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Office of HUB Programs  
512-499-4530  
[www.utsystem.edu/hub](http://www.utsystem.edu/hub)

## Exhibit H – Policy on Utilization Historically Underutilized Businesses

HUB Subcontracting Plan for:

- Design Build (DB)

OCP Managed Projects Only

Revision dated April 22, 2020



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\* **Note 1:** If awarded a contract, the Prime Contractor Progress Assessment Report (PAR) is a required form with each payment application submitted. This form is a condition of payment.

\*\* **Note 2:** The UT System Contract Management System Subcontractor Report should be attached to the Prime Contractor Assessment Report (PAR) after subcontractor payments are entered into the UT System Contract Management System.

For questions or clarifications regarding the HUB Subcontracting Plan, please contact the appropriate HUB Coordinator listed below:

### **UT Arlington, UT Dallas, UT Tyler, & UT Health Northeast**

Stephanie Park  
Senior HUB Coordinator  
972-883-5377  
[spark@utsystem.edu](mailto:spark@utsystem.edu)

### **UT Health Houston, and UT Rio Grande Valley**

Cynthia Booker HUB Coordinator  
512-322-3779  
[cbooker@utsystem.edu](mailto:cbooker@utsystem.edu)

### **UT El Paso and UT Permian Basin**

Kyle Hayes  
HUB Coordinator  
512-322-3745  
[khayes@utsystem.edu](mailto:khayes@utsystem.edu)

**The University of Texas System**  
**Office of HUB Programs**

**POLICY ON UTILIZATION OF  
HISTORICALLY UNDERUTILIZED BUSINESSES (HUBs)**

**Introduction**

In accordance with the Texas Government Code, Sections 2161.181-182 and Title 34, Rule 20.281 of the Texas Administrative Code (TAC), The Board of Regents of the University of Texas System, acting through the Office of HUB Programs shall make a good faith effort to utilize Historically Underutilized Businesses (HUBs) in contracts for construction services, including professional and consulting services; and commodities contracts. The HUB Rules promulgated by the Texas Comptroller of Public Accounts (the "Texas Comptroller"), set forth in 34 TAC Rules 20.281-20.298, encourage the use of HUBs by implementing these policies through race-, ethnic- and gender-neutral means.

The purpose of the HUB Program is to promote full and equal business opportunities for all businesses in State contracting in accordance with UT System specific or statewide HUB goals as specified in TAC Rule 20.284:

- **11.2% for heavy construction other than building contracts;**
- **21.1% for all building construction, including general contractors and operative builders contracts;**
- **32.9% for all special trade construction contracts;**
- **23.7% for professional services contracts;**
- **26% for all other services contracts, and;**
- **21.1% for commodities contracts.**

The University of Texas System shall make a good faith effort to meet or exceed these goals and/or UT System specific goals to assist HUBs in receiving a portion of the total contract value of all contracts that U. T. System expects to award in a fiscal year. The University of Texas System may achieve the annual program goals by contracting directly with HUBs or indirectly through subcontracting opportunities in accordance with the Texas Government Code, Chapter 2161, Subchapter F.

**UT System Administration**  
**Historically Underutilized Subcontracting Plans (HSP)**  
**Design Build Delivery Method\***

All Texas State agencies and institutions of higher education (universities) are required to make a good faith effort to include minority and/or women owned businesses in their procurement opportunities. The State of Texas uses the term Historically Underutilized Businesses (HUB) to distinguish State certified minority and/or women owned businesses.

**Procurement Goal Building Construction – 21.1%**

Statement of Probability - Subcontracting Opportunities are probable in connection with this solicitation.  
*Responses that do not include an HSP shall be rejected as a material failure to comply with advertised specifications in accordance with the request for qualifications.*

- \* The HUB requirements for Design Building alternate delivery method require the submittal of TWO HSPs:
- (a) HSP for preconstruction services, and
  - (b) HSP for the design professional and their consultants.

**Design Build alternate delivery method is a two (2) step process.**

1. Part 1 – Pre-construction Services – Option One (if self-performing pre-con services) or Option Two (if subcontracting all or part of pre-con services).
2. Part 2 – Building Construction – Option Two only.

**Option One**

- ❖ If you are not subcontracting any portion of the pre-construction services and will be fulfilling the entire contract with your own resources, complete the following sections:
  - a) Section 1 – Respondent and requisition information
  - b) Section 2A – No, I will not be subcontracting any portion of the contract (pre-con services), and will be fulfilling the entire contract with my own resources.
  - c) Section 3 – Self Performing Justification – Check no and provide an explanation in the box provided.
  - d) Section 4 – Affirmation

**Self-Performance** – If the respondent is able to fulfill all of the potential subcontracting opportunities identified with its own equipment, supplies, materials, and/or employees (*self-performance*), the respondent must sign an affidavit and provide a statement (*on HSP forms*) explaining how the respondent intends to fulfill each subcontracting opportunity. The respondent must agree to provide the following if requested by the agency:

- Evidence of existing staffing to meet contract objectives;
- Monthly payroll records showing company staff fully engaged in the contract; on site reviews of company headquarters or work site where services are to be performed; and
- Documentation proving employment of qualified personnel holding the necessary licenses and certificates required to perform the work.

