflict of Interest. Provide information regarding any real or potential conflict of interest. Failure to address any potential conflict of interest upfront may be cause for rejection of the proposal.
- 2.11 Other. Submit any information the proposer deems pertinent to demonstrating its qualifications to perform the services being requested such as memberships in any professional associations, documents, examples, and others.
- 2.12 Forms and Certifications: Complete all forms and certifications attached, as appropriate.
- 2.13 Price Proposal: Please submit price proposal in a separate sealed envelope marked "Price Proposal".

PART V – SPECIAL CONDITIONS

1.0 No Contact Period

Neither Proposer(s) nor any person acting on Proposer(s)'s behalf shall attempt to influence the outcome of the award by the offer, presentation or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City of Houston, their families or staff members. All inquiries regarding the solicitation are to be directed to the designated City Representative identified on the first page of the solicitation. Upon issuance of the solicitation through the pre-award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award, aside from bidder's formal response to the solicitation, through the pre-award phase, written requests for clarification during the period officially designated for such purpose by the City Representative, neither Proposers(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City of Houston, their families or staff through written or oral means in an attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any bidder. However, nothing in this paragraph shall prevent a bidder from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the solicitation.

2.0 Equal Opportunity Employment

The City of Houston Ordinance Section 15-17 establishes Equal Employment Opportunity Contract Compliance requirements for all City of Houston contracts involving the expenditure of fifty thousand dollars (\$50,000) or more. Any contract for professional services that results from this RFP will provide that the failure to carry out the requirements set forth in the City of Houston Equal Employment Opportunity Program shall constitute a breach of contract and may result in termination of the agreement or contract. In addition, the City may take any such additional remedy as deemed appropriate.

3.0 Minority and Woman Business Enterprises (M/WBE)

Contacting shall comply with the City's Minority and Women Business Enterprise ("M/WBE") programs as set out in Chapter 15, Article V of the City of Houston Code of Ordinances. Contractor shall make good faith efforts to award subcontracts or supply agreements in at least the value stated in this Agreement to M/WBE's. Contractor acknowledges that it has reviewed the requirements for good faith efforts on file with the City's Office of Business Opportunity (OBO) and will comply with them.

4.0 Protests

A protest shall comply with and be resolved, according to the City of Houston Procurement Manual http://purchasing.houstontx.gov/docs/Procurement_Manual.pdf and rules adopted thereunder. Protests shall be submitted in writing and filed with both, the City Attorney and the Solicitation contact person. A pre-award protest of the RFP shall be received five (5) days prior to the solicitation due date and a post-award protest shall be filed within five (5) days after City Council approval of the contract award.

- 4.1 A protest must be filed in accordance with the timing requirements set forth herein and must include:
- a. the name, address, telephone number and email address of the protestor;
 - b. the number of the solicitation;
 - c. all information confirming that the protestor is an interested party;
 - d. a written statement of the grounds for the protest and the law, ordinance, or policy alleged to have been violated. The statement should be accompanied by relevant supporting documentation and the relief requested.
 - e. all information confirming the timeliness of the protest; and
 - f. the signature of the protestor

Protests shall be submitted to:
Acting Chief Procurement Officer
City of Houston
901 Bagby, B300
Houston, TX 77002

- 4.2 The City recognizes three types of protests:
- a. Protests regarding solicitation (Pre-Bid Protest)
Any protest regarding a solicitation published by the City shall be filed no later than five (5) days before the opening of bids (if a competitive bid) or due date for submittals or proposals (if an RFP/RFQ), as appropriate. Any protest filed after the due date raising issues regarding the solicitation will not be considered.
 - b. Protests regarding the evaluation of bids, qualifications, or proposals (Pre-Award Protest)
Any protest regarding the evaluation of bids, qualifications, or proposals by the City must be filed no later than ten (10) days after:
opening of bids (if a bid); or
due date (if RFQ/RFP); or
notification that the interested party's bid or proposal has been rejected.
Any protest received after the deadline will not be considered.
 - c. Protests regarding award of contract (Post-Award Protest)
Upon receipt of a timely and properly filed protest regarding the award of a contract, the City will not issue a notice to proceed or submit an order for goods until the protest has been resolved, provided such delay will not be detrimental to the interests of the City.

