



BEXAR COUNTY ADMINISTRATIVE POLICY

ADMINISTRATIVE POLICY NO. 8.0

TITLE: Small, Minority, and Women-Owned Business Enterprise (SMWBE) Program
For the Procurement of all County Offices, Departments, Funded Entities and Facilities in
the areas of Commodities, Equipment, Professional and Personnel Services, Maintenance and
Construction

REPLACES: 1992 Disadvantaged Business Enterprise (DBE) - Administrative Policy 8.0
REPLACES: 2003 Small, Minority, and Women-Owned Business Enterprise (SMWBE) Administrative Policy 8.0

REVISION DATE: August 24, 2004
EFFECTIVE DATE: October 1, 2004

SECTION 1: PURPOSE

The purpose of the Bexar County Small, Minority and Women Owned Business Enterprise (SMWBE) Program is to establish minimum goals for all procurement dollars for County Offices, Departments, Funded Entities and Facilities in the areas of Commodities, Equipment, Professional and Personnel Services, Maintenance and Construction are spent with minority and women owned business enterprises and with small business enterprises. The SWMBE Program Goals are shown in Attachment A of this Policy. Procurement dollars spent with a Minority or Women Owned Business Enterprise (MWBE) that is also a Small Business Enterprise (SBE) will be counted in both categories. Bexar County is committed to increasing the involvement of SMWBEs in the procurement process. It is the intent of the County to afford small, minority and women-owned businesses a fair opportunity to compete for all Bexar County contracts.

SECTION 2: POLICY

1. The County, its contractors, their subcontractors and suppliers, as well as all vendors of Commodities, Equipment, Professional and Personal Services, Maintenance and Construction, shall not discriminate on the basis of race, color, religion, national origin, disability, gender or sexual orientation in the award and/or performance of contracts. All individuals and entities doing business, or anticipating doing business, with Bexar County are encouraged to support and implement a program designed to achieve the goal of establishing equal opportunity for all of the citizens of Bexar County.
2. Nothing in this policy is to be construed to require the County to award a contract to other than the lowest responsible bidder as required by law and Bexar County polices and procedures.

3. SMWBE for the purpose of this policy are companies with a certification designation from an authorized certification agency as a woman, small or minority group certification, such as Historically Underutilized Business (HUB), or Disadvantaged Business Enterprise (DBE), or Minority Business Enterprise (MBE), or Women Owned Business Enterprise (WBE), or Small Business Enterprise (SBE) recognized and approved by Bexar County Commissioners Court.

SECTION 3: LEGAL REFERENCES

These policies will be administered in compliance with procurement law to include:

The Texas Constitution;
Chapter 262 of the Texas Local Government Code;
Chapter 271, Texas Local Government Code (Public Works Projects);
Chapter 2252, Texas Government Code (Contracts with Government);
Chapter 2254, Texas Government Code (Professional Services).

SECTION 4: DEFINITIONS

For the purposes of this policy:

1. "Availability" means those Companies, SMWBE and non-SMWBE, that have asked to participate in Bexar County Offices, Departments, Funded Entities and Facilities purchasing and contracting activities and are identified for the purpose of validating and documenting the willingness of Companies to participate;
2. "Certification" means a designation as a HUB, SBE, MBE, DBE, or WBE awarded by any authorized agency that a company is a for-profit independent operating business that is at least 51% owned, operated and controlled by minority person(s) and/or a woman or women. The ownership by minorities and women must be real and substantial.
3. "Certification Agency" means an authorized local, state, federal or private sector entity that provides certification services, which consist of vendor submittal of a certification application with supporting documentation, review, and often a personal interview or site visit to validate claims of SMWBE status.
4. "Contractor" or "Vendor" or "Company" means any person or legal entity who submits a bid or proposal to provide labor, goods or services to the County by contract for profit; and any person who supplies or provides labor, goods or services to the County by contract for profit.
5. "Expertise" means demonstrable skills or knowledge of the field of endeavor in which certification is sought, including licensure where required.
6. "Joint Venture" means a legal entity in the nature of a partnership or association engaged in the joint prosecution of a particular transaction for mutual benefit. In cases of joint ventures between local and out-of-town business enterprises or a non-MWBE and MWBE business enterprise, if 51% or more of the contract amount of the work is performed by the local MWBE business enterprise and 51% or more of the compensation is paid to the local MWBE, then 100% of that contract amount will be applied towards the MWBE goal. If less than 51% of the work is performed by the local business enterprise or an MWBE, then only that portion of the contract amount will apply towards the MWBE goal.
7. "Local Business Enterprise" means a corporation, partnership, sole proprietorship or other legal entity (including a Joint Venture exclusively comprised of Local Business enterprises, as herein defined) for the purpose of making a profit, that: (A) is headquartered within Bexar County; (B) has its primary office of operation in Bexar County; or (C) has a local branch office which is (i) physically located within Bexar County; (ii) is the primary product or service supplier for the contract; and (iii) has had twelve consecutive months of operation in Bexar County at the time of contract award.
8. "Minority and Women Owned Business Enterprise" or "MWBE" means a sole proprietorship, partnership,

or corporation owned, operated, and controlled by one or more minority group member(s) or women that have at least 51% ownership. The minority group member(s) or women must have operational and managerial control, interest in capital, and earnings commensurate with the percentage of ownership.

