



**Marbach Pump Station Improvements (Volume I) &
Mission Road Service Center Drainage (Volume II) (RFCSP)
Solicitation Number: CO-00533
Job No.: 20-6001/21-2501**

**ADDENDUM 3
August 22, 2023**

To Respondent of Record:

This addendum, applicable to work referenced above, is an amendment to the price proposal, plans and specifications and as such will be a part of and included in the Contract Documents. Acknowledge receipt of this addendum by entering the Addendum number and issue date on the space provided in submitted copies of the Respondent Questionnaire.

RESPONSES TO QUESTIONS

1. Please consider moving the bid date one month due to another large project in the area bidding at the same time as this bid.

Response: Please refer to #1 of changes to the specifications on this addendum.

CHANGES TO THE SPECIFICATIONS

1. **Request for Competitive Sealed Proposals**, paragraph 7, is removed and replaced in its entirety as follows:

Proposals will be received electronically only, until 2:00 PM (CDT), September ~~14~~ 29, 2023. Electronic proposals will be received via the secure SAWS FTP site. See the Electronic Proposal Opening Instructions attachment for additional information regarding an electronic proposal submittal. Electronic proposals shall be accompanied by a bid bond in an amount not less than five percent of the total proposal price. (Or, if providing SAWS with a cashier's check or certified check in an amount not less than five percent of the total proposal price, SAWS will request this within 24 hours from the Respondent who did not submit a bid bond). Proposals will then be publicly opened and read aloud by Contract Administration via WebEx. Respondents will need to submit a request by **2:00 PM (CDT), September ~~13~~ 28, 2023**, to receive access to the File Transfer Protocol (FTP) site via email to lindsay.esquivel@saws.org. Respondent's email requesting access to the FTP site shall provide the legal name of the Respondent's company and the intended recipient's email address and phone number. No requests for FTP site access will be accepted after **2:00 PM (CDT), September ~~13~~ 28, 2023**.

Link: [SAWS Webex](#)
Meeting Number: 2498 531 1346
Meeting Password: marbach533
Join by Phone: 210-233-2090

2. Electronic Proposal Opening Instructions, paragraph 1 and 2, are removed and replaced in their entirety as follows:

In order to receive electronic proposals for this project, SAWS will utilize a SAWS secured File Transfer Protocol (FTP) site. Only Respondents submitting as Prime Contractors will need to submit their request prior to **2:00 PM (CDT) on September ~~13 28~~, 2023** to receive access to the FTP site via email to Lindsay.Esquivel@saws.org, Respondent's email shall provide the legal name of the Respondent's company and the intended recipient's email address and phone number. No requests for FTP site access will be accepted after **2:00 PM (CDT) on September ~~13 28~~, 2023**. Once a Respondent is approved for access, an email with a hyperlink to the FTP site and a unique password for the Respondent will be provided to the Respondent's email recipient.

Once access is received, Respondents may upload the required documents per the Respondent's Proposal Checklist any time before **2:00 PM (CDT) on September ~~14 29~~, 2023**. **Please ensure to allow sufficient time should Respondent's experience technical difficulties in uploading the required documents. No changes to the proposal price can be made once the Proposal has been submitted.**

3. Instruction to Respondents, section 5.e, remove and replace in its entirety as follows:

- e. The Respondent is required to submit a Good Faith Effort Plan for all subcontractors and suppliers as part of the proposal. Respondents and/or their agents may contact the SMWB Program Manager at 210-233- 3420 for assistance or clarification with issues specifically related to the Small, Minority, and Woman-owned Business (SMWB) Program Policy and/or completion of the Good Faith Effort Plan form.

Respondent's commitment to SAWS SMWB policy will be based on meeting or exceeding the stated mandatory SMWB goal. The SMWB goal is based the availability of local Minority and Woman-owned Business Enterprises for the specific scopes of work associated with this contract. Points will be awarded based meeting or exceeding the mandatory SMWB goal.

