

Texas Water Development Board
Small, Minority, Women-Owned Business Enterprise Program
Tips for Achieving a Good Faith Effort in Procurement

To assist entities **identify, include, and utilize** qualified Small, Minority, and Women-Owned Business Enterprises (SMWBE), applicants and prime contractors are encouraged to refer to the following list of resources made available on a local, statewide, and national level.

Resources for identifying SMWBE's:

- ◆ **Texas Building and Procurement Commission's (TBPC) Centralized Master Bidders List (CMBL) & Historically Underutilized Business (HUB) Search** - The CMBL & HUB Search is a statewide database managed by the TBPC. This database contains contact information on all vendors registered to do business with the State, including TBPC-certified HUB vendors. The CMBL & HUB search is an online system available to the public free of charge.
<http://www.tbpc.state.tx.us/cmb/cmbhub.html>

- ◆ **Texas Department of Transportation - Disadvantaged Business Enterprise Directory**
<http://www.dot.state.tx.us/business/tucpinfo.htm>

- ◆ **The City of Houston - Minority, Women-Owned, and Disadvantaged Business Directory**
http://houston.mwdbe.com/FrontEnd/VendorSearchPublic.asp?TN=Houston_Diversity

- ◆ **The City of Austin - Minority Vendor List**
http://www.ci.austin.tx.us/purchase/pu_vendor_intro.htm

- ◆ **Small Business Administration's-Dynamic Small Business Search** SBA-DSBA is an Internet-based system that allows applicants and prime contractors to search for small, minority and women-owned businesses in their area.
http://dsbs.sba.gov/dsbs/dsp_dsbs.cfm

- ◆ **Other Minority & Women Business Organizations that you can contact directly to obtain a list of qualified vendors for your procurement opportunity:**

American Indian Chamber of Commerce of Texas	Texas Association of Historically Underutilized Businesses
Website: www.aicct.com Contact: Diana Woodward Email: dwoodward@aicct.com Phone: 817-429-2323 Fax: 817-451-3575	Website: www.texashubs.org Contact: Roy Mata Email: rmata@tgsaustin.com , info@texashubs.org Phone: 512-220-4293 Fax: 512-288-9121
Central & South Texas Minority Business Council	Women's Business Council – Southwest
Website: www.cstmdbc.org Contact: Name: Jennifer Mort Email: jennifer@sdtmdbc.com , eva@cstmdbc.com Phone: 210-525-7925, 512-386-8766	Website: www.wbcsouthwest.org Contact: Emilia Menthe, Erica Williams Email: ementhe@wbcsouthwest.org , ewilliams@wbcsouthwest.org Phone: 817-299-0566
Dallas/Fort Worth Minority Business Development Council	Women Contractors Association
Website: www.dfwmbdc.com Contact: Andrew Nash Email: business@dfwmbdc.com Phone: 214-630-0747 Fax: 214-637-2241	Website: http://www.womencontractors.org/ Contact: Josena Arquieta Email: jarquieta@womencontractors.org Phone: 713-807-9977 Fax: 713-807-9917

Options for announcing your solicitation:

- ◆ **Direct Communication** - Contacting potential bidders by direct communication can include but are not limited to correspondence by letter, facsimile, telephone, or email. Applicants and prime contractors are required to provide copies of outreach letters, mailing lists, telephone, fax, and email tracking logs.
- ◆ **Small Business Administration's (SBA) Sub-Net** - *Sub-Net* is an Internet-based system that allows applicants and prime contractors to post their procurement opportunities online. Access to the database is free to government agencies and contractors, and is an excellent resource for soliciting SMWBE's for your project.

The Sub-Net database can be accessed at: <http://web.sba.gov/subnet>

- ◆ **Newspaper Advertisements** - The posting of applicable project procurement opportunities should be done in accordance with the notice requirements of state law on competitive bidding, where applicable. There are specific laws governing each type of entity. For example, two important provisions of state law governing municipalities require:

1. The notice should be published once a week for two consecutive weeks in a newspaper published in the municipality. If no newspaper is published in the municipality, the notice must be posted at the city hall for 14 days before the date set to publicly open the bids and read them aloud;
2. The date of the first publication should be BEFORE the 14th day of the date set to publicly open the bids.

