

MWBE GOAL PARTICIPATION

Harris County (the County) strives to engage with prime contractors and subcontractors that represent the diverse businesses of the County. We will ensure that historically underutilized minority- and woman-owned businesses (M/WBEs) receive a fair and equal opportunity to participate in the County's procurement process. *The County requires Vendors to make a good faith effort to meet or exceed a _____% goal for participation by M/WBEs on this project.* Failure to either demonstrate that the proposer will meet the M/WBE goal or has made sufficient good faith efforts to do so at the time of bid submission will result in the rejection of the bid. **The ability or desire of the proposer to perform the project work with its own organization does not relieve the proposer of the responsibility to make good faith efforts.**

Additional definitions and guidance are provided in the County's Minority- and Woman-Owned Business Enterprise Policy, adopted in 2020.

M/WBE Utilization Plan - Bidder shall include a completed M/WBE Utilization Plan to meet the M/WBE goal established for this project by Harris County. If the bidder is unable to meet the established M/WBE goal, the bidder must provide documentation supporting that a good faith effort to meet the goal was fulfilled which will be evaluated by Harris County. *If the M/WBE Utilization Plan or documentation of good faith efforts is not submitted prior to the date and time set forth by this bid, the bid will be considered non-responsive. Refer to the M/WBE Utilization Plan TIP SHEET for information on how to complete the Utilization Plan and its required supporting documentation.*

Minority and Women-Owned Business Enterprise Utilization Commitment Form - Proposer shall complete and return as specified herein.

A copy of the proposed M/WBE firm's certification sought to be counted towards the M/WBE goal and an executed Letter of Intent (LOI) for each listed M/WBE shall accompany the bid. The firm must be certified at the time of bid submission; M/WBEs pending certification applications will not be accepted for goal credit.

Accepted M/WBE Certifications

For purposes of the bid, Harris County will accept MBE, WBE and DBE certifications from the City of Houston; Disadvantaged Business Enterprise (DBE) certifications from the Texas Unified Certification Program (TUCP); 8(a) certifications from the U.S. Small Business Administration; MBE certifications from the National Minority Supplier Development Council (NMSDC); MBE certifications from the Houston Minority Supplier Development Council (HMSDC); and WBE certifications from the Women's Business Enterprise National Council (WBENC) and the Women's Business Enterprise Alliance (WBEA).

Significant Local Presence

Certified M/WBE businesses must have a Significant Local Presence to be counted towards the contract goal. To establish a Significant Local Presence, a M/WBE firm without a location in the market area must provide documentation that it has performed on at least three contracts or subcontracts, in the market area (the counties of Harris, Fort Bend, Montgomery, Brazoria, and Galveston Counties, Texas) within the last three years. A location utilized solely as a post office box, mailbox, or telephone message center, or any combination thereof, with no substantial work function, shall not be construed as Significant Local Presence.

Use of Trucking Firms

When trucking firms are used to satisfy goal credit, proof of the trucking firm's ownership of at least one fully operational, insured truck to be used on the contract must be provided with the Utilization Plan submission. Proposers shall submit the following documentation when submitting trucking firms for goal credit:

1. Trucking firm's W-9.
2. Trucking firm's current and valid insurance documents.
3. Proof of ownership and/or registration on the TxDOT website.

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Participation by certified M/WBEs will be counted as follows:

1. The proposer that is an M/WBE may count the entire amount of its self-performance using its own forces within its NAICS code.
2. The proposer may count the entire amount of that portion of the contract that is performed by the M/WBE's own forces, including the cost of supplies and materials, or equipment leased by the M/WBE for the work of the contract. Supplies and equipment the M/WBE subcontractor purchases or leases from the prime contractor or its affiliate does not count towards the contract goal.
3. The proposer may count the entire amount of fees or commissions charged by an M/WBE for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, provided the County determines the fee to be reasonable and not excessive as compared with fees customarily allowed for similar services.
4. When an M/WBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted only if the M/WBE's subcontractor is itself an M/WBE. Work that an M/WBE subcontracts to a non-certified firm does not count towards the M/WBE contract goal.
5. When an M/WBE performs as a participant in a joint venture, the joint venture proposer may count only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the M/WBE performs with its own forces. The M/WBE participant in the joint venture must be responsible for a clearly defined portion of the work to be performed equal to its share in the ownership, control, management responsibility, risks and profits of the joint venture. The County shall review the profits and losses, initial capital investment, actual participation of the M/WBE joint venture partner in the performance of the contract with its own forces and for which it is separately at risk, and other pertinent factors of the joint venture. The joint venture agreement must be approved by the County and it is required to operate in accordance with the approved joint venture agreement.
6. The proposer may count the entire amount of expenditures with M/WBEs for materials or supplies, provided the M/WBE is responsible for ordering and paying for the materials and supplies in full, using its own credit and accepting all the risks of the purchase.

