



# REQUEST FOR PROPOSALS

## M/WBE PROGRAM DISPARITY STUDY

**SOLICITATION NO: R-13-026-CM**

**ADDENDUM #1 | July 12, 2013**

Revisions to the RFP

Proposal due date has been extended to **Friday, July 19, 2013 at 4:00 p.m. (CT).**

End of Revisions to the RFP

Answers to Questions

**1. Q: If the 25% SMBE goal is met, is the good faith effort documentation required to get full points for this section? Or does meeting or exceeding the goal warrant five points?**

A: Good faith effort documentation is required, even if the aspirational 25% goal is met. Meeting and/or exceeding the goal warrants five points. Please see the chart below for an explanation of the Good Faith Effort Plan point spread:

Good Faith Effort Plan (GFEP) Section	Description	Total Possible Points
Section B.1.	Submittal of the completed and signed GFEP	Five (5) Points (all or nothing)
Section B. 2., C-G	Each bullet point is worth one (1) Point	Up to Five (5) Points

Section C. 1.	1% - 15% SMWB Subcontractor Participation = one (1) points; 16% - 24% SMWB Subcontractor Participation = three (3) points; and 25% or more SMWB Subcontractor Participation = five (5) points	Up to Five (5) Points
Sections B.1.; Section B.2., C-G; Section C.1.	See above	<b>15</b>

**2. Q: If resumes are in appendix does it count against the 35 page limit?**

A: Résumés are a part of the response format, and should be included in the body of the RFP, not in an appendix. Therefore, they do count toward the 35 page limit. (This is standard practice for SAWS RFPs.) Please include any key personnel (whether employees of the prime firm or any subcontractors) who will be on the project team and will have a direct role in the SAWS M/WBE Program Disparity Study. You are not expected to list every member of your leadership/executive team or those of your subcontractors. Please ensure that the résumés are concise, and include the team member’s name, title, education, and a brief overview of professional experience, and any applicable licenses or professional affiliations. Please remember that résumés must not exceed two pages.

**3. Q: Which federal SMWB designations are acceptable?**

A: Any federal Small, Minority, and/or Woman-owned designations are acceptable, as found on the System for Award Management (“SAM”) website. The SAWS SMWB Program Manager reviews the “FAR 52.219-1: Small Business Program Representations (Alternate I)” section of prime contracts’/consultants’ and subcontractors’/subconsultants’ SAM profiles: [https://www.sam.gov/portal/public/SAM/?portal:componentId=3c9caa24-5c93-4ce9-877a-b244446a54e9&portal:type=action&interactionstate=JBPNS\\_rO0ABXc0ABBfanNmQnJpZGdIVmllD0IkAA AAAQATL2pzZi9uYXZpZ2F0aW9uLmpzcAAHX19FT0ZfXw\\*\\*](https://www.sam.gov/portal/public/SAM/?portal:componentId=3c9caa24-5c93-4ce9-877a-b244446a54e9&portal:type=action&interactionstate=JBPNS_rO0ABXc0ABBfanNmQnJpZGdIVmllD0IkAA AAAQATL2pzZi9uYXZpZ2F0aW9uLmpzcAAHX19FT0ZfXw**)

**4. Q: What years data and what kind of data is captured in the B2Gnow system?**

A: Payments made to prime contractors, and prime contractors’ self-reported payments to subcontractors in the industries of Architecture & Engineering, Construction, Professional Services, and General Services & Commodities are available for 2011-2012 and Year-to-Date 2013.

**5. Q: What is the expectation on collecting utilization data from other public entities? Utilization is specific to each jurisdictions and is not readily available. A significant part of the budget would have to be used to do a utilization analysis for the other public entities and they would have to agree to having their data looked at.**

A: The significance of Phase II, second bullet (on Page 3) is the consideration of relatively new race neutral programs that have been implemented by other local governmental entities in San Antonio, and the overall effect that those programs have had on their M/WBE participation. Data, in this sense, is not limited to statistical findings, but is broadened into a more general understanding of “information” that can be gathered. For instance, what was the community’s reaction to the effects of race-neutral programs on M/WBE contractors/consultants and M/WBE subcontractors/subconsultants? Most importantly, if SAWS’ new disparity study data prescribes a race-neutral program, what real ramifications could implementing a race-neutral program have on SAWS’ own M/WBE participation, based upon the outcome of other local race-neutral programs? This particular data may be relevant to further demonstrate the continued need for SAWS’ program. Under the Project Approach, there is an opportunity for the respondent to explain its

methodology for “comparing the agency’s utilization of firms versus other public entities’ utilization.” Please take this opportunity to explain your methodology for determining the continued need for a successful program in marketplaces where race-neutral programs are demonstrating statistical underutilization.