***** Please consult your legal counsel for specific laws governing your entity. *****

Pertinent language that needs to appear within the text of the solicitation includes:

- A. This contract is contingent upon release of funds from the Texas Water Development Board (TWDB).
- B. Any contract or contracts awarded under this Invitation for Bid (IFB) or Request for Qualifications (RFQ) are expected to be funded in part by a loan from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this IFB, RFQ, or any resulting contract.
- C. This contract is subject to the Environmental Protection Agency's (EPA) "fair share policy", which includes EPA-approved "fair share goals" for Minority Business Enterprise (MBE) & Women Business Enterprise (WBE) firms in the Construction, Supplies, Equipment, and Services procurement categories. EPA's policy requires that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to SMWBE's. Although EPA's policy does not mandate that the fair share goals be achieved, it does require applicants and prime contractors to demonstrate us of the six affirmative steps. The current fair share goals for the State of Texas are as follows:

CATEGORY	MBE	WBE
CONSTRUCTION	34.0%	8.0%
SUPPLIES	18.0%	29.0%
EQUIPMENT	13.0%	13.0%
SERVICES	22.0%	26.0%

- D. Equal Opportunity in Employment - All qualified Applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap or national origin. Bidders on this work will be required to comply with the President's Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations 41 CFR Part 60. Small, minority, and women-owned business enterprises are encouraged to respond.

A complete version of TWDB document, "SMWBE State Revolving Fund Program Guidance Document for the Utilization of Small, Minority, and Women-Owned Business Enterprises in Procurement" is available online at:
http://www.twdb.state.tx.us/publications/forms_manuals/SRF052.rtf

TWDB SMWBE Review

Useful Information for Completing & Submitting SMWBE Forms

Item 1 is required to be submitted once with the **LOAN APPLICATION** and must be approved by the SMWBE Coordinator **PRIOR** to obtaining a TWDB funding commitment.

Item	Form	Responsible Party	Purpose of Form
1	WRD 215	Applicant/Entity Only	Establishes the Applicant/Entity's understanding of federal guidelines and certifies their willingness to comply with EPA's "Good Faith Effort" policy in all project procurements paid for with federal loan proceeds. Describes the maximum potential MBE/WBE procurement opportunities using the pre-established goals.

Items 2, 3, & 4 are required to be submitted once with the **LOAN APPLICATION** for those Applicants who procure **Bond Counsel**, **Financial Advisor**, and **Engineer** professional services and intend to fund those services with federal loan proceeds .

Item	Form	Responsible Party	Purpose of Form
2	WRD 216	Applicant/Entity	Identifies who was solicited and how the solicitation was conducted. Must include the appropriate backup documentation such as newspaper advertisements, mailouts/letters, web postings, phone/fax logs etc.
3	WRD 217	Prime Contractor(s) Only	Establishes the Prime Contractor's understanding of federal guidelines and certifies their willingness to comply with EPA's "Good Faith Effort" policy in all project procurements paid for with federal loan proceeds. Describes the maximum potential MBE/WBE subcontracting opportunities using the pre-established goals.
4	SRF 373	Applicant/Entity	Describes all contracts actually awarded by the Applicant/Entity and/or Prime Contractor. Should include adequate backup documentation to confirm SMWBE status, where applicable.

Items 5, 6, 7, & 8 are required to be submitted for contracts which could be awarded during the planning, design & construction phases of the project. This applies to all contracts awarded by the applicant/entity, as well as subcontracts awarded by prime contractors.

Item	Form	Responsible Party	Purpose of Form
5	WRD 216	Applicant/Entity & Prime Contractor	Identifies who was solicited and how the solicitation was conducted. Must include the appropriate backup documentation such as newspaper advertisements, mailouts/letters, web postings, phone/fax logs etc.
6	WRD 217	Prime Contractor(s) Only	Establishes the Prime Contractor's understanding of federal guidelines and certifies their willingness to comply with EPA's "Good Faith Effort" policy in all project procurements paid for with federal loan proceeds. Describes the maximum potential MBE/WBE subcontracting opportunities using the pre-established goals.
7	WRD 218	Prime Contractor(s) & All Subcontractors	Serves as "Self-Certification" of Small, Minority, Women, or Rural Business Enterprise status, and is used only if/when an actual certificate or other form of certification is not readily available. Requires notarization by certified public notary.
8	SRF 373	Applicant/Entity & Prime Contractor	Describes all contracts actually awarded by the Applicant/Entity and/or Prime Contractor. Should include adequate backup documentation to confirm SMWBE status, where applicable.

