March 6, 2020

ADDENDUM # 1

Solicitation # 2020-006-6846 Contract for Demolition and Construction of a New Single Family Home located at 2705 Crystal Drive, Balch Springs, Texas 75180

WHEREAS, Section 7 of the Small Business Enterprise language on pages 10-13 and SBE forms on pages 54-61 are hereby being replaced with SBE language and forms on pages 10A-13A and pages 53A-58A.

Except as provided herein/above, all other specification requirements of the original solicitation referenced shall remain unchanged in full force and effect. This addendum should be signed and returned with your Solicitation package on or before April 2, 2020, @ 2:00 P.M. (CDT).

This addendum is hereby acknowledged, understood and considered in our Solicitation.

Printed Name: ________________________________________________

Signature of Authorized Representative: _____________________________________

Title: ____________________________________________________________

Company: ________________________________________________________
The Texas Ethics Commission was required to adopt rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015 and new rules (Chapter 46) on November 30, 2015.

The "Certificate of Interested Parties" form must be completed on the Texas Ethics Commission website, printed, signed and submitted to the County by the authorized agent of the Business Entity with acknowledgment that disclosure is made under oath and under penalty of perjury prior to final contract execution.

To obtain additional information on HB 1295, to learn more about Texas Ethics Commission process to create a new account or to complete an electronic version of Form 1295 for submission with a signed contract, please go to the following website: https://www.ethics.state.tx.us/tec/1295-Info.htm

Instructional Videos for Business Entities on how to file online can be found at https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

A sample copy (for illustration purpose only) of a completed electronic form is provided with this solicitation and/or extension. The identification number (section 3 of the form) to be used on the 1295 for this procurement is the IFB solicitation number.

6. **TITLE VI ASSURANCES/COMPLIANCE POLICY**

The County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Pursuant to Title VI requirements, any entity or person that enters into a contract with Dallas County including, but not limited to prime contractors, sub-contractors, and sub-recipients, may not discriminate on the basis of race, color, national origin, age, sex, disability, or religion in their selection and retention of subcontractors (including consultants), in connection with any federally funded program or activity (including any program or activity undertaken/funded by a Dallas County Division/Department that receives federal funds).

This solicitation packet contains information concerning Dallas County's Title VI Assurances/Compliance Policy - Appendix A and Bidders/Contractor responsibilities.

7. **SMALL BUSINESS ENTERPRISE (SBE) PROGRAM**

7.1 **Definitions.**

7.1.1. The term "**Commercially Useful Function**" is defined as a business that is directly responsible for providing the supplies or services to Dallas County as required by the solicitation or request quotes, bids or proposals. A firm is considered to perform a commercially useful function when responsible for the execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing and supervising the work involved. A business that stocks sufficient quantities of supplies in direct inventory, held for sale or resale, to cover anticipated future demands for the suppliers is preforming a commercially useful function.

7.1.2. A "**Contractor**" is defined as one who participates, through a contract or any other contractual agreement in a County funded contract opportunity for work, labor, services, supplies, equipment, materials, goods or any combination of the foregoing. For purposes of this Section, a Contractor is any individual, company, or other entity seeking to do work for Dallas County regardless of the method used to procure the services or
products, including but not limited to bid or solicitation. A Contractor includes but is not limited to a contractor, consultant, or vendor.

7.1.3. The term “Director of Small Business Enterprise” shall mean the Director of the County’s Office of Small Business Enterprise and/or her/his designee.

7.1.4. The term “Contract Administration” shall mean the County Purchasing Department and/or his or her designee.

7.1.5. The “Contract Administration Supervisor” shall mean the Purchasing Director and/or his or her designee.

7.1.6. Equal Employment Opportunity Requirements. It is the policy of Dallas County to ensure nondiscrimination in the award and administration of contracts. The Contractor or Subcontractor shall not discriminate on the basis of race, color, national origin, disability, veteran status, religion, or sex in the performance of any Dallas County contract.

7.1.7. Good Faith Effort Plan. The plan submitted with a Submittal detailing the Respondent’s efforts to achieve the set aspirational goal or documenting the Good Faith Efforts to meet the goals for all elements the Solicitation. A Good Faith Effort Plan must be submitted with a Submittal for any Dallas

7.1.8. Metropolitan Statistical Area (MSA). The Dallas County MSA includes the following counties: Dallas, Tarrant, Denton and Collin.

7.1.9. Small Business Enterprise. It is the policy of Dallas County to support the growth and development of Small Business Enterprise (“SBE”) and ensure that SBEs have an equal opportunity to compete for and participate in Dallas County contracts. Thus, Dallas County Commissioners Court has created the Office of Small Business Enterprise to establish and oversee a Diversity Program to ensure that SBEs have an equal opportunity to compete for and participate in Dallas County contracts. It is Dallas County’s intent to:

- Ensure nondiscrimination in the award and administration of Dallas County contracts;

- Create a level playing- field on which small businesses can compete fairly for Dallas County contracts;

and

- Ensure that only firms that attempt in good faith to meet the SBE good faith efforts are considered for applicable contract awards.