**Option Two**

- ❖ If you are subcontracting with HUB vendors and Non-HUB vendors (or only Non HUB vendors) for any or all portions of the contract, complete the following:
  - a) Section 1 – Respondent and Requisition Information
  - b) Section 2A – Yes, I will be subcontracting portions of the contract
  - c) Section 2B – List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to HUB vendors and Non HUB vendors
  - d) Section 2C – No
  - e) Section 2D – No
  - f) Section 4 – Affirmation
  - g) Good Faith Effort (Attachment B) – Complete this attachment for each subcontracting opportunity

## ~Design Build (pre-construction) HSP Instructions cont.~

**Determination of Good Faith Effort in developing an HSP for construction contracts includes but is not limited to the following:**

1. Divide the contract work into reasonable lots or portions to the extent consistent with prudent industry practices.
2. **Provide notice to a minimum of two (2) minority/women trade organizations or development centers of subcontracting opportunities to be disseminated to their membership.** The notice shall include:
  - Scope of work
  - Information regarding locations to review plans and specifications
  - Bonding and insurance requirements
  - Identify a contact person (including phone number and email address)Notify minority/women organizations of contracting opportunities with reasonable time to disseminate information to members (no less than **seven (7)** working days from receipt of notice).
3. **Notify three (3) or more State of Texas certified HUBs for each subcontracting opportunity in writing.** The notice shall include:
  - Scope of work
  - Information regarding locations to review plans and specifications
  - Bonding and insurance requirements
  - Identify a contact person (including phone number and email address)Notify the HUBs of subcontracting opportunities with reasonable time to respond (**no less than seven (7)** working days from receipt of notice). The prime contractor must keep and provide official written documentation (i.e. fax transmittals, email, correspondence, etc. to demonstrate compliance).
4. **The respondent shall use the State's Centralized Master Bidders List (CMBL),** HUB Directory, Internet resources, and/or other directories as identified by the agency when searching for HUB subcontractors. Respondents may also rely on the services of minority/women and community organizations, contractor groups, local, state and federal business assistance offices in identifying qualified HUB subcontractors. Search the CMBL at: <https://mycpa.cpa.state.tx.us/tpasscmbsearch/tpasscmbsearch.do>.
5. **Provide written justification of the selection process if a non HUB subcontractor is selected.**
6. **Encourage selected non-certified minority or woman owned business subcontractors to apply for HUB certification.** If the minority or woman owned vendor is not a State certified HUB you may refer the firm to the HUB office for additional information on becoming HUB certified or the State HUB website <https://www.comptroller.texas.gov/purchasing/vendor/hub/certification-process.php>

### **Bid Package Notification**

- **Allow a minimum of seven (7) working days for the subcontractors to respond**
- Identify the scope of work and the trades that will be subcontracted
- Identify a physical location to review plans/specifications
- Provide information about bonding and insurance requirements
- Identify a contact person, phone number, email, etc.

### **Notification to Awarded Subcontractors**

The successful respondent will provide notice as soon as practical to **all** subcontractors (HUBS and Non-HUBs) of their selection as a subcontractor for the awarded contract. The notice must specify at a minimum the contracting agency's name, point of contact for the contract, contract award number, scope of work to be performed, approximate dollar value of the scope, and expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice must be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.

**Please include an HSP for Professional Services using the instructions on pages 5 & 6. Both the pre-construction HSP and the professional services HSP are required to have a HUB compliant HUB Subcontracting Plan.**

**UT System Administration**  
**Historically Underutilized Subcontracting Plans (HSP) for Professional Services**  
**(Building Construction Goal applies – 21.1%)**

All Texas State agencies and institutions of higher education (universities) are required to make a good faith effort to include minority and/or women owned businesses in their procurement opportunities. The State of Texas uses the term Historically Underutilized Businesses (HUB) to distinguish State certified minority and/or women owned businesses.

**Statement of Probability** - Subcontracting Opportunities are probable in connection with this solicitation.

**Responses that do not include a completed HUB Subcontracting Plan shall be rejected due to material failure to comply Government Code, §2161.252(b).**

**Determination of Good Faith Effort in developing an HSP for professional services contracts is established if the respondent provides documentation of meeting one of the following options:**

**Option 1** – Complete a Self-Performing HSP as follows:

- a) Section 1 – Respondent and Requisition Information. Complete as indicated on the form. VID number refers to the tax ID number.
- b) Section 2A – No, I will not be subcontracting any portion of the contract, and will be fulfilling the entire contract with my own resources.
- c) Section 3 – Self Performing Justification – Check no and provide explanation in box
- d) Section 4 – Affirmation – include your email address and contact phone number should UT System HUB have any questions.

If the respondent is able to fulfill all of the potential subconsulting opportunities identified with its own equipment, supplies, materials, and/or employees (*self-performance*), the respondent must sign an affidavit and provide a statement explaining how the respondent intends to fulfill each subcontracting opportunity. The respondent must agree to provide the following if requested by the agency:

- Evidence of existing staffing to meet contract objectives;
- Monthly payroll records showing company staff fully engaged in the contract; on site reviews of company headquarters or work site where services are to be performed; and
- Documentation proving employment of qualified personnel holding the necessary licenses and certificates required to perform the work.

**Option 2** – Complete the following if all sub-consulting opportunities are to be performed by **ONLY** state of Texas certified HUB vendors.

