

**Small, Minority, Women and Veteran Owned Business Enterprise  
(SMWVBE) Policy**

**Office of the County Manager**

**Effective July 11, 2017**

**Purpose and Objective:**

The Office of the County Manager is committed to increasing the involvement of Small, Minority, Women and Veteran Owned Business Enterprises (SMWVBE) in the County's procurement process. SMWVBEs will be afforded a fair opportunity to compete for all Bexar County procurements initiated by Departments that report to the County Manager's Office.

1. The County, its contractors, their subcontractors, sub consultants and sub 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 policies and procedures.

**Scope:**

This policy will govern all Departments that report to the Office of the County Manager. All employees engaged in the procurement process for the following items are required to adhere to this policy. Although it is not required by this policy, other County offices and departments are encouraged to implement the same or a similar policy to increase SMWVBE participation. This policy covers the following:

1. Purchase of supplies, materials, products, services and equipment
2. Maintenance and/or service of County assets and property
3. Contracts for non-professional services
4. Contracts for commodities, equipment or supplies/materials
5. Contracts for repair/alteration of real property
6. Contracts for construction of real property
7. Contracts for the repair/construction of roads, bridges or other related structures/surfaces
8. Purchase of Professional and Personal Services

**Definitions:**

1. Commodity Codes - the classification of goods, commodities, services construction, and professional services with a unique number assigned to each description as defined by the Purchasing Agent.
  
2. Contract and Diversity Management System (CDMS) - a web-based paperless system that county staff shall use to enter contracts, change orders and payment information and Prime vendors shall use to report payments made to SMWVBEs for any subcontracting, sub-suppliers, or sub-consultant performance.
  
3. Departments – Departments that report to the Office of the County Manager as shown in the Organizational Chart incorporated into the annual budget document as adopted by Commissioners Court.
  
4. Documentation – Documentation of efforts to solicit quotes, bids and/or proposals from SMWVBEs shall be part of the procurement record and consist of:
  - a. SMWVBE listing:
    - I. SMWVBE, organizations or associations contacted
    - II. Business contact information
    - III. Where appropriate, copies of advertisements placed in general circulation media, trade association, publications and/or SMWVBE-focused media
  - b. Solicitation responses including:
    - I. Bids, quotes or proposals received from SMWVBE suppliers/vendors.
    - II. Bids, quotes or proposals received from SMWVBE suppliers/vendors through cooperative contracts or informal or formal methods in accordance with Purchasing policies and procedures.
    - III. Emails or letters returned as “undeliverable”
    - IV. A statement in writing supplied by an SMWVBE or documentation in writing by the staff of a conversation with an SMWVBE indicating why the vendor did not provide a quote, proposal or bid.
    - V. Where appropriate, record of negotiations with SMWVBE firms from whom quotes for purchases under the discretionary threshold were received.

5. Financial Management System – the software system used by the County for financial control, accountability for income, expenditures and assets, purchasing and inventory control.
6. Professional Services - services defined by Professional Services Procurement Act. It applies to acquisition of the following services: accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraisal, or nursing.
7. SMWVBE Certified –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), or African American Business Enterprise (AABE), or Asian American Business Enterprise (ABE), or Disabled Individual Business Enterprise (DIBE), or Emerging Small Business Enterprise (ESBE), or Hispanic American Business Enterprise (HABE), or Native American Business Enterprise (NABE), or Veteran Business Enterprise (VBE) recognized and approved by Bexar County Commissioners Court. Bexar County accepts all verifiable certificates from any bona fide certification agency. The Company that is not certified as a SMWVBE will be encouraged to obtain certification to be included in the SMWVBE participation report.
8. SMWVBE “Self-Certified” means any Company not certified as a SMWVBE. Upon entry of identifying ownership information into the Supplier Portal in response to a Bexar County Invitation For Bid (IFB) or Request for Proposal (RFP), Statement of Qualification (SOQ), or a Request for Qualifications (RFQ), may be identified as a SMWVBE, as defined herein.
9. SMWVBE Participation Report – An automated report listing all vendors who receive payments as prime, subcontractors, sub consultants and sub suppliers.
10. Sub Consultant - a person or legal entity that provides a portion of a contract from a consultant for professional or personal services.
11. Sub Supplier - a person or legal entity that provides a portion of a contract from a principal supplier of goods, commodities or services.
12. Subcontractor - a person or legal entity that takes a portion of a contract from a principal contractor or another subcontractor.
13. Supplier – A firm included in the County’s Financial Management System Procurement Module that has not conducted business with the County.
14. Supplier Portal – a module of the County’s Financial Management System that collects information regarding vendors, including contact information, certification status, commodity codes, etc. All bidders and proposers (to include sub consultants, sub suppliers and subcontractors) are required to provide information identifying ownership for their company.