Consequently, the contractor shall carry out applicable requirements of the good faith effort in its proposal/bid hereunder and, if awarded the contract, the award and administration of the Contract.

7.2 SBE Goals, Good Faith Efforts and Eligibility.

The Director of Small Business Enterprise and the Contract Administration Supervisor sets the annual SBE participation contracting/subcontracting aspirational SBE goals for each contract. The contracting/subcontracting goals for this contract will be based on meeting or exceeding the minimum aspirational SBE goal of 40%, unless good cause exists for failing to meet the goal. The SBE aspirational goal is based on the total dollar amount of the contract. An SBE Prime counts as 50% of the overall aspirational goal.

To be recognized as an SBE, firms (contractors and/or subcontractors):
a) Must be certified as an SBE by the following County approved entities: North Texas Regional Certification Agency (NCTRCA), DFW Minority Supplier Development Council and/or the Women’s Business Council of Southwest, at the time of the proposal/bid submission Other certifications are not acceptable;

b) 51% or more owned and controlled;

c) Firm must be organized as for profit business;

d) To be recognized by the County as a **qualified SBE firm**, as defined pursuant to Section 3 of the Small Business Act¹ and relevant regulations², an SBE is a firm for which the gross revenues or number of employees averaged over the past three years, inclusive of any affiliates, is as defined by 13 C.F.R. Sec. 121.201; and

e) Must also perform a commercially-useful function on the project and have a local presence in Dallas County Metropolitan Statistical Area (MSA) in order to be counted for SBE points. The MSA includes the following counties: Dallas, Tarrant, Denton and Collin.

7.3 **Utilization**

The aspirational SBE or certified sub-contractor goal is expressed as a percentage of the total dollar amount of the contract going to SBE or certified Sub-Contractor for those areas which the Contractor has sub-contracted or anticipates sub-contracting. The aspirational goal shall also apply to contract amendments that require work beyond the scope of services originally required to accomplish the project.

The Respondent agrees to employ good faith efforts through the award of subcontractors to eligible SBEs and certified firms to the fullest extent possible.

Dallas County’s Good Faith Effort Plan (GFEP) will be used to document SBE participation. However, all subcontractors and/or supplier, whether certified or not, must be listed in the GFEP. The information provided in the GFEP Form will be utilized in the development of the final contract/agreement. The GFEP Form can be found in the attachments. This form is required and considered part of the response to the IFB.

**Should the Good Faith Effort Plan or any of the specified documents listed below be incomplete, not signed, and/or not submitted, the bid can be deem non-responsive.**

7.4 **Each Contractor must include with its proposal/bid, the following documents:**

- Completed and signed **Good Faith Effort Plan**, executed by an authorized representative;

- Completed and signed **Small Business Utilization Affidavit**, executed by an authorized representative; and

- A signed and executed **Subcontractor Intent Form**, executed by an authorized representative (prime and subcontractor).

**Note: All forms must be complete in their entirety and submitted as part of a Respondent’s submittal.**

The County reserves the right to accept or reject any certified firm and in its sole discretion is not bound by the certifying bodies’ determination if the County has a concern regarding the eligibility of the firm to meet SBE guidelines or standards. A Contractor whose proposed certified firm is rejected may contest in writing to the Office of Small Business Enterprise, in accordance with the SBE Policy. The denial of SBE certification by
Business Enterprise is excluded from the Dallas County Purchasing Code of Ethics Protests Procedure and is exclusively governed by the appeal process set forth in the SBE Policy.

**SBE Reporting.** The Contractor and its subcontractors are required to electronically submit subcontractor payment information using the County’s Compliance Reporting System (CRS), accessed through a link on the Dallas County SBE webpage. The Contractor and all subcontractors will be provided a unique log-in credential and password to access Compliance Reporting System.

Training on the use of the system will be provided by both Dallas County’s CRS Support Staff and by the Office for Small Business Enterprise. Additional information and free online training for CRS can be found at [https://dallascounty.diversitycompliance.com](https://dallascounty.diversitycompliance.com). After the prime receives payment from the County, electronic submittals will require data entry of the amount paid to each subcontractor listed on the Contractor’s Good Faith Effort Plan.

7.7. **Contracting.** If awarded the contract, the Contractor agrees to be bound by the policies and guidelines set forth in the County’s SBE Policy, which may be incorporated into the contract. If a conflict exists between the SBE section of the solicitation and the County SBE Policy, the language in the solicitation governs.
SBE ATTACHMENTS FOR IFB SOLICITATIONS
# DALLAS COUNTY
**GOOD FAITH EFFORT PLAN**

**Project Name:** ______________________________________________________________  **BID #:** __________________________________________ ______

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<tr>
<th>Firm Name &amp; SBE Certification #</th>
<th>Person Contacted &amp; Date</th>
<th>Address</th>
<th>Telephone &amp; Email Address</th>
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Please use the form(s) below if additional space is needed. **Intentional misrepresentation could result in criminal prosecution.**

**Officer’s Signature:** ________________________________________  **Title:** __________________________________  **Date:** ________________________

**Printed Name:** ________________________________________  **Date:** ________________________
DALLAS COUNTY
GOOD FAITH EFFORT PLAN

Project Name: ______________________________________________________________  BID #: ________________________________________________________________

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Officer's Signature: _______________________________  Title: _______________________________  Date: ________________

Printed Name: _______________________________  Date: ________________
DALLAS COUNTY
GOOD FAITH EFFORT PLAN

Project Name: ______________________________________________________________  BID #: __________________________________________ ______

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Please use the form(s) below if additional space is needed. Intentional misrepresentation could result in criminal prosecution.