- a) Section 1 – Respondent and Requisition information
- b) Section 2A – Yes, I will be subcontracting portions of the contract
- c) Section 2B – List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to HUB vendors
- d) Section 2C – Yes
- e) Section 4 – Affirmation
- f) Good Faith Effort (Attachment A) – Complete this attachment for each subcontracting opportunity

**Option 3** – Complete the following if sub-consulting opportunities by both HUB and non-HUB vendors meets or exceeds the HUB professional services goal stated above:

- a) Section 1 – Respondent and Requisition information
- b) Section 2A – Yes, I will be subcontracting portions of the contract
- c) Section 2B – List all portions of work you will subcontract, and indicate the percentage of the contract you expect to award to HUB vendors and Non HUB vendors
- d) Section 2C – No
- e) Section 2D – Yes
- f) Section 4 – Affirmation
- g) Good Faith Effort (Attachment A) – Complete this attachment for each subcontracting opportunity

## ~Design Build (Professional Services) HSP Instructions cont.~

**Option 4** – If you are subcontracting with HUB vendors and Non-HUB vendors (or only Non-HUB vendors), and the total percentage subcontracting with HUB vendors does not meet or exceed the HUB Goal, complete the following:

- a) Respondent and Requisition Information
- b) Section 2A – Yes, I will be subcontracting portions of the contract
- c) Section 2B – List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to HUB vendors and Non HUB vendors
- d) Section 2C – No
- e) Section 2D – No
- f) Section 4 – Affirmation
- g) Good Faith Effort (Attachment B) – Complete this attachment for each subcontracting opportunity

**Determination of Good Faith Effort in developing an HSP for professional services contracts includes but is not limited to the following:**

1. **Divide the work into reasonable lots or portions** to the extent consistent with prudent industry practices.
2. **Provide notice a minimum of two (2) minority/ women trade organizations or development centers of subconsulting opportunities to be disseminated to their membership.** The notice shall include: Scope of work; required qualifications; and identify a contact person (including phone number and email address). Notify the minority/women organizations of contracting opportunities with reasonable time to disseminate information to members/participants (no less than **seven (7)** working days from receipt of notice).
3. **Notify three (3) or more HUBs of for each discipline that is to be subcontracted in writing.** The notice shall include: Scope of work; required qualifications; and identify a contact person (including phone number and email address). Notify the HUBs of contracting opportunities with reasonable time to respond (**no less than seven (7)** working days from receipt of notice).
4. **Provide written justification of the selection process if the selected subconsultant is not a HUB.**
5. **The respondent shall use the Centralized Master Bidders List (CMBL),** HUB Directory, Internet and other directories as identified by the agency when searching for HUB subconsultants. The Centralized Master Bidders List (CMBL) can be found at: <https://mycpa.cpa.state.tx.us/tpasscmbllsearch/index.jsp>. The respondent must keep and provide if requested official written documentation (i.e. electronic mail, written correspondence, etc.) to demonstrate compliance.

A respondent's participation in a Mentor-Protégé Program under Government Code, §2161.065, and the submission of a protégé as a subconsultant in the HUB subcontracting plan constitutes a good faith effort for the particular area to be subcontracted with the protégé. State agencies and institutions of higher education may accept a Mentor-Protégé Agreement that has been entered into by the respondent (mentor) and a certified HUB (protégé). The agency shall consider the following in determining the respondent's good faith effort:

- If the respondent has entered into a fully executed Mentor-Protégé Agreement that has been registered with the Comptroller prior to submitting the HSP, and
- If the respondent's HUB subcontracting plan identifies the areas of subconsulting that will be performed by the protégé. For more information, contact the HUB Coordinator.

**Minority prime firms are required to complete the HUB Plan identifying all sub-consultants.**

### **Changes to Plan**

Changes to the HSP must be approved in writing by UT System OFPC Project Manager and HUB Coordinator **prior** to any work taking place by the new subcontractor/subconsultant. Justification is required to explain the substitutions. Once the contract has been awarded the HSP is considered part of the contract. Violations to the HSP will be deemed in breach of the contract by UT System.

### **Reporting – After Award**

Prime firm payment requests shall include: Prime Contractor Progress Assessment Report (PAR) identifying all subcontractor and subconsultant payments.

**Exhibit H Attachments:** <http://utsystem.edu/offices/historically-underutilized-business/hub-forms>

Please use the forms posted at the HUB Department website to complete HSP.

Regional HUB Coordinator  
Office of HUB Programs  
The University of Texas System  
210 W. 7<sup>th</sup> Street  
Austin, TX 78701

RE: Historically Underutilized Business Plan for (Project Title): \_\_\_\_\_  
Project Number: \_\_\_\_\_

Dear

I have read and understand The University of Texas System Policy on Utilization of Historically Underutilized Businesses (HUBs). In accordance with the requirements outlined in the HUB Subcontracting Plan (HSP), I am pleased to forward this HUB Subcontracting Plan as an integral part of our proposal in connection with your invitation for request for qualifications/proposals, referencing Project Number . \_\_\_\_\_

The Good Faith Effort will be documented by a two- part HUB Subcontracting Plan (HSP) process. Part One (1) of the HSP submission for the General Contractor will reflect self-pre-construction services only with the appropriate sections completed as outlined in the HSP instruction sheet located on page 3 of The University of Texas System Exhibit H Policy on Utilization of Historically Underutilized Businesses. Part One (1) of the HSP submission for Professional Services will reflect appropriate sections completed as outlined in the HSP instruction sheet pages 5 and 6 of The University of Texas System Exhibit H Policy on Utilization of Historically Underutilized Businesses.