Please note that as of 1/1/2023, an updated SMWB Policy and scoring methodology are being implemented by San Antonio Water System. Self-performance of the Respondent and subcontracting may be used to achieve the goal and earn points. SMWB Respondents and/or subcontractors must be certified by the South Central Texas Regional Certification Agency or the Texas Historically Underutilized Business "HUB" Program. Eligible firms (including MBEs and WBEs) must also be certified as a Small Business Enterprise (SBE), must perform a commercially-useful function on the project, and must have a local presence in the Relevant Marketplace. Please see the Good Faith Effort Plan for definitions of terms.

The SMWB goal is expressed as a percentage of the total dollar amount of the contract going to SMWBs for those areas which the Respondent has subcontracted or anticipates to subcontract, including any future change orders. The goal shall also apply to change orders that require work beyond the scope of services originally required to accomplish the project.

The Respondent agrees to employ good faith efforts to carry out this policy through award of subcontracts to SMWBs to the fullest extent possible.

The SAWS Good Faith Effort Plan (GFEP) will be used for scoring purposes based upon SMWB participation. However, all subcontractors and/or suppliers, whether SMWB-certified or not, must be listed in the GFEP, because the information provided in the GFEP will be used to develop the final contract/agreement. The GFEP format is attached as Exhibit "B." This form is required and considered part of the response to the RFCSP. Should the Good Faith Effort Plan not be submitted, the proposal may be considered non-responsive.

Notices to firms contacted by the Respondent for specific scopes of work identified for subconsulting/supply opportunities must be provided to sub-consultant/supplier not less than five (5) business days prior to the solicitation due date.

SOLICITATION METHOD(S) UTILIZED FOR GOOD FAITH OUTREACH:

At least two methods of solicitation are required, and the approved methods to be utilized for the solicitation are listed below. Copies of the actual postings, direct contact email/phone log, etc. must be attached to this form as support documentation for each method used. Failure to adequately follow these steps will result in the requirement to take additional steps in order to become compliant.

- Newspaper Advertisements
- Meetings or Conferences
- Trade Association Publications
- Minority Media
- Internet & Web Postings Other Government Publications
- Direct Contact by Phone, Fax, USPS Mail, or Email*

*If using direct contact, entities must solicit to a minimum of three (3) SMWB businesses/firms for each scope of work that Respondent intends to engage a subconsultant for (i.e., construction, supplies, equipment, or services).

The successful Respondent is required to electronically submit actual subcontractor payment information using the Subcontractor Payment and Utilization Reporting (S.P.U.R.) System, accessed through a link on SAWS' "Business Center" web page. Payment reporting will begin with the first SAWS payment for services under the contract, and with every payment thereafter (for the duration of the contract). The

Contractor and all subcontractors will be provided a unique log-in credential and password to access the SAWS subcontractor payment reporting system. The link may be accessed through the following internet address: <https://saws.smwbe.com/>.

Training on the use of the system will be provided by SAWS upon request. After the prime receives payment from SAWS, electronic submittals will require data entry of the actual amount paid to each subcontractor listed on the Contractor's Good Faith Effort Plan. Any unjustified failure to comply with the committed SWMB levels may be considered breach of contract.

If there is not an opportunity to subcontract any components of the contract, then use of the S.P.U.R. System is not applicable.

Please contact the SMWB Program Manager at SMWB@saws.org for any questions pertaining to the Good Faith Effort Plan or the SMWB Program, or S.P.U.R. System reporting.

4. **Good Faith Effort Plan (GFEP)**, is removed and replaced in its entirety with the revised GFEP attached to this addendum. The revised form shall be used by the respondent when submitting their final proposal.

CLARIFICATIONS

1. The **Good Faith Effort Plan (GFEP)**, SECTION A, had minor modifications to include the following questions:
 - a. If Prime Contractor has a San Antonio location, what date was the local office established? ____/____/_____.
 - b. Number of Full Time Employees in San Antonio? _____
2. The **Good Faith Effort Plan (GFEP)**, SECTION C.2. Note, the email address was modified to say the following:

NOTE:

This Good Faith Effort Plan is reviewed by SAWS Contracting Department. For questions and/or clarifications, please contact the SMWB Program Manager, at SMWB@saws.org.

