

WELCOME!

We Will Begin Shortly.



Pre-Award

8:30 AM – 9:20 AM

MWSBE

9:30 AM – 10:20 AM

Pay or Play

10:30 AM – 11:20 AM

THE CITY OF HOUSTON | HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT
C O N T R A C T C O M P L I A N C E

TECHNICAL ASSISTANCE TRAININGS

**Pre-Award Services
Technical Assistance Training**

July 30, 2025 - 8:30AM – 9:20 AM

Division Contact Information



Kennisha London
Deputy Director



Chrystal Boyce
Compliance Manager

2100 Travis, 9th Floor, Houston, TX 77002

www.houstontx.gov/housing

Pre-Award Services



Lakesha Tate
Staff Analyst
Lakesha.Tates@Houstontx.gov
Office: 832-394-6345

Program Overview

- Pre-Award Services ensures an effective and efficient solicitation and contract review process by review and approval of required documents related to MWSBE and Pay or Play requirements.



Pre-Award Benefits

- Contracting party receives detailed guidance on applicable program requirements to prevent project delays and non-compliance;
- Use of Funds, Cost Allocations and pertinent contacts are provided;
- Contract, Employment and Training opportunities are disseminated to local businesses and workers

PRE-AWARD ACTIVITIES

MWBE Prime Participation

- **Policy Change:** The City will now allow MWBE Primes to meet advertised goals by self-performing up to 50% of the total contract goal(s).
 - MWBE primes will not retain more dollars on each contract, potentially allowing them to grow and build capacity.
- **Implementation Timeline:** Language for the application of this new policy will be explicitly included in new City solicitations. Existing contracts or solidifications already advertised will not be affected by this new policy.

MWBE Prime Participation

Please keep in mind the following regarding the policy change:

- MWBE Primes will have to choose which goal they would like to receive credit for on construction projects (MBE or WBE).
- Once a goal type for participation is selected, the Primes participation credit will be capped at the proposed percentage or the approved goal, whichever is lower.

This new policy serves to assist MWBE Primes to build their capacity, while not losing focus on ensuring MWBE subcontractor participation on City Contracts.

HCD Categorical Goals

Effective immediately, any new procurement initiated by HCDD for goal-oriented contracts of any type must contain a contract-specific M/WBE goal or utilize HCDD approved categorical goals. HCDD approved (categorical goals) will only be applicable for construction related activities on Multifamily, Public Facilities and Single-Family awards .

- **Implementation Timeline:** Language for the application of this new policy will be explicitly included in new City solicitations. Existing contracts or solidifications already advertised will not be affected by this new policy.

Project Description	MBE	WBE	Total
Multifamily Projects	30%	8%	38%
Public Facilities Projects	26%	9%	35%
Single-Family Projects	21%	8%	29%

Minority Women Owned Small Business Enterprise (MWSBE)

- MWSBE Participation Plan w/ Letters of Intent;
- MUST complete Form 470 AND/OR FORM(S) 471 and 472.

****Only firms certified through the City of Houston, Office of Business Opportunity can be utilized towards goal achievement****

Achievement Of Goal

- MBE and WBE goals are separate subcontracting goals to be met individually.
- Any excess of the MBE or WBE Goal cannot be used to meet a deficient MBE or WBE goal.
- Only 4% SBE can be used to meet either the MBE and/or WBE Goal, but both cannot get 4% each.
- A MBE or WBE certified Prime may count its self-performance for up to 50% of the overall advertised goal. The certified MWBE Prime may count only the work in which the MWBE has performed a Commercially Useful Function. The use of a certified MWBE Prime's self-performance to meet multiple goals (e.g., MBE and WBE) on a contract is prohibited.
- Once a firm is certified as a MWSBE firm, the total dollar value of the subcontract awarded to the MWSBE firm is counted toward the Contract Goals, counting only the work in which the MWSBE has performed a Commercially Useful Function. The use of one MWSBE certified firm to meet multiple goals (e.g., MBE, WBE, SBE goals) on a contract is prohibited, unless expressly approved by OBO.
- Only City of Houston Certified firms may be used to meet either the MBE Goal or WBE Goal. Visit the City's Office of Business Opportunity Website at <http://www.houstontx.gov/obo/> and click on directory link to search for COH certified vendors.
- Contractor must fill in each box COMPLETELY and SIGN the document
- MWSBE Participation Plan must be accompanied with Signed Letters of Intent for goal achievement.
- You either turn in ONE document if you meet the Contract Goals: (Document 00470); OR
- You turn in THREE documents if you cannot meet the Contract Goals: (Documents 00470, 00471, & 00472)