* For additional information regarding credit towards M/WBE contract goals for the services of trucking firms, reference Section VI of the Harris County M/WBE Program Policy.

M/WBE Subcontractor participation only counts toward a prime contractor's compliance with its Utilization Plan when the amount being counted has actually been paid to the M/WBE.

Commercially Useful Function:

Only expenditures to an M/WBE that is performing a commercially useful function shall be counted towards the contract goal. To perform a commercially useful function, the M/WBE subcontractor must also be responsible, with respect to materials and supplies used on the contract, for negotiating price (if applicable), determining quality and quantity (if applicable), ordering the material, and installing and paying for the material itself.

To determine whether an M/WBE is performing a commercially useful function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the M/WBE credit claimed for its performance of the work, and other relevant factors.

An M/WBE does not perform a commercially useful function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of M/WBE participation. In determining whether an M/WBE is such an extra participant, the County will examine similar transactions, particularly those in which M/WBEs do not participate.

The prime contractor is responsible for ensuring that the firm is performing a commercially useful function. If the M/WBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force, or the M/WBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the County will presume that it is not performing a commercially useful function.

The County uses additional factors in determining whether an M/WBE trucking company is performing a Commercially Useful Function. Reference the Harris County M/WBE Policy for additional information on the use of trucking companies to meet goal requirements.

When an M/WBE is presumed not to be performing a commercially useful function, the M/WBE may present evidence to rebut this presumption. The County's determination that an M/WBE is not performing a commercially useful function shall be final.

M/WBE UTILIZATION PLAN TIP SHEET



In accordance with Harris County Minority- and Woman-Owned Business Enterprise (M/WBE) Policy, M/WBE Utilization Plans must be submitted by the Bidder or Proposer (hereafter Bidder) listing the certified firms and non-certified firms that the Bidder intends to use in the performance of a contract. This Tip Sheet has been created to assist Bidders in submitting a compliant M/WBE Utilization Plan.

- A. A compliant Utilization Plan (UP) submittal for **MEETING THE M/WBE ADVERTISED GOAL** must include the following:
1. A completed M/WBE Utilization Commitment Form (p. 1 of M/WBE UP packet).
 2. Sections I through V of the M/WBE Utilization Plan must be completed (p. 2-6 of M/WBE UP). Instructions on how to complete the sections are included in this TIP SHEET.
 3. Letters of Intent **SIGNED BY BOTH** the Bidder and all M/WBE subcontractors listed on the UP. The term subcontractor refers to any subcontractor, subconsultant, supplier or trucking firm fulfilling a tiered role on the contract. *When using trucking firms to meet the goal, refer to Harris County M/WBE Policy found on the DEEO website to ensure they will count for goal credit. **Trucking brokers shall only receive credit for the fees and commissions of the work.***
 4. Copy of the current active certification for all M/WBE firms listed on the UP. **Harris County only recognizes the certifications below for credit in meeting the M/WBE goal:**

Certifying Agency	DBE	MBE	WBE	SBA 8(a)
City of Houston	X	X	X	
U.S. Small Business Administration				X
City of Austin- TUCP	X			
Corpus Christi- TUCP	X			
North Central Texas Regional Certification Agency- TUCP	X			
South Central Texas Regional Certification Agency- TUCP	X			
Texas Department of Transportation- TUCP	X			
National Minority Supplier Development Council (NMSDC)*		X		
Houston Minority Supplier Development Council (HMSDC)*		X		
Women's Business Enterprise National Council (WBENC)*			X	
Women's Business Enterprise Alliance (WBEA)*			X	

5. Proof of **Significant Local Presence (SLP)** for M/WBE firms that do not have a listed location in the market area on their M/WBE certification documentation and for firms certified by the National Minority Supplier Development Council (NMSDC) and the Women's Business Enterprise National Council (WBENC). See Section IV TIPS.

6. (As required) When trucking firms are used to satisfy goal credit, proof of the trucking firm’s ownership of at least one fully operational, insured truck to be used on the contract must be demonstrated with the Utilization Plan submission. Proposers shall submit copies of the following documentation when submitting trucking firms for goal credit:
 - 1) Trucking firm’s W-9.
 - 2) Trucking firm’s current and valid insurance documents.
 - 3) Proof of ownership and/or registration on the TxDOT website.

