NEW SBE LANGUAGE
FOR RFP SOLICITATIONS

REQUEST FOR PROPOSALS (RFP)
FOR
HOUSEHOLD HAZARDOUS WASTE COLLECTION, RECYCLING, DISPOSAL, AND OTHER RELATED PROGRAM SERVICES

7.0 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 its designee.

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

**Equal Employment Opportunity Requirements.** It is the policy of Dallas County to ensure non-discrimination 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.

7.1.6 **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
7.1.7 **Metropolitan Statistical Area (MSA).** The Dallas County MSA includes the following counties: Dallas, Tarrant, Denton and Collin.

7.1.8 **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 set 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.

**The maximum number of points to be earned is 15 points.** Self-performance and subcontracting may be used to achieve the aspirational goals and earn points. **An SBE Prime counts as 50% of the overall aspirational goal.**

To be eligible for points, 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 Act\(^1\) and relevant regulations\(^2\), 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. 121.2; and
e) All eligible firms 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 Scoring

a) SBE or certified Prime Contractor: **5 points**

b) SBE or certified Sub-Contractor Scoring Method: **Up to 10 Points (by percentage) 40% Aspirational Goal**

- Participation Percentage between 1% and 9.99% = **2 points**
- Participation Percentage between 10% and 19.99% = **4 points**
- Participation Percentage between 20% and 29.99% = **6 points**
- Participation Percentage between 30% and 39.99% = **8 points**
- Participation Percentage meeting or exceeding 40.00% = **10 Points**

The SBE or certified sub-contractor aspirational 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 for scoring purposes based upon SBE and other eligible certified firm’s 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. This form is required and considered part of the response to the RFP. **Should the Good Faith Effort Plan or any of the specified documents listed below be incomplete, not signed, and/or not submitted, the proposal/bid may 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; and
- 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 Proposal.

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 good faith basis for concern regarding the eligibility of the firm to meet SBE guidelines or standards. A Contractor whose
The 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 the office of Small 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.

7.7. **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 Dallas County’s Office for Small Business Enterprise. 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.

7.8. **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.
MANDATORY
SBE SOLICITATION ATTACHMENTS
DALLAS COUNTY
GOOD FAITH EFFORT PLAN

Project Name: __________________________________________

Firm Name: _______________________________________________________________________________

Address: _________________________________________________________________________________

City: __________________ State: __________ Zip: __________

Contact Person: __________________ Phone#: __________________ Email Address: __________________________

Is You Firm Certified: No ______ Yes_____

SBE Certification#: __________________________

Certifying Agency: NCTRCA _____ WBC-Southwest _____ DFW Minority Supplier Development _____

1. Did you meet with a staff member from the Small Business Enterprise Department?

   YES _____ NO____

   Name of staff member: ______________________________

2. Did you utilize a current Dallas County SBE vendor list for this project?

   YES____

   NO_____ Date of Listing: ______________________________

3. Did you provide plans and specifications, bids or proposals to potential SBEs or information regarding the location of plans and specifications, bids, or proposals for this project?

   YES _____

   NO____

4. If SBE bids and proposals were received and rejected, you must attach documentation of the received bid and the reason for rejections? (i.e. letters, memos, telephone calls, meeting, etc.)

5. Complete the attached Documentation Form (s) to further explain good faith efforts to obtain SBE participation on this project. If there is written documentation of efforts with SBEs who responded affirmatively to the bidder’s written notice please attach documentation (i.e. quotes, or e-mails).
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>
<th>Types of Work</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

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Officer’s Signature: ___________________________  Title: ___________________________  Date: ______________

Printed Name: ________________________________  Date: ______________
DALLAS COUNTY
SUBCONTRACTOR INTENT FORM

TO: Dallas County
   Small Business Enterprise Department

Date: _____________________

Project Name: _________________________________________

BID #: ________________________________

________________________________________________________________________

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: $_____________________

SBE Sub Participation Amount: $_____________________

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) ________________________________

Printed Name (Prime Contractor) ________________________________

Title (Prime Contractor) ________________________________

Date ________________________________

Officer’s Signature (SBE Sub-contractor) ________________________________

Printed Name (SBE Sub-contractor) ________________________________

Title (SBE Sub-contractor) ________________________________

Date ________________________________

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

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<thead>
<tr>
<th>Chamber/Association</th>
<th>Prime</th>
<th>Sub</th>
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<tbody>
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NCTRCA
DFWMSDC
WBCSW
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 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 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