All information must be provided in order to be deemed responsive

MWSBE Participation Plan

Document 470

- Captures MWSBE Participation that the Contractor commits to achieve for the contract.
- Helps Pre-Award Administration Manager determines whether the Contractor has a plan to actually meet the goal.
- Contractor is required to submit Document 470 with MWSBE Signed Letters of Intent

<<ShortPrjName>>
WBS NO. «WBSNo»

BIDDER'S MWSBE
PARTICIPATION PLAN

Document 00470

Rectangular Sign

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 M/WBE 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 00808). The City will review the Participation Plan and Good Faith Efforts at the time of bid opening. Visit <http://www.houstontx.gov/obo> for more information.

City Advertised Contract Goal	MBE	WBE	<ul style="list-style-type: none"> • MBE and WBE Goals are two separate Contract Goals, to be met individually. • Any excess of one Goal cannot be applied to meet another Goal. • An SBE can be applied to the MBE and/or WBE Goal, but not to exceed 4%. • Up to 50% of the Bidder's Participation plan may be met using Suppliers. • 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.
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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"/> SBE <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: _____

Pre-Bid Good Faith Efforts

- Allows the Contractor to document Good Faith Efforts to meet the advertised MWSBE goals.
- Allows the Adminstrating Department to see Contractor's efforts made to find MWSBE firms.
- Contractor must fully complete the bottom portion of the document.
- Certified Firm Name, Address, Contact Name, Phone Number and E-mail

[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 2013

Contractor Deviation Goal Request

Allows Contractor to explain two things:

- Why the Contractor was unable to meet the advertised MWSBE goals; AND
- What good faith efforts the Contractor made that were not captured on Document 471 and provide additional justification.
- Contractor must fully complete the bottom of the form.
- Certified Firm Name, Address, Contact Name, Phone Number and E-mail

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

**BIDDER'S MWSBE GOAL
DEVIATION REQUEST**

Document 00472

BIDDER'S MWSBE GOAL DEVIATION REQUEST

Company Name: _____

Project Name: _____

Department Approved Contract Goals	MBE %	WBE %	Total %
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Bidder's Proposed Participation Plan	MBE %	WBE %	SBE (Max 4% for Credit) %	Total %
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Justification: Please provide the reason the Bidder is unable to meet the Contract Goal in Document 00800.

Good Faith Efforts: Please list any efforts not listed in the Bidder's Pre-Bid Good Faith Effort (Document 00471) and provide supporting documentation evidencing "Good Faith Efforts", as required by the City of Houston's Good Faith Efforts Policy (Document 808).

Date: _____ Company Name: _____

Email: _____ Company Representative: _____

Phone Number: _____ Title: _____

FOR OFFICIAL USE ONLY: Approved ☐ Not Approved ☐



OBO Representative _____ Date: _____

_____ Title: _____

00472-1
August 2015

MWSBE Letter of Intent

- MWSBE Letter of Intent must be accompanied with the MWSBE Participation Plan.
- MWSBE Letter of Intent must be completed entirely.
- The Bid Amount on MWSBE Letter of Intent should be direct construction amount from COH funding..
- The MWSBE Letter of Intent for the MWSBE can include the estimated amount the GC intent to utilize for that the sub or the percentage you listed on the MWSBE Participation Plan for the certified firm.
- The MWSBE Letter of Intent must be signed by the General Contractor and the MWSBE subcontractor or supplier.
- All information must be provided in order to be deemed responsive

Letter of Intent	
	
THIS AGREEMENT IS SUBJECT TO MEDIATION WHICH CAN BE INITIATED BY THE COMPANIES SIGNED BELOW OR THE OFFICE OF BUSINESS OPPORTUNITY.	
To: City of Houston Contracting Department	Date: _____
Project Name and Number _____	
Bid Amount: _____ MW/SBE Goal: _____	
_____, agrees to enter into a contractual agreement Prime Contractor	
with _____, who will provide the following goods/ MW/SBE Subcontractor	
services in connection with the above referenced contract: _____	
for an estimated amount of \$ _____ or _____ % of the total contract value.	
_____ is currently certified with the City of Houston's (M/W/SBE Subcontractor) Office of Business Opportunity to function in the above-listed capacity.	
_____ intend to work on the above-named contract in accordance with the M/W/SBE Participation Section Prime Contractor MW/SBE Subcontractor of the City of Houston Bid Provisions, contingent upon award of the contract to the above-listed Prime Contractor.	
Signed (Prime Contractor)	Signed (M/W/SBE Subcontractor)
Printed Signature	Printed Signature
Title	Title
Date	Date
Revised March 2022	