15. Vendor – 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.

**Policy:**

Departments shall:

- a. Utilize the County's Financial Management System or CivCast for all procurement activities. If using CivCast, ensure a link is created from the County's System to CivCast to allow for easier access to procurement opportunities.
- b. Record the appropriate Commodity Codes for all purchases.
- c. In coordination with the Purchasing Department, document attempts to obtain quotes from SMWVBEs for authorized purchases for services that are estimated to cost less than \$5,000 using vendor lists and/or price tabulations. (Minimum of three)
- d. In coordination with the Purchasing Department, document attempts to solicit bids or proposals from SMWVBEs for competitive purchases that are estimated to cost over \$5,000. (Minimum of three for up to \$50,000 and formal advertisement requirements for over \$50,000)
- e. Document attempts to solicit proposals utilizing SMWVBEs for the purchase of professional and personal services using vendor lists and/or price tabulations. (Minimum of three)
- f. Participate in the training program implemented by the SMWVBE Program Office. Training will include the following:
  - i. Presentation of the SMWVBE Program and its importance to the well-being of the County and SMWVBE community.
  - ii. Access and instruction required to utilize the County's SMWVBE database to obtain price quotes, bids and proposals.
  - iii. Instruction required to document quotes, bids and proposals obtained as mandated by this policy.

- g. Include the language in Attachment A regarding subcontractors, sub consultants and sub suppliers in all advertisements, pre-bids and contracts awarded.

**Roles and Responsibilities:**

SMWVBE Program Office shall:

1. Maintain, update and provide access to a database of vendors, suppliers and contractors that qualify as SMWVBEs, including their products and areas of expertise.
2. Develop and implement a training program for Departments to increase the posting of notices, solicitation and use of SMWVBEs.
3. Establish and maintain a communication process with SMWVBE and non-SMWVBE vendors, suppliers, professionals and contractors to involve them in the procurement process and provide documentation of those efforts.
4. Verify payments to subcontractors, sub suppliers and sub consultants, and seek to resolve any disputes and provide training on the Contract and Diversity Management System.
5. The SMWVBE Program Manager, Purchasing Agent, and a representative from each County department, will meet periodically to review the efforts of achieving the County's Manager's overall SMWVBE goal as established by Commissioners Court.

SMWVBE Compliance staff shall:

1. Audit a subset of database records of IFB, RFP, SOQ, and RFQs issued, and contracts awarded, and report the results to the County Manager for use in refining the requirements of this policy and in promoting accountability for data quality.
2. Verify and update the supplier and vendor databases on an annual basis.
3. Periodically review the utilization of vendors on pre-approved supplier/vendor lists.

Departments shall require Vendors to:

1. Register with the County through the Supplier Portal module of the County's Financial Management System.

2. Submit a Supplier Portal Vendor Number for the prime contractor and, if applicable, for all firms included in the response to the County's Invitation For Bid (IFB), Request For Proposals (RFP), FP, Statement Of Qualifications (SOQ) or Request For Qualifications (RFQ). (Attachment B)
3. To the extent practical, and consistent with standard and prudent industry practices, divide the contract work into the smallest feasible portions to allow for maximum SMWVBE subcontractor, sub supplier or sub consultant participation.
4. Notify SMWVBEs and the SMWVBE Program Office in writing when SMWVBE opportunities are available, allowing sufficient time for effective participation of the work the vendor plans to subcontract or allowed for sub supplier or sub consultant. The notification shall include, but is not being limited to the following:
  - a. Provide information concerning the intended subcontracting, sub supplier, and sub consultant work;
  - b. Provide bonding and insurance requirements that the SMWVBE Subcontractor sub supplier, and sub consultant will be required to fulfill;
  - c. Provide a point of contact (name, title, phone number, and address, etc.) within the vendor's organization that can answer any question a SMWVBE may have concerning the project;
  - d. Provide SMWVBEs 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 SMWVBE; Provide written notice/explanation to the SMWVBE Program Office when a SMWVBE subcontractor, sub supplier, or sub consultant bid or price quotation/proposal is rejected, unless another SMWVBE was selected to perform the same scope of work;
  - e. Provide a detailed description of work to be subcontracted or allowed for sub supplier or sub consultant to SMWVBEs (i.e. electrical, concrete, mechanical, general labor, engineering, architecture, testing, consulting, etc.); and
  - f. The estimated dollar amount of the work to be subcontracted or allowed for sub supplier or sub consultant to SMWVBEs.
5. Utilize the Contract and Diversity Management System (CDMS) when subcontracting, or allowing for sub suppliers or sub consultants.

**Exemptions to this policy:**

SMWVBE provisions defined in this policy may not apply in the following circumstances:

1. Whenever the Purchasing Agent determines the purchases are available only from a sole source; or
  
2. Whenever the Purchasing Agent determines the purchases are made in response to an emergency as defined in the Purchasing Policy 8.1.

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

**Texas Statutes**

Chapter 262 of the Texas Local Government Code, (Purchasing and Contracting Authority of Counties)

Chapter 271, Texas Local Government Code (Public Works Projects);

Chapter 2155, Texas Government Code, (Purchasing and General Rules and Procedures);

Chapter 2252, Texas Government Code (Contracts with Government);

Chapter 2254, Texas Government Code (Professional Services); and

Chapter 2267, Texas Government Code, (Contracting and Delivery Procedures for Construction Projects)

**IFB, RFP, RFQ, SOQ, and all level contracts language for County SMWVBE Requirement**

Bexar County is committed to increasing the involvement of Small, Minority, Women, and Veteran Owned Business Enterprises (SMWVBE) in its procurement process. Similarly, the County promotes SMWVBE 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, Maintenance, Professional Services and Construction are spent with minority and women-owned business enterprises, and/or a minimum of 30% of those procurement dollars are spent with small business enterprises. Expenditures with a Minority, Women or Veteran Owned Business Enterprise (MWVBE) that is also a Small Business Enterprise (SBE) will be counted in both categories.

SMWVBE participation is highly encouraged. However the targeted goals are not included in the evaluation of bids or proposals for awards.

SMWVBE for the purpose of this policy are companies with a certification designation from an authorized certification agency as a woman, small, Veteran 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), Veteran Business Enterprise (VBE) or Small Business Enterprise (SBE) recognized and approved by Bexar County Commissioners Court. Bexar County accepts all verifiable certificates from any bona fide certification agency.

Certification means a designation such as HUB, DBE, SBE, MBE, VBE 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. The ownership by minorities and women must be real and substantial.

Auditing and Compliance: All vendors receiving awards for Goods, Commodities, Services, Construction or Professional Services must provide ownership and amount information for all subcontractors, sub suppliers, and sub consultants to be engaged before or during the term of award.

During the term of the contract, the awarded contractor must submit accurate progress payment information, to include payments made to its Subcontractor(s), Sub Supplier (s) or Sub Consultant(s), with each invoice submitted to the County for payment.

In addition, the Contractor and its Subcontractor(s) Sub Supplier(s) or Sub Consultant(s) must utilize the contract management software Contract and Diversity Management System (CDMS) (procured by Bexar County and available at <https://bexar.smwbe.com/>) to report all payments made and received. Payments shall be audited at least monthly for participation and accuracy by County staff or a designated representative of the County. All such related source documents upon which payment is based shall be made a matter of record.

The contract and Diversity Management System (CDMS) is a web-based paperless system that Prime vendors shall use to report subcontracting, sub supplier or sub consultant payments made to SMWVBEs for any subcontracting, sub-suppliers, sub-consultant performance.

The SMWVBE Program staff will verify payments and seek to resolve any disputes. Staff provides training and education for all prime and sub vendors.

**LIST OF ALL SUBCONTRACTORS**

Attachment B

Reporting of the expenditure data is required to assist with Bexar County's efforts to capture payments to small, minority and women-owned businesses. This document, including the Supplier's certification of the information, will become part of the contract awarded for this purchase, and the Contractors must report any additions, deletions, or substitutions to this certified list to the Bexar County Purchasing Department.

**CERTIFICATION**

The above information is true and complete to the best of my knowledge and belief.

<i>TYPE OF GOODS PROVIDED</i>	<i>HEADQUARTER LOCATION City, State</i>	<i>NAME OF COMPANY</i>	<i>DOLLAR AMOUNT</i>	<i>Bexar County Supplier Portal Vendor ID Number</i>	<i>IDENTIFY if firm is a SBE/MBE/WB E/HUB/DBE List all that apply</i>
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*Bexar*

**SIGNATURE:** \_\_\_\_\_

**NAME & TITLE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**This Document Must be Submitted with your Bid/Proposal.**

**LIST OF ALL PROFESSIONAL/CONSULTING SERVICE PROVIDERS SUB-FIRMS**

Attachment B

**Reporting of the expenditure data is required to assist with Bexar County's efforts to capture payments to small, minority and women-owned businesses. This document, including the Service Provider's certification of the information, will become part of the contract awarded for this project, and the Service Provider must report any additions, deletions, or substitutions to this certified list to the Bexar County Purchasing Department.**

**CERTIFICATION**

**The above information is true and complete to the best of my knowledge and belief.**

<i>TYPE OF GOODS PROVIDED</i>	<i>HEADQUARTER LOCATION City, State</i>	<i>NAME OF COMPANY</i>	<i>DOLLAR AMOUNT</i>	<i>Bexar County Supplier Portal Vendor ID Number</i>	<i>IDENTIFY if firm is a SBE/MBE/WB E/HUB/DBE List all that apply</i>
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**SIGNATURE:** \_\_\_\_\_

**NAME & TITLE:** \_\_\_\_\_

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*Bexar*

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