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# Hurricane Harvey Municipal Courts CMAR August 5, 2025

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## Pay or Play Program (POP)

Developed to address the needs of the uninsured in the Houston area by Executive Order 1-7, certain contractors are required to either:

- Pay: Contribute a designated amount to be used to offset the costs of providing healthcare to uninsured people in the Houston/Harris County area.
- Play: Provide certain employees a minimum level of healthcare benefits.

Funds collected as a result of POP are placed in a Contractor Responsibility Fund that provides healthcare services to uninsured individuals in the Greater Houston area.

## The advertised M/WBE goals for this project are:

MBE Goal: 18% and WBE Goal: 6% and good faith efforts must be made to meet each goal separately.

*The bidder may substitute SBE participation towards the MBE and/or WBE goal(s), up to 4%.*

# Bidder's MWSBE Participation Plan: Document 00470

The Bidder must submit Document 00470 for construction bid submissions to demonstrate how they will meet the advertised MBE and WBE goals, using any goal type permitted on the advertisement.

The Prime must list firms currently certified by the City of Houston, the work they will perform on the project, and the percentage of the goal for which they will be utilized.



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## Bidder's MWSBE Participation Plan Document 00470

<<ShortPrgName>>  
WBS NO. «WBSNo»

BIDDER'S MWSBE  
PARTICIPATION PLAN

Document 00470

### BIDDER'S MWSBE PARTICIPATION PLAN

The Bidder or Proposer shall submit this completed form with the bid to demonstrate the Bidder/Proposer's plan to meet the MWBE contract goal(s) ("contract goal(s)"). If the Bidder/Proposer cannot meet the contract goal(s), the Bidder/Proposer has the burden to demonstrate "Good Faith Efforts," which shall include correctly and accurately preparing and submitting this form, a Record of Good Faith Efforts (Document 00471), a Request for Deviation from the Goal (Document 00472), and supporting documentation evidencing their "Good Faith Efforts," as required by the City of Houston's Good Faith Efforts Policy (Document 00806). The City will review the Participation Plan and Good Faith Efforts at the time of bid opening. Visit <http://www.houstontx.gov/iso> for more information.

City Advertised Contract Goal	MBE	WBE	<ul style="list-style-type: none"><li>• MBE and WBE Goals are two separate Contract Goals, to be met individually.</li><li>• Any excess of one Goal cannot be applied to meet another Goal.</li><li>• An SBE can be applied to the MBE and/or WBE Goal, but not to exceed 4%.</li><li>• Up to 50% of the Bidder's Participation plan may be met using Suppliers.</li><li>• Up to 50% of the advertised goal may be met at the Prime level if the Prime is a City-certified firm. Bidder must select one (1) certification type for Prime level credit. Prime level participation percentage must not exceed the individual MBE or WBE advertised goal. Prime level credit does not apply to SBE-certified firms.</li></ul>			
NAICS Code (6 digit)	Description of Work (Plan Sheet #, Unit Price #, Scope of Work #, as applicable)	% of Total Bid Price (2 decimal places; for example: 5.00%)	Services or Supplier	Cert. Type for Goal: MBE, WBE, or SBE	Certified Firm Name Firm Address Contact Name Phone No. and E-Mail	
				MBE <input type="checkbox"/> WBE <input type="checkbox"/>	USE THIS LINE FOR PRIME LEVEL CREDIT ONLY. CREDIT MUST NOT EXCEED 50% OF THE ADVERTISED GOAL.	
				MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/>		
				MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/>		
				MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/>		

By submitting this form, your firm agrees to enter into formal subcontracting agreement(s) with the MWBE subcontractors/subconsultants listed on this participation plan upon award of a contract from the City.

Bidder's Participation Plan Total	MBE	WBE	SBE

Authorized Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Company Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

<<Bidder or Proposer Name>>  
00470 - 1  
Edition Date: 01-18-2022

- Submitted at the time of bid.
- Captures the MWSBE participation that the Bidder commits to achieve for the contract.
- Used for determining whether Bidder has a plan to meet the goal.
- Language added to *specify* the City's separate Contract Goals and how to count MWSBE participation in order to meet the City's MWBE Contract Goal.



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## Good Faith Efforts

If your firm is unable to meet the MBE and WBE goals fully, then you can submit to the City your efforts to meet the goal and ask that your "Good Faith Efforts" be evaluated. If you are using this option, then we ask that you start documenting all of the efforts your company made to find MWBE participation and the results of your search so that your efforts can be evaluated.

A copy of the Good Faith Efforts Policy can be found in Section 00808 of the Project Manual and is also available on OBO's website:

[https://www.houstontx.gov/obo/contract\\_compliance.html](https://www.houstontx.gov/obo/contract_compliance.html)



# Pre-Bid Good Faith Efforts Document 00471

If the Bidder cannot meet advertised goals as stated, they must complete Documents 00470, 00471, and 00472 in their entirety and submit with their bid.

This allows the Bidder to document the efforts made to meet the goal. The City will evaluate the Prime's "Good Faith Efforts" to meet the goal if the three (3) forms listed above are submitted.