9. "SMWBE" means those companies with a certification designation from an authorized certification agency as a woman, small or a minority group certification, such as a Historically Underutilized Business (HUB), or Disadvantaged Business Enterprise (DBE), or Minority Business Enterprise (MBE), or Women Owned Business Enterprise (WBE), or Small Business Enterprise (SBE) recognized and approved by Bexar County Commissioners Court.
10. Any Company not certified as a SMWBE, upon successful completion of an Enterprise Owner Information (EOI) Form in response to a Bexar County Invitation For Bid (IFB) or Request for Proposal (RFP), or a Request for Qualifications (RFQ) and in accordance with Section 9 of this policy, may be identified as a SMWBE, as defined herein. The Company that is not certified as a SMWBE will be identified in the SMWBE Program Report and encouraged to obtain certification to be included in the SMWBE goals.
11. "Minority Group Member" means those persons, citizens of the United States and lawfully admitted resident aliens, who are defined as Black, African American, Hispanic, Mexican American, Asian American, Asian Pacific American, Asian Indian American or Native American or any other minority or individual as interpreted by Bexar County.
12. "Prime Contractor" means a vendor or contractor awarded a contract or purchase order.
13. "Responsible" means a vendor can demonstrate the capacity and willingness to perform the bid or proposal (i.e. proper equipment, manpower, financial resources, technical expertise, etc.).
14. "Responsive" means the vendor's bid or proposal meets the specifications and requirements set forth in the County's request or solicitation.
15. "Small Business Enterprise" or "SBE" means a business owner meeting all criteria outlined in the U.S. Department of Transportation (DOT) guidelines in 49 CFR Part 26, including the CFR 121 Small Business Administration size standards and DOT size cap, but personal net worth is excluded.
16. "SMWBE Advisory Committee" means the committee appointed by Commissioners Court (See Attachment D to this policy).
17. "SMWBE Program Office" means the staff appointed by Commissioners Court to coordinate and implement the initiatives and sub-programs developed to achieve the intent of this policy.
18. "South Central Texas Regional Certification Agency (SCTRCA)" means the agency formed and contracted with Bexar County and other local public entities for certification of Disadvantaged Business Enterprises (DBEs), Minority Business Enterprises (MBEs), Small Business Enterprise (SBEs) and/or Women-owned Business Enterprises (WBEs). The SCTRCA receives audits and certifies applications from said businesses in accordance with federal, state and local laws and regulations, as well as guidelines adopted by the SCTRCA Board of Directors on behalf of Bexar County.
19. "Subcontractor" means a legal entity that takes a portion of a contract from a principal contractor or another subcontractor. In the event of a subcontractor relationship, if the SMWBE subcontractor performs 51% or more of the contract work and 51% or more of the compensation paid to the SMWBE subcontractor, then 100% of the contract amount will apply towards the SMWBE goal. If the SMWBE subcontractor performs less than 51% of the work and less than 51% of the compensation is paid to the SMWBE subcontractor, then only that contract amount will apply towards the SMWBE goal.
20. "Professional Services and Personal Services" are services defined by law and in the Bexar County Purchasing Manual approved by Bexar County Commissioners Court.

21. "SMWBE Policy" means the ADMINISTRATIVE POLICY NO. 8.0 Small, Minority, and Women-Owned Business Enterprise (SMWBE) Program For Procurement of Commodities, Equipment, Services, Professional and Personal Services, Maintenance and Construction.

SECTION 5: PROGRAM GOALS

Based on the availability established for SMWBE and as approved by Commissioners Court, Bexar County will establish minimum goals for the total dollar value of County procurement activities as outlined in attachment A. Procurement and contracting dollars spent with a MWBE that also is a SBE will be counted in both categories. The SMWBE Program Office and SMWBE Program Advisory Committee will review these goals annually for recommendation for adjustment, if necessary, to Commissioners Court.

1. The SMWBE Program Manager, Purchasing Agent, and a representative from each County department and office, will meet periodically to review the anticipated procurement opportunities for the fiscal year for the purpose of achieving the County's overall SMWBE goal as established by Commissioners Court.
2. The goals outlined in Attachment A will apply to all Bexar County procurement and contracting as outlined in Section 1 of this policy. Procurement opportunities shall be reviewed on an individual basis for the purpose of establishing higher or lower goals based on the availability of SMWBEs.
3. The SMWBE Program Office will be responsible for managing the effectiveness of the policy. Unless otherwise directed by Commissioners Court, a written report will be provided on a quarterly and annual basis to the SMWBE Advisory Committee, after such time and at the next available scheduled meeting, a report will be provided to the Commissioners Court. The annual report shall reflect the County's performance and if necessary, recommend new countywide goals. The annual report shall reflect the County's performance and if necessary, recommend new countywide goals to be approved by Commissioners Court. The report shall include information about Company availability and participation efforts in the County purchasing and contracting process, and contract awards to SMWBE and non-SMWBE.