B. A compliant Utilization Plan (UP) submittal for **NOT MEETING THE M/WBE ADVERTISED GOAL** must also include the following:

- All sections of the M/WBE Utilization Plan and Commitment Form must be completed. All components of Section A on this TIP SHEET must be addressed if submitting a partial goal.
- Good Faith Effort documentation is **required**. Please see the attached Good Faith Effort Documentation guidelines on this TIP SHEET and address all items. Failure to address all items will result in a non-responsive UP submission removing the Bidder from consideration for award.

POSSIBLE CAUSES FOR UTILIZATION PLAN REJECTION (LIST NOT ALL INCLUSIVE):

- Failure to follow instructions on the M/WBE UP, this TIP SHEET, and/or Harris County M/WBE Policy
- Failure to properly notify M/WBEs and/or provide sufficient information to bid
- Failure to include supporting documentation of all Good Faith Efforts listed on this TIP SHEET
- Failure to select M/WBE firms recognized by Harris County for M/WBE credit
- Failure to select currently certified/active M/WBEs that meet SLP requirements
- Failure to fully execute Letters of Intent
- Failure to provide proof of truck ownership for trucking firms used to satisfy goal requirements

****NOT SUBMITTING THE AFOREMENTIONED INFORMATION WILL DEEM YOUR SUBMITTAL NON-RESPONSIVE (NON-COMPLIANT) ****

THE FOLLOWING ARE STEPS IN COMPLETING A COMPLIANT UTILIZATION PLAN (UP pages 2-6):

Section I- Project Identification and Goal

1. Enter Project Name: full name as advertised by Harris County.
2. Enter Solicitation Number: six-digit number, also called job number.
3. Enter Project Goal: the advertised goal for the project.

Section I — Project Identification and Goal		
Project Name	Harris County street repairs	
Solicitation Number	12/3456	
Project Goal		
M/WBE	10	%

Section II- Prime Company Information

1. Enter Bidder’s Company information as requested, i.e., company name, address, etc.
2. Enter Name and title of Contact Person. This person is responsible for answering questions that pertain to the utilization plan.
3. Enter Contact Person Email and Phone Number.
4. Select whether the Bidder is an M/WBE certified firm or an M/WBE Joint Venture.
5. Signature and date by the individual who has signature authority for the organization.

Section II — Prime Company Information

Name of Company	Houston Construction Company
Address	12345 Main St.
City, State Zip	Houston, TX 77002
Phone	713-281-8320
Name of Contact Person	Mike Jones
Email address for Contract Person	mikejones@gmail.com
Telephone number for Contract Person	713-281-8320
Is prime company M/WBE certified? (MBE/WBE, DBE, HUB, or 8(a))	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> MBE/WBE Joint Venture <input type="checkbox"/>

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

Mike Jones
Name and Title of Authorized Representative

Mike Jones
Signature

01-01-2024
Date

Section III- Utilization Plan Summary

1. Enter Bidder’s own participation in project: percentage amount of contract Bidder intends to self-perform (if Bidder is a M/WBE certified firm, this percentage will be applied toward the advertised M/WBE goal, can be up to 100% if self-performing all work and not utilizing subcontractors).
2. Enter M/WBE(s): total percentage amount of work to be performed by all listed M/WBE firms.
 - This percentage will be applied toward the advertised M/WBE goal
3. Enter Non-Certified Subcontractor(s): percentage of work to be done by non-certified firms.
4. Total participation must equal 100%.

Section III — Utilization Plan Summary

Goals: Proposed Participation			
Bidder's own participation in project			%
M/WBE(s): (MBE/WBE, DBE, or 8(a))			%
Non-Certified Subcontractor(s)			%
Total Participation (must equal 100%)			%

5. The Bidder must select if the stated M/WBE goal of the solicitation will be met or not. If they are not able to meet the goal, an explanation must be provided in the space below, along with documentation of **Good Faith Efforts** as outlined by DEEO.

Good Faith Efforts should include:

- Advertising in general circulation
- Using services of the chambers of commerce and/or trade associations
- Following up on initial solicitations of interest
- Unbundling the project for smaller firms to participate
- Documenting all contacts with potential firms and providing emails and verifying correspondence as part of the packet.