As the scope of work/project is defined under the terms of this contract, Part Two (2) of the process will require a revised HUB Subcontracting Plan from the general contractor. The Good Faith Effort will be documented per instructions in EXHIBIT H - Policy on Utilization Historically Underutilized Businesses, pages 3-4. The revised HUB Subcontracting Plan will be submitted to the HUB Coordinator for each bid package as scope is bought out. A Progress Assessment Report (PAR) is required as a condition of payment with each monthly billing in conjunction with this contract amendment.

Sincerely,

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Printed Name)

Project Administrator



Regional HUB Coordinator  
 The University of Texas System  
 Office of HUB Programs  
 210 W. 7<sup>th</sup> Street  
 Austin, Texas 78701

RE: Historically Underutilized Business Plan for (Project Title): \_\_\_\_\_

Project Number: \_\_\_\_\_ - \_\_\_\_\_

Dear

I am pleased to forward this HUB Subcontracting Plan as an integral part of our response in connection with your invitation for Request for Proposals referencing the above project.

I have read and understand The University of Texas System Policy on Utilization of Historically Underutilized Businesses (HUBs). I also understand the State of Texas Annual Procurement Goal according to 34 Texas Administrative Code Section 20.284, and the goal as stated in the Agency Special Instructions section of the HUB Subcontracting Plan, page 9.

<b>Subcontractors</b>	<b>No. of Subcontractors</b>	<b>Total Subcontract \$ Value</b>	<b>Total Estimated Subcontracting</b>	<b>% Minority Owned</b>	<b>% Woman Owned</b>	<b>% Service Disabled Veteran</b>
HUB			%	%	%	%
NON-HUB			%			
TOTAL			%			

I understand the above HUB percentages must represent Texas Comptroller HUB certification standards. For each of the listed HUB firms, I have attached a Texas Comptroller HUB Certification document.

During the course of this contract should we discover additional subcontractors claiming Historically Underutilized Business status or if for some reason a HUB is unable to fulfill its contractual obligation with us, we will notify you immediately in order to take the appropriate steps to amend this HUB subcontracting Plan.

Sincerely,

\_\_\_\_\_  
 (signature)

\_\_\_\_\_  
 (print name)

Project Executive  
 cc: Project Manager



# HUB Subcontracting Plan (HSP)

In accordance with Texas Gov't Code §2161.252, the contracting agency has determined that subcontracting opportunities are probable under this contract. Therefore, all respondents, including State of Texas certified Historically Underutilized Businesses (HUBs) must complete and submit this State of Texas HUB Subcontracting Plan (HSP) with their response to the bid requisition (solicitation).

**NOTE: Responses that do not include a completed HSP shall be rejected pursuant to Texas Gov't Code §2161.252(b).**

The HUB Program promotes equal business opportunities for economically disadvantaged persons to contract with the State of Texas in accordance with the goals specified in the 2009 State of Texas Disparity Study. The statewide HUB goals defined in 34 Texas Administrative Code (TAC) §20.284 are:

- **11.2 percent for heavy construction other than building contracts,**
- **21.1 percent for all building construction, including general contractors and operative builders' contracts,**
- **32.9 percent for all special trade construction contracts,**
- **23.7 percent for professional services contracts,**
- **26.0 percent for all other services contracts, and**
- **21.1 percent for commodities contracts.**

**- - Agency Special Instructions/Additional Requirements - -**

*In accordance with 34 TAC §20.285(d)(1)(D)(iii), a respondent (prime contractor) may demonstrate good faith effort to utilize Texas certified HUBs for its subcontracting opportunities if the total value of the respondent's subcontracts with Texas certified HUBs meets or exceeds the statewide HUB goal or the agency specific HUB goal, whichever is higher. When a respondent uses this method to demonstrate good faith effort, the respondent must identify the HUBs with which it will subcontract. If using existing contracts with Texas certified HUBs to satisfy this requirement, only the aggregate percentage of the contracts expected to be subcontracted to HUBs with which the respondent **does not** have a **continuous contract\*** in place for **more than five (5) years** shall qualify for meeting the HUB goal. This limitation is designed to encourage vendor rotation as recommended by the 2009 Texas Disparity Study.*

In accordance with 34 TAC §20.13(d)(1)(D)(iii), the goals below are the applicable goals for **The University of Texas System Administration only** effective January 1, 2018.

## Building Construction – 21.1% See pages 3-4 for HSP completion instructions

- Respondents shall submit a completed HUB Subcontracting Plan (HSP) to be considered responsive. Failure to submit a completed HSP shall result in the bid, proposal or other expression of interest to be considered Non-responsive.
- Prime Contractor Progress Assessment Report (PAR) shall be submitted with each request for payment as a condition of payment. A copy of the UT System Contract Management System (UTCMS) Compliance Report shall be attached to the State of Texas HUB PAR and shall be submitted with each request for payment as a condition of payment.
- Please note that phone logs are no longer acceptable documentation of Good Faith Effort. Only fax, email and certified letter are acceptable.

### SECTION 1: RESPONDENT AND REQUISITION INFORMATION

a. Respondent (Company) Name: \_\_\_\_\_ State of Texas VID #: \_\_\_\_\_  
 Point of Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_ Fax #: \_\_\_\_\_

b. Is your company a State of Texas certified HUB?    - Yes    - No

c. Requisition #: \_\_\_\_\_ Bid Open Date: \_\_\_\_\_  
(mm/dd/yyyy)

**SECTION 2: RESPONDENT'S SUBCONTRACTING INTENTIONS**

After dividing the contract work into reasonable lots or portions to the extent consistent with prudent industry practices, and taking into consideration the scope of work to be performed under the proposed contract, including all potential subcontracting opportunities, the respondent must determine what portions of work, **including contracted staffing, goods and services will be subcontracted**. Note: In accordance with 34 TAC §20.282, a "Subcontractor" means a person who contracts with a prime contractor to work, to supply commodities, or to contribute toward completing work for a governmental entity.

a. Check the appropriate box (Yes or No) that identifies your subcontracting intentions:

- **Yes**, I will be subcontracting portions of the contract. (If **Yes**, complete Item b of this SECTION and continue to Item c of this SECTION.)
- **No**, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources, including employees, goods and services. (If **No**, continue to SECTION 3 and SECTION 4.)

b. List all the portions of work (subcontracting opportunities) you will subcontract. Also, based on the total value of the contract, identify the percentages of the contract you expect to award to Texas certified HUBs, and the percentage of the contract you expect to award to vendors that are not a Texas certified HUB (i.e., Non-HUB).

Item #	Subcontracting Opportunity Description	HUBs		Non-HUBs
		Percentage of the contract expected to be subcontracted to HUBs with which you <b>do not</b> have a <b>continuous contract*</b> in place for <b>more than five (5) years</b> .	Percentage of the contract expected to be subcontracted to HUBs with which you have a <b>continuous contract*</b> in place for <b>more than five (5) years</b> .	Percentage of the contract expected to be subcontracted to non-HUBs.
1		%	%	%
2		%	%	%
3		%	%	%
4		%	%	%
5		%	%	%
6		%	%	%
7		%	%	%
8		%	%	%
9		%	%	%
10		%	%	%
11		%	%	%
12		%	%	%
13		%	%	%
14		%	%	%
15		%	%	%
<b>Aggregate percentages of the contract expected to be subcontracted:</b>		<b>%</b>	<b>%</b>	<b>%</b>

(Note: If you have more than fifteen subcontracting opportunities, a continuation sheet is available online at <https://www.comptroller.texas.gov/purchasing/vendor/hub/forms.php>)

c. Check the appropriate box (Yes or No) that indicates whether you will be using **only** Texas certified HUBs to perform **all** of the subcontracting opportunities you listed in SECTION 2, Item b.

- **Yes** (If **Yes**, continue to SECTION 4 and complete an "HSP Good Faith Effort - Method A (Attachment A)" for **each** of the subcontracting opportunities you listed.)
- **No** (If **No**, continue to Item d, of this SECTION.)

d. Check the appropriate box (Yes or No) that indicates whether the aggregate expected percentage of the contract you will subcontract **with Texas certified HUBs** with which you **do not** have a **continuous contract\*** in place with for **more than five (5) years**, **meets or exceeds** the HUB goal the contracting agency identified on page 1 in the "Agency Special Instructions/Additional Requirements."

- **Yes** (If **Yes**, continue to SECTION 4 and complete an "HSP Good Faith Effort - Method A (Attachment A)" for **each** of the subcontracting opportunities you listed.)
- **No** (If **No**, continue to SECTION 4 and complete an "HSP Good Faith Effort - Method B (Attachment B)" for **each** of the subcontracting opportunities you listed.)

**\*Continuous Contract:** Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into "new" contracts.

Enter your company's name here: \_\_\_\_\_

Requisition #: \_\_\_\_\_

**SECTION 2: RESPONDENT'S SUBCONTRACTING INTENTIONS (CONTINUATION SHEET)**

This page can be used as a continuation sheet to the HSP Form's page 2, Section 2, Item b. Continue listing the portions of work (subcontracting opportunities) you will subcontract. Also, based on the total value of the contract, identify the percentages of the contract you expect to award to Texas certified HUBs, and the percentage of the contract you expect to award to vendors that are not a Texas certified HUB (i.e., Non-HUB).

Item #	Subcontracting Opportunity Description	HUBs		Non-HUBs
		Percentage of the contract expected to be subcontracted to HUBs with which you <b>do not</b> have a <b>continuous contract*</b> in place for <b>more than five (5) years.</b>	Percentage of the contract expected to be subcontracted to HUBs with which you have a <b>continuous contract*</b> in place for <b>more than five (5) years.</b>	Percentage of the contract expected to be subcontracted to non-HUBs.
16		%	%	%
17		%	%	%
18		%	%	%
19		%	%	%
20		%	%	%
21		%	%	%
22		%	%	%
23		%	%	%
24		%	%	%
25		%	%	%
26		%	%	%
27		%	%	%
28		%	%	%
29		%	%	%
30		%	%	%
31		%	%	%
32		%	%	%
33		%	%	%
34		%	%	%
35		%	%	%
36		%	%	%
37		%	%	%
38		%	%	%
39		%	%	%
40		%	%	%
41		%	%	%
42		%	%	%
43		%	%	%
Aggregate percentages of the contract expected to be subcontracted:		%	%	%

**\*Continuous Contract:** Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into "new" contracts.

Enter your company's name here: \_\_\_\_\_

Requisition #: \_\_\_\_\_

**SECTION 3: SELF PERFORMING JUSTIFICATION** (If you responded "No" to SECTION 2, Item a, you must complete this SECTION and continue to SECTION 4.) If you responded "No" to SECTION 2, Item a, in the space provided below **explain how** your company will perform the entire contract with its own employees, supplies, materials and/or equipment.

[Empty space for self-performing justification]

**SECTION 4: AFFIRMATION**

As evidenced by my signature below, I affirm that I am an authorized representative of the respondent listed in SECTION 1, and that the information and supporting documentation submitted with the HSP is true and correct. Respondent understands and agrees that, if awarded any portion of the requisition:

- The respondent will provide notice as soon as practical to all the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor for the awarded contract. The notice must specify at a minimum the contracting agency's name and its point of contact for the contract, the contract award number, the subcontracting opportunity they (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.
- The respondent must submit monthly compliance reports (Prime Contractor Progress Assessment Report – PAR) to the contracting agency, verifying its compliance with the HSP, including the use of and expenditures made to its subcontractors (HUBs and Non-HUBs). (The PAR is available at <https://www.comptroller.texas.gov/purchasing/vendor/hub/forms.php>).
- The respondent must seek approval from the contracting agency prior to making any modifications to its HSP, including the hiring of additional or different subcontractors and the termination of a subcontractor the respondent identified in its HSP. If the HSP is modified without the contracting agency's prior approval, respondent may be subject to any and all enforcement remedies available under the contract or otherwise available by law, up to and including debarment from all state contracting.
- The respondent must, upon request, allow the contracting agency to perform on-site reviews of the company's headquarters and/or work-site where services are being performed and must provide documentation regarding staffing and other resources.

Signature	Printed Name	Title	Date (mm/dd/yyyy)
_____	_____	_____	_____
	email address	Phone Number	

**Reminder:**

- ▶ If you responded "Yes" to **SECTION 2, Items c or d**, you must complete an "HSP Good Faith Effort - Method A (Attachment A)" for **each** of the subcontracting opportunities you listed in SECTION 2, Item b.
- ▶ If you responded "**No**" **SECTION 2, Items c and d**, you must complete an "HSP Good Faith Effort - Method B (Attachment B)" for **each** of the subcontracting opportunities you listed in SECTION 2, Item b.

# HSP Good Faith Effort - Method B (Attachment B)

Enter your company's name here: \_\_\_\_\_ Requisition #: \_\_\_\_\_

**IMPORTANT:** If you responded “No” to **SECTION 2, Items c and d** of the completed HSP form, you must submit a completed “HSP Good Faith Effort - Method B (Attachment B)” for **each** of the subcontracting opportunities you listed in **SECTION 2, Item b** of the completed HSP form. You may photo-copy this page or download the form at <https://www.comptroller.texas.gov/purchasing/vendor/hub/forms.php>

## SECTION B-1: SUBCONTRACTING OPPORTUNITY

Enter the item number and description of the subcontracting opportunity you listed in SECTION 2, Item b, of the completed HSP form for which you are completing the attachment.

Item Number: \_\_\_\_\_ Description: \_\_\_\_\_

## SECTION B-2: MENTOR PROTÉGÉ PROGRAM

If respondent is participating as a Mentor in a State of Texas Mentor Protégé Program, submitting its Protégé (Protégé must be a State of Texas certified HUB) as a subcontractor to perform the subcontracting opportunity listed in **SECTION B-1**, constitutes a good faith effort to subcontract with a Texas certified HUB towards that specific portion of work.

Check the appropriate box (Yes or No) that indicates whether you will be subcontracting the portion of work you listed in SECTION B-1 to your Protégé.

- Yes (If Yes, continue to SECTION B-4.)
- No / Not Applicable (If No or Not Applicable, continue to SECTION B-3 and SECTION B-4.)

## SECTION B-3: NOTIFICATION OF SUBCONTRACTING OPPORTUNITY

When completing this section you **MUST** comply with items **a, b, c and d**, thereby demonstrating your Good Faith Effort of having notified Texas certified HUBs and trade organizations or development centers about the subcontracting opportunity you listed in SECTION B-1. Your notice should include the scope of work, information regarding the location to review plans and specifications, bonding and insurance requirements, required qualifications, and identify a contact person. When sending notice of your subcontracting opportunity, you are encouraged to use the attached HUB Subcontracting Opportunity Notice form, which is also available online at <https://www.comptroller.texas.gov/purchasing/vendor/hub/forms.php>

Retain supporting documentation (i.e., certified letter, fax, e-mail) demonstrating evidence of your good faith effort to notify the Texas certified HUBs and trade organizations or development centers. Also, be mindful that a working day is considered a normal business day of a state agency, not including weekends, federal or state holidays, or days the agency is declared closed by its executive officer. The initial day the subcontracting opportunity notice is sent/provided to the HUBs and to the trade organizations or development centers is considered to be “day zero” and does not count as one of the seven (7) working days.

- a.** Provide written notification of the subcontracting opportunity you listed in SECTION B-1, to three (3) or more Texas certified HUBs. Unless the contracting agency specified a different time period, you must allow the HUBs at least seven (7) working days to respond to the notice prior to you submitting your bid response to the contracting agency. When searching for Texas certified HUBs and verifying their HUB status, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) - Historically Underutilized Business (HUB) Directory Search located at <https://mycpa.cpa.state.tx.us/tpasscmbsearch/tpasscmbsearch.do>. HUB status code “A” signifies that the company is a Texas certified HUB.
- b.** List the three (3) Texas certified HUBs you notified regarding the subcontracting opportunity you listed in SECTION B-1. Include the company's Texas Vendor Identification (VID) Number, the date you sent notice to that company, and indicate whether it was responsive or non-responsive to your subcontracting opportunity notice.