TWDB Contact Information	
Contact:	Otis Williams
Email:	Otis.Williams@twdb.state.tx.us
Phone:	512.463.1878
Fax:	512.475.3009

TEXAS WATER DEVELOPMENT BOARD
APPLICANT/ENTITY AFFIRMATIVE STEPS CERTIFICATION and GOALS

WRD-215

I. PROJECT INFORMATION

A. TWDB Project No.	B. Applicant/Entity Name	C. Loan/Grant Amount	D. Program Type (insert "X" for all that apply)
			<input type="checkbox"/> Drinking Water SRF (DWSRF) <input type="checkbox"/> Clean Water SRF (CWSRF) <input type="checkbox"/> Colonia Wastewater (CWTAP) <input type="checkbox"/> Other _____

II. GOOD FAITH EFFORT (Applicable to all PRIME Contracts Awarded by the Applicant/Entity)

I understand that it is my responsibility to comply with all state and federal regulations and guidance in the utilization of Small, Minority, Women-Owned and Small Businesses in Rural Areas, in procurement. I certify that I will make a 'good faith effort' to afford opportunities for SBE, MBE, WBE and SBRA's by:

- Including qualified SBE, MBE, WBE and SBRA's on procurement solicitation lists;
- Soliciting potential SBE, MBE, WBE and SBRA's;
- Reducing contract size/quantities, when economically feasible, to permit maximum participation by SBE, MBE, WBE and SBRA's;
- Establishing delivery schedules to encourage participation by SBE, MBE, WBE and SBRA's;
- Using the services and assistance of the Small Business Administration, Minority Business Development Agency, U.S. Department of Commerce, Texas Marketplace;
- Requiring all PRIME contractors to follow steps 1-5 of the "good faith effort" in employing SBE, MBE, WBE and SBRA Subcontractors;

Signature - Applicant/Entity Representative	Title	Certification Date

III. PROJECT PARTICIPATION ESTIMATES (Demonstrates maximum potential for MBE/WBE participation, based on total loan/grant amount)

Total Procurement		Potential MBE Participation		Potential WBE Participation	
Cost Category	Total	Goal	Extension	Goal	Extension
Construction	\$ -	34.0%	\$ -	8.0%	\$ -
Supplies	\$ -	18.0%	\$ -	29.0%	\$ -
Equipment	\$ -	13.0%	\$ -	13.0%	\$ -
Services	\$ -	22.0%	\$ -	26.0%	\$ -
*Other Issuance Costs <small>(not subject to MWBE goals)</small>	\$ -	N/A		N/A	
Total Procurement <small>(must equal loan/grant amount)</small>	\$ -	\$ -		\$ -	

IV. TWDB APPROVAL SIGNATURES

OPFCA Engineer	Approval Date	SWMBE Coordinator	Approval Date

*Other ISSUANCE costs can include: origination fees; bond insurance; land/easement/right-of-way; attorney general fee; paying agent fee or other non-bid project costs.

**TEXAS WATER DEVELOPMENT BOARD
AFFIRMATIVE STEPS SOLICITATION REPORT**

WRD-216

I. PROJECT INFORMATION

A. TWDB Project No.	B. Applicant/Entity Name	C. Contract Amount	D. Program Type (insert "X" for all that apply)
			<input type="checkbox"/> Drinking Water SRF (DWSRF) <input type="checkbox"/> Clean Water SRF (CWSRF) <input type="checkbox"/> Colonia Wastewater (CWTAP) <input type="checkbox"/> Other _____
Project Description:			
Prime Contractor:			
Solicitation By:	<input type="checkbox"/> Applicant/Entity	<input type="checkbox"/> Prime Contractor	
TWDB Construction Contract Number:			