(See below Good Faith Effort Documentation guidelines on how to submit)

Is the stated M/WBE goal of the solicitation met? (If no, provide an explanation below, attach the Good Faith Effort documentation)

Yes No

Explanation for not meeting the M/WBE Goal:

Section IV- Disclosure of M/WBE Participation

Section IV — Disclosure of M/WBE Participation
Please list all M/WBE subcontractors below & Duplicate as Needed

- Use the name of the M/WBE firm as listed in the certified directory. Ensure the firm is certified by one of the approved agencies.
- Ensure the M/WBE firm's participation is in line with the NAICS/NIGP code it is certified for.
- Ensure the M/WBE firm meets Significant Local Presence requirements.
- Refer to Harris County M/WBE Policy for trucking companies to be used on a contract. Trucking companies must meet policy requirements to count for M/WBE goal credit. M/WBE trucking brokers shall only receive credit for the fees and commissions of the work which may be insufficient to meet the goal.

Name of M/WBE Certified Firm	Construction Subcontractor
Must be certified by one of the approved agencies: -Certification MUST be current -Copy of certificate must be submitted with this form * Ensure the M/WBE firm meets Significant Local Presence requirements and provide supporting documentation if address is outside of market area (see Tip Sheet).	<input checked="" type="checkbox"/> City of Houston: MBE/WBE/DBE <input type="checkbox"/> Texas Unified Certification Program: DBE <input type="checkbox"/> U.S. Small Business Administration: 8(a) <input type="checkbox"/> Houston Minority Supplier Development Council (HMSDC): MBE <input type="checkbox"/> National Minority Supplier Development Council (NMSDC): MBE <input type="checkbox"/> Women's Business Enterprise Alliance (WBEA): WBE <input type="checkbox"/> Women's Business Enterprise National Council (WBENC): WBE
Address/ City / State / Zip	12345 Main St., Houston TX 77002
Name of M/WBE Compliance Contact Person	Mr. Subcontractor
Email address for Contact Person	mrsubcontractor@hotmail.com
Telephone number for Contact Person	713-281-8320
Percent of Total Contract Value	15%
Description of services (must match NAICS/NIGP code)	Concrete Work
6-digit NAICS/NIGP code for work to be performed	123456

1. Enter Name of M/WBE certified firm: name of subcontractor being utilized on the project. For purposes of the M/WBE contract goal, M/WBE refers to one of the certifications accepted for credit by the Harris County M/WBE Program.
2. Ensure that the M/WBE has an active certification listed below by one of the following approved agencies and select the appropriate box:

Certifying Agency	DBE	MBE	WBE	SBA 8(a)
City of Houston	X	X	X	
U.S. Small Business Administration				X
City of Austin- TUCP	X			
Corpus Christi- TUCP	X			
North Central Texas Regional Certification Agency- TUCP	X			
South Central Texas Regional Certification Agency- TUCP	X			
Texas Department of Transportation- TUCP	X			
National Minority Supplier Development Council (NMSDC)*		X		
Houston Minority Supplier Development Council (HMSDC)*		X		
Women's Business Enterprise National Council (WBENC)*			X	
Women's Business Enterprise Alliance (WBEA)*			X	

3. Enter Address/City/State/Zip: information of certified firm.

4. Enter Name, e-mail address, and phone number of Contact Person: person responsible for M/WBE updates.
5. Enter Percentage of Total Contract Value: percentage of the amount of work to be performed by listed M/WBE firm.
6. Enter Description of services: **services the subcontractor will perform and is certified for. A M/WBE will not receive goal credit for performing work they are not certified to do.**
7. Enter 6-digit NAICS/NIGP codes for work to be performed: NAICS/NIGP codes describe the services a subcontractor is certified to perform. The codes must match the description of services entered in 6 above.
 - (North American Industry Classification System: www.naics.com)
 - (Texas Comptroller of Public Accounts: <https://comptroller.texas.gov/purchasing/nigp/>)

SIGNIFICANT LOCAL PRESENCE

In addition to having one of the above-mentioned certifications, M/WBE firms must have a **Significant Local Presence**.

To establish a significant local presence, a M/WBE firm must have a location, or have performed on at least three (3) contracts or subcontracts, in the market area within the last three (3) years. The market area is defined as the Counties of Harris, Fort Bend, Montgomery, Brazoria, or Galveston, TX.

**** If the M/WBE does not have a location in the market area listed on their M/WBE certification document OR is certified by the National Minority Supplier Development Council (NMSDC) OR the Women's Business Enterprise National Council (WBENC), additional documentation must be provided with the M/WBE Utilization Plan detailing the three contracts it has performed in the market area within the last three years.**

For each M/WBE that this applies to, a Significant Local Presence (SLP) form must be completed. The form chart lists the required contract information for the three (3) projects that would qualify the M/WBE to participate on the contract (Contract Number, Client Name, Title of the Contract, Contract Dates, and Scope of Work performed). This applies to both prime and subcontractor M/WBEs if they do not have an office in the market area.