Company Name	Texas VID <small>(Do not enter Social Security Numbers.)</small>	Date Notice Sent <small>(mm/dd/yyyy)</small>	Did the HUB Respond?
			- Yes    - No
			- Yes    - No
			- Yes    - No

- c.** Provide written notification of the subcontracting opportunity you listed in SECTION B-1 to two (2) or more trade organizations or development centers in Texas to assist in identifying potential HUBs by disseminating the subcontracting opportunity to their members/participants. Unless the contracting agency specified a different time period, you must provide your subcontracting opportunity notice to trade organizations or development centers at least seven (7) working days prior to submitting your bid response to the contracting agency. A list of trade organizations and development centers that have expressed an interest in receiving notices of subcontracting opportunities is available on the Statewide HUB Program's webpage at <https://www.comptroller.texas.gov/purchasing/vendor/hub/resources.php>

- d.** List two (2) trade organizations or development centers you notified regarding the subcontracting opportunity you listed in SECTION B-1. Include the date when you sent notice to it and indicate if it accepted or rejected your notice.

Trade Organizations or Development Centers	Date Notice Sent <small>(mm/dd/yyyy)</small>	Was the Notice Accepted?
		- Yes    - No
		- Yes    - No

# HSP Good Faith Effort - Method B (Attachment B) Cont.

Enter your company's name here: _____	Requisition #: _____
---------------------------------------	----------------------

## SECTION B-4: SUBCONTRACTOR SELECTION

Enter the item number and description of the subcontracting opportunity you listed in **SECTION 2, Item b**, of the completed HSP form for which you are completing the attachment.

- a. Enter the item number and description of the subcontracting opportunity for which you are completing this Attachment B continuation page.

Item Number: \_\_\_\_\_ Description: \_\_\_\_\_

- b. List the subcontractor(s) you selected to perform the subcontracting opportunity you listed in **SECTION B-1**. Also identify whether they are a Texas certified HUB and their Texas Vendor Identification (VID) Number or federal Employer Identification Number (EIN), the approximate dollar value of the work to be subcontracted, and the expected percentage of work to be subcontracted. When searching for Texas certified HUBs and verifying their HUB status, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) - Historically Underutilized Business (HUB) Directory Search located at <https://mycpa.cpa.state.tx.us/tpasscmlsearch/tpasscmlsearch.do>. HUB status code "A" signifies that the company is a Texas certified HUB.

Company Name	Texas certified HUB	Texas VID or federal EIN <small>Do not enter Social Security Numbers. If you do not know their VID / EIN, leave their VID / EIN field blank.</small>	Approximate Dollar Amount	Expected Percentage of Contract
	- Yes    - No		\$	%
	- Yes    - No		\$	%
	- Yes    - No		\$	%
	- Yes    - No		\$	%
	- Yes    - No		\$	%
	- Yes    - No		\$	%
	- Yes    - No		\$	%
	- Yes    - No		\$	%
	- Yes    - No		\$	%
	- Yes    - No		\$	%

- c. If any of the subcontractors you have selected to perform the subcontracting opportunity you listed in **SECTION B-1** is not a Texas certified HUB, provide written justification for your selection process (attach additional page if necessary):

**REMINDER:** As specified in SECTION 4 of the completed HSP form, if you (respondent) are awarded any portion of the requisition, you are required to provide notice as soon as practical to **all** the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor. The notice must specify at a minimum the contracting agency's name and its point of contact for the contract, the contract award number, the subcontracting opportunity it (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.



# HUB Subcontracting Opportunity Notification Form

In accordance with Texas Gov't Code, Chapter 2161, each state agency that considers entering into a contract with an expected value of \$100,000 or more shall, before the agency solicits bids, proposals, offers, or other applicable expressions of interest, determine whether subcontracting opportunities are probable under the contract. The state agency I have identified below in **Section B** has determined that subcontracting opportunities are probable under the requisition to which my company will be responding.

34 Texas Administrative Code, §20.285 requires all respondents (prime contractors) bidding on the contract to provide notice of each of their subcontracting opportunities to at least three (3) Texas certified HUBs (who work within the respective industry applicable to the subcontracting opportunity), and allow the HUBs at least seven (7) working days to respond to the notice prior to the respondent submitting its bid response to the contracting agency. In addition, at least seven (7) working days prior to submitting its bid response to the contracting agency, the respondent must provide notice of each of its subcontracting opportunities to two (2) or more trade organizations or development centers (in Texas) that serves members of groups (i.e., Asian Pacific American, Black American, Hispanic American, Native American, Woman, Service Disabled Veteran) identified in Texas Administrative Code, §20.282(19)(C).

We respectfully request that vendors interested in bidding on the subcontracting opportunity scope of work identified in **Section C, Item 2**, reply no later than the date and time identified in **Section C, Item 1**. Submit your response to the point-of-contact referenced in **Section A**.