MWSBE Participation Plan Example #1

 <<ShortPrjName>>
 WBS NO. «WBSNo»

 BIDDER'S MWSBE
 PARTICIPATION PLAN

Document 00470

Rectangular Snip

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 M/WBE 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 00808). The City will review the Participation Plan and Good Faith Efforts at the time of bid opening. Visit <http://www.houstontx.gov/obo> for more information.

City Advertised Contract Goal	MBE 23%	WBE 11%	<ul style="list-style-type: none"> • MBE and WBE Goals are two separate Contract Goals, to be met individually. • Any excess of one Goal cannot be applied to meet another Goal. • An SBE can be applied to the MBE and/or WBE Goal, but not to exceed 4%. • Up to 50% of the Bidder's Participation plan may be met using Suppliers. • 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. 		
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"/> SBE <input type="checkbox"/>	USE THIS LINE FOR PRIME LEVEL CREDIT ONLY. CREDIT MUST NOT EXCEED 50% OF THE ADVERTISED GOAL
238310	Drywall	19.00%	Services	MBE <input checked="" type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/>	
238210	Electrical	11.00%	Services	MBE <input type="checkbox"/> WBE <input checked="" type="checkbox"/> SBE <input type="checkbox"/>	
238220	Plumbing	4.00%	Services	MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input checked="" 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
	19.00%	11.00%	4.00%

 Authorized Signature: Lakesha Tate

 Printed Name: Lakehsa Tate

 Company Name: Tates Construction

 Date: April 19, 2022

 Phone: 832.394.6345

 Email: lakesha.tates@houstontx.gov

Calculating MWSBE Participation Example #1

Advertised Goals:
23% MBE and 11% WBE

These are separate goals to be met individually!

Contractor Proposed Participation Plan:

SBE: 4% **4% of the SBE may be used to meet the MBE and/or WBE goal**

MBE: 19% **+ 4% (from SBE) = 23%**

WBE: 11% **+ 23% = 34%**

Does this MWSBE Participation Plan meet the minimum goal requirement?

Yes!

MWSBE Participation Plan Assessment

- Contractor MUST submit Document 470 along with Signed Letter of Intent for each subcontractor or supplier listed for MWSBE goal achievement.
- Prime Contractor must fill in each box COMPLETELY and SIGN the document.
- All required documents must be provided and MWSBE Participation Plan must demonstrate meeting the minimum goal requirements in order to be deemed responsive
- If MWSBE Participation Plan and Letters of Intent are deemed responsive an approval email will be disseminated to the Owner Developer, Prime Contractor and Relations Manager recommending to proceed with scheduling of Pre-Construction Meeting
- If the Prime Contractor failed to demonstrate meeting the minimum MWSBE minimum goal requirements an email will be sent to the Owner Developer/Contractor and Relations Manager notifying them that the MWSBE Participation Plan is non-responsive and did not meet the minimum goal requirements.

MWSBE Participation Plan Assessment

- If MWSBE Participation Plan does not meet the minimum goal requirements the MWSBE Participation Plan (470), Pre-Bid Good Faith Efforts (471) and MWSBE Goal Deviation (472) will be forwarded over to the Office of Business Opportunity (OBO) to evaluate your Good Faith Efforts along with any other supporting documentation.
- Office of Business Opportunity standard processing time is 7-10 business days provided all information is submitted. Each time new information is requested and submitted the days restart.
- Pre-Award Services is excluded in the evaluation of the non-responsive MWSBE Participation Plan submitted to OBO. OBO will be in contact with the Contractor and provide Pre-Award Services with the final recommendations.
- Pre-Award required documents must be reviewed and approved prior to recommending Pre-Construction Meeting and Notice to Proceed.

PAY OR PLAY

Pay or Play

Article VI, Section 7a, of the City
Charter of the City of Houston;
and City of Houston Code of
Ordinance, Chapter 15 Executive
Order 1-7



Pay or Play Pre-Award Documents

- POP-1 Pay or Play Acknowledge Form;
- POP-2 Pay or Play Certification of Compliance with Pay or Play Program
- POP-3 Pay or Play Program List of Subcontractors
- B2GNOW Management System Access Form

*Pay or Play Pre-Award documents must be submitted for reviewal and approval prior to scheduling of Pre-Construction Meeting and Notice to Proceed.

