



**2024 Geotechnical Professional Services (RFQ)
Solicitation Number: PS-00171**

**ADDENDUM 1
April 5, 2024**

To Respondent of Record:

CHANGES TO THE RFQ

1. Remove and replace Section V. "Other Required Documents to Submit", Sub-section B. "Good Faith Effort Plan (GFEP)" with the following:

**B. Exhibit B – Good Faith Effort Plan (GFEP)
Policies on Equal Employment Opportunity and the Small Business Opportunities Program (SBOP)**

1. Equal Employment Opportunity Requirements - SAWS highly encourages Respondents to implement Affirmative Action practices in their employment programs. This means Respondents should not discriminate against any employee or applicant for employment because of race, color, religion, sex, pregnancy, sexual orientation, national origin, political belief or affiliation, age, disability or genetic information.

The SAWS Board of Trustees has adopted the Small Business Opportunities Program (SBOP) Policy to establish and oversee a program that will support the inclusion of local small, minority, and woman-owned businesses (SMWBs). It is the policy of SAWS that it will ensure that local SMWBs have an equal opportunity to compete for and participate in SAWS contracts. It is our policy to:

- Ensure nondiscrimination in the award and administration of SAWS contracts;
 - Create a level playing field on which SMWBs can compete fairly for SAWS contracts;
 - Ensure that only firms that conduct good faith efforts are considered for contract awards..
2. Respondent's commitment to SAWS SBOP Policy will be based on meeting or exceeding the stated SBOP goal. The SBOP goal is based on the availability of local Minority and Woman-owned Business Enterprises for the specific scopes of work associated with this contract.

Please note that as of 3/5/2024, an updated SBOP Policy and scoring methodology are being implemented by San Antonio Water System. The maximum number of SBOP points to be earned is 15 points. Self-performance of the Respondent and Subconsulting may be used to achieve the aspirational goal and earn points. SMWB Respondents and/or Subconsultants 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 be certified as a Small Business Enterprise (SBE) or a HUB, must perform a commercially-useful function on the project, and must have an established place of business in the Relevant Marketplace in order to be counted for SBOP points. Please see the Good

Faith Effort Plan for definitions of terms. All Respondents, whether SMWB or not, may earn the maximum number of SBOP points (15) by meeting or exceeding the stated SBOP goal. Respondents that do not provide proof of Good Faith Outreach Efforts on the solicitation due date and time may be disqualified. SAWS strongly discourages non-SMWB prime consultants from the practice of demanding to be on SMWB prime consultants' teams for a specific percentage of participation in exchange for including SMWB firms on their own teams. SAWS also strongly discourages non-SMWB prime consultants from compelling SMWB subconsultants to hire second or third-tier subconsultants without their consent and without prior approval from SAWS.

- a. SBOP SCORING METHOD: Up to 15 Points (by percentage) for meeting or exceeding the 25% aspirational SBOP goal. Points will be assessed on a tiered scale:
 - SMWBs' Participation between 1.00% - 12.99%: Three (3) Points
 - SMWBs' Participation between 13.00% – 19.99%: Five (5) Points
 - SMWBs' Participation between 20.00% - 24.99%: Ten (10) Points
 - SMWBs' Participation meeting or exceeding 25.00%: Fifteen (15) Points
- b. **Optional:** Prior Subconsultant utilization and non-compliance with SBOP goals may be considered when totaling the SBOP score. The decision to deduct SBOP points will be based upon data for the past 2 years from the Subcontractor Payment & Utilization Reporting (SPUR) System. This applies to SMWB and Non-SMWB Prime Consultants' utilization of their SMWB subconsultants. Up to 3 points may be deducted from the SBOP score for discrepancies between the pledged SBOP goal, and the current/ongoing actual utilization of SMWB subconsultants on recent SAWS projects. This option does not apply to work order/unspecified contracts.
 - Total SMWB Sub-consultant compliance discrepancy between 3.00% - 4.00%: Deduct 1 Point
 - Total SMWB Sub-consultant compliance discrepancy between 4.00% - 5.00%: Deduct 2 Points
 - Total SMWB Sub-consultant compliance discrepancy greater than 5.00%: Deduct 3 Points
3. The SBOP goal is expressed as a percentage of the total dollar amount of the contract going to SMWBs for those areas which the Respondent has subconsulted or anticipates to subconsult, including any future contract amendments. The goal shall also apply to contract amendments that require work beyond the scope of services originally required to accomplish the project.
4. The Respondent agrees to employ good faith efforts to carry out this policy through award of subconsultant contracts to SMWBs to the fullest extent possible.
5. The SAWS GFEP will be used for scoring purposes based upon SMWB participation. However, **all subconsultants and/or suppliers, whether SMWB-certified or not, must be listed in the GFEP.** 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 RFQ. Should the Good Faith Effort Plan not be submitted, the submittal may be considered non-responsive.
6. Notices to firms contacted by the proposer 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.**
7. SOLICITATION METHOD(S) UTILIZED FOR GOOD FAITH OUTREACH:

At least two methods of solicitation are required, and the approved method(s) 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 supporting 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 3 SMWB businesses/firms for each scope of work that Respondent intends to engage a subconsultant for (i.e., construction, supplies, equipment, or services).

8. 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.

9. Please contact the SBOP Manager at 210-233-3420 or sbop@saws.org for any questions pertaining to the Good Faith Effort Plan, the SBOP, or S.P.U.R. System reporting

END OF ADDENDUM

This Addendum is three (3) pages in its entirety.