SECTION 6: ADMINISTRATION

Bexar County Offices, Departments, Funded Entities and Facilities will actively seek and encourage SMWBEs to participate in all facets of the procurement process by:

1. maintaining, updating and providing access to a database of vendors, suppliers and contractors that qualify as SMWBEs, including their products and areas of expertise;
2. developing and implementing an educational and training program for the buyers of the purchasing departments, county offices, funded entities and facilities to increase the use of SMWBEs;
3. establishing, implementing and maintaining a communication process with SMWBE vendors, suppliers, professionals and contractors to involve them in the procurement process;
4. advertising for bid submissions in local community newspapers may be utilized to notify area vendors, suppliers and contractors as to the availability of contracting opportunities on a rotating basis within each represented ethnic group as directed by Commissioners Court. The SMWBE Program Office shall provide the Purchasing Agent a listing of publications;
5. submitting notices (IFBs, and RFPs) to the City of San Antonio's Department of Economic Development Small and Minority Business Enterprise Program, SCTRCA, various Chambers of Commerce, Texas E-Procurement Group (TEG), and other business advocacy groups;
6. providing SMWBE reports, through the Bexar County Economic Development and Special

Programs Office SMWBE Program Office, to the Commissioners Court for all purchasing and contract award information on a quarterly basis;

7. encouraging SMWBE participation at pre-bid conferences; and
8. developing and encouraging the promotion and use of the Electronic Purchasing Notice and Document Distribution System at no cost to the vendor.

SECTION 7: CERTIFICATION

Certification retains the SMWBE program integrity and optimizes SMWBE participation in Bexar County contracting through an evaluation process.

1. Bexar County may rely on the certification credentials granted by the SCTRCA, or other agencies approved by Bexar County Commissioners Court to identify eligible Small, Minority and/or Woman owned Businesses for contracting and purchasing activities.
2. Bexar County may utilize the SCTRCA or other agencies to provide information regarding certification for small, minority and women-owned businesses. The SMWBE Program Office will monitor the services provided by the SCTRCA and other agencies and make quarterly reports to the SMWBE Advisory Committee.
3. Any vendor SMWBE certification recognized by Bexar County and provided by the SCTRCA or any other agency will be based on the certification credentials contemplated in this policy.
4. The SMWBE Advisory Committee and the SMWBE Program Office are jointly responsible for developing criteria for a performance review and evaluation of the SCTRCA on at least an annual basis. The review will include, but is not limited to: (a) actions needed if SCTRCA actions are in conflict with the intent of this Policy; (b) availability, dependability and credibility of vendor database; and (c) county access and monitoring capabilities of the SCTRCA vendor database.
5. A company may appeal a decision, made by the SCTRCA to deny said company a Certification, to the Commissioners Court through the Bexar County Economic Development and Special Projects Office SMWBE Program Office.

SECTION 8: DOCUMENTING SMWBE AVAILABILITY OF COMMODITIES, EQUIPMENT, MAINTENANCE, CONSTRUCTION AND SERVICES, AND PROFESSIONAL AND PERSONAL SERVICES UNDER \$25,000

(a) COMMODITIES, EQUIPMENT, MAINTENANCE, CONSTRUCTION AND SERVICES

1. The County departments and offices will document attempts to obtain quotes from SMWBE for authorized purchases that are estimated to cost less than \$1,000 using vendor lists and/or price tabulations.
2. The Purchasing Department will document attempts to solicit bids or proposals from SMWBE for competitive purchases that are estimated to cost between \$1,000 and \$25,000 using vendor lists and/or price tabulations.
3. The Purchasing Department will document attempts to solicit bids or proposals from a minimum of three SMWBE for competitive purchases that are estimated to cost over \$25,000 using vendor lists and/or price tabulations.

(b) PROFESSIONAL AND PERSONAL SERVICES

1. The County departments and offices will document attempts to solicit proposals utilizing SMWBEs for the purchase of professional and personal services using vendor lists and/or price tabulations.

SECTION 9: AWARD OF COMMODITIES, EQUIPMENT, MAINTENANCE, CONSTRUCTION AND SERVICES, AND PROFESSIONAL AND PERSONAL SERVICES OVER \$25,000

1. In accordance with Local Government Code Section 262.023(a), the purchase of commodities, equipment and/or services (non-professional services and operations), maintenance or construction in excess of \$25,000 requires a formal bidding process. Nothing in this policy is to be construed to require the County to award a contract to other than the lowest responsible bidder as required by this state law.
2. The purchase of professional and personal services will be performed in accordance with law, County policies, the Professional Services Procurement Act (Chapter 2254 of the Texas Government Code), or the County Purchasing Act (Section 262 of the Texas Local Government Code).