END OF ADDENDUM 3

This Addendum is seven (7) pages in its entirety including the attachments.

Attachment

Good Faith Effort Plan (3 pages)



Good Faith Effort Plan for Construction SUBCONTRACTS for:

NAME OF PROJECT: _____

SECTION A - PRIME CONTRACTOR INFORMATION

Legal Name of Firm, including "doing business as" if applicable: _____

Address of Office to Perform Project Work: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Contact Person: _____

Email Address: _____ Is your firm Certified as an SMWB? Yes: _____ No: _____

If "Yes", was your firm certified by the South Central Texas Regional Certification Agency (SCTRCA) or the Texas Comptroller's Office (HUB)? Only SCTRCA or HUB certifications granted to "local" firms are recognized. Please see the Good Faith Effort Plan Definition for "Local":

Yes: _____ No: _____

Type/s of Certification: SBE: _____ MBE: _____ VBE: _____ WBE: _____

If Prime Contractor has a San Antonio location, what date was the local office established? ____/____/____

Number of Full Time Employees in San Antonio? _____

1.

Prime Contractor's Percentage of Participation (may not be less than 40%): (Ex: 56% is the total value of the contract.)					_____ %
	Legal Name of Subcontractor/Supplier (including "doing business as", if applicable).	Address of Office Location to Perform Project Work or Provide Supplies. (Only Local firms will be counted for SMWB credit):	Scope of Work/Supplies to be Performed/Provided by Firm:	Estimated Contract (dollar) Amount on this Project:	Certification Type & Agency. (Only SCTRCA or HUB certifications are recognized):
1				\$	
2				\$	
3				\$	
4				\$	
5				\$	

List ALL SUBCONTRACTORS/SUPPLIERS that will be utilized on this project/contract. (SMWB AND Non-SMWB)

SECTION B. – SMWB COMMITMENTS

The SMWB goal on this project is % [Obtain goal from the SMWB Program Manager.]

1. The undersigned proposer has satisfied the requirements of the BID specification in the following manner (please check the appropriate space):

If the Respondent/Bidder is unable to meet the goal, please fill out Section C and submit documented good faith efforts.

2. Name and phone number of person appointed to coordinate and administer the SMWB requirements on this project.

Name: _____
Title: _____
Phone Number: _____
Email Address: _____

IF THE SMWB GOAL WAS MET, PROCEED TO AFFIRMATION AND SIGN THE GFEP. IF GOAL WAS NOT MET, PROCEED TO SECTION C.

SECTION C – GOOD FAITH EFFORTS (Fill out only if the SMWB goal was not achieved).

1. SOLICITATION METHOD(S) UTILIZED

At least two methods of solicitation are required. Select the method(s) below that were utilized for good faith outreach. Copies of the actual postings, direct contact email/phone log, etc. must be attached to this form as support documentation for each method used. Failure to adequately follow these steps will result in the requirement to take additional steps to become compliant.

- Newspaper Advertisements
- Meetings or Conferences
- Trade Association Publications
- Minority Media
- Internet & Web Postings Other Government Publications
- Direct Contact by Phone, Fax, USPS Mail, or Email*

*If using direct contact, entities must solicit to a minimum of 3 SMWB businesses/firms for each scope of work that Respondent intends to engage a subconsultant for, (i.e., construction, supplies, equipment, or services) to demonstrate a Good Faith Effort.

2. On a separate sheet of paper, list and attach to this Good Faith Effort Plan written, posted, or published notification and/or proof of direct contact to all firms you contacted as a part of your company’s Good Faith Outreach.

AFFIRMATION

I hereby affirm that the above information is true and complete to the best of my knowledge. I further understand and agree that, this document shall be attached thereto and become a binding part of the contract.

Name and Title of Authorized Official:

Name: _____
Title: _____
Signature: _____
Date: _____

NOTE:

This Good Faith Effort Plan is reviewed by SAWS Contracting Department. For questions and/or clarifications, please contact the SMWB Program Manager, at SMWB@saws.org.