<b>SECTION A: PRIME CONTRACTOR'S INFORMATION</b>	
Company Name: _____	State of Texas VID #: _____
Point-of-Contact: _____	Phone #: _____
E-mail Address: _____	Fax #: _____

<b>SECTION B: CONTRACTING STATE AGENCY AND REQUISITION INFORMATION</b>	
Agency Name: _____	Phone #: _____
Point-of-Contact: _____	Bid Open Date: _____ (mm/dd/yyyy)
Requisition #: _____	

<b>SECTION C: SUBCONTRACTING OPPORTUNITY RESPONSE DUE DATE DESCRIPTION REQUIREMENTS AND RELATED INFORMATION</b>
<p><b>1. Potential Subcontractor's Bid Response Due Date.</b></p> <p>If you would like for our company to consider your company's bid for the subcontracting opportunity identified below in Item 2, we must receive your bid response no later than _____ on _____, _____  Central Time Date (mm/dd/yyyy)</p> <p><i>In accordance with 34 TAC §20.285, each notice of subcontracting opportunity shall be provided to at least three (3) Texas certified HUBs, and allow the HUBs at least seven (7) working days to respond to the notice prior to submitting our bid response to the contracting agency. In addition, at least seven (7) working days prior to us submitting our bid response to the contracting agency, we must provide notice of each of our subcontracting opportunities to two (2) or more trade organizations or development centers (in Texas) that serves members of groups (i.e., Asian Pacific America n, Black American, Hispanic America n, Native American, Woman, Service Disabled Veteran) identified in Texas Administrative Code, §20.282(19)(C).</i></p> <p><i>(A working day is considered a normal business day of a state agency, not including weekends, federal or state holidays, or days the agency is declared closed by its executive officer. The initial day the subcontracting opportunity notice is sent/provided to the HUBs and to the trade organizations or development centers is considered to be "day zero" and does not count as one of the seven (7) working days.)</i></p>

<b>2. Subcontracting Opportunity Scope of Work:</b>

<b>3. Required Qualifications:</b>	<input type="checkbox"/> - NotApplicable

<b>4. Bonding/Insurance Requirements:</b>	<input type="checkbox"/> - NotApplicable

<b>5. Location to review plans/specifications:</b>	<input type="checkbox"/> - NotApplicable



# Prime Contractor Progress Assessment Report (PAR)

***Note: The General Contractor is responsible for reporting all expenditures, including Professional Services. This is a State of Texas requirement for all contracts exceeding \$100,000 and must be submitted on a monthly basis.***

## Monthly Reporting requirements– After Award

Prime Contractor payment requests shall include:

- 1) State of Texas Prime Contractor Progress Assessment Report (PAR) - see pg. 17
- 2) University of Texas Contract Management System Report (UTCMS). This report must identify all 1st, 2nd, and 3rd tier subcontractor payments. - see pg. 18 for example

***\*\*These two documents must be submitted with payment application/ invoice before Prime Contractor will be paid.\*\****

Training on UTCMS will be provided to the Prime at no cost, and will be addressed during On-boarding meeting.

**\*\*See page 17 for PAR Form completion instructions\*\***



# UT System Contract Management System Subcontractor Report

## Compliance Audit: April 2014

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**123-Training: Bridge Construction Project**  
 Prime: **Prime Contracting, Inc.**

Status: **Open**  
 4/12/2012 - 4/12/2015  
 Current Value: **\$53,520,000**

Listed are subcontractors assigned to this contract. Click the links to the right of the vendor's name to submit or edit a response. You must submit data on each subcontractor to complete the audit.

### Audit Information

Audit Response Status	<b>Complete</b>
Audit Period	<b>April 2014</b>
Payment to Prime	<b>\$40,000.00</b>
Marked As Final Audit?	<b>No</b> ( <a href="#">mark audit as final</a> )

### Audit Summary- Total Contract Through TODAY (8/4/2014)

	Award	Award Payments Percent	Payments Percent	Difference (Payments - Award)
Prime Contract	<b>\$53,520,000.00</b>		<b>\$3,204,200.00</b>	
For Credit	<b>\$8,028,000.00</b>	<b>15.000%</b>	<b>\$1,173,050.00</b>	<b>9.699% below goal</b>
For Credit to CSB Goal	<b>\$5,352,000.00</b>	<b>10.000%</b>	<b>\$1,500.00</b>	<b>9.954% below goal</b>
For Credit to FBE Goal	<b>\$0.00</b>	<b>0.000%</b>	<b>\$0.00</b>	<b>Goal matched</b>
For Credit to MBE Goal	<b>\$2,676,000.00</b>	<b>5.000%</b>	<b>\$171,550.00</b>	<b>0.255% above goal</b>
For Credit to Section 3 Goal	<b>\$0.00</b>	<b>0.000%</b>	<b>\$0.00</b>	<b>Goal matched</b>
Contract Progress	<b>6.1%</b>			
For Credit Progress	<b>2.2%</b>			

Award values may not match due to differences between overall contract goal and subcontractor assignments.

[Mark 0 Remaining Subcontractors as Zero](#)

[Mark Audit as Final](#)

[Submit ALL Incomplete Records](#)

[Report Error](#)

### Subcontractor Payments for April 2014

Subcontractor	Certified	Type	Inc. in Goal	Actions	Paid Amount in April 2014	Confirmed by Sub	Total To April 2014	Contract Goal	Actual Percent
<a href="#">1 Sub Flooring, LLC</a> Martha Valenzuela <a href="mailto:miv@b2gnow.com">miv@b2gnow.com</a> P 480-238-6829, F 480-238-6829	<a href="#">No</a>	Sub	No CSB	<a href="#">View Edit</a>	\$800.00		\$181,100.00	0.065%	5.548%
<a href="#">1 Sub Trucking Company</a> Sue Framing <a href="mailto:subframing@b2gnow.com">subframing@b2gnow.com</a> P 602-325-9277, F 602-325-9666	<a href="#">No</a>	Sub		<a href="#">View Edit</a>	\$1,100.00	Pending	\$168,550.00	1.186%	5.164%

Click subcontractor name to view payment history for this contract. Click contact person's name to send them a message.

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