PART VI – INSTRUCTIONS TO PROPOSERS

1.0 Pre-Proposal Conference

A Pre-Proposal Conference will be held at the date, time, and location as indicated on the first page of the RFP document. Interested Proposer(s) should plan to attend. It will be assumed that potential Proposer(s) attending this meeting have reviewed the RFP in detail, and are prepared to bring up any substantive questions not already addressed by the City.

2.0 **Additional Information and Specification Changes**

Requests for additional information and questions should be addressed to the Finance Department, Strategic Procurement Division Buyer Conley Jackson, telephone: 832.393-8733, fax: 832.393.8759, or e-mail (preferred method to): conley.jackson@houstontx.gov no later than 12:00 p.m., CST, December 4, 2015. The City of Houston shall provide written responses to all questions received in writing before the submittal deadline. Questions received from all Proposer(s) shall be answered and sent to all Proposer(s) who are listed as having obtained the RFP. Proposer(s) shall be notified in writing of any changes in the specifications contained in this RFP.

3.0 **Letter(s) of Clarification**

3.1. All Letters of Clarification and interpretations to this Solicitation shall be in writing. Any Letter of Clarification(s) or interpretation that is not in writing shall not legally bind the City of Houston. Only information supplied by the City of Houston in writing or in this RFP should be used in preparing Proposal responses.

3.2. The City does not assume responsibility for the receipt of any Letters of Clarification sent to Proposer(s).

4.0 **Examination of Documents and Requirements**

4.1. Each proposer shall carefully examine all RFP documents and thoroughly familiarize themselves with all requirements prior to submitting a proposal to ensure that the proposal meets the intent of this RFP.

4.2. Before submitting a proposal, each proposer shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and affecting the requirements of this RFP. Failure to make such investigations and examinations shall not relieve the proposer from obligation to comply, in every detail, with all provisions and requirements of the RFP.

5.0 **Exceptions to Terms and Conditions**

5.1. All exceptions included with the proposal shall be submitted in a clearly identified separate section of the Proposal in which the proposer clearly cites the specific paragraphs within the RFP where the Exceptions occur. Any Exceptions not included in such a section shall be without force and effect in any resulting contract unless such exception is specifically referenced by the Chief Procurement Officer, City Attorney, Director(s) or designee in a written statement. The Proposer's preprinted or standard terms will not be considered by the City as a part of any resulting contract.

5.2. All Exceptions that are contained in the Proposal may negatively affect the City's Proposal evaluation based on the evaluation criteria as stated in the RFP, or result in possible rejection of Proposal.

6.0 **Post-Proposal Discussions with Proposer(s)**

6.1. It is the City's intent to commence final negotiation with the Proposer(s) deemed most advantageous to the City. The City reserves the right to conduct post-Proposal discussions with any Proposer(s).

PART VII – REQUIRED FORMS TO BE SUBMITTED WITH PROPOSAL

1.0 Offer and Submittal, List of References and List of Proposed Subcontractors (Exhibit I)

2.0 Signed M/WBE Forms: Attachment "A" Schedule of M/WBE Participation, Attachment "B", Notice of Intent, Attachment "C", Certified M/WBE Subcontract Terms, Attachment "D" Office of Business Opportunity and Contract Compliance M/WBE Utilization Report (Exhibit II)

3.0 Fair Campaign Ordinance Form "A" (Exhibit III)

- 4.0 Affidavit of Ownership or Control (Exhibit IV)
- 5.0 Anti-Collusion Statement (Exhibit V)
- 6.0 Conflict of Interest Questionnaire (Exhibit VI)

PART VIII – REQUIRED FORMS TO BE SUBMITTED BY AWARDED VENDOR ONLY

Required forms shall be supplied to the vendor after award.

- 1.0 Insurance Requirements and Sample Insurance Certificate (Exhibit VII)
- 2.0 Drug Compliance Agreement Attachment “A”, Drug Policy Compliance Declaration Attachment “B” and Contractor’s Certification of No Safety Impact Positions Attachment “C” and “D” (Exhibit VIII)
- 3.0 City Contractors’ Pay or Play Acknowledgement Form and Pay or Play Certificate Agreement, Play or Pay Program Acknowledgment Form “1” (Exhibit IX)
- 4.0 Hire Houston First Affidavit (Download Copy at <http://www.houstontx.gov/obo/hirehoustonfirst.html> and submit to Office of Business Opportunity, Houston Business Solutions Center via e-mail to houstonbsc@houstontx.gov or fax to 832-393-0650 or submit copy with proposal.
- 5.0 Requested Information Outlined in the Scope of Work and Other Additional Relevant/Supporting Information or Alternate Proposals.

**EXHIBIT I
OFFER AND SUBMITTAL, REFERENCES, PROPOSED SUBCONTRACTORS**

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**EXHIBIT I
OFFER AND SUBMITTAL**

NOTE: PROPOSAL MUST BE SIGNED AND NOTARIZED BY AN AUTHORIZED REPRESENTATIVE(S) OF THE PROPOSER, WHICH MUST BE THE ACTUAL LEGAL ENTITY THAT WILL PERFORM THE CONTRACT IF AWARDED AND THE TOTAL FIXED PRICE CONTAINED THEREIN SHALL REMAIN FIRM FOR A PERIOD OF ONE-HUNDRED EIGHTY (180) DAYS.

"THE RESPONDENT WARRANTS THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED OR RETAINED TO SOLICIT OR SECURE THIS CONTRACT UPON AN AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE, OR CONTINGENT FEE, EXCEPTING BONA FIDE EMPLOYEES. FOR BREACH OR VIOLATION OF THIS WARRANTY, THE CITY SHALL HAVE THE RIGHT TO ANNUL THIS AGREEMENT WITHOUT LIABILITY OR, AT ITS DISCRETION, TO DEDUCT FROM THE CONTRACT PRICES OR CONSIDERATION, OR OTHERWISE RECOVER THE FULL AMOUNT OF SUCH COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE."

Respectfully Submitted:

(Print or Type Name of Contractor – Full Company Name)

City of Houston Vendor No. (If already doing business with City):

Federal Identification Number:

By: _____
(Signature of Authorized Officer or Agent)

Printed Name: _____

Title: _____

Date: _____

Address of Contractor: _____
Street Address or P.O. Box

City – State – Zip Code

Telephone No. of Contractor: (_____) _____

Signature, Name and title of Affiant: _____

(Notary Public in and for)

County, Texas

My Commission Expires: _____ day of _____ 20_____

**EXHIBIT I
REFERENCES
LIST OF PREVIOUS CUSTOMERS**

1. Name: _____ Phone No.: _____
Address: _____
Contract Award Date: _____ Contract Completion Date: _____
Contract Name/Title: _____
Email: _____
System Description: _____

2. Name: _____ Phone No.: _____
Address: _____
Contract Award Date: _____ Contract Completion Date: _____
Contract Name/Title: _____
Email: _____
System Description: _____

3. Name: _____ Phone No.: _____
Address: _____
Contract Award Date: _____ Contract Completion Date: _____
Contract Name/Title: _____
Email: _____
System Description: _____

4. Name: _____ Phone No.: _____
Address: _____
Contract Award Date: _____ Contract Completion Date: _____
Contract Name/Title: _____
Email: _____
System Description: _____

**EXHIBIT II
ATTACHMENT "A"
SCHEDULE OF M/WBE PARTICIPATION**

DATE OF REPORT: _____

BID NO.: _____

FORMAL BID TITLE: _____

NAME OF MINORITY/WOMEN SUBCONTRACTOR	OFFICE OF BUSINESS OPPORTUNITY CERTIFICATION NO.	STREET ADDRESS AND CITY, STATE, ZIP CODE	TELEPHONE NO.	SCOPE OF WORK	AGREED PRICE
TOTAL					\$ _____
M/WBE PARTICIPATION AMOUNT					\$ _____ %
TOTAL BID AMOUNT					\$ _____

IF YOU HAVE USED YOUR BEST EFFORTS TO CARRY OUT THE CITY'S M/WBE POLICY BY SEEKING SUBCONTRACTS AND SUPPLY AGREEMENTS WITH MINORITY AND WOMEN BUSINESS ENTERPRISES, YET FAILED TO MEET THE STATED PERCENTAGE GOAL OF THIS BID DOCUMENT, LIST BELOW YOUR GOOD FAITH EFFORTS FOR COMPLIANCE (DEFINITION OF REQUIREMENTS CAN BE OBTAINED THROUGH THE OFFICE OF BUSINESS OPPORTUNITY AT (713) 837-9000).

THE UNDERSIGNED WILL ENTER INTO A FORMAL AGREEMENT WITH THE MINORITY AND/OR WOMEN SUBCONTRACTORS AND SUPPLIERS LISTED IN THIS SCHEDULE CONDITIONED UPON AWARD OF A CONTRACT FROM THE CITY.

NOTE:
ALL FIRMS LISTED ABOVE MUST BE CERTIFIED (OR ELIGIBLE FOR CERTIFICATION) BY THE OFFICE OF BUSINESS OPPORTUNITY.
THIS SCHEDULE OF M/WBE PARTICIPATION SHOULD BE RETURNED, IN DUPLICATE, WITH THE BID FORM.

BIDDER COMPANY NAME

SIGNATURE OF AUTHORIZED OFFICER OR AGENT OF BIDDER

NAME (TYPE OR PRINT)

TITLE

**EXHIBIT II
ATTACHMENT "B"
OFFICE OF BUSINESS OPPORTUNITY AND
CONTRACT COMPLIANCE M/WBE UTILIZATION REPORT**

NOTICE OF INTENT

THIS AGREEMENT IS SUBJECT TO MEDIATION AND CAN BE INITIATED BY THE COMPANIES SIGNED BELOW OR THE OFFICE OF BUSINESS OPPORTUNITY.

To: City of Houston
Administering Department

Date: _____

Project Name and Number _____

Bid Amount: _____ M/W/SBE Goal: _____

_____, agrees to enter into a contractual agreement with
Prime Contractor

_____, who will provide the following goods/services in connection
MWSBE Subcontractor

with the above-referenced contract:

for an estimated amount of \$ _____ or _____ % of the total contract value.

_____ is currently certified with the City of Houston's Office of Business
(M/W/SBE Subcontractor) Opportunity to function in the aforementioned capacity.

_____ Intend to
Prime Contractor M/W/SBE Subcontractor

work on the above-named contract in accordance with the M/W/DBE Participation Section of the City of Houston Bid Provisions, contingent upon award of the contract to the aforementioned Prime Contractor.

Signed (Prime Contractor)

Signed (M/W/SBE Subcontractor)

Printed Signature

Printed Signature

Title Date

Title Date

**EXHIBIT II
ATTACHMENT "C"
CERTIFIED M/WBE SUBCONTRACT TERMS**

CITY OF HOUSTON CERTIFIED MWSBE SUBCONTRACT TERMS

Contractor shall ensure that all subcontracts with M/WSBE subcontractors and suppliers are clearly labeled **"THIS CONTRACT IS SUBJECT TO MEDIATION"** and contain the following terms:

1. _____(M/WSBE subcontractor) shall not delegate or subcontract more than 50% of the work under this subcontract to any other subcontractor or supplier without the express written consent of the City of Houston's Office of Business Opportunity Director ("the Director").
2. _____(M/WSBE subcontractor) shall permit representatives of the City of Houston, at all reasonable times, to perform 1) audits of the books and records of the subcontractor, and 2) inspections of all places where work is to be undertaken in connection with this subcontract. Subcontractor shall keep such books and records available for such purpose for at least four (4) years after the end of its performance under this subcontract. Nothing in this provision shall affect the time for bringing a cause of action or the applicable statute of limitations.
3. Within five (5) business days of execution of this subcontract, Contractor (prime contractor) and Subcontractor shall designate in writing to the Director an agent for receiving any notice required or permitted to be given pursuant to Chapter 15 of the Houston City Code of Ordinances, along with the street and mailing address and phone number of such agent.

These provisions apply to goal-oriented contracts. A goal-oriented contract means any contract for the supply of goods or non-professional services in excess of \$100,000.00 for which competitive proposals are required by law; not within the scope of the MBE/WBE/SBE program of the United States Environmental Protection Agency or the United States Department of Transportation; and which the City Chief Procurement Officer has determined to have significant MWSBE subcontracting potential in fields which there are an adequate number of known MBEs , WBE's, and or SBE's (if applicable) to compete for City contracts.

The MWSBE policy of the City of Houston will be discussed during the pre-proposal conference. For information, assistance, and/or to receive a copy of the City's Affirmative Action Policy and/or Ordinance, contact the Office of Business Opportunity Division at 832.393.0600, 611 Walker Street, 7th Floor, Houston, Texas 77002.

**EXHIBIT II
ATTACHMENT "D"
OFFICE OF BUSINESS OPPORTUNITY AND
CONTRACT COMPLIANCE M/WBE UTILIZATION REPORT**

Report Period: _____

PROJECT NAME & NUMBER: _____

AWARD DATE: _____

PRIME CONTRACTOR: _____

CONTRACT NO.: _____

ADDRESS: _____

CONTRACT AMOUNT: _____

LIAISON/PHONE NO.: _____

M/WBE GOAL: _____

M/WBE SUB/VENDOR NAME	DATE OF OBO CERTIFICATION	DATE OF SUBCONTRACT	SUBCONTRACT AMOUNT	% OF TOTAL CONTRACT	AMOUNT PAID TO DATE	% OF CONTRACT TO DATE

Use additional pages if needed. Submit by the 15th day of the following month.
Provide support documentation on all revenues paid to end of the report period to:
M/WBE's to reflect up/down variances on Contract amount.

Office of Business Opportunity
ATTN: Carlecia Wright 713-837-9000
611 Walker, 7th Floor
Houston, Texas 77002

EXHIBIT III
FAIR CAMPAIGN ORDINANCE

The City of Houston Fair Campaign Ordinance makes it unlawful for a Contractor to offer any contribution to a candidate for City elective office (including elected officers and officers-elect). All respondents to this invitation to bid must comply with Houston Code of Ordinances Chapter 18 as amended relating to the contribution and solicitation of funds for election campaigns. Provisions of this ordinance are provided in part in the paragraphs that follow. Complete copies may be obtained from the office of the City Secretary.

Candidates for city office may neither solicit nor receive contributions except during a period commencing 270 calendar days prior to an election date for which a person is a candidate for such office and ending 90 calendar days after the election date, including run-off elections if such candidate is on the ballot.

Further, it shall be unlawful either for any person who submits a Bid or Proposal to contribute or offer any contribution to a candidate or for any candidate to solicit or accept any contribution from such person for a period commencing at the time of posting of the City Council Meeting Agenda including an item for the award of the Contract and ending upon the 30th day after the award of the Contract by City Council.