DEFINITIONS

Note: To be eligible for participation in the SAWS Small, Minority, and Woman-owned Business Program, a firm must have an established place of business in the Relevant Marketplace and must be certified as a Small Business Enterprise (SBE) or Historically Underutilized Business (HUB). This includes firms certified as Minority and/or Woman-owned Business Enterprises (MBEs and WBEs).

African American Business Enterprise (AABE): A business structure that is Certified by the Texas Historically Underutilized Business (HUB) Program or the South Central Texas Regional Certification Agency as being 51% owned, operated and controlled by African American minority group member(s) who are legally residing in or are citizens of the United States.

Local: A business located in the Relevant Marketplace, which includes the counties of Bexar, Comal, Guadalupe, Hays, Travis, and Williamson. A business's presence in the local area that consists solely of a P.O. box, a mail drop, or a telephone message center does not count as being local.

Minority Business Enterprise (MBE): A business structure that is Certified by the Texas Historically Underutilized Business (HUB) Program or the South Central Texas Regional Certification Agency as being 51% owned, operated, and controlled by an ethnic minority group member(s) who is legally residing in or a citizen of the United States. For purposes of the SMWB program, the following are recognized as minority groups:

- **African American:** Persons having origins in any of the black racial groups of Africa.
- **Asian:** Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands, or persons whose origins are from India, Pakistan, Bangladesh, Sri Lanka, Maldives Islands, Bhutan, or Nepal.
- **Hispanic American:** Persons of Mexican, Puerto Rican, Cuban, Spanish or Central or South American origin.
- **Native American:** Persons having no less than 1/16 percentage origin in any of the American Indian Tribes, as recognized by the United States Department of Indian Affairs and as demonstrated by possession of personal tribal role documents, to include persons who are Eskimos, Aleuts, or Native Hawaiians, for all SCTRCA purposes.

Prime Contractor: Any person, firm, partnership, corporation, association, or joint venture which has been awarded a San Antonio Water System contract.

Relevant Marketplace. The geographic market area affecting the SMWB Program as determined for purposes of collecting data for the prior and any future Disparity Study, and for determining eligibility for participation under various programs established by this Policy. The Relevant Marketplace consists of the following Texas counties: Bexar, Comal, Guadalupe, Hays, Kendall, Travis, and Williamson.

Small Business Enterprise (SBE): A business structure that is Certified by the South Central Texas Regional Certification Agency as being 51% owned, operated and controlled by someone who is legally residing in or a citizen of the United States, and the business structure meets the U.S. Small Business Administration's (SBA) size standard for a small business within the appropriate industry category, as determined by the South Central Texas Regional Certification Agency.

Small, Minority, and Woman-owned Business (SMWB): All business structures Certified by the Texas Historically Underutilized Business (HUB) Program or the South Central Texas Regional Certification Agency that are 51% owned, operated, and controlled by individuals or a group of individuals that qualify for certification as a Small Business Enterprise, a Minority Business Enterprise, or a Woman-owned Business Enterprise, and are located in the Relevant Marketplace.

Subcontractor: Any named person, firm, partnership, corporation, association, or joint venture identified as providing work, labor, services, supplies, equipment, materials or any combination thereof under contract with a prime contractor on a San Antonio Water System contract.

Woman-owned Business Enterprise (WBE): A business structure that is Certified by the Texas Historically Underutilized Business (HUB) Program or the South Central Texas Regional Certification Agency as being 51% owned, operated and controlled by a woman or women who are legally residing in or citizens of the United States.

Web Submittal of Subcontractor/Supplier Payment Reports:

The Consultant will be required to electronically report the actual payments to all sub-consultants and suppliers utilizing the Subcontractor Payment and Utilization Reporting (S.P.U.R.) System, beginning with the first SAWS payment for services under the contract, and with every payment thereafter (for the duration of the contract). Electronic submittal of monthly subconsultant payment information will be accessed through a link on SAWS' "Business Center" web page. This information will be utilized for subconsultant participation tracking purposes. Any unjustified failure to comply with the committed SMWB levels may be considered breach of contract.

The Consultant and all subconsultants will be provided a unique log-in credential and password to access the SAWS subconsultant payment reporting system. The link may also be accessed through the following internet address: <https://saws.smwbe.com/>