SECTION 10: VENDOR RESPONSIBILITIES

1. The vendor is required to complete and submit an ENTERPRISE OWNER INFORMATION FORM as shown in Attachment C of this policy in response to a County IFB, RFP, or RFQ. A vendor's bid or proposal may be declared non-responsive if the completed ENTERPRISE OWNER INFORMATION FORM is not included.
2. In conjunction with completing the forms, the vendor will comply with the following criteria:
 - A. To the extent practical, and consistent with standard and prudent industry practices, vendors are encouraged to divide the contract work into the smallest feasible portions to allow for maximum SMWBE subcontractor participation.
 - B. Notify SMWBEs in writing when SMWBE opportunities are available, allowing sufficient time for effective participation of the work the vendor plans to subcontract. The notification shall include, but is not being limited to the following:
 - (1) Provide information concerning the intended subcontracting work;
 - (2) Provide bonding and insurance requirements that the SMWBE Subcontractor will be required to fulfill; and
 - (3) Provide a point of contact (name, title, phone number, and address, etc.) within the vendor's organization that can answer any question a SMWBE may have concerning the project.
3. Provide SMWBEs that are genuinely interested in the project with adequate information about the project (i.e. plans & specifications, and scope of work, etc.) and any other information that will prove beneficial to the SMWBE.
4. Provide written notice/explanation to the SMWBE Program Office when a SMWBE Subcontractor's bid or price quotation/proposal is rejected, unless another SMWBE was selected to perform the same job.
5. For those vendors that experience difficulty in locating certified SMWBEs, a list will be provided to

the vendor by the Bexar County SMWBE Program Office. In order for the SMWBE Program Office to supply the list, vendors must provide the following in regards to the project:

- A. a detailed description of work to be subcontracted to SMWBEs (i.e. electrical, concrete, mechanical, general labor, etc.);
- B. the estimated dollar amount of the work to be subcontracted to SMWBEs; and
- C. bonding and insurance requirements the SMWBE subcontractor will be required to fulfill.

SECTION 11: RESPONSIBLE OFFICES

In order to fully implement the intent and goals of this policy, the SMWBE Program Office is designated the office responsible for the implementation, monitoring, and general operations of the SMWBE policy requirements. In addition, all County offices, funded entities and facilities are required to identify a liaison to assure compliance with the County's goals and to coordinate with the SMWBE Program Office. The SMWBE Program Office shall be responsible for the overall administration of the County's SMWBE Program.

1. The SMWBE Program Office will:
 - A. establish procedures for the implementation of the policy;
 - B. develop and implement educational programs to assist SMWBEs to compete effectively for County contracts;
 - C. make recommendations to the Commissioners Court to further the objectives of this policy;
 - D. compile a written quarterly report reflecting program statistics and the progress in attaining the county goals;
 - E. receive and review all internal and external complaints and recommendations regarding the implementation of the SMWBE policy;
 - F. audit compliance with the SMWBE policy on all purchases after award, during the performance of the contract, and after completion;
 - G. review, develop and provide access to a directory of certified SMWBEs and those in the SCTRCA certification process;
 - H. establish outreach activities and materials (English and Spanish languages) to provide information and needed assistance to SMWBEs to increase their participation in the County's procurement, contracting and certification process;
 - I. provide staff support for the SMWBE Advisory Committee;
 - J. serve as Bexar County's board representative to the South Central Texas Regional Certification Agency;
 - K. work with departments to identify SMWBE for use in the purchase of professional and personal services;
 - L. establish efforts to build and maintain partnerships with other public and non-profit agencies and private enterprise organizations for the Purpose outlined in this policy;

- M. contact bidders who fail to submit the requisite SMWBE documentation; and
 - N. perform other duties assigned by the Commissioners Court, through the Bexar County Economic Development and Special Programs Office, to comply with the intent of this policy.
2. The Purchasing Department will:
- A. provide the SMWBE Program Office with the contract award information on a quarterly basis;
 - B. assist the SMWBE Program Office with recommendations to the Commissioners Court and the SMWBE Advisory Committee regarding the implementation of the SMWBE policy;
 - C. assist the SMWBE Program Office during the purchase of County commodities, services, and professional and personal services covered by this policy;
 - D. assist the SMWBE Program Office and Bexar County departments, offices, funded entities and facilities with outreach activities and materials to provide information and assistance to SMWBEs for participation in the County's procurement and contracting processes;
 - F. serve as Bexar County's alternate board representative to the South Central Texas Regional Certification Agency;
 - G. provide the SMWBE Program Office notification of all competitive County purchasing opportunities valued over \$25,000;
 - H. utilize electronic purchasing notification and document distribution systems for posting opportunities; and
 - I. perform other duties assigned by the Commissioners Court to comply with this policy.
3. The County Auditor will provide the SMWBE Program Office an auditing report of all expenditures of county funds for compliance with the SMWBE Policy provisions as outlined throughout this policy.
4. County departments, offices, funded entities and facilities are encouraged to take steps necessary to implement the following:
- A. actively use a directory of certified SMWBEs provided by the SMWBE Program Office for County purchases;
 - B. assist the SMWBE Program Office with the review of complaints and make recommendations regarding the implementation of the SMWBE policy;
 - C. provide assistance to the SMWBE Program Office with compliance to the SMWBE policy on purchases of all procurement before the award, after award, during the performance of the contract and after completion; and
 - D. assist the SMWBE Program Office with outreach activities and materials to provide information and needed assistance to SMWBEs to increase their participation in the County's procurement, and contracting process.