**6. Q: Who has SAWS retained as their legal counsel? What will be their specific role on the project?**

A: SAWS has retained the legal services of Andrews Kurth. They have helped to develop the scope of the RFP, and will serve as legal advisors throughout the RFP process. In addition, it is expected that Andrews Kurth will work with the consultant to interpret the disparity study data and recommendations, and advise on implementation and enforcement of the same.

**7. Q: How do you want the compensation detailed? Is it not to exceed, fixed fee, etc.? How much detail is required?**

A: The compensation for each scenario, A, B, C, and D, will be a not-to-exceed amount in Exhibit F. Below the compensation table, please concisely include an itemized breakdown of what percentage each scope (bullet point) in the applicable Phases (I, II, III) will be encompassed by each scenario’s fee. Please also include itemized percentages of expenses (such as travel, for example), and team costs. Additional pages may be used as necessary, and will not count toward the 35 page limit. The fees shall be all-inclusive of expenses and team costs.

**8. Q: Is Liquidated damages applicable for this study?**

A: No, liquidated damages are not applicable for this study. The contract included in the RFP is merely a sample contract. However, please note in your submittal if you take exception to any of the terms of the sample contract.

**9. Q: Regarding the 35 page limit for the proposal:**

**a. Please confirm that the following do not count toward this page limit:**

- **Submittal Response Checklist, Respondent Questionnaire and W-9 Form.**
- **Exhibit A, Proof of Insurability.**
- **Exhibit B, Good Faith Efforts Plan and the 3-page narrative.**
- **Copies of SMWB certifications.**
- **Exhibit C, Conflict of Interest Questionnaire.**
- **Exhibit D, Texas Public Act Release Form.**
- **Compensation Proposal.**

A: Please refer to page 8, Section B, Number 6: “Required forms do not count toward the page limit.”

**10. Q: Section IV. C., page 11, requires 2 page resumes to be included, “for all personnel.”**

- **Please clarify what is meant by “personnel,” because it is not unusual for a Study team to have several “key personnel,” whether they are employees of the prime firm or subcontractors. May resumes be included in an Appendix in the proposal and not counted towards the page limit?**

A: Résumés are a part of the response format, and should be included in the body of the RFP, not in an appendix. Therefore, they do count toward the 35 page limit. (This is standard practice for SAWS RFPs.) Please include any key personnel (whether employees of the prime firm or any subcontractors) who will be on the project team and will have a direct role in the SAWS M/WBE Program Disparity Study. You are not expected to list every member of your leadership/executive team or those of your subcontractors. Please ensure that the résumés are concise, and include the team member’s name, title, education, and a brief overview of professional experience, and any applicable licenses or professional affiliations. Please remember that résumés must not exceed two pages.

**11. Q: Section IV. C.6., page 11, Subconsultant Qualifications, requires a summary, “of not more than one (1) page detailing...each sub.” Is this one page per sub or one page for all subs combined?**

A: Each subconsultant’s profile may comprise up to one page. Therefore, if there are multiple subcontractors/subconsultants, they each may be featured on their own page at the discretion of the prime consultant.

**12. Q: Please clarify what is meant by “for those contracts with more than one scope” in Section I.B., Scope of Services. Does “scope” mean “subcontracting opportunity”? Does SAWS intend to exclude all contracts that have only one scope or that have no subcontracting?**

A: This particular provision- “for those contracts with more than one scope”- refers only to commodities contracts. If commodities are ultimately part of the disparity study, the consultant will not be expected to analyze single scope commodities contracts--or those without subcontracting opportunities or with only one associated NAICS or NIGP code. As noted in the Scope of Services and Compensation Proposal, if analyzing construction-related non-professional services (general services) and commodities is cost prohibitive, then SAWS will focus its disparity study efforts on Architecture & Engineering, Construction, and Professