

BEXAR COUNTY
ADMINISTRATIVE POLICY

ADMINISTRATIVE POLICY NO. 8.0

TITLE: Small, Minority, and Women-Owned Business Enterprise (SMWBE) Policy for the Procurement of all County Offices, Departments and offices, 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

REPLACES: 2004 Small, Minority, and Women-Owned Business Enterprise (SMWBE) Administrative Policy 8.0

REPLACES: 2017 Small, Minority, and Women-Owned Business Enterprise (SMWBE) Administrative Policy 8.0

REPLACES: 2017 Small, Minority, Women and Veteran Owned Business Enterprise 2017 (SMWVBE) Policy Office of the County Manager

REVISION DATE: December 7, 2021

EFFECTIVE DATE: March 1, 2022

SECTION 1: BACKGROUND & PURPOSE

In April 2001, the Commissioners Court of Bexar County established a Small, Minority and Women Owned Business Enterprise (SMWBE) Program. The SMWBE Program was created to ensure small, minority, and women-owned businesses a fair opportunity to compete on the County's contracts. The SMWBE Program applies to all Bexar County government departments, and the success of the Program depends on cooperation of the 54 County offices and departments covered. It focuses on the purchasing, scope of work, and data collection processes that are, of necessity, highly variable because the scope of items and purchasing authority by the County is so varied.

Since its establishment in 2001, the SMWBE Program included participation targets of 20% for Minority, and/or Woman-owned Business Enterprises (MWBE) and/or a minimum of 30% for Small Business Enterprises (SBE). As a result of a Disparity and Availability Study conducted in 2021, Bexar County intends to implement some race and gender-conscious policies and program elements into its SMWBE Program, including non-binding participation targets for overall SMWBE participation in County purchasing and contract-by-contract SMWBE goals on certain County contracts. **These race and gender-conscious policies and program elements will be implemented and effective mid-Fiscal Year 2022 and will be expressly made a part of this Policy 8.0. Until the implementation of these goals-based policies, the existing 20% MWBE target / 30% SBE target shall remain in place and fully applicable.**

The 2021 Disparity and Availability Study

Bexar County engaged Griffin & Strong, P.C., a law and public policy consulting firm located in Atlanta, Georgia, to conduct a Disparity and Availability Study in 2019. The County further engaged Griffin & Strong to design and implement program elements or policies to reduce unlawful discrimination based upon race, gender, or ethnicity.

The 2021 Disparity and Availability Study of Bexar County procurement concluded that there have been statistically significant disparities in both its prime contracting and subcontracting that are likely caused by the race and/or gender status of firm owners and that it remains a passive participant in unlawful discrimination against minority and women business enterprises (“MWBE”) in some of its procurements.

Upon review of the results of the 2021 Disparity and Availability Study, Bexar County concluded that it is advisable and desirable to expand and update its Program in an effort to further ameliorate or eliminate potentially unlawful discrimination against MWBEs, and/or the present effects of past discrimination, in County procurement and contracting activities. The County further endeavored to remedy such discrimination in a way that is narrowly tailored to the findings of the 2021 Disparity and Availability Study.

Recommendations and Implementation of 2021 Disparity and Availability Study

After careful and lengthy consideration of a strong basis in evidence, including, but not limited to, the Disparity and Availability Study conducted by the Griffin & Strong, P.C., Bexar County determined that it continues to have a compelling interest in assuring that the public funds that are collected from all of its citizens and then spent in County contracting do not serve to finance private prejudice on the basis of race, gender, religion, national origin, ethnicity, age, disability, sexual orientation, or any other form of unlawful discrimination.

The County considered a full range of narrowly tailored race and gender-neutral and race and gender-conscious remedial policy options that were presented to it by Griffin & Strong, P.C. as part of its 2021 Disparity and Availability Study, which options are legally defensible and effective for addressing identified barriers to the full and equal participation of MWBEs in Bexar County contracting.

Specifically, Griffin & Strong, P.C. recommended certain revisions to the Program using race and gender-neutral elements, which are incorporated in this amendment. Griffin & Strong also recommended race and gender-conscious elements (previewed above) which will be the subject of further amendment to be considered and adopted mid-FY 2022.

After careful policy deliberations, Bexar County decided to adopt and administer a revised and expanded remedial program for SMWBEs (Administrative Policy No. 8.0) that is based upon the 2021 Disparity and Availability Study as a factual predicate and consistent with these identified remedial policy options. The policy approaches recommended by Griffin & Strong, P.C. have been favorably commented upon by the United States Supreme Court in City of Richmond v. J. A. Croson, 488 U.S. 469, 509-510 (1989), and by other federal courts.

SECTION 2: LEGAL REFERENCES

The SMWBE Program will be administered in compliance with applicable procurement laws and County policies, to include:

A. Standards

- I. Civil Practice and Remedies Code §106.001 (Non-Discrimination)
- II. Chapter 262, Texas Local Government Code, (Purchasing and Contracting Authority of Counties)

- III. Chapter 271, Texas Local Government Code (Purchasing and Contracting Authority of Municipalities, Counties and Certain other Local Governments)
- IV. Government Code Chapter 2251 (Prompt Payment)
- V. Health & Safety Code §361.426 (Recycled Product Preferences)
- VI. Chapter 2252, Texas Government Code (Contracts with Government)
- VII. Chapter 2254, Texas Government Code (Professional Services)
- VIII. Chapter 2269, Contracting and Delivery Procedures for Construction Projects and
- IX. Chapter 2157, Texas Government Code (Purchasing: Purchasing of Automated Information Systems)
- X. Local Government Code Chapter 140.003 (Specialized Local Entities)
- XI. Texas Constitution Article 3 §44
- XII. National Institute of Governmental Purchasers (NIGP): The Institute for Public Procurement
- XIII. Bexar County Tax Abatement Guidelines

B. Commissioners Court Policies

- I. 8.0 Small, Minority, and Women-Owned Business Enterprise (SMWBE) Program
- II. 8.1 Purchasing Policy and Procedures: detailed procedures for applying this policy and applicable forms are found in the Bexar County Purchasing Manual dated July 2017, as amended
- III. 8.2 Disadvantaged Business Enterprise (DBE) Policy

C. Auditor Policies

- I. 02.01 C.1 HANDLING OF BEXAR COUNTY CONTRACTS
- II. 10.0 100 FORM 100 - REQUEST FOR PAYMENT
- III. 10.0 501 FORM 501 - CONTRACT CHECKLIST

D. Disparity and Availability Study Documents

- I. 2021 Disparity and Availability Study of Griffin & Strong, P.C., including all appendices and supporting documents.

SECTION 3: POLICY

1. The County, its contractors, their subcontractors/sub-suppliers/sub-consultants, 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 the citizens of Bexar County.
2. SMWBE for the purpose of this policy are companies with a certification designation from any 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) , 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) or Lesbian, Gay,

Bisexual, or Transgender Business Enterprise (LGBTBE) recognized and approved by Bexar County Commissioners Court.

3. All bidders, including subcontractors/subsuppliers/subconsultants, are required to provide information identifying ownership for their company by registering in the Bexar County Supplier Portal.
4. All vendors receiving awards for Goods, Commodities, Services, Construction or Professional Services must provide information identifying ownership and amount for all subcontractors/subsuppliers/subconsultants to be engaged before or during the term of the award.
5. Small Business and Entrepreneurship Department (SBED) employees shall avoid any activity that would create a conflict between their personal interests and the interest of Bexar County and will avoid the appearance of unethical or compromising practices in relationships, actions, or communications. The types of activities that should be avoided include: accepting gratuities of any kind valued at more than \$25 from current or potential vendors; using confidential proprietary information for actual or anticipated personal gain; or disclosing a vendor's confidential proprietary information inappropriately to other vendors during the procurement process.
6. Non-binding SMWBE participation targets are not included in the evaluation of bids or proposals for awards where race and gender-neutral measures are applied.

Where race and gender-neutral measures are applied, nothing in this policy is to be construed to require the County to award a contract to one other than the lowest *responsible* bidder as required by law and Bexar County policies and procedures, or to award a Professional Services contract to one other than the *best value* bidder/proposer as required by State law and Bexar County policies and procedures.

As discussed, Bexar County intends to implement some race and gender-conscious policies and program elements into its SMWBE Program for overall SMWBE participation in County. Such policy elements will be applied in accordance with market availability, consistent with the analysis/guidance provided in the 2021 Disparity and Availability Study and the express recommendations made based on the Study results. These race and gender-conscious policies and program elements will be implemented and effective mid-Fiscal Year 2022 and will be expressly made a part of this Policy 8.o.

SECTION 4: DEFINITIONS

For the purposes of this policy:

1. "Availability" means companies, SMWBE and non-SMWBE, that have demonstrated an intent to participate in Bexar County Departments, Offices, Funded Entities, and Facilities purchasing and contracting activities and are identified for the purpose of validating and documenting the willingness and capacity of those companies.
2. "Best Value" means a procurement method that emphasizes value over price. The best value might not be the lowest cost. Generally, achieved through the Request for Proposal (RFP) method. An assessment of the return which can be achieved based on the total life cycle cost of the items; may include an analysis of the functionality of the item; can use cost/benefit analysis to define the best combination of quality, services, time and cost considerations over the useful life of the acquired item.
1. "Bundling" means the practice of pooling or grouping smaller purchases to leverage purchasing power thus obtaining the benefits of economies of scale or a reduction in administrative expenses.

2. “Burden of Proof” means the measure of persuasion that is required to convince someone that an alleged fact is true.
3. “Certification” means a designation 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) or Lesbian, Gay, Bisexual, or Transgender Enterprise (LGBTBE) 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.
4. “Certification Agency” means any 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 periodic personal interview or site visit to validate claims of SMWBE status.
5. “Commercially Useful Function” or “CUF” means that when a SMWBE is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the SMWBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the materials, and installing (where applicable) and paying for the materials itself. To determine whether a SMWBE is performing a commercially useful function, the contractor must evaluate the amount of the 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 SMWBE credit claimed for its performance of the work, and other relevant factors. The County shall count as SMWBE participation only expenditures to SMWBE firms that perform a Commercially Useful Function in the work of a contract.
 - a. Consistent with normal industry practices, an SMWBE Prime Contractor may enter into subcontracts. If an SMWBE Prime Contractor does not perform or exercise responsibility for at least 49% of the total cost of its contract with its own work force, however, or the SMWBE firm subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practices for the type of work involved, it is presumed that it is not performing a Commercially Useful Function. A SMWBE may present evidence to rebut this presumption.
6. “Commodity Codes” means the classification of goods, commodities, services construction, and professional services using NGIP codes with a unique number assigned to each description as defined by the Purchasing Agent.
7. “Component Purchases” means purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.
8. “Contract & Diversity Management System” or “CDMS” is a web-based paperless system that prime vendors shall use to upload contract documents and report subcontractor/ subsupplier/ subconsultant payments made for any subcontractor/ subsupplier/ subconsultant performance. Subcontractor/ subsupplier/ subconsultant shall also use CDMS to confirm payments and/or submit disputes.
9. “Contractor” or “Vendor” or “Company” means any individual or business having a contract with a governmental body to furnish goods, services, construction or professional services for an agreed upon price.
10. “Cooperative Purchasing” or “CO-OP” means the process the County uses to purchase goods and services as outlined in Texas Local Government Code Chapter 262, Purchasing and Contracting Authority of Municipalities, Counties and Certain other Local Government Code Chapter 271, Subchapter F (Cooperative Purchasing Program), and the Bexar County Administrative Purchasing Policy No. 8.1.
11. “Demonstrated Intent” means that a firm has provided information and/or documentation expressing a desire and willingness to perform on public contracts with the County. For example,

- the business may have registered with a governmental entity, bid on a government contract, secured government certification, or was listed on a business organization's membership list.
12. "Disadvantaged Business Enterprise" or "DBE" means a for-profit entity that is at least 51% owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51% of the stock is owned by one or more of such individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it (49 Code of Federal Regulations (CFR) Part 26 Section 26.5) (Separate Application, Personal Net Worth Statement, Financials, Tax Returns and a Site-Visit are required for certification) All DBE Certifications follow the process and procedures as outlined in 49 CFR Part 26 and/or 23.
 13. "Disabled Individual Business Enterprise" or "DIBE" means a sole proprietorship, partnership, or corporation that is at least 51% owned, operated and controlled by a Disabled individual. Disabled means a person (a) with one or more disabilities as defined by the Americans with Disabilities Act (ADA) and amendments thereto, (b) having a record of such disabilities, and (c) regarded as having such disabilities. A person is considered disabled if their disability is chronic, longstanding and can be recognized.
 14. "Documentation" means written support, recorded in an electronic format, regarding efforts to solicit quotes, bids, and/or proposals from SMWVBES, which shall be part of the procurement record and shall consist of:
 - a. SMWBE listing:
 - i. SMWBE, organizations or associations contacted
 - ii. Business contact information
 - iii. Where appropriate, copies of advertisements placed in general circulation media, trade association, publications and/or SMWBE-focused media
 - b. Solicitation responses including:
 - i. Bids, quotes or proposals received from SMWBE suppliers/vendors.
 - ii. Bids, quotes or proposals received from SMWBE 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 SMWBE or documentation in writing by the staff of a conversation with an SMWBE indicating why the vendor did not provide a quote, proposal or bid.
 - v. Where appropriate, record of negotiations with SMWBE firms from whom quotes for purchases under the discretionary threshold were received.
 15. "Exempt Categories of Expenditures" or "ECE" means payments that will not be counted by the County or its prime vendors in establishing the SMWBE Participation Target: (a) utilities; (b) non-profits; (c) other governmental entities; (d) insurance premiums; (e) employee payroll; and (f) employee conference and training seminars as approved by Bexar County Commissioners Court.
 16. "Expertise" means demonstrable skills or knowledge of the field of endeavor in which certification is sought, including licensure where required.
 17. "Joint Venture" or "JV" 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-SMWBE and SMWBE business enterprise, if 51% or more of the contract amount of the work is performed by the local SMWBE business enterprise and 51% or more of the compensation is paid to the local SMWBE, then 100% of that contract amount will be included in the MWBE participation report. If less than 51% of the work is performed by the local business enterprise or an SMWBE, then only that portion of the contract amount will be included in the SMWBE participation report.
 18. "Lesbian, Gay, Bisexual, or Transgender Business Enterprise" or "LGBTBE" means an independent business entity that is at least fifty-one percent (51%) owned and controlled by one or more LGBT persons who are U.S. citizens or lawful permanent residents, or in the case of any publicly-owned business, at least fifty-one percent (51%) of the equity of which is owned and controlled by one or more LGBT persons who are U.S. citizens or lawful permanent residents; and whose management and daily operation is controlled by one or more of the LGBT owners as certified by the National

Gay & Lesbian Chamber of Commerce (NGLCC). The NGLCC is the exclusive, third-party certification body that verifies that eligible businesses are majority-owned by LGBT individuals, and subsequently grants LGBT Business Enterprise (LGBTBE) designation to such businesses as part of its LGBT Supplier Diversity Initiative.

19. "Local Business Enterprise" or "LBE" 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; or (B) 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.
20. "Lowest Responsive and Responsible Bidder" means the bidder who fully complied with all of the bid requirements and whose past performance, reputation, and financial capability is deemed acceptable and has offered the most advantageous pricing or cost benefit, based on the criteria stipulated in the bid documents.
21. "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.
22. "Minority Group Member" means those persons, citizens of the United States, and lawfully admitted resident aliens, who are defined by the US Small Business Administration 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 approved by Bexar County Commissioners Court.
23. "Participation Target" means the SMWBE procurement targeted level. The targeted level is that a minimum of 20 percent for the procurement shall be spent with minority and women-owned businesses, and/or a minimum of 30 percent shall be spent with small business enterprises. Procurement and contracting dollars spent with a MWBE that also is a SBE will be counted in both categories.
24. "Participation Report" means a summary of the utilization records that reflect the extent to which the County had used minority, women-owned, and other businesses to secure its needed construction, professional services, and goods and other services at the prime and sub levels. Utilization records are also used to determine the geographical area in which companies that had received County payments were located. The participation of a SMWBE subcontractor/sub supplier/subconsultant will not be counted toward the prime Contractor's SMWBE achievements until the committed amount has been actually paid to and verified by the SMWBE in the County's CDMS System.
25. "Prime Consultant" means a person or business entity that has the responsibility to coordinate and/or provide expert or professional services, for a fee or commission, including but not limited to professional, interior design, technical, contracting, or managerial services.
26. "Prime Contractor" or "Prime Vendor" or "Prime Supplier" means a vendor or contractor awarded a contract or purchase order directly from Bexar County.
27. "Professional Services" are services defined by the State of Texas Professional Services Procurement Act (GC 2254). It applies to acquisition of the following services: accounting, architecture, landscape architecture, land surveying, medicine, optometry, interior design, professional engineering, real estate appraisal, or nursing.
28. "Race Conscious" or "Gender Conscious" means any business classification or Program Element wherein the race or gender of business owners is taken into consideration.
29. "Race Neutral" or "Gender Neutral" means any business classification or Program Element wherein the race or gender of business owners is not taken into consideration.
30. "Responsible" means a contractor fully capable of meeting all the requirements of the solicitation and subsequent contract. The contractor must possess the full capability, including financial and technical, to perform as contractually required.

31. “Responsive” means a contractor, business, or individual who has submitted a bid or request for proposal that fully conforms in all material respects to the informal Quote, IFB, RFP, SOQ, or RFQ and all of its requirements, including all form and substance.
32. “Separate Purchases” means purchases made separately, of items that in normal purchasing practices would be purchased in one purchase.
33. “Sequential Purchases” means purchases made over a period, of items that in normal purchasing practices would be purchased in one purchase.
34. “Small Business Enterprise” or “SBE” means a business entity 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. In making a determination regarding size standard, processing staff must reference and adhere to §26.65 and 23.33 of the regulations.
35. “Small, Minority, and Women Owned Business Enterprise” or “SMWBE” means those business entities with a certification designation from any 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) or Lesbian, Gay, Bisexual, or Transgender Business Enterprise (LGBTBE) recognized and approved by Bexar County Commissioners Court.
36. “Self-Identified SMWBE” means any business entity not certified as a SMWBE but meeting the SMWBE criteria. Upon successful completion of VENDOR REGISTRATION in response to a Bexar County informal Quote, or Invitation for Bid (IFB) or Request for Proposal (RFP), or Statement of Qualification (SOQ), or Request for Qualifications (RFQ) and in accordance with Section G. of this policy, may be identified as a SMWBE, as defined herein. The business entity that is not certified as a SMWBE will be identified in the SMWBE Program Report and will be encouraged to obtain certification within 90 days of award to be included in the SMWBE Participation Report.
37. “Small Business and Entrepreneurship Department” or “SBED” means the staff appointed by Commissioners Court to coordinate and implement the initiatives and programs developed to achieve the intent of this policy.
38. “SMWBE Advisory Committee” means the committee appointed by Commissioners Court (See Attachment D to this policy).
39. “SMWBE Directory” means the listing of certified businesses used to identify eligible small, disadvantaged, minority, women, disabled, LGBT, and Veteran business enterprises in pursuit of contracting and procurement opportunities.
40. “SMWBE Participation Report” means the listing of firms certified as a SMWBE receiving payments from the County as a prime, subcontractor/subsupplier/subconsultant.
 - a. “SMWBE Policy” means Bexar County 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.
41. “SMWBE Program Report” means the documentation of informal quotes, IFB/RFP/SOQ/RFQ issued, solicited firms, contracts awarded, payments and disputes.
42. “Solicitation Types” are defined as an informal Quote or Invitation for Bid (IFB) or Request for Proposal (RFP) or Request for Qualifications (RFQ).
43. “South Central Texas Regional Certification Agency” or “(SCTRCA)” means an agency authorized by the Texas Unified Certification Program (TUCP) for certification of Disadvantaged Business Enterprises (DBE), The SCTRCA operates as a Non-Profit thru an Inter-Local with governance by representatives of local public entities for certification of Minority Business Enterprises (MBE), Small Business Enterprise (SBE), African American Business Enterprise (AABE), Asian American Business Enterprise (ABE), Disabled Individual Business Enterprise (DIBE), Emerging Small Business Enterprise (ESBE), Hispanic American Business Enterprise (HABE), Native American Business Enterprise (NABE), Veteran Business Enterprise (VBE) and Women Business Enterprises

(WBE). 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.

44. "State of Texas Historically Underutilized Business" or "HUB" means a for-profit entity that has not exceeded the size standard prescribed by 34 TAC §20.294, and has its principal place of business in Texas, and is at least 51 % owned by an Asian Pacific American, Black American, Hispanic American, Native American, American woman and/or Service Disabled Veteran, who reside in Texas and actively participate in the control, operations and management of the entity's affairs.
45. "Subconsultant" means a person or business entity that gives expert or professional advice for fee or commission for providing bona fide services, such as professional, interior design, technical, contractor, or managerial services, or for providing bonds or insurance. SMWBE credit will be counted only for fees and/or work performed by the SMWBE firm.
46. "Subcontractor" means a person or business entity employed to perform part of a contractual obligation under the control of the prime contractor. If the SMWBE sub-contractor performs 51% or more of the contract work and 51% or more of the compensation paid to the SMWBE sub-contractor, then 100% of the contract amount will be included in the SMWBE participation report. If the SMWBE sub-contractor 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 be included in the SMWBE participation report.
47. "Subsupplier" means a person or business entity such as Broker, Dealership, Distributor, Franchise, Manufacturer, Manufacturer Representative, Regular Dealer, Resale/Reseller, Retailer or Wholesaler. SMWBE credit will be counted only for fees and/or work performed by the SMWBE firm.
48. "Supplier Portal" means the Bexar County Purchasing website interface that lets a supplier register as a vendor, bid on open events, control notification settings, and view their bid history.
49. "Supplier Registration" means the process the County Purchasing Department uses to collect information to contact companies regarding bidding opportunities and awards.
50. "Unbundling" means the process of dividing a service into smaller portions, in order to encourage competition. It is frequently done on the basis of geography, for example, a large service area, such as a city or county is divided into smaller geographical regions.
51. "Vendor" means a supplier/seller of goods and services. Departments shall require Vendors to register with the County through the Supplier Portal module of the County's Financial Management System
52. "Veteran-Owned Business Enterprise" or "VBE" means a sole proprietorship, partnership, or corporation at least 51% owned, operated and controlled by an individual who served in the United States active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, and who has at least 51% ownership in applicant firm. Please note: This certification type should not be confused with the Service Disabled Veteran designation available through the Small Business Administration

SECTION 5: PARTICIPATION TARGETS & RACE-CONCIOUS GOALS

The best management practices employed by the County consist of implementation of an aggressive tracking and monitoring system and progressive SMWBE outreach activities and mentoring services. The County's strategies are designed to deliver innovative solutions to increase the effectiveness of its Program. The standard benchmark regarding the effectiveness of SMWBE Programs is to increase both the dollar amount and percentage of services and supplies the agency procures from SMWBE.

The County will continue to foster its best management practices and further build the capacity of SMWBE in its market area.

A. Race and Gender-Neutral Participation Targets

Among the race and gender-neutral Program Elements recommended based on the 2021 Disparity and Availability Study and accepted for implementation by the County was continuation of the annual participation targets for SMWBE participation currently employed by the County. In furtherance thereof:

1. The Small Business and Entrepreneurship Department Director, 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 participation targets as established by Commissioners Court.
2. The SMWBE Participation Targets of 20% for Minority, and/or Woman-owned Business Enterprises (MWBE) and/or a minimum of 30% for Small Business Enterprises (SBE) will remain applicable to all Bexar County procurement and contracting as outlined in Section I of this policy until the recommended race and gender-conscious goals provisions discussed in Section I above are implemented in mid-FY2022. Procurement opportunities shall be reviewed on an individual basis for the purpose of establishing higher or lower participation targets based on the availability of SMWBE.
3. The Small Business and Entrepreneurship Department is responsible for managing the effectiveness of the policy. Unless otherwise directed by Commissioners Court, a written report will be provided both on a quarterly and annual basis to the SMWBE Advisory Committee, and at the next available scheduled meeting, the report(s) will be provided to the Commissioners Court.
4. The Small Business and Entrepreneurship Department will be responsible for issuing an annual report which shall reflect the County's performance and if necessary, recommend new countywide participation targets to be approved by Commissioners Court. The report shall include information about business entity availability and participation efforts in the county purchasing and contracting process, as well as contract awards to SMWBE and non-SMWBE as outlined in Attachment B.

B. Race and Gender-Conscious Goals Provisions

As discussed in Section I above, certain race and gender-conscious Program Elements have been recommended based on the 2021 Disparity and Availability Study and accepted for implementation by the County. Included in these recommendations are provisions for non-binding participation targets for overall SMWBE participation in County purchasing, and contract-by-contract SMWBE goals on certain County contracts. **These race and gender-conscious policies and program elements will be implemented and effective mid-Fiscal Year 2022 and will be expressly made a part of this Policy 8.o.**

SECTION 6: ADMINISTRATION

Bexar County Offices, Departments, Funded Entities, and Facilities will actively seek and encourage SMWBE 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 SMWBE, including their products and areas of expertise that is downloadable, exportable and at no cost to the general public. Requests for printed copies may have a reasonable charge accessed;
2. Developing and implementing an educational and training program for end users seeking to increase the utilization of SMWBEs in the execution or purchases made on behalf of Bexar County's departments, offices, funded entities, and facilities;
3. Developing and implementing an educational and training process for documenting the solicitation and rotation of firms for the purchase of goods and services made with the use of cooperative purchasing agreements, inter-locals or other programs;
4. Establishing, implementing and maintaining a communication process with SMWBE and non-SMWBE vendors, suppliers, professionals and contractors in order to involve them in the

procurement process and provide documentation of those efforts to the Small Business and Entrepreneurship Department;

5. Advertising for bid submissions in local community publications, both printed and electronic, 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/social economic group. The Small Business and Entrepreneurship Department shall provide the Purchasing Agent a listing of publications not less than annually;
6. Submitting notices (IFB, RFQ, or RFP) to the SBED, City of San Antonio's Department of Economic Development Small and Minority Business Enterprise Program, SCTRCA, various Chambers of Commerce, CivCast, Bexar County Infor Portal and Contracts & Diversity Management System (CDMS), identified social media platforms, and/or other business advocacy groups;
7. Providing SMWBE reports, through Small Business and Entrepreneurship Department, to the Commissioners Court for all purchasing and contract award information on a semi-annual basis;
8. Encouraging SMWBE participation at pre-bid conferences;
9. Developing and encouraging the promotion and use of the Electronic Purchasing Notice and Document Distribution System at no cost to the vendor; and
10. If the Purchasing Department and the SBED Director reasonably believe that a proposed procurement will render SMWBE prime contractor participation unlikely, then they may recommend to the user Department alternative procurement methods or guidelines which would increase potential SMWBE prime contractor participation. Such alternatives may include: 1) breaking up the full procurement into smaller discrete procurements; and 2) breaking out one or more discrete procurements from the larger procurement.
11. Where the above methods are not feasible, the Purchasing Department shall work with the user Department to recommend a strategy that preserves SMWBE prime contractor participation to the maximum extent practicable. The Purchasing Department may also recommend that SMWBE participation be increased through subcontracting opportunities or teaming arrangements.

Nothing in this section shall be interpreted to mandate increased SMWBE participation where such efforts would significantly affect the ability of the user Department to complete the contract/project. None of the methods discussed in this section should be used to subvert or avoid any formal procurement requirement or similar threshold consideration.

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 State of Texas, South Central Texas Regional Certification Agency (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 State of Texas, SCTRCA or other agencies to provide information regarding certification for small, minority and women-owned businesses. The Small Business and Entrepreneurship Department will monitor the services provided by the SCTRCA and other agencies authorized by Texas Unified Certifying Program (TUCP) and make quarterly reports to the SMWBE Advisory Committee.
3. Any vendor SMWBE certification recognized by Bexar County and provided by the State of Texas, SCTRCA or any other agency is based on the certification credentials contemplated in this policy.
4. The SBED Office will maintain a current database of certified and available SMWBEs and make this database accessible to interested parties. The database will include the types of services

provided by the business enterprise, either by commodity code or industry, and contact information for the business enterprise. A list from the database will be made available to potential bidders to assist them in their efforts to increase participation of SMWBE firms at no cost and in an electronic and exportable format.

5. On a quarterly basis the SBED Office shall compare and cross-reference its internal list of certified SMWBE firms to those of all accepted certifying agencies. Any discrepancies discovered through this process shall be provided in writing within ten (10) days of such quarterly analysis and report, with a written explanation and/or documentation identifying the basis for the discrepancy report and certifying entities' responses (if any) to the SMWBE Program Advisory Committee Certification Subcommittee.
6. The SMWBE Advisory Committee and the Small Business and Entrepreneurship Department are jointly responsible for developing criteria for a performance review and evaluation of the State of Texas and SCTRCA on at least an annual basis. The review will include, but is not limited to: (a) actions needed if State of Texas or SCTRCA actions are in conflict with the intent of this Policy; (b) availability, dependability and credibility of vendor database; and (c) county and public access and monitoring capabilities of the State of Texas or SCTRCA vendor database. Commissioners Court shall take action to remedy discrepancies and, if appropriate, to remove the access and promotion of a certifying entity.
7. A company may appeal a decision made by the State of Texas, SCTRCA or other agencies, to deny said company a Certification, to the Commissioners Court through the Bexar County Small Business and Entrepreneurship Department.

SECTION 8: SOLICITATION AND AWARD OF COMMODITIES, EQUIPMENT, MAINTENANCE, CONSTRUCTION, SERVICES AND PROFESSIONAL & PERSONAL SERVICES UNDER \$50,000

A. Commodities, Equipment, Maintenance, Construction, and Services

1. County departments and offices are required to document efforts to use SMWBE firms for authorized purchases that are estimated to cost less than \$5,000 by using vendor lists, CDMS, or the Infor Supplier portal to document quotations.
2. County departments and offices shall document attempts to solicit bids or proposals from SMWBE for competitive purchases that are estimated to cost between \$5,000 and \$50,000 using vendor lists and/or price tabulations.

B. Professional and Personal Services

1. The County departments and offices shall document attempts to solicit proposals utilizing SMWBE for the purchase of professional and personal services by using internal vendor lists, CDMS, or the Infor Supplier portal.

SECTION 9: SOLICITATION AND AWARD OF COMMODITIES, EQUIPMENT, MAINTENANCE, CONSTRUCTION, SERVICES AND PROFESSIONAL & PERSONAL SERVICES OVER \$50,000

A. Commodities, Equipment, Maintenance, Construction, and Services

1. In accordance with Local Government Code Section 262.023(a), the purchase of commodities, equipment and/or services (non-professional services), maintenance or construction in excess of \$50,000 requires a formal/competitive 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. County departments and offices shall document attempts to solicit bids or proposals from SMWBEs for competitive purchases that are anticipated to exceed the \$50,000 formal procurement threshold using Infor notification listings and/or vendor lists, where applicable.

B. Professional and Personal Services

1. The purchase of professional and personal services shall 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).
2. The County departments and offices shall document attempts to solicit proposals and/or qualifications utilizing SMWBE firms for the purchase of professional and personal services by using internal vendor lists, CDMS, or the Infor Supplier portal .

SECTION 10: VENDOR RESPONSIBILITIES

The vendor is required to complete and submit a VENDOR REGISTRATION FORM as shown in Attachment C of this policy in response to a County IFB, RFP, SOQ or RFQ. A vendor's bid or proposal shall be declared non-responsive if the required (completed) VENDOR REGISTRATION FORM is not included.

A. Requirements

1. 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 sub-contractor, sub-supplier and/or sub-consultant participation.
 - b) Notify SMWBE in writing or by electronic means when SMWBE opportunities are available, allowing sufficient time for effective participation of the work the vendor plans to for sub-contracting, sub-supplier and/or sub-consultant participation. The notification shall include, but is not being limited to the following:
 - i. Provide information concerning the intended sub-contracting, sub supplier and/or sub-consultant scope of work
 - ii. Provide bonding and insurance requirements that the SMWBE sub-contractor, sub-supplier and/or sub-consultant will be required to fulfill; and
 - c) Provide SMWBE 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.
 - d) Provide written notice/explanation to the Small Business and Entrepreneurship Department when a SMWBE sub-contractor, sub-supplier and/or sub-consultant participation bid or price quotation/proposal is rejected, unless another SMWBE was selected to perform the same job.
 - e) For those vendors that experience difficulty in locating certified SMWBE, a list or access to online database (which is exportable at no cost to the vendor) will be provided to the vendor by the Bexar County Small Business and Entrepreneurship Department.
 - f) In order for the Small Business and Entrepreneurship Department to supply the list, vendors must provide the following in regard to the project:
 - (i.) A detailed description of work concerning the intended subcontractor/subsupplier/subconsultant scope of work;

(ii.) The estimated dollar amount of the work to be subcontracted to SMWBE;
and

(iii.) Bonding and insurance requirements the SMWBE subcontractor will be
required to fulfill.

B. Documentation and Reporting

Documentation of efforts to solicit quotes, bids and/or proposals from SMWBE shall be part of the vendor's attempt to document Good Faith Efforts/Good Faith Plan and consist of the following actions:

1. Prime Vendors must report all payments to subcontractors/ subsuppliers/ subconsultants to Bexar County. Payments made to all subcontractors/ subsuppliers/ subconsultants are tracked on a monthly basis. A semi-annual report including information on solicitations, contracts awarded and payments made to prime vendors and subcontractors/ subsuppliers/ subconsultants shall be provided to the Commissioners Court by the Small Business and Entrepreneurship Department.
2. The Contract and Diversity Management System (CDMS) is a web-based paperless system that Prime vendor shall be used to report subcontracting payments made to SMWBE for any subcontractor/ subsupplier/ subconsultant tier-level.
3. The Small Business and Entrepreneurship Department staff shall verify payments and seek to resolve any disputes. Staff provides training and education for all prime and sub-vendors.

SECTION 11: RECORD KEEPING AND TRACKING OF SMWBE UTILIZATION

The SBED Director, with the assistance of the IT Department, shall compile data on MWBE and SBE participation. Information on prime contractor awards and subcontractor utilization will be maintained by the SBED Director, which will gather the necessary data from all County Departments and Offices on a quarterly basis.

MWBE and SBE utilization data shall be maintained as follows:

1. Contracts and purchases shall be grouped into five categories: construction, Architectural and Engineering professional services, other professional services, other services, and goods (materials, equipment, and supplies).
2. Statistics shall measure overall awards to MWBEs and SBEs by category.
3. All data necessary to measure and evaluate the effectiveness of the SMWBE Program in reducing discrimination and/or underutilization of MWBEs or SBEs shall be kept and maintained by the SBED Director.

Data collection is an important aspect of evaluating the effectiveness of the SMWBE Program. The following statistics shall be maintained by the SBED Director and reported annually to the SWMBE Committee and the Commissioners Court:

Solicitations / Outreach

- i. Total number of notifications sent to Infor suppliers
- ii. Total number of Infor notifications sent to MBEs
- iii. Total number of Infor notifications sent to WBEs
- iv. Total number of Infor notifications sent to SBEs
- v. Total number of notifications sent to CDMS vendors
- vi. Total number of CDMS notifications sent to MBEs
- vii. Total number of CDMS notifications sent to WBEs
- viii. Total number of CDMS notifications sent to SBEs
- ix. Total number of social media campaigns conducted

- x. Total number of social media campaign impressions

Responses

- i. Total number of responses received per solicitation event
- ii. Total number of responses received from MBEs as primes
- iii. Total number of responses received indicating MBEs as subs
- iv. Total number of responses received from WBEs as primes
- v. Total number of responses received indicating WBEs as subs
- vi. Total number of responses received from SBEs as primes
- vii. Total number of responses received indicating SBEs as subs

Awards

For construction purchases:

- i. Total value of construction contracts awarded
- ii. Total value of construction contracts awarded to MBEs as primes
- iii. Total value of subcontracts awarded to MBEs
- iv. Total value of construction contracts awarded to WBEs as primes
- v. Total value of subcontracts awarded to WBEs
- vi. Total value of construction contracts awarded to SBEs as primes
- vii. Total value of subcontracts awarded to SBEs

For Architectural and Engineering Professional Services:

- i. Total value of services contracts awarded
- ii. Total value of services contracts awarded to MBEs as primes
- iii. Total value of subcontracts awarded to MBEs
- iv. Total value of services contracts awarded to WBEs as primes
- v. Total value of subcontracts awarded to WBEs
- vi. Total value of construction contracts awarded to SBEs as primes
- vii. Total value of subcontracts awarded to SBEs

For purchases of other professional services, general services, and goods (materials, equipment, and supplies) made through the competitive bid or quotation process:

- i. Total value of purchases
- ii. Total value of purchases from MBEs
- iii. Total value of purchases from WBEs
- iv. Total value of purchases from SBEs

For small, informal purchases made by County Departments:

- i. Total value of small purchases made by Bexar County
- ii. Total value of small purchases from MBEs, by individual County Department
- iii. Total value of small purchases from WBEs, by individual County Department
- iv. Total value of small purchases from SBEs, by individual County Department

Payments

For construction purchases:

- viii. Total value of construction contracts paid
- ix. Total value of construction contracts paid to MBEs as primes
- x. Total value of subcontracts paid to MBEs
- xi. Total value of construction contracts paid to WBEs as primes
- xii. Total value of subcontracts paid to WBEs

- xiii. Total value of construction contracts paid to SBEs as primes
- xiv. Total value of subcontracts paid to SBEs

For Architectural and Engineering Professional Services:

- viii. Total value of services contracts paid
- ix. Total value of services contracts paid to MBEs as primes
- x. Total value of subcontracts paid to MBEs
- xi. Total value of services contracts paid to WBEs as primes
- xii. Total value of subcontracts paid to WBEs
- xiii. Total value of construction contracts paid to SBEs as primes
- xiv. Total value of subcontracts paid to SBEs

For purchases of other professional services, general services, and goods (materials, equipment, and supplies) made through the competitive bid or quotation process:

- v. Total value of purchases
- vi. Total value of payments made to MBEs
- vii. Total value of payments made to WBEs
- viii. Total value of payments made to SBEs

For small, informal purchases made by County Departments:

- v. Total value of informal purchases made by Bexar County
- vi. Total value of informal payments made to MBEs, by individual County Department
- vii. Total value of informal payments made to WBEs, by individual County Department
- viii. Total value of informal payments made to SBEs, by individual County Department

SECTION 12: ADMINISTRATION OF VENDOR DATA

In addition to the requirements for County Departments, Elected Officials are encouraged to participate in the administration of vendor data.

To facilitate the measurement and management of the SMWBE program, data shall be collected and validated as follows:

A. Database Record of Solicitation (Informal Quote, IFB, RFP, SOQ or RFQ)

1. The procuring entity (Purchasing, Public Works, Facilities, IT, or Auditor) shall maintain a database record for each informal Quote, IFB, RFP, or RFQ issued. Revisions or amendments to an informal Quote, IFB, RFP, SOQ, or RFQ shall be associated with, tiered, or linked to the originals.
2. When an informal Quote, IFB, RFP, or RFQ or related notices sent to potential vendors are returned as undeliverable, the procuring entity shall contact and work with the Small Business and Entrepreneurship Department so that such addresses for SBE and MWBE can be validated and corrected in all County databases.
3. For each proposal or response to an informal Quote, IFB, RFP, or RFQ received from a prospective SBE or MWBE vendor, the procuring entity (Purchasing, Public Works, Facilities, IT, or Auditor) shall be responsible for entering the following data and verifying its accuracy:

- (a.) Vendor registration status and vendor number (which shall be compared with the County's databases);
- (b.) Vendor certification as SBE and/or MWBE (which shall be verified with the certifying agency the vendor has stated on its vendor registration form);
- (c.) Commodity code applicable to the informal Quote, IFB, RFP, or RFQ
- (d.) Vendor commodity code(s) for the vendor certification being claimed (which shall be compared to the commodity code applicable to the informal Quote, IFB, RFP, or RFQ, to verify that the vendor is an SBE and/or MWBE in that commodity code). If the vendor commodity code for the vendor certification being claimed does not match the commodity code applicable to the informal Quote, IFB, RFP, or RFQ, the procuring entity shall notify the Small Business and Entrepreneurship Department and the Small Business and Entrepreneurship Department shall attempt (CUF) to confirm that the vendor is an SBE and/or MWBE for that commodity code and report back to the procuring entity.

B. Database Record of Contract Award

- 1. The procuring entity (Purchasing, Public Works, Facilities, IT, or Auditor) shall maintain an electronic record (CDMS, EXCEL or INFOR) for each contract awarded.
- 2. For each contract awarded, the procuring entity (Purchasing, Public Works, Facilities, IT, or Auditor) shall be responsible for entering the following contract data and verifying its accuracy:
 - (a.) The document (i.e., Purchase Order, IFB, RFP, or RFQ) number that resulted in the contract
 - (b.) The competition type (i.e., informal Quote, IFB, RFP, RFQ, Co-Op, sole source or Emergency)
 - (c.) Whether all or a significant portion of the work will be performed by the vendor at an address in Bexar County—as opposed to merely being delivered to Bexar County from a vendor's headquarters or location outside of Bexar County—or whether all or a significant portion of the work will be performed by the vendor at an address outside of Bexar County (which shall be determined by reviewing the vendor's proposal or response).
- 3. The database record for each informal Quote, IFB, RFP, or RFQ issued shall be linked to the database record for the resulting contract award to the maximum extent practicable, for ease of reporting and data analysis.

C. Audit of database records

- 1. The Small Business and Entrepreneurship Department compliance staff shall:
 - (a.) Annually audit a subset of database records of informal quotes, IFB/RFP/ RFQ issued, and contracts awarded;
 - (b.) Verify and update the supplier and vendor databases;
 - (c.) Periodically review the utilization of vendors on pre-approved supplier/vendor lists; and
 - (d.) Provide semi-annual and annual reports to the SMWBE Advisory Committee and Commissioners Court.

SECTION 13: RESPONSIBLE OFFICES

In order to fully implement the intent and goals of this policy, the Small Business and Entrepreneurship Department (SBED) 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 Small Business and Entrepreneurship Department. The SBED shall be responsible for the overall administration of the County's SMWBE Program.

A. Small Business and Entrepreneur Department (SBED)

1. Establish procedures for the implementation of the policy;
2. Verify payments to sub-contractors, sub-suppliers and sub-consultants, and seek to resolve any disputes and provide training on the Contract and Diversity Management System (CDMS);
3. Develop and implement educational and training programs to assist SMWBE to compete effectively for County contracts;
4. Compile a written quarterly report reflecting program statistics and the progress in attaining the county established SMWBE participation levels;
5. Receive and review all internal and external complaints and recommendations regarding the implementation of the SMWBE policy;
6. Audit compliance with the SMWBE policy on all purchases before, after award, during the performance of the contract and after completion;
7. Review, develop and provide access to a directory of certified SMWBE and those in the certification process;
8. Establish outreach activities and materials (English and Spanish languages) to provide information and needed assistance to SMWBE to increase their participation in the County's procurement, contracting and certification process;
9. Provide staff support for the SMWBE Program Advisory Committee;
10. Monitor and report compliance issues regarding the TUCP, State of Texas HUB Office, South Central Texas Regional Certification Agency, SA LGBT Chamber, Southwest Minority Supplier Development Council, and other certifying entities;
11. Work with departments to identify SMWBE for use in the purchase of professional and personal services;
12. Develop and implement a training program for Offices and Departments to increase the posting of notices, solicitation, documentation and use of SMWBE;
13. 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;
14. Establish and maintain a communication process with SMWBE and non-SMWBE vendors, suppliers, professionals and contractors to involve them in the procurement process and provide documentation of those efforts;
15. Contact bidders who fail to submit the requisite SMWBE documentation;
16. Work with the County Clerk's Office to obtain assistance with all awards, contracts and information. As per State Statutes, the County Clerk is responsible for maintaining the records of Commissioners Court, Probate Courts, County Courts at Law, and Real Property Records. The County Clerk is also charged with recording all public records, including state and federal tax liens, DD 214's, UCC records, assumed business names, deputations, notice of trustee sales, public notices, personal financial statements, official bonds, statement of elected/appointed

official, and vital statistics such as marriage licenses, birth, and death records through 1967 for births and deaths that occurred outside city limits, but within Bexar County.

17. Furnish information to procuring entities to enable them to carry out their responsibilities pursuant to Sections 11 and 12 of this Policy;
18. Perform other duties assigned by the Commissioners Court to comply with the intent of this policy.

B. Purchasing Department

1. Provide the Small Business and Entrepreneurship Department with direct access to the contract award and purchase order information for maintaining the online SMWBE Contract and Diversity Management System;
2. Assist the Small Business and Entrepreneurship Department with recommendations to the Commissioners Court and the SMWBE Advisory Committee regarding the implementation of the SMWBE policy;
3. Assist the Small Business and Entrepreneurship Department during the purchase of County commodities, services, and professional and personal services covered by this policy;
4. Assist the Small Business and Entrepreneurship Department and Bexar County departments, offices, funded entities and facilities with outreach activities and materials to provide information and assistance to SMWBE for participation in the County's procurement and contracting processes;
5. Provide the Small Business and Entrepreneurship Department notification of all competitive County purchasing opportunities valued over \$50,000;
6. Utilize an electronic purchasing notification and document distribution systems for posting opportunities and response by all vendors;
7. Resolve all internal and external complaints, and facilitate termination, demand for payment, cure notice, show cause and debarment procedures when deemed necessary in accordance with the law and County purchasing policies and procedures;
8. Perform data entry and validation as set forth in Sections 11 and 12 of this Policy.

C. County Auditor

1. Provides the Small Business and Entrepreneurship Department quarterly and annual register reports of all expenditures of county funds for compliance with the SMWBE Policy provisions as outlined throughout the Purchasing Manual and SMWBE Policy;
2. Receives from Departments or Offices approved invoices for payment to vendors, and completes payment process as set forth in Section 16 below;
3. The County Auditor's office will train and inform staff about payment guidelines and processes, which are set forth in Section 16 below, upon Department request.

D. Bexar County District Attorney's Office – Civil Section

1. Bexar County's District Attorney's Office – Civil Section shall facilitate inclusion of language in each contract for good and services that requires/provides:

- a) Upon award and as requested by the SBED Office, prime vendors should provide commitment forms executed between the prime and any subcontractor / subsupplier / subconsultant / subprofessional attesting to their inclusion on the contract as provided in the prime's solicitation response;
- b) Upon award and as requested by the SBED Office, prime vendors should provide commitment forms executed between the prime and any subcontractor / subsupplier / subconsultant / subprofessional attesting to their inclusion on the contract as provided in the prime's solicitation response;
- c) Prime vendors must work with the SBED Office to resolve any discrepancy in the use of subcontractor / subsupplier / subconsultant / subprofessional identified in the prime's solicitation response but not ultimately included in the provision of contracted goods and services;
- d) Prime vendors receiving payment must report and/or confirm payments made by Bexar County in CDMS; and
- e) Prime vendors are responsible for reporting to Bexar County payments to subcontractor / subsupplier / subconsultant / subprofessional included in the provision of contracted goods and services.

E. Bexar County Information Technology

1. Maintain a centralized and exportable directory of Bexar County's suppliers, vendors, and certified SMWBES;
2. Create and provide a website or webpage in which all of Bexar County's identified contracting/procurement opportunities may be posted and accessible to the public;
3. Operate and execute the File Transfer Protocol (FTP) process/interface required of the Contract & Diversity Management System's interface with the County's Financial Management System;
4. Create and maintain a web-based portal for vendor performance documentation.

F. County Departments, Offices, Funded Entities, and Facilities

1. Require Vendors, Sub-Contractors, Sub-Suppliers and Sub-Consultants to register with the County through the Supplier Portal module of the County's Financial Management System;
2. Actively use a directory of certified SMWBE provided by the Small Business and Entrepreneurship Department for County purchases;
3. Assist the Small Business and Entrepreneurship Department with the review of complaints and make recommendations regarding the implementation of the SMWBE policy;
4. Provide assistance to the Small Business and Entrepreneurship Department 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;
5. Assist the Small Business and Entrepreneurship Department with outreach activities and materials to provide information and needed assistance to SMWBE to increase their participation in the County's procurement, and contracting process;
6. Annually, submit a forecast of contracts anticipated to be awarded in the ensuing fiscal year. Specifically, each Department or Office shall designate a staff member to serve as a liaison to the SBED Office, and such departmental liaison shall be responsible for identifying for/with the SBED Office upcoming procurement opportunities, with the anticipated industry(ies) (or commodity codes) involved, the scope of the services or goods,

and the estimated cost for each project. The SBED Office shall email a copy of these Departmental/Office forecasts to all SMWBEs that are registered with the County as of the close of the previous fiscal year, so that they will be aware of upcoming opportunities to contract with the County and/or they can coordinate with potential prime contractors in preparation for bids or proposals. The forecasts shall also be posted on the County website and disseminated via social media;

7. Quarterly, submit a report which includes all revisions and updates to the annual forecast of contracts discussed in ¶ 6 above;
8. Utilize the County's Financial Management System or CivCast for all procurement activities. If using CivCast, ensure a link is created from the Bexar County Purchasing webpage to CivCast to allow for easier access to procurement opportunities;
9. Record the appropriate Commodity Codes for all purchases;
10. County Departments and Offices are required to document efforts to use SMWBE firms for authorized purchases that are estimated to cost less than \$5,000 by using internal vendor lists, CDMS, or the Infor Supplier portal to document quotation(s);
11. In coordination with the Purchasing Department, obtain a minimum of three bids or proposals for competitive purchases that are estimated to cost over \$5,000 (including where formal advertisement requirements apply for purchases over \$50,000). The Department or Office shall document efforts made to engage and include SMWBEs in the bid and/or solicitation process;
12. The County Departments and Offices shall document attempts to solicit proposals and/or qualifications utilizing SMWBE firms for the purchase of professional and personal services by using internal vendor lists, CDMS, or the Infor Supplier portal;
13. Participate in the training program implemented by the SMWVBE Program Office. Training will include:
 - (a.) Presentation of the SMWVBE Program and its importance to the well-being of the County and SMWVBE community;
 - (b.) Access and instruction required to utilize the County's SMWVBE database to obtain price quotes, bids and proposals; and
 - (c.) Instruction required to document quotes, bids and proposals obtained as mandated by this policy
14. Designate a staff member as the contract administrator to oversee, monitor, and provide technical guidance to vendors performing under a contract. The designee shall be responsible for managing the contract after award;
15. After the award of any contract, the designated contract administrator shall ensure that both the County and the vendor are in compliance with all terms and conditions of the contract. This includes all aspects of the contract involving or relating to SMWBE Program Elements;
16. Monitor and review the performance of vendors that provide goods and services to the county. In addition to the vendor "scorecard," regular performance appraisal reports shall be submitted to the Purchasing Director and the SBED Director once every calendar quarter, or once every 60 days where the total contract period is six months or less. The contract administrator is responsible for ensuring that all information relating to the performance of vendors is submitted to the Purchasing Department and SBED Director for inclusion in the centralized database.

SECTION 14: COUNTY RESPONSIBILITIES

A. Procurement

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 Participation Targets of 20% for Minority, and/or Woman-owned Business Enterprises (MWBE) and/or a minimum of 30% for Small Business Enterprises (SBE). Procurement and contracting dollars spent with a MWBE that also is a SBE will be counted in both categories in the following areas:

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.

B. Outreach and Training

County employees (or designated staff) making purchases on behalf of the County will participate in an educational and training programs implemented by the Small Business and Entrepreneurship Department and Purchasing Department, which will be available to all county offices, facilities and funded entities. The training program will include the following information:

1. How to effectively present the SMWBE Program's importance to the economic well-being of the County and the SMWBE and Non- SMWBE Communities.
2. Small Business and Entrepreneurship Department's commitment to ensure that each individual involved understands their role in the program, and its relative importance. Recognizing that 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, documentation requirements and goals of the SMWBE program and provide documentation of departmental efforts as outlined in Attachment F.
3. The designated staff will be provided access to the Contract and Diversity Management System (CDMS) which contains 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, County Auditor or Commissioners Court.
4. Meetings will be held with departments, offices, funded entities and facilities staff, managers and Directors to emphasize the importance of the program and to solicit their support in helping to make it work.
5. Requirements for documenting and maintaining records of statistics, efforts, payments, awards and their progress in attaining the county established SMWBE participation levels.

The Commissioners Court shall ensure that the heads of the respective County Departments contribute appropriately to the achievement of SMWBE goals and of the SMWBE Program generally – including

compliance with all data collection and reporting requirements set forth in the SMWBE Program Plan (integrated into the County Purchasing Manual), and highly encourage other elected officials to likewise contribute. The Commissioners Court shall further ensure that the heads of the respective County Departments work with the SBED Office in developing and implementing appropriate measures to remediate any barriers to participation by SMWBEs in County purchasing or contracting, and highly encourage other elected officials to do likewise.

SECTION 15: VENDOR PERFORMANCE – INCLUDING IN SMWBE PROGRAM

A. General Policy

Bexar County must maintain data on the performance of its vendors to ensure that purchases are made from, and contracts are awarded to, responsible prospective contractors only. This is equally true with respect to bidding and the performance of contracts involving Elements of the SMWBE Program.

While it is important that County purchases be made at the lowest price, this does not require an award to a contractor solely because that contractor submits the lowest offer. A prospective contractor must affirmatively demonstrate its responsibility, including, when necessary, the responsibility of proposed subcontractors. Responsibility of a bidder and/or contractor also includes SMWBE inclusion at the bidding stage and throughout all aspects of contract performance.

The SBED Director is designated to make determinations of bidder/contractor responsibility with respect to SMWBE Program Elements, having obtained information and input from the using Department(s) or Office(s). In addition to information gathered about a bidder during the bid process (including good faith efforts considerations), it is important that the County gather information regarding the responsibility of the contractor throughout the term of the contract, including without limitation data regarding the contractor's interactions with County Departments or Offices and subcontractors (including SMWBE firms). Such information shall be maintained in a central repository that is accessible to all County Departments and Offices.

B. Vendor SMWBE Performance Database

1. The SBED Office shall maintain a vendor relations database in electronic form which is accessible to appropriate officials in all County Departments and Offices.
2. All County Departments and Offices are directed to maintain and submit information, in an electronic form, on the performance of vendors on County contracts generally and specific to the SMWBE Program Elements (discussed below), and to transmit this information periodically, but in all instances no later than six months after the end of an eligible project, to the SBED Office.
3. The vendor performance database shall include all vendor performance information generated during the process of administering County contracts by all County Departments and Offices, including:
 - (a.) Vendor performance evaluations, including but not limited to a vendor “scorecard” and any supporting information/documents;
 - (b.) Any documents relating to electronic entries for the vendor, payment affidavits, change orders (or requests for change orders), subcontractor terminations and/or substitutions, success at meeting SMWBE goals (subcontractor or aspirational), good faith efforts toward meeting SMWBE goals, and Departmental records required as part of the SMWBE Program;
 - (c.) Any determination of unsatisfactory vendor performance on a County contract;
 - (d.) Communications between the County (including County Department(s) and Office(s)) and the vendor regarding unsatisfactory vendor performance on a County contract;
 - (e.) Information on previous debarments or suspensions from County or other governmental projects;

- (f.) Results of any formal County investigations into reports of non-compliance or unethical or illegal behavior by vendor by the Legal Department;
 - (g.) Findings from any investigation of an allegation of discrimination by a vendor conducted by the SBED Director or the Purchasing Director; and
 - (h.) Any other information which could be significant in assisting the SBED Director in making determinations of contractor responsibility.
4. The SBED Director shall notify the Purchasing Director when negative information is entered into the vendor performance file that could potentially support a determination that a vendor is non-responsible.

SECTION 16: PAYMENT PROCESS

The Texas Prompt Pay Act (Texas Government Code § 2251) requires the County to pay prime contractors within thirty (30) calendar days after: 1) the County receives purchased goods; 2) the date purchased services are completed; or 3) the date the user Department or Office receives a proper (or complete) invoice from the contractor for payment for goods or services, as provided below.

Upon receipt of an invoice, the user Department or Office shall use the following procedures:

1. Each invoice shall be reviewed by the user Department or Office as soon as practicable upon receipt, but no later than five (5) business days after receipt, to determine whether the invoice complies with the County’s guidance regarding such documentation. Further, the Department or Office shall time/date stamp the invoice on the date of receipt.
2. Should the user Department or Office determine in its review that the invoice is proper/complete, it shall submit the invoice to the County Auditor for payment within fifteen (15) calendar days of such determination.
3. Should the user Department or Office determine in its review that the invoice is not proper or is incomplete, however, it shall notify the vendor of all defects that prevent processing and specify all reasons why the invoice is improper/incomplete within three (3) business days of such determination. It is then the responsibility of the vendor to promptly submit a corrected invoice.
4. Should the user Department or Office determine in its review of any corrected invoice that it is proper/complete as corrected, it shall submit the invoice to the County Auditor for payment within fifteen (15) calendar days of such determination.
5. The County may withhold payments or suspend work if a contractor fails to submit a properly completed invoice to the County.
6. Upon payment to the prime contractor by the County, the prime contractors shall thereafter ensure the prompt and full payment of any subcontractors working on the contract – within ten (10) calendar days of the prime contractor’s receipt of payment, as required under § 2251.022. Subcontractors are similarly required to pay any sub-subcontractors with ten (10) calendar days of receipt of payment, as set forth in § 2251.023. If these required payments are not made on time, as required by the State law, the contractor (prime or sub, as appropriate) may be held in breach of the contract with the County, affording the County all applicable and available contract remedies.
7. Every contract by the County for the performance of work shall contain a provision requiring the prime contractor to certify in writing that all subcontractors and suppliers have been paid promptly for work and materials from previous progress payments received (less any retainage) by the prime contractor prior to receipt of any further progress payments. During the contract and upon completion of the contract, the County may request documentation to certify payment to subcontractors or suppliers. This subsection in no way creates any contractual relationship

between any subcontractor and the County or any liability on the County for a prime contractor's failure to make timely payment to the subcontractor.

8. A prime contractor who fails to ensure the prompt and full payment of subcontractors shall be subject to the penalties set forth in the Texas Prompt Pay Act (§ 2251.025 - .028). As noted above, the non-compliant contractor may also be held in breach of the contract with the County.
9. The County Auditor's office will train and inform staff about payment guidelines and processes, upon Department request.

SECTION 17: EXEMPTIONS FROM SMWBE PROGRAM / POLICIES

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.
 - (c.) Whenever the Commissioners Court grants an exemption under LGC 262.024 Discretionary Exemptions
2. Purchasing Agent and the Small Business and Entrepreneurship Department 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 18: DEBARMENT

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

SECTION 19: REQUESTS FOR INFORMATION

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 shall submit a request (depending on the type and scope of the request or as required by law) by contacting the County Purchasing Agent or the County Small Business and Entrepreneurship Department Director.

SECTION 20: EFFECTIVE DATE

April 10, 2001
April 23, 2002 (revised)
May 21, 2002 (revised)
July 15, 2003 (revised)
August 24, 2004 (revised)
September 17, 2017 (revised)
March 1, 2022 (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.

Since its establishment in 2001, the SMWBE Program included participation targets of 20% for Minority, and/or Woman-owned Business Enterprises (MWBE) and/or a minimum of 30% for Small Business Enterprises (SBE). As a result of a Disparity and Availability Study conducted in 2021, Bexar County intends to implement some race and gender-conscious policies and program elements into its SMWBE Program, including non-binding participation targets for overall SMWBE participation in County purchasing and contract-by-contract SMWBE goals on certain County contracts. **These race and gender-conscious policies and program elements will be implemented and effective mid-Fiscal Year 2022 and will be expressly made a part of this Policy 8.0. Until the implementation of these goals-based policies, the existing 20% MWBE target / 30% SBE target shall remain in place and fully applicable.**

The 2021 Disparity and Availability Study

Bexar County engaged Griffin & Strong, P.C., a law and public policy consulting firm located in Atlanta, Georgia, to conduct a Disparity and Availability Study in 2021. The County further engaged Griffin & Strong to design and implement program elements or policies to reduce unlawful discrimination based upon race, gender, or ethnicity.

The 2021 Disparity and Availability Study of Bexar County procurement concluded that there have been statistically significant disparities in both its prime contracting and subcontracting that are likely caused by the race and/or gender status of firm owners and that it remains a passive participant in unlawful discrimination against minority and women business enterprises (“MWBE”) in some of its procurements.

Upon review of the results of the 2021 Disparity and Availability Study, Bexar County concluded that it is advisable and desirable to expand and update its Program in an effort to further ameliorate or eliminate potentially unlawful discrimination against MWBEs, and/or the present effects of past discrimination, in County procurement and contracting activities. The County further endeavored to remedy such discrimination in a way that is narrowly tailored to the findings of the 2021 Disparity and Availability Study.

**ATTACHMENT B
SMWBE Program Report**

FY _____

DATE: _____

Bexar County Payment System
Vendor Statistics for all payments made by the County
Auditor for period: _____

	SMWBE	Identified	Non-SMWBE	Sole Source	Non-Available	Other Funds	All Awards
Section 1							
Commodities							
Professional Services							
Construction							
Section 2							
Department							
Office							
Funded Entity							
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 – \$5,000, \$5,001 - \$49,999 and over \$50,000 for SBE, MBE, WBE, SMWBE, Certified, Identified, Black, Hispanic, Native American, Multi-Ethnic, Other, Pacific Asian, Sub-continent Asian, White, Veteran, Disabled, VBE and LGBTE vendor categories.

SMWBE Participation Report

- A. Total**
- B. Prime Report**
- C. Sub-Contractors, Sub-Suppliers and Sub-Consultants Report**

Summary		FY						
Totals		System Certified		Everyone Else				
Summary Breakdown								
Business Type	Bexar County		Rest of Texas		Out of Texas		Totals	
	Payments	Percent	Payments	Percent	Payments	Percent	Payments	Percent
Total Payments Certified								
DBE								
MBE								
WBE								
AABE								
DIBE								
VBE								
SBE								
SBE Only								
HUB								
LGBTE								
	* Firms often have multiple certification types.							
Ethnicity	Payments							
Asian								
Black								
Caucasian								
Hispanic/Latino								
Native American								
Other								
Unknown								
Grand Total								
Payment Volume	Certified		Total					
	Payments	# Vendors	Payments	# Vendors				
Under \$2K								
\$2K - \$25K								
Over \$25K								

ATTACHMENT C
Bexar County Purchasing Department VENDOR REGISTRATION FORM

Thank you for your interest in doing business with Bexar County. The Bexar County Purchasing Department encourages and seeks the participation of vendors to provide quality goods and services at competitive pricing.

Bexar County's Online Supplier Portal facilitates the exchange of information between a buying organization and its suppliers. Benefits of the application include:

- Self-service supplier registration and account maintenance
- Vendors may identify multiple commodity codes for their business
- Improved communication via messages, including support of electronic attachments
- Capability to upload required documents
- Accessibility to all pertinent data, at one internet site

Vendor's may register online or complete the following information. This form must be submitted with each bid, proposal or quote. <http://gov.bexar.org/purchasing/>

I. OWNER STATUS (Check applicable boxes) BUSINESS NAME: _____

If you have already registered online, submit your Vendor (Supplier) Number: _____

If not, please complete the following:

I. COMPANY INFORMATION

Title _____ Given Name (First) _____ Family Name (Last) _____

Phone Number _____ Mobile Phone _____ Fax Number _____

_____ Email Address _____

_____ Company Name – (name that appears on your W-

9 and/or tax return) _____ Dun and Bradstreet number _____

_____ Tax Id type – (Tax Id, Social Security Number, or Foreign Id) _____

_____ Website _____

Doing Business As (DBA) _____ Remit to last name _____

Remit to first name _____

Address _____ City _____ State/ Province _____

Postal Code _____ County _____ Country _____

II. DIVERSITY CODES (CHECK APPLICABLE BOXES)

MALE/FEMALE

- Male
- Female
- Asian Pacific
- Sub-Continent Asian
- Black/African American
- Native American
- Other Ethnicity _____

ETHNICITY

- White
- Hispanic

PHYSICAL CONDITION ENTERPRISE SIZE

- Disabled
- Not Disabled
- Small Business
- Large Business

BUSINESS STRUCTURE

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

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/DBE certification. Bexar County will accept certification from various agencies. (See SMWBE Website for listing of agencies <http://gov.bexar.org/smwbe/certification.html>)

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

- SBE MBE WBE DBE 8(a) VBE LGBTE DIBE

Purchasing Department, 1103 S. Frio, San Antonio, TX 78207 (210) 335-2211 (Phone) (210) 335-2219 (Fax)

IFB, RFP, RFQ, SOQ, and all level contracts and pre bid agenda language for County SMWBE Requirement

Bexar County is committed to increasing the involvement of Small, Minority, and Women Owned Business Enterprises (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 a Participation Target of 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 Owned Business Enterprise (MWBE) that is also a Small Business Enterprise (SBE) will be counted in both categories.

SMWBE participation is highly encouraged. The Participation Targets are not included in the evaluation of bids or proposals for awards.

SMWBE for the purpose of this policy are 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) or Lesbian, Gay, Bisexual, or Transgender Business Enterprise (LGBTBE) recognized and approved by Bexar County Commissioners Court. Bexar County accepts all verifiable certificates from any bona fide certification agency.

Certification means a designation as a HUB, DBE, SBE, MBE, VBE, WBE or LGBTBE 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 sub-contractors, sub-suppliers, and sub-consultants to be engaged before or during the term of award. (BID SUBMITTAL FORMS C1200)

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

In addition, the Contractor and its Sub-Contractor(s) Sub-Supplier(s) or Sub-Consultant(s) must utilize

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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 sub-contracting, sub-supplier or sub-consultant payments made to SMWBE for any sub-contracting, sub-suppliers, sub-consultant performance.

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

For questions or more information, please contact:

Small Business & Entrepreneurship Department
Bexar County
Paul Elizondo Tower 101 W
Nueva, STE 112
San Antonio, Texas 78205
(210)-335-2478
www.bexar.org/smwbe
@SMWBE

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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.

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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 Small Business and Entrepreneurship Department 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 Small Business and Entrepreneurship Department 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 Small Business and Entrepreneurship Department 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:

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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 SMWBE in the County's program.
3. Outreach Subcommittee:
 - (A) Develop educational programs designed to help SMWBE 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 Small Business and Entrepreneurship Department aimed at communicating to SMWBE the opportunities available through the County's program.
4. Policy Subcommittee:
 - (A) Recommend annual participation targets based on availability for SMWBE 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, Small Business and Entrepreneurship Department, Purchasing Agent, or any other County funded entity or facility.

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(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.

The SMWBE Advisory Committee shall define the term –excused of the attendance section of the policy as –being granted with at least 24 hours prior notice of absence to be provided to the Small Business and Entrepreneurship Department.

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)
March 1, 2022 (revised)

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

Purpose

The purpose of this 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 supersede 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 will Robert's Rule of Order 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 Small Business and Entrepreneurship Department 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 Small Business and Entrepreneurship Department 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

Small Business and Entrepreneurship Department.

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 Small Business and Entrepreneurship Department 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)

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ATTACHMENT F

Bexar County

SMWBE Inclusion/Participation Plan

This plan should be completed by Department or Office Directors and Managers engaged in purchasing or the contracting process on behalf of the County.

Name:

Department/Office:

Title:

I. Provide an introductory overview describing your Department/Office and its customary involvement in purchasing or contracting.

a. Describe any training that you provide the staff in your Department/Office regarding the SMWBE Program generally or specific to purchasing or contracting that is done in/by your Department/Office

b. List any barriers to increased SMWBE Participation in your Department's Offices purchasing or contracting activities that you have identified or other concerns you have identified, or other concerns you may have in this regard.

[Type here]

II. What were your efforts to increase SMWBE inclusion/participation in Departmental/Office purchasing and Departmental/Office contracting in the last (evaluation) year?

- a. List efforts/strategies employed for greater inclusion in direct purchases (including small purchases), including notification to potential vendors or suppliers, obtaining quotes or proposals, or similar processes.

1. Were these efforts successful?

2. Why/Why not?

- b. List efforts/strategies employed for greater inclusion in formal or competitive bid contracts.

1. Were those efforts successful?

2. Why/Why not?

3. How did you measure the success of your efforts?

[Type here]

III. What were your efforts to make prime vendors aware of the county's commitments to SMWBE inclusion and providing guidance for compliance with the SMWBE Program Elements?

a. List your efforts here

b. What can you do differently next year to improve?

IV. What were your efforts to facilitate relationships between prime vendors and potential SMWBE subcontractors/suppliers/subconsultants?

a. List your efforts here.

b. What can you do differently next year to improve?

Effective Date:

March 1, 2022

[Type here]