II. SOLICITATION LIST

I N S T R U C T I O N S	Column 1	List on this form, or provide a separate list of each business entity solicited for procurement: Full name, street address, city/state/zip, for each Small, Minority, Woman, Rural Area or Other								
	Column 2	Enter one of the following procurement or contract categories: CONSTRUCTION, SUPPLIES; EQUIPMENT; SERVICES								
	Column 3	SBE, MBE, WBE, SRBA, or OTHER (NOTE! "OTHER" = Company or firm is Non-SBE, MBE, WBE or SBRA)								
	Column 4	Evidence of Good Faith Effort solicitations will include a combination of the following outreach methods. Adequate backup documentation must be attached to this form for each method used. <table border="0" style="width: 100%;"> <tr> <td>1. Newspaper Advertisements</td> <td>5. Internet & Web Postings</td> </tr> <tr> <td>2. Direct Contact by Phone, Fax, Mailouts</td> <td>6. Trade Association Publications</td> </tr> <tr> <td>3. Meetings or Conferences</td> <td>7. Other Government Publications</td> </tr> <tr> <td>4. Minority Media</td> <td></td> </tr> </table>	1. Newspaper Advertisements	5. Internet & Web Postings	2. Direct Contact by Phone, Fax, Mailouts	6. Trade Association Publications	3. Meetings or Conferences	7. Other Government Publications	4. Minority Media	
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	2. Direct Contact by Phone, Fax, Mailouts	6. Trade Association Publications								
3. Meetings or Conferences	7. Other Government Publications									
4. Minority Media										
Column 1	Column 2	Column 3	Column 4							
Name & Address of Business Entities Solicited for Procurement	Procurement or Contract Category	Type of Business	Solicitation Methods							
Signature - Authorized Representative	Title		Date							

III. TWDB APPROVAL SIGNATURES

OPFCA Engineer	Approval Date	SWMBE Coordinator	Approval Date

TEXAS WATER DEVELOPMENT BOARD
PRIME CONTRACTOR AFFIRMATIVE STEPS CERTIFICATION and GOALS

WRD-217

I. PROJECT INFORMATION

A. TWDB Project No.	B. Applicant/Entity	C. Loan/Grant Amount	G. Program Type (insert "X" for all that apply)
			<input type="checkbox"/> Drinking Water SRF (DWSRF) <input type="checkbox"/> Clean Water SRF (CWSRF) <input type="checkbox"/> Colonia Wastewater (CWTAP) <input type="checkbox"/> Other _____
D. Contract Number	E. Prime Contractor	F. Contract Amount	

II. GOOD FAITH EFFORT (Applicable to all Sub-Agreements Awarded by the Prime Contractor)

<p><i>I understand that it is my responsibility to comply with all state and federal regulations and guidance in the utilization of Small, Minority, Women-Owned and Small Businesses in Rural Areas, in procurement. I certify that I will make a "good faith effort" to afford opportunities for SBE, MBE, WBE and SBRA's by:</i></p> <ol style="list-style-type: none"> 1. Including qualified SBE, MBE, WBE and SBRA's on procurement solicitation lists; 2. Soliciting potential SBE, MBE, WBE and SBRA's; 3. Reducing contract size/quantities, when economically feasible, to permit maximum participation by SBE, MBE, WBE and SBRA's; 4. Establishing delivery schedules to encourage participation by SBE, MBE, WBE and SBRA's; 5. Using the services and assistance of the Small Business Administration, Minority Business Development Agency, U.S. Department of Commerce, Texas Marketplace; 6. Submitting documentation to the Texas Water Development Board to verify good faith effort, steps 1-5. 	<p style="color: red; font-weight: bold; font-size: 1.2em;">EXCEPTION</p> <p>As the Prime Contractor, I certify that I have reviewed the contract requirements and found no available subcontracting opportunities. I also certify that I will fulfill 100 percent of the contract requirements with my own employees & resources.</p> <div style="text-align: center;"> <input style="width: 40px; height: 20px; border: 1px solid black;" type="checkbox"/> (check if applicable) </div>	
Signature - Authorized Representative	Title	Certification Date

III. PROJECT PARTICIPATION ESTIMATES (Demonstrates maximum potential for MBE/WBE participation, based on total contract amount)

Total Procurement		Potential MBE Participation		Potential WBE Participation	
Cost Category	Total	Goal	Extension	Goal	Extension
Construction	\$ -	34.0%	\$ -	8.0%	\$ -
Supplies	\$ -	18.0%	\$ -	29.0%	\$ -
Equipment	\$ -	13.0%	\$ -	13.0%	\$ -
Services	\$ -	22.0%	\$ -	26.0%	\$ -
*Other Issuance Costs <small>(not subject to MWBE goals)</small>	\$ -	N/A		N/A	
Total Procurement <small>(must equal contract amount)</small>	\$ -	\$ -	\$ -	\$ -	\$ -

IV. TWDB APPROVAL SIGNATURES

OPFCA Engineer	Approval Date	SWMBE Coordinator	Approval Date

* Other ISSUANCE costs can include: origination fees; bond insurance; land/easement/right-of-way; attorney general fee; paying agent fee or other non-bid project costs.