Officer's Signature: ________________________________________  Title: __________________________________  Date: __________________________

Printed Name: ________________________________________  Date: __________________________
DALLAS COUNTY
SUBCONTRACTOR INTENT FORM

TO: Dallas County
Small Business Enterprise Department

Date: _____________________

Project Name: ___________________________________________________  BID#: __________________________________

______________________________________________________________________________________________________

will provide the following good(s)/service(s):

SBE subcontractor on the project

_______________________________________________________________________________________________________________________________

_______________________________________________________________________________________________________________________________

to ______________________________________________________________________

Prime Contractor on the project

SBE subcontractor is currently certified by the following agency: ___________________________________________________

SBE Certification #: _________________________________________________   (Certification must be kept current/valid for the entire duration of this contract. Failure to comply with this provision could be subject to removal from contract.)

For the purposes of SBE subcontracting participation, Dallas County does not include amounts paid to the prime by the sub-contractor.

Total Contract Amount for prime: $_____________________     _____ NCTRCA

_____ DFWMSDC

SBE Sub Participation Amount: $_____________________ _________________%            _____ WBC-SW

The undersigned intends to enter into a formal agreement with the subcontractor listed, conditioned upon being awarded the Dallas County contract. The undersigned understands that, for the purpose of SBE subcontracting participation, any amounts paid to the prime from the sub-contractor should not be included in the above listed participation amount. Finally, before any subcontractor changes are made, the prime contractor must submit to the Small Business Department for approval, a change of SBE sub-contractor/supplier form prior to any changes. Failure to comply with these provisions could result in termination of the contract, sanctions against the prime contractor, and/or ineligibility for future Dallas County contracts.

___________________________________________________________________________________________   _________________________________________________________

Officer’s Signature (Prime Contractor)   Officer’s Signature (SBE Sub-contractor)

___________________________________________________________________________________________   _________________________________________________________

Printed Name (Prime Contractor)      Printed Name (SBE Sub-contractor)

___________________________________________________________________________________________   _________________________________________________________

Title (Prime Contractor)       Title (SBE Sub-contractor)

___________________________________________________________________________________________   _________________________________________________________

Date         Date

Please select or list all Chambers or Advocacy groups you are a member of:

Prime    Sub
Greater Dallas Asian American Chamber of Commerce        ______  ______
Greater Dallas Black Chamber of Commerce                  ______  ______
Greater Dallas Hispanic Chamber of Commerce                ______  ______
U.S. Pan Asian American Chamber of Commerce                ______  ______
Asian Contractors Association                               ______  ______
Regional Black Contractors Association                      ______  ______
Regional Hispanic Contractors Association                   ______  ______
SMALL BUSINESS UTILIZATION AFFIDAVIT

It is the policy of Dallas County to involve qualified Small Business Enterprises (SBEs) to the greatest extent feasible on County’s construction, procurement and professional services contracts. The County and its contractors shall not discriminate on the basis of race, age, color, religion, national origin, or sex in the award and performance of contracts. In consideration of this policy, Dallas County has adopted the Small Business Enterprise Policy for all County contracts.

Small Business Enterprise Participation Goals

The solicitation bidding plan establishes subcontracting goals and requirements for all prospective bidders to ensure reasonable degree of SBE meaningful business utilization and participation in County contracts. It is the goal of Dallas County that a certain percentage of work under each contract be executed by one or more SBEs. For the purposes of participation percentages, Dallas County does not include amounts paid to the prime by the sub-contractor.

The apparent lowest/best proposer shall agree to meet the established goals or must demonstrate and document a “good faith effort” to include SBEs in subcontracting opportunities. The apparent lowest/best proposer who fails to adequately document good faith efforts to subcontract or purchase significant material supplies from SBEs may be denied award of the contract by Dallas County based on the contractor’s failure to be “responsive” or “responsible” bidder.

By signing below, I agree to provide Dallas County, Small Business Enterprise Department a completed copy of all required forms. I understand that, for the purpose of SBE subcontracting participation, any amounts paid to the prime from the sub-contractor should not be included in the above listed participation amount. Finally, I understand that if I fail to provide all of the required documents within five (5) business days after notification, my bid may be deemed “non-responsive” and I may be denied award of the contract.

BID Number: _____________________________ Company Name: _______________________________________

____________________________________________________ _______________________________________
Typed or Printed Name of Certifying Official of Company  Date

____________________________________________________ _______________________________________
Signature of Certifying Official of Company    Title