SECTION 12: COUNTY RESPONSIBILITIES

It is the policy of Bexar County that employees engaged in the process of making purchases on behalf of the County will make an effort to meet the County's SMWBE goals in the following areas:

- A. Purchase of supplies, materials, products, services and equipment
- B. Maintenance and/or service of County assets and property
- C. Contracts for non-professional services
- D. Contracts for commodities, equipment or supplies/materials
- E. Contracts for repair/alteration of real property
- F. Contracts for construction of real property
- G. Contracts for the repair/construction of roads, bridges or other related structures/surfaces
- H. Purchase of Professional and Personal Services.

2. County employees making purchases on behalf of the County will participate in an educational and training program implemented by the SMWBE Program Office and Purchasing Department, which will be available to all county offices, facilities and funded entities. The program will include the following:

- A. The implementation of the SMWBE Program throughout the County will consist of presenting the SMWBE Program, and its importance to the economic well being of the County and the SMWBE Community.
- B. In order to ensure each individual involved understands their role in the program, and its relative importance, continuous training and education will be an absolute necessity. The training process will begin with the individuals that are responsible for ordering items and submitting requisitions through the automated system. The designated staff will be made aware of the policies, procedures and goals of the SMWBE program.
- C. The designated staff will be provided access to the automated SMWBE database. The data will consist of sources to contact to obtain price quotes, for budgeting purposes, and for listing on the requisitions to be submitted to Purchasing or Commissioners Court.
- D. In order to effectively develop the SMWBE program, meetings will be held with departments, offices, funded entities and facilities Managers and Directors to emphasize the importance of the program and to solicit their support in helping to make it work.
- E. A list of companies that have requested to participate in the County's bidding process.

SECTION 13: EXEMPTIONS TO THE SMWBE POLICY PROVISIONS

- 1. SMWBE provisions defined in this policy may not apply in the following circumstances:
 - A. Whenever the Purchasing Agent determines the purchases are available only from a sole source; or
 - B. Whenever the Purchasing Agent determines the purchases are made in response to an emergency as defined in the Purchasing Policy 8.1.
- 2. Both the Purchasing Agent and SMWBE Program Office may waive SMWBE policy only upon the written approval, except in condition (1.) above. Emergencies will be approved by the Purchasing Agent or designee only, and will be appropriately documented in applicable contract files. All request for waivers are presented to Commissioners Court for final approval.

SECTION 14: DEBARMENT PROCEDURES

The intentional misrepresentation of facts by a vendor may result in rejection of future bids or proposals.

SECTION 15: APPEAL PROCESS

- 1. Bexar County maintains a process by which a vendor or any other interested party may request information regarding a solicitation or contract award. A vendor or any other interested party may be asked to submit a request in writing (depending on the type and scope of the request or as required by law). A vendor or any other interested party may obtain solicitation or contract award information, and any required forms, by contacting the County Purchasing Agent or the County SMWBE Program Office.
- 2. The Purchasing Agent or Director of the affected county office, funded entity or facility shall have the authority to take any action to resolve the protest and shall issue a determination relating to the protest stating: the reasons for the

action; and the protestant's right to appeal to the Commissioners Court.

SECTION 16: EFFECTIVE DATE

April 10, 2001

April 23, 2002 (revised)

May 21, 2002 (revised)

July 15, 2003 (revised)

August 24, 2004 (revised)

ATTACHMENT A SMWBE PROGRAM GOALS

Bexar County is committed to increasing the involvement of SMWBE in its procurement process. Similarly, the County promotes SMWBE participation in its Tax Phase-in Program to support the growth and diversity of a regional economy.

The Commissioners Court established as a targeted goal that a minimum of 20% of all procurement dollars in the areas of Commodities, Equipment, Services (non-professional and operations), Maintenance and Construction are spent with minority and women-owned business enterprises, and a minimum of 30% of those procurement dollars are spent with small business enterprises.

At this time, however, the SWMBE program is limited to outreach and data collection because the County cannot award any points or set-asides for SMWBE in the procurement of goods or services unless it is to correct a documented disparity. This is why the County's Small, Minority and Women-owned Business Enterprise Program Office has been collecting expenditure data for Fiscal Years 2001, 2002 and 2003. Using this data, a report will be developed by the SMWBE Program office, the Purchasing Department and the Auditor's office to show expenditures by commodity code, department or office transaction and vendor payments. It is anticipated that the report will be presented to Commissioners Court no later than December 2004.

At that time the Court may consider contracting for the preparation of a study that will detail the availability of Bexar County SMWBE. If an availability study is obtained, it can be compared to the County's purchasing history with SWMBE's to determine if a disparity exists.

ATTACHMENT B SMWBE PROGRAM REPORT

FY _____

DATE: _____

Bexar County AFS System
Vendor Statistics for all payments made by the County Auditor
For the period of _____ to _____

	SMWBE	Identified	Non-SMWBE	Sole Source	Non-Available	Other Funds	All Awards
Section 1							
Commodity							
Professional Services							
Section 2							
Department							
Section 3							
Vendor							
Summary							
Total							
Availability							
Solicited							
Bidders							
All Vendor							

Each section shall reflect the following information:

Section 1: Number of purchases, percent of purchases, total dollars and percent of total dollars.

Section 2: Total number of purchases and total dollars of purchases allocated for SBE, MBE and WBE vendor categories.

Section 3: Awards from 0 – \$1,000, \$1,001 - \$24,999 and over \$25,000 for SBE, MBE, WBE, SMWBE, Certified, Identified, Black, Hispanic, Native American, Multi-Ethnic, Other, Pacific Asian, Sub-continent Asian, White, and Handicap vendor categories.

ATTACHMENT C ENTERPRISE OWNER INFORMATION FORM

I. OWNER STATUS (Check applicable boxes)

BUSINESS NAME: _____

MALE/FEMALE

- Male
 Female

ETHNICITY

- White
 Hispanic
 Asian Pacific
 Sub-Continent Asian
 Black/African American
 Native American
 Other Ethnicity _____

PHYSICAL CONDITION

- Disabled
 Not Disabled

ENTERPRISE SIZE

- Small Business
 Large Business

BUSINESS STRUCTURE

- Sole Proprietor Partnership
 LLC Multi-Ethnicity
 Public Corporation Private Corporation
 Non-Profit Organization

FEDERAL TAX ID #: _____

II. SUBCONTRACTORS

None. No subcontractor(s) will be used to complete this contract.

Yes. Name(s) of Subcontractor(s): _____ () % of Total Contract

Address: _____

(Attach a list if additional space is necessary)

III. CERTIFICATION OF BUSINESS AS SMALL, MINORITY OR WOMAN OWNED ENTERPRISE (SMWBE)

Bexar County has established a Small, Minority, & Woman Owned Business Enterprise Program. Additional information may be required after receipt of offers and/or award of contract(s) to support and document the SMWBE certification. Bexar County will accept certification from various agencies, [i.e. local (www.sctrca.org), State of Texas (www.tbpc.state.tx.us), Federal (www.sba.gov or www.va.gov/OSDBU), and the private sector (www.cstmhc.org or www.wbea-texas.org)]

Certifying Agency: _____ REG #: _____ Expiration Date: _____

SBE MBE WBE DBE 8(a) Veteran

For information on the certification process or access to SMWBE vendors, call (210) 335-2478 or www.bexar.org/smwbe.

IV. BEXAR COUNTY SOLICITATIONS

Bexar County solicitations are available at www.bexar.org Click on Electronic Purchasing. The Texas E-Purchasing Group website is the single site for such solicitation notices. They may be accessed thru the Bexar County Website referenced here. State Law prohibits set-asides or preferences for County purchases.

NOTICE RECEIPT

Bexar County is interested in providing the best service possible to our customers in the most efficient manner possible. In order to continue that service, your completion of the appropriate blocks below will assist us.

HOW DID YOU RECEIVE NOTICE OF THIS SOLICITATION?

- ____ Newspaper advertisement. Company subscribes to newspaper: ____ Yes ____ No _____ Newspaper title
 ____ Downloaded from Bexar County Website at www.bexar.org using: ____ Home computer ____ Company computer
 ____ Facsimile, Email, or download from BidNet.com Company (____ is) (____ is not) a subscriber to BidNet
 ____ Direct mail from Bexar County Purchasing ____ Visited Bexar County Purchasing and noticed bid posted
 ____ Bexar County SMWBE office OTHER: _____

(2004)

BEXAR COUNTY STATEMENT OF VENDOR RESPONSIBILITIES

1. The vendor is required to complete and submit an ENTERPRISE OWNER INFORMATION FORM as shown in Attachment C of this policy in response to a County IFB, RFP, or RFQ. A vendor's bid or proposal may be declared non-responsive if the completed ENTERPRISE OWNER INFORMATION FORM is not included.
2. In conjunction with completing the forms, the vendor will comply with the following criteria:
 - A. To the extent practical, and consistent with standard and prudent industry practices, vendors are encouraged to divide the contract work into the smallest feasible portions to allow for maximum SMWBE subcontractor participation.
 - B. Notify SMWBEs in writing when SMWBE opportunities are available, allowing sufficient time for effective participation of the work the vendor plans to subcontract. The notification shall include, but is not being limited to the following:
 - (1) Provide information concerning the intended subcontracting work;
 - (2) Provide bonding and insurance requirements that the SMWBE Subcontractor will be required to fulfill; and
 - (3) Provide a point of contact (name, title, phone number, and address, etc.) within the vendor's organization that can answer any question a SMWBE may have concerning the project.
3. Provide SMWBEs that are genuinely interested in the project with adequate information about the project (i.e. plans & specifications, and scope of work, etc.) and any other information that will prove beneficial to the SMWBE.
4. Provide written notice/explanation to the SMWBE Program Office when a SMWBE Subcontractor's bid or price quotation/proposal is rejected, unless another SMWBE was selected to perform the same job.
5. For those vendors that experience difficulty in locating certified SMWBEs, a list will be provided to the vendor by the Bexar County SMWBE Program Office. In order for the SMWBE Program Office to supply the list, vendors must provide the following in regards to the project:
 - A. a detailed description of work to be subcontracted to SMWBEs (i.e. electrical, concrete, mechanical, general labor, etc.);
 - B. the estimated dollar amount of the work to be subcontracted to SMWBEs; and
 - C. bonding and insurance requirements the SMWBE subcontractor will be required to fulfill.