Form POP-1 Pay or Play Acknowledgement

- Contractor acknowledges POP Program and agrees to comply if they are the successful contractor.
- Contractor must complete and submit with Pre-Award required documents.



City of Houston
Pay or Play Program
Acknowledgement Form

It has been determined that the project currently open for bidding meets the criteria of the City of Houston Pay or Play program. This form acknowledges your awareness of the Pay or Play program which is authorized by Ordinance 2007-534. Your signature below affirms that you will comply with the requirements of the program **upon** contract award and ensure the same on behalf of your subcontractors that may be subject to the Pay or Play Program.

I declare under penalty of perjury under the laws of the State of Texas that if awarded this contract which meets the criteria for the City of Houston's Pay or Play Program, I will comply with all requirements of the Pay or Play Program in accordance with Executive Order 1-7.

Fill out all information below and submit this form with your bid/proposal packet.

Solicitation Number	
Signature	Date
Print Name	City Vendor ID
Company Name	Phone Number
Email Address	

For more information about the Pay or Play program please visit
<http://www.houstontx.gov/obo/popforms.html>.

Questions about the Pay or Play Program should be referred to the Department POP Liaison; an updated contact list is available on the Office of Business Opportunity website or call the POP Contract Administrator at 832-393-0633.

Form POP-2 Certification of Compliance

- Contractor chooses how they will participate in the POP Program.
- POP-2 must be completed and submitted by the Contractor.



City of Houston Pay or Play Program Certification of Compliance



Prime Contractor: _____ Subcontractor: _____

Address: _____

Outline Number: _____ Contract Amount: \$ _____

Project Name: [Legal Project Name]

Contracting Department: _____

In accordance with the City of Houston Pay or Play Program authorized by Ordinance 2007-534 and Executive Order 1-7, Prime/Subcontractor agrees to abide by the terms of this Program. This certification is required of all contractors for contracts subject to the program. You must agree either to PAY, PLAY or BOTH for all covered employees. If selecting BOTH, the Contractor/Subcontractor may Pay on behalf of some covered employees and Play on behalf of the remaining covered employees.

The Prime/Subcontractor will comply with all provisions of the Pay or Play Program Requirements and will furnish all information and reports requested to determine compliance of the Pay or Play Program (See Executive Order 1-7 for the terms of the Pay or Play program).

The Prime/Subcontractor may agree to "Pay" \$1.00 per hour for work performed by covered employees under the contract with the City. If independent contract labor is utilized the Contractor/Subcontractor agrees to report hours worked by the independent contract laborer and pay \$1.00 per hour for work performed.

The Prime/Subcontractor may agree to "Play" by providing health benefits to each covered employee. The health benefits must meet the following criteria:

- The employer contributes no less than 75% of the total premium costs per covered employee per month toward the total premium cost.
- The covered employee contributes, if any amount, no greater than 25% of the total monthly premium costs.

Please select whether you choose to:	Pay	Play	Both
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Prime/Subcontractor will file compliance reports with the City, which will include activity for covered employees subject to the program, in the form and to the extent requested by the administering department. Compliance reports shall contain information including, but not limited to, documentation showing employee health coverage and employee work records.

Note: The contractor is responsible to the City for compliance of covered employees of covered subcontractors.

Please indicate the estimated number of:	PRIME	SUB
Total Employees on City Job		
Covered Employees		
Non-Covered Employees		
Exempt Employees		


I hereby certify that the above information is true and correct.

Please Sign _____


Date _____

Form POP-3 List of all subcontractors

- List of all subs participating on the project.
- Filled out and submitted by the Prime Contractor.



**City of Houston
Pay or Play Program
Participating Subcontractors**



Prime Contractor: _____ POP Contact Person: _____
 Project Number/Description: _____ Address: _____
 _____ Email: _____
 _____ Phone: _____

Note: Include ALL subcontractors (use additional form if necessary)

Subcontractor Name	Supplier Y/N?	Amount of Subcontract	Check One				Contact Person	Phone	Email Address	Mailing Address
			Pay	Play	Both (Pay and Play)	N/A				

*If the above information is found to be submitted fraudulently with the intent to bypass or deceive the purpose of the Pay or Play Program the contractor will be held liable for all compliance requirements from the inception of the contract. All subcontracts that surpass the \$200,000.00 threshold will be responsible for Pay or Play compliance from the inception of the contract.