[Short Project Name] \_\_\_\_\_  
WBS No. [WBS No.] \_\_\_\_\_

**PRE-BID  
GOOD FAITH EFFORTS**

Document 00471

**PRE-BID GOOD FAITH EFFORTS**

**Bidder Name:** \_\_\_\_\_ **Project Name:** \_\_\_\_\_

A Bidder or Proposer that may be unable to complete or follow a Participation Plan (Document CCD-00470) to meet the Contract Goal in the Supplemental Conditions (Document 00800), must submit this completed form, Goal Deviation Request Form (Document 00472), providing supporting documentation evidencing their "Good Faith Efforts", as required by the City of Houston's Good Faith Efforts Policy (see Document 00808).

The Bidder or Prime Contractor has the burden to demonstrate "Good Faith Efforts" to meet the MWSBE goal, which includes correctly and accurately preparing and submitting this form and other efforts described in the City's Good Faith Efforts Policy (Document 00808). The Office of Business Opportunity will review Good Faith Efforts and Participation Plan after selection of an apparent low bidder.

*UNLESS THE BIDDER'S/PROPOSER'S PARTICIPATION PLAN MEETS THE CONTRACT GOAL, FAILURE TO SUBMIT THIS FORM MAY RESULT IN THE BID BEING FOUND NON-RESPONSIVE.*

NAICS Code	Plan Item No.	MWSBE Type for Goal	Certified Firm Name Address, Phone No. and E-Mail	Certified Firm Contact Person	Methods of Contact	Prime Contact Dates	Certified Firm Response	Results of Contact (why suitable or not suitable for work)
		MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/>			Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/>			
		MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/>			Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/>			
		MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/>			Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/>			
		MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/>			Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/>			

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Phone: \_\_\_\_\_  
Print Name: \_\_\_\_\_ Email Address: \_\_\_\_\_  
Company Name: \_\_\_\_\_

00471-1  
August 2015



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# MWBE Prime Level Participation

MWBE Primes may utilize a portion of their self-performance to meet up to 50% of the total advertised goal.

MWBE Primes must choose which goal type they would like to receive credit for on construction projects (MBE or WBE).

Once a goal type for participation is selected (MBE or WBE), the MWBE Prime's participation credit will be capped at the proposed percentage or the advertised goal, whichever is lower.

MWBE Primes must perform a Commercially Useful Function (CUF) in order to receive credit for their work.





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# Subcontractor Participation for MWSBE Credit

Bidders can use a subcontractor to meet only one (1) goal for the contract (i.e., MBE or WBE or SBE). Goal credit subcontractors only receive goal credit for work they perform in which they are performing a commercially useful function (CUF).

Credit for work subcontracted by a goal credit MWBE firm to a non-certified firm (2<sup>nd</sup> tier subcontractor) will not count towards the MWSBE goal.

Credit for work subcontracted by a goal credit MWBE firm to another certified firm may not be counted if, after award, they do not perform a CUF.

# Counting Subcontractor / Supplier Credit

## Subcontractor

Perform specific work items with own forces pursuant to a contract agreement with Prime.

Be certified in the specific designations related to the contract and provide the services in the appropriate NAICS code.

## Supplier

1. Negotiate price;
2. Determine quality and quantity;
3. Order the materials;
4. Show that the invoice is in the certified firm's name;
5. Pay for the material itself;
6. Control delivery; and
7. Be certified to provide the supplies in the appropriate NAICS code.

**\*May only receive credit for up to 50% of the awarded goal\***

# Counting Credit for Truckers

MWSBE trucker uses trucks it owns, insures, and operates using drivers it employs.

MWSBE may lease trucks from another MWSBE firm, including an owner-operator who is certified as a MWSBE. The MWSBE who leases trucks from another MWSBE receives credit for the total value of the transportation services the lessee MWSBE provides on the project.

MWSBE may also lease trucks from a non-MWSBE firm, including from an owner-operator. The MWSBE that leases trucks equipped with drivers from a non-MWSBE is entitled to credit for the total value of transportation services provided by non-MWSBE leased trucks equipped with drivers not to exceed the value of transportation services on the project provided by MWSBE-owned trucks or leased trucks with MWSBE employee drivers.

The MWSBE may lease trucks without drivers from a non-MWSBE truck leasing company. If the MWSBE leases trucks from a non-MWSBE truck leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.



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## Counting Broker Credit

Only the entire amount of fees or commissions charged for assistance in the procurement of the supplies and materials, or fees or transportation charges for the delivery of supplies or materials required on a job site will be counted towards the MWSBE goal.

To be counted, proof must be provided of the fees paid and the fees must be reasonable and not excessive as compared with fees customarily allowed for similar services.

No portion of the cost of the materials and supplies themselves toward MWSBE goals.

## Certified Firm Directory

Bidders must utilize the City's Online Directory of certified firms.

This will allow you to search for firms certified in the areas where subcontracting opportunities exist using descriptions, NAICS codes, or company names.

The Directory can be accessed from the City's home page:

<https://houston.mwdbe.com/FrontEnd/searchcertifieddirectory.asp>



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## Final Questions

If you have any remaining questions after this meeting, please put them in writing and a representative from OBO will provide a written response that will be included in a Letter of Clarification. The response will be available to all attendees of the Pre-Bid Meeting.





# Thank You.

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