ATTACHMENT D
Guidelines for the Bexar County
Small, Minority, and Women-owned
Business Enterprise Program
Advisory Committee

The Small, Minority and Women Owned Business Enterprise (SMWBE) Program Advisory Committee shall function only in an advisory capacity and shall make recommendations to the Commissioners Court on various issues and policies concerning and impacting the SMWBE Program and its activity.

SECTION 1: Composition, Appointment and Terms

(a) The committee shall be composed of 15 members: 3 members being appointed by each member of Commissioners Court. Members shall be appointed as outlined in Bexar County Administrative Policy No. 2.1.

1. Qualifications: Bexar County resident or representative of a local business enterprise or advocacy organization.
2. Chairman: Elected by a majority of the appointed Advisory Committee members for one year.
3. Vice-Chairman: Elected by a majority of the appointed Advisory Committee members for one year.

(b) The Advisory Committee will be composed of four Subcommittees: Policy, Opportunities, Outreach and Vendor Certification.

1. Subcommittee Chairs will be elected by a majority of the appointed Advisory Committee members for one year. Members are required to serve and actively participate on at least one subcommittee.

(c) Tenure: Two years or until successor is appointed.

(d) Conflict of Interest: A conflict of interest arises when action on a matter will have a special economic effect on a member, or a business in which the member has an interest, which is distinguishable from its effect on other businesses.

Each member shall verbally disclose any possible conflict of interest which may arise in connection with a matter being considered by the committee and shall refrain from discussing or voting on the matter.

A member who discloses a possible conflict must also file with the committee chair a signed statement of the nature of the potential conflict.

Each member shall file a sworn statement of financial disclosure with Commissioners Court indicating whether that member is or is not doing business with the County or any entity that does business on behalf of the County, and identifying any such business dealings in which the member is involved. The disclosure statement must be amended anytime there is a change in status.

SECTION 2: Meetings

(a) The Advisory Committee may meet once per month, or at any other time upon the call of the Chairman or at least five (5) members, with at least ten (10) working days notice to all Advisory Committee members. The Advisory Committee shall meet at least once per quarter. The SMWBE Program Office shall give notice by the method of fax, e-mail, standard mail or telephone. A simple majority of the members will constitute a quorum of the membership. A simple majority vote of the quorum is required for passage of any action that will be communicated to Commissioners Court. A quorum is not required to receive reports.

The Chairman or at least five (5) members may call Emergency/Special meetings, with at least three (3) working days notice to all Advisory Committee members. The SMWBE Program Office shall give notice by the method of fax, e-mail, standard mail or telephone. A simple majority of the members will constitute a quorum of the membership. A two-thirds (2/3)-majority vote of the quorum is required for passage of any action that will be communicated to Commissioners Court.

* Simple majority is defined as a fifty percent (50%) plus one (1) of the members appointed and confirmed by Commissioners Court at the time of the meeting.

(b) The Executive Committee shall meet at least one week prior to the Advisory meeting to set the meeting agenda in conjunction with the SMWBE Program Office staff, or at any other time upon the call of the Chairman, with at least five (5) working days notice to all Advisory Committee members.

1. The Executive Committee will be composed of the Chair, Vice-Chair and Chair of each Subcommittee. Subcommittee recommendations are to be submitted to the Executive Committee, which will determine the action items and scheduling of the remaining subcommittee recommendations to be considered by the Advisory Committee monthly.

(c) All subcommittees may meet once per month, or at any other time upon the call of the subcommittee Chairman, with at least five (5) working days notice to all Advisory Committee members.

(d) The SMWBE Advisory Committee shall carry out its duties through a Subcommittee process. Each member shall be required to serve and actively participate on at least one of the following subcommittees:

1. Opportunities Subcommittee:
 - (A) Review the County's policies and procedures utilized and implemented for biddable contracts in the construction and procurement area.
 - (B) Review general performance standards and specifications, as well as language in Request for Proposal (RFP) for professional services and discretionary contracts to determine if barriers to participation exist. The Advisory Committee shall not be responsible for reviewing individual contracts.
2. Vendor Certification Subcommittee:
 - (A) Review the County's existing certification procedure to determine if the process creates

barriers to vendor participation and make recommended changes for improvement.

- (B) Review the County's procedure to determine if it provides the County buyers with the required access for the potential of increasing the participation of SMWBEs in the County's program.

3. Outreach Subcommittee:

- (A) Develop educational programs designed to help SMWBEs compete for County contracts.
- (B) Review the existing contracting procedures to determine if barriers exist which discourage SMWBE participation and to recommend potential plans of action to remove these barriers.
- (C) Develop outreach programs and materials for County buyers and the SMWBE Program Office aimed at communicating to SMWBEs the opportunities available through the County's program.

4. Policy Subcommittee:

- (A) Recommend annual goals based on availability for participation by SMWBEs in procurement activities by all County funded departments, offices, agencies, facilities and special projects in the following areas: the supply of goods and nonprofessional services; the performance of professional services; and construction.
- (B) Recommend policy guidance to the Commissioners Court, SMWBE Program Office, Purchasing Agent, or any other County funded entity or facility.