Affidavit

I hereby solemnly affirm, certify and confirm that the total sub-contract value stated above is the final value of the contract (*) including all material costs, fuel, payroll, taxes, fees, profit sharing, labor or any payments in relation to the contracted work and no separate payment or contract has been made for the sub-contract under contract no. _____. The above sub-contract value includes all the costs related to work under the contract. The contractor and sub-contractor(s) agree to inform the Office of Business Opportunity of any related cost(s) added to the contracted work and re-submit POP-3 with the current value of the sub-contract. I understand that compliance with "Pay or Play" program is mandatory and nothing has been hidden to circumvent the program requirements.

Contractor Authorized Representative & Title _____ Date _____
 Name & Signature

POP Required Form

B2GNOW Access Request Form

- Contractor is required to complete the B2GNOW form in its entirety for providing access to the system for POP compliance requirements.

PAY OR PLAY PROGRAM B2GNOW ACCESS REQUEST FORM



DATE:

1. REQUEST INFORMATION *Required

*Employee Name:

Job Title:

*Company Name:

Address:

Street Address

City

State

Zip Code

*Phone:

Email Address:

2. Contract or WBS number to which you are requesting B2G access (46000XXXXXX)

B2GNow website: <https://houston.mwdbe.com/>

The company representative(s) who will need access to B2GNow should complete this form. If you have any questions, please contact your HCD Pay or Play Coordinator.

CONTRACT COMPLIANCE ACKNOWLEDGEMENT FORM

Acknowledgement Form

Before recommending to proceed
with project activities. This
document serves as an affirmation
of the contracting party
responsibility to ensure
compliance with program
requirements

Acknowledgement Form

- As an **Owner/Developer, General/Prime Contractor, and/or appointed Compliance Consultant**, I acknowledge my responsibility to ensure compliance with program requirements.

CONTRACT COMPLIANCE ACKNOWLEDGEMENT FORM



This document serves as an affirmation of my responsibility to ensure compliance with program requirements as detailed below. As an **Owner/Developer, General/Prime Contractor, and/or appointed Compliance Consultant**, I acknowledge my responsibility to ensure compliance with program requirements. I confirm that I have reviewed and received the information detailed below and pledge to:

1. Adhere to all requirements and standards outlined in this acknowledgment.
2. Promptly notify Contract Compliance personnel if clarification is needed or if challenges or impediments arise that hinder compliance efforts.

Compliance Requirements:

1. **Certified Firms and Payments:**
 - o Payments will count toward participation goals only if made to certified firms.
 - o Credit towards participation goals may only apply to firms properly added to the project after the date of certification.
2. **Consequences for Non-Compliance:**
 - o Non-compliance may result in payment withholding, project termination, or suspension from Housing and Community Development (HCD) projects.
3. **Mandatory Participation:**
 - o Firms listed in the initial Participation Plan(s) and firms that will perform on the project are required to attend at least one **technical assistance training** during the project.
 - o Participating firms are required to attend the post-award meeting as applicable (Pre-Construction/Kick-Off meeting).
4. **Closeout Evaluation:**
 - o For a successful project rating, all goal categories must be met or supporting documentation to justify Good Faith Efforts.
5. **Policy Acknowledgments:**
 - o I acknowledge and understand the following policies:
 - City of Houston POP Executive Order 1-7
 - City of Houston MWSBE Policy
 - City of Houston Good Faith Efforts Policy

Contractor's Designated Staff

By signing below, I affirm my commitment to the above compliance requirements and acknowledge my role in ensuring adherence throughout the project lifecycle in accordance with City of Houston MWBE and Pay or Play compliance requirements, as applicable.

Acknowledgement Form

- The Owner/Developer and General/Prime Contractor will complete and date the acknowledgment form, then submit it to the Pre-Award Administration Manager along with the required Pre-Award documents.

CONTRACT COMPLIANCE ACKNOWLEDGEMENT FORM



Owner/Developer Staff

Name

Signature

Date

General/Prime Contractor Staff

Name

Signature

Date

● Rectangular Snip

REQUIRED SOLICITATION DOCUMENTS

Solicitation Language

Before advertising for a General Contractor or subcontracting, review of solicitation content and attachments must be submitted for review to ensure applicable program requirements are included.