For the purposes of this Ordinance, a **Contract** is defined as each Contract having a value in excess of \$30,000 that is let by the City for professional services, personal services, or other goods or services of any other nature whether the Contract is awarded on a negotiated basis, request for Proposal basis, competitive Proposal basis or formal sealed competitive Bids. The term **Contractor** includes proprietors of proprietorships, partners having an equity interest of 10% or more of partnerships, (including limited liability partnerships and companies), all officers and directors of corporations (including limited liability corporations), and all holders of 10% or more of the outstanding shares of corporations.

A STATEMENT DISCLOSING THE NAMES AND BUSINESS ADDRESSES EACH OF THOSE PERSONS WILL BE REQUIRED TO BE SUBMITTED WITH EACH BID OR PROPOSAL FOR A CITY CONTRACT.

Completion of the attached form entitled "**Contractor Submission List**" will satisfy this requirement. Failure to provide this information may be just cause for rejection of your Bid or Proposal.

**EXHIBIT III
FORM "A": FAIR CAMPAIGN**

CITY OF HOUSTON FAIR CAMPAIGN ORDINANCE

The City of Houston Fair Campaign Ordinance makes it unlawful for a Contractor to offer any contribution to a candidate for City elective office (including elected officers-elect) during a certain period of time prior to and following the award of the Contract by the City Council. The term "Contractor" Includes proprietors of proprietorships, partners or joint venture's having an equity interest of 10 percent or more for the partnership or Joint venture, and officers, directors and holders of 10 percent or more of the outstanding shares of corporations. A statement disclosing the names and business addresses of each of those persons will be required to be submitted with each Bid or Proposal for a City Contract. See Chapter 18 of the Code of Ordinances, Houston, Texas, for further information.

This list is submitted under the Provisions of Section 18-36(b) of the Code of Ordinances, Houston, Texas, in connection with the attached Proposal, submission or bid of:

Firm or Company Name: _____

Firm or Company Address: _____

The firm/company is organized as a (Check one as applicable) and attach additional pages if needed to supply the required names and addresses:

SOLE PROPRIETORSHIP

Name _____	_____
Proprietor	Address

A PARTNERSHIP

List each partner having equity interest of 10% or more of partnership (if none state "none"):

Name _____	_____
Partner	Address

Name _____	_____
Partner	Address

A CORPORATION

List all directors of the corporation (if none state "none"):

Name _____	_____
Director	Address

Name _____	_____
Director	Address

Name _____	_____
Director	Address

List all officers of the corporation (if none state "none"):

Name _____
Officer Address

Name _____
Officer Address

Name _____
Officer Address

List all individuals owning 10% or more of outstanding shares of stock of the corporation (if none state "none"):

Name _____
Address

Name _____
Address

Name _____
Address

I certify that I am duly authorized to submit this list on behalf of the firm, that I am associated with the firm in the capacity noted below and that I have personal knowledge of the accuracy of the information provided herein.

Preparer

Printed Name

Title

Note: This list constitutes a **government record** as defined by § 37.01 of the Texas Penal Code.

8/23/01

**EXHIBIT IV:
CONTRACTOR OWNERSHIP DISCLOSURE ORDINANCE**

City Council requires knowledge of the identities of the owners of entities seeking to Contract with the City in order to review their indebtedness to the City prior to entering Contracts. Therefore, all respondents to this Invitation to Bid must comply with Houston Code of Ordinances Chapter 15, as amended (Sections 15-122 through 15-126) relating to the disclosure of owners of entities bidding on, proposing for or receiving City contracts. Provisions of this ordinance are provided in part in the paragraphs that follow. Complete copies may be obtained from the office of the City Secretary.

Contracting entity means a sole proprietorship, corporation, non-profit corporation, partnership, joint venture, limited liability company, or other entity that seeks to enter into a contract requiring approval by the Council but excluding governmental entities.

A contracting entity must submit at the time of its Bid or Proposal, an affidavit listing the full names and the business and residence addresses of all persons owning five percent or more of a contracting entity or, where a contracting entity is a non-profit corporation, the full names and the business and residence addresses of all officers of the non-profit corporation.