(e) All meetings shall be conducted in accordance with Robert's Rules of Order. All meetings shall be open to the public.

- 1. Time: To be determined by the Advisory Committee or Subcommittee Chair.
- 2. Place: To be determined by the Advisory Committee or Subcommittee Chair.
- 3. Quorum: A majority of the members appointed.

SECTION 3: Removal

- (a) Persons appointed to this committee serve at the pleasure of the appointing Commissioners Court member. A Committee member shall be in accordance with Bexar County Administrative Policy 2.1 - Boards and Commissions Guidelines, ATTENDANCE.

The section for ATTENDANCE states the following:

- 1. Regular attendance of board and commission meetings by the appointee is expected by the Bexar County Commissioners Court.
- 2. The chairperson shall notify the coordinator of the Bexar County Boards and Commissions, in writing, of any member who is absent from three (3) consecutive meetings without an excused absence by formal action of the Board, or is absent from fifty percent (50%) of the meetings held during any twelve-month period. A meeting cancelled for a lack of a quorum is considered a meeting for purpose of recording attendance.

policy as “being granted with at least 24 hours prior notice of absence to be provided to the SMWBE Program Office.”

SECTION 4: Functions

(a) The SMWBE Advisory Committee shall develop a reporting and monitoring system to determine SMWBE participation in all County funded departments, offices, agencies, facilities and special projects.

SECTION 5: Effective Date

April 10, 2001 approved
July 24, 2001 (revised)
October 9, 2001 (revised)
January 29, 2002 (revised)
March 25, 2003 (revised)

ATTACHMENT E
Bexar County
Small, Minority and Women-Owned Business Enterprise
(SMWBE) Program Advisory Committee
Standard Operating Procedures

Purpose

The purpose of these Standard Operating Procedures (SOP) is to outline the manner in which this committee will conduct business in General, Special or Emergency meetings and in all sub-committee meetings. It also defines the rules of the relationship between the Advisory Committee, sub-committees, and county departments.

Meetings

These rules will be used in all meetings conducted by the SMWBE Program Advisory Committee and shall supercede all other rules. Where there is no rule in this SOP nor in the SMWBE Program Advisory Committee Guidelines of Bexar County Administrative Policy 8.0, then Robert's Rule of Order will prevail.

Emergency or Special Meetings

For Emergency or Special meetings, the ten (10) days notice is waived and replaced with a three (3) days notice. The SMWBE Program Office shall give notice by fax, e-mail, standard mail or telephone. The meeting may be called by the Chair or at the request of at least five (5) members.

Quorum

In order to conduct business, a simple majority of the membership shall constitute a quorum for all meetings. A simple majority of the sub-committee members will constitute a quorum. A simple majority is defined as fifty percent (50%) plus one (1) of the members appointed and confirmed by Commissioners Court at the time of the meeting. A quorum is not required to receive sub-committee or staff reports that require no action to be communicated to Commissioners Court. Should a quorum not be established, voting on committee reports or actions items may be conducted via e-mail, fax or mail; provided the necessary background information is given on the particular issue for communication to Commissioners Court. Members shall submit their votes to the SMWBE Program Office staff no later than 4 hours prior to the meeting for submission and recording of their absence.

Agenda

Public posting of the SMWBE Program Advisory Committee or sub-committee meeting agenda is not required. However, the agenda will be sent to all members and any other individual or organization requesting notice of the meeting. An annual calendar of SMWBE Program Advisory Committee meetings shall be posted and maintained on the Bexar County web-site and in the SMWBE Program Office.

The Executive Committee shall set the General meeting agenda. Members may request that an item be placed

on the agenda by calling the Chair, Vice Chair or any member of the Executive Committee or attending the Executive Committee meeting. The sub-committee agendas are set by the sub-committee Chairs.

Votes

Recommendations sent forward by sub-committees to the Executive Committee requiring action at the General Committee meeting will be by consensus. The Executive Committee shall forward the recommendations to the general membership for action. Any recommendations made by the Advisory Committee that require action by Commissioners Court, shall be sent forward by the SMWBE Program Office for consideration on the next Commissioners Court Agenda.

Role of the Officers

Chair/Vice Chair/Sub-committee Chairs

The officers shall serve as the spokespersons for positions of the SMWBE Program Advisory Committee. The officers shall only present the committee's position to Commissioners Court, the general public or media when making a recommendation on behalf of the Committee. Officers or members may not represent personal views or positions in any way that misrepresents the Committee or County's position.

The Committee may consider the violation of this requirement and act to remove the officer and/or member from office and/or recommend to the Court removal of the member from the Committee by a two-thirds (2/3) vote at a general, special or emergency meeting. Any action will be reported at the next meeting of Commissioners Court.

Compliance

All members shall abide by these Standard Operating Procedures once adopted by the SMWBE Program Advisory Committee.

Amendments

These Standard Operating Procedures shall be reviewed at the first meeting of every new term. They shall be adopted, amended or repealed by two-thirds (2/3) vote of the quorum.

January 14, 2002 (adopted)

February 26, 2003 (revised)