Solicitation Language

Example Solicitation Language for Prime Contractor:

- **MWSBE:** Contractor shall comply with the City's Minority and Women Business Enterprise ("MWBE") programs as set out in Chapter 15, Article V of the City of Houston Code of Ordinances and the applicable Office of Business Opportunity's ("OBO") Policies and Procedures. Contractor shall make good faith efforts to award subcontracts or supply agreements in at least _____% of the value of this Agreement to MWBEs ("Stated MWBE goal"). If the Contractor is a certified MBE or WBE, Contractor may count toward goals the work that it commits to perform with its own work force, capped at 50% of the total advertised goal. Contractor acknowledges that it has reviewed the requirements for good faith efforts on file with OBO and will comply with them.

- **Pay Or Play**

Contractors shall comply with the City's Pay or Play Program, as set out in Executive Order No. 1-7, the requirements and terms of which are incorporated into this RFP for all purposes. Contractors have reviewed the requirements of Executive Order No. 1-7 at <http://www.houstontx.gov/obo/popforms.html>. The Contractors should demonstrate that they have the willingness and ability to comply with the City's Contractors' Pay or Play Program.

Updated Contract Requirements in 2 CFR 200.322

Effective April 7, 2022, updated provisions are required to be included in contracts for General Contractors, subcontractors and lower tier contractors. Agreement terms will be expected to reference the provision in the contract and include as an exhibit. Executed agreements dated April 7, 2022 and forward will be reviewed for compliance with this guidance.

- DOMESTIC PREFERENCES (2 C.F.R. § 200.322) *NEW*
- PROHIBITION OF CERTAIN TELECOMMUNICATION TECHNOLOGY *NEW*

Prime Contract Required Documents

The Prime Contract must reference and include the following documents regarding Local, State, and Federal Compliance Requirements:

- Federal Labor Standards Provisions -Minority, Women and Small Business Enterprises, Section 3 Regulations, Pay or Play (**updated April 2025**)
- Contract Compliance Forms -Minority, Women and Small Business Enterprises Section 3 Regulation (**updated December 2023**)
- Document 808: Requirements for the City of Houston Program for Minority, Women, and Small Business Enterprises (MWSBE) (**updated January 2022**)
- City of Houston Good Faith Efforts Policy (**updated January 2022**)

*A draft copy of all construction contracts must be provided to the Pre-Award Administration Manager for reviewal and approval of required compliance language and documents for applicable programs.

Pre-Award Compliance Red Flags

- Signed Letters of Intent are not submitted with Participation Plan;
- Failure to have the MWSBE firm(s) sign the Letters of Intent;
- Listing firms on a MWSBE Participation Plan that do not have an active certification with City of Houston, Office of Business Opportunity;
- Contractor providing an MWSBE Participation Plan that exceeds the minimum goal requirements;
- Contractor substitutes SBE participation of more than 4% of the MBE goal, the WBE goal or portions of the MBE goal and WBE goal;
- Listing MWSBEs firms for goal credit without notification;
- Failure to submit Pre-Award required documents for review and approval in timely manner.

FAQS

FAQS

When are Pre-Award Documents required to be submitted?

Before a pre-construction meeting and/or issuance of a Notice to Proceed is recommended, Pre-Award documents must be approved.

Who do we submit the Pre-Award Documents to?

Pre-Award submissions should be sent via email to Administration Manager, Lakesha Tate at Lakesha.Tates@houstontx.gov

What are the next steps following submission of Pre-Award documents?

The Administration Manager will review documents for completion and compliance before recommendation to proceed based on the responsiveness of required documents.

If the MWSBE Participation Plan is deemed non-responsive what is the next step?

Your MWSBE Participation Plan will be forwarded along with documents 471, 472 and all other supporting documents to the Office of Business Opportunity to review and cure your plan within 7 – 14 business days. Communication regarding a non-responsive MWSBE Participation Plan will be between an Office of Business Opportunity and the Prime Contractor. The Office of Business Opportunity will notify the Administration Manager and Prime Contractor of the Good Faith Efforts Determination and recommendations.

FAQS

What are the approved HCDD categorical goals on construction related projects? Multifamily Projects with an 38% MWBE Total Goal = 30% MBE and 8% WBE. Public Facilities with an 35% MWBE Total Goal = 26% MBE and 9% WBE and Single-Family with a 29% MWBE Total Goal = 29% MBE and 8%.

How are Pre-Award Good Faith Efforts Evaluated?

Evaluation is based on a case-by-case basis to determine if the contractor complied with the City of Houston, Good Faith Efforts policy. <https://www.houstontx.gov/obo/docsandforms/goodfaithefforts>

Comments & Questions





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