**TEXAS WATER DEVELOPMENT BOARD
SMWBE SELF-CERTIFICATION**

For Utilization of Small, Minority, Women-Owned, & Small Businesses in Rural Areas in Procurement

WRD-218

I. PROJECT INFORMATION

A. TWDB Project No.	B. Applicant/ Entity Name	C. Contract Amount	D. Program Type (insert "X" for all that apply)
			<input type="checkbox"/> Drinking Water SRF (DWSRF) <input type="checkbox"/> Clean Water SRF (CWSRF) <input type="checkbox"/> Colonia Wastewater (CWTAP) <input type="checkbox"/> Other _____
E. Contractor Name and Address			

II. CERTIFICATION

I hereby certify that the above named firm is in-fact, a Small, Minority, Women-Owned or Small Business in a Rural Area, in accordance with the Texas Water Development Board guidance document (SRF-052).

Place "X" in the appropriate category	}	Small Business Enterprise (SBE)	<input type="checkbox"/>
		Minority Business Enterprise (MBE)	<input type="checkbox"/>
		Women-Owned Business Enterprise (WBE)	<input type="checkbox"/>
		Small Business in a Rural Area (SBRA)	<input type="checkbox"/>

Signature - PRIME Contractor	Title	Date
Signature - APPLICANT/ENTITY Representative	Title	Date

III. NOTARIZATION

State of: _____ County of: _____ SWORN TO AND SUBSCRIBED before me on: _____ Signature _____ Date _____	_____ <i>(Imprint Seal)</i>
Printed Name: _____	My Commission Expires on: _____

IV. TWDB APPROVAL SIGNATURES

OPFCA Engineer	Approval Date	SMWBE Coordinator	Approval Date

TEXAS WATER DEVELOPMENT BOARD LOAN/GRANT PARTICIPATION SUMMARY

SRF-373

I. PROJECT INFORMATION

A. TWDB Project Number	B. Applicant/Entity Name	C. Contract or Loan Amount	D. Program Type <small>(insert "X" for all that apply)</small>
			<input type="checkbox"/> Drinking Water SRF (DWSRF) <input type="checkbox"/> Clean Water SRF (CWSRF) <input type="checkbox"/> Colonia Wastewater (CWTAP) <input type="checkbox"/> Other _____
Project Description:			
Prime Contractor:			
Solicitation By:	Applicant/Entity	Prime Contractor	
TWDB Construction Contract Number: _____ →			

II. LIST OF ACTUAL CONTRACTS / PROCUREMENTS

I N S T R U C T I O N S	Column 1	Enter the full name, street address, city/state/zip for each firm awarded a contract for the project				
	Column 2	Enter the procurement category: CONSTRUCTION; SUPPLIES; EQUIPMENT; SERVICES				
	Column 3	Enter the type of business: SBE; MBE; WBE; SRBA; or OTHER (OTHER = Non-SBE, MBE, WBE or SBRA)				
	Column 4	Enter the exact amount of the awarded contract				
	Column 5	Enter the exact date the contract was or will be executed				
	Column 6	Enter the certification type <small>(i.e. state; federal; NCTRCA; City of Houston; Self-Certification etc.)</small>				
	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	Name & Address of Contracted Firm/Vendor	Procurement Category	Type of Business	Actual Contract Awarded (\$)	Contract Execution Date	Type of SMWBE Certification
<i>I hereby certify that all of the firms listed above were contracted to work on the specified project. I also certify that I will immediately notify the Texas Water Development Board if any of the listed small, minority, women-owned or rural firms are terminated from the project.</i>						
	Signature - Authorized Representative	Title			Date	

III. TWDB APPROVAL SIGNATURES

OPFCA Engineer	Approval Date	SMWBE Coordinator	Approval Date