Completion of the "**Affidavit of Ownership or Control**," included herein, and submitted with the Official Bid or Proposal Form will satisfy this requirement. Failure to provide this information may be just cause for rejection of your Bid or Proposal.

**EXHIBIT IV:
AFFIDAVIT OF OWNERSHIP OR CONTROL**

ORIG. DEPT.: _____

FILE/I.D. NO.: _____

INSTRUCTION: ENTITIES USING AN ASSUMED NAME SHOULD DISCLOSE SUCH FACT TO AVOID REJECTION OF THE AFFIDAVIT. THE FOLLOWING FORMAT IS RECOMMENDED: CORPORATE/LEGAL NAME DBA ASSUMED NAME.

STATE OF _____ §

§

AFFIDAVIT OF OWNERSHIP OR CONTROL

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared

_____ [FULL NAME] (hereafter "Affiant"),

_____ [STATE TITLE/CAPACITY WITH CONTRACTING ENTITY] of

_____ [CONTRACTING ENTITY'S

CORPORATE/LEGAL NAME] ("Contracting Entity"), who being by me duly sworn on oath stated as follows:

1. Affiant is authorized to give this affidavit and has personal knowledge of the facts and matters herein stated.

2. Contracting Entity seeks to do business with the City in connection with _____ [DESCRIBE PROJECT OR MATTER] which is expected to be in an amount that exceeds \$50,000.

3. The following information is submitted in connection with the proposal, submission or bid of Contracting Entity in connection with the above described project or matter.

4. Contracting Entity is organized as a business entity as noted below (check box as applicable).

FOR PROFIT ENTITY:

NON-PROFIT ENTITY:

SOLE PROPRIETORSHIP

NON-PROFIT CORPORATION

CORPORATION

UNINCORPORATED ASSOCIATION

PARTNERSHIP

LIMITED PARTNERSHIP

JOINT VENTURE

LIMITED LIABILITY COMPANY

OTHER (Specify type in space below)

5. The information shown below is true and correct for the Contracting Entity and all owners of 5% or more of the Contracting Entity and, where the Contracting Entity is a non-profit entity, the required information has been shown for each officer, *i.e.*, president, vice-president, secretary, treasurer, etc. **[NOTE: IN ALL CASES, USE FULL NAMES, LOCAL BUSINESS AND RESIDENCE ADDRESSES AND TELEPHONE NUMBERS. DO NOT USE POST OFFICE BOXES FOR ANY ADDRESS. INCLUSION OF E-MAIL ADDRESSES IS OPTIONAL, BUT RECOMMENDED. ATTACH ADDITIONAL SHEETS AS NEEDED.]**

Contracting Entity

Name: _____

Business Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (_____) _____

Email Address **[OPTIONAL]** _____

Residence Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (_____) _____

Email Address **[OPTIONAL]** _____

5% Owner(s) or More (IF NONE, STATE "NONE.")

Name: _____

Business Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (_____) _____

Email Address **[OPTIONAL]** _____

Residence Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (_____) _____

Email Address **[OPTIONAL]** _____

6. Optional Information

Contracting Entity and/or _____ [NAME OF OWNER OR NON-PROFIT OFFICER] is actively protesting, challenging or appealing the accuracy and/or amount of taxes levied against _____ [CONTRACTING ENTITY, OWNER OR NON-PROFIT OFFICER] as follows:

Name of Debtor: _____
Tax Account Nos. _____
Case or File Nos. _____
Attorney/Agent Name _____
Attorney/Agent Phone No. (____) _____
Tax Years _____

Status of Appeal [DESCRIBE] _____

Affiant certifies that he or she is duly authorized to submit the above information on behalf of the Contracting Entity, that Affiant is associated with the Contracting Entity in the capacity noted above and has personal knowledge of the accuracy of the information provided herein, and that the information provided herein is true and correct to the best of Affiant's knowledge and belief.

Affiant

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

(Seal)

Notary Public _____

NOTE:

This affidavit constitutes a **government record** as defined by Section 37.01 of the Texas Penal Code. Submission of a false government record is punishable as provided in Section 37.10 of the Texas Penal Code. Attach additional pages if needed to supply the required names and addresses.

**EXHIBIT V
ANTI-COLLUSION STATEMENT**

Anti-Collusion Statement

The undersigned, as Proposer, certifies that the only person or parties interested in this Proposal as principals are those named herein; that the Proposer has not, either directly or indirectly entered into any Agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the award of this Contract.

Date

Proposer Signature

EXHIBIT VI CONFLICT OF INTEREST QUESTIONNAIRE

CONFLICT OF INTEREST QUESTIONNAIRE:

Chapter 176.006 of the Local Government Code (“the code”) requires a Vendor/Contractor to file a Conflict of Interest Questionnaire (CIQ) with the City.

NOTE: Vendors/Contractors or Agents should **not** complete the CIQ if a conflict, as described below, **does not exist. Only Vendors/Contractors or Agents that actually have a conflict, as described below, must file a CIQ.**

Who must file a CIQ?

A Vendor/Contractor or Agent of a Vendor/Contractor does not have to file a CIQ unless they intend to enter or is considering entering into a contract with the City or:

1. has an employment or other business relationship with the Local Government Officer/Family Member; or
2. has given the Local Government Officer/Family Member one or more gifts with the aggregate value exceeding \$250.00.

When must the Vendor/Contractor or Agent file a CIQ?

The completed CIQ must be filed with the City Chief Procurement Officer not later than the 7th business day after the date the Vendor/Contractor or Agent:

1. begins discussions or negotiations to enter into a contract with the City;
2. submits an application to the City in response to a request for proposals or bids, correspondence, or any other writing related to a potential contract with the City;
3. becomes aware of an employment or other business relations with the Local Government Officer/Family Member;
4. becomes aware that he/she has given one or more gifts to the Local Government Officer/Family Member that exceeds \$250.00; or
5. an event that would make the CIQ incomplete or inaccurate.

What is a business relationship?

Under Chapter 176, business relationship means a connection between two or more parties based on the commercial activity of one of the parties. The term does not include:

1. a transaction that is subject to a rate or fee regulation by a governmental entity;
2. a transaction conducted at a price and subject to terms available to the public; or
3. a purchase or lease of goods or services from a person who is chartered by a state or federal agency and is subject to regular examination and reporting to that agency.

The Conflict of Interest Questionnaire is available for downloading from the Texas Ethics Commission’s website at <http://www.ethics.state.tx.us/forms/CIQ.pdf>.

The Original Conflict of Interest Questionnaire shall be filed with the Administration and Regulatory Affairs Department’s Record Administration (Lourdes Coss, City Chief Procurement Officer, 901 Bagby, Concourse Level, Houston, Texas 77002). Vendors and Contractors required to file shall include a copy of the form as part of the BID/Proposal package. **Any questions about filling out this form should be directed to your attorney.**

**EXHIBIT VI
CONFLICT OF INTEREST QUESTIONNAIRE**

CONFLICT OF INTEREST QUESTIONNAIRE	FORM CIQ
<p>For vendor or other person doing business with local governmental entity</p>	<p>OFFICE USE ONLY</p>
<p>This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.</p> <p>A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.</p>	<p>Date Received</p>
<p>1 Name of person who has a business relationship with local governmental entity.</p>	
<p>2 <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire.</p> <p>(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)</p>	
<p>3 Name of local government officer with whom filer has employment or business relationship.</p> <p align="center">_____</p> <p align="center">Name of Officer</p> <p>This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.</p> <p>A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?</p> <p align="center"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?</p> <p align="center"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?</p> <p align="center"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>D. Describe each employment or business relationship with the local government officer named in this section.</p>	
<p>4</p> <p align="center">_____</p> <p align="center">Signature of person doing business with the governmental entity</p> <p align="right">_____</p> <p align="right">Date</p>	

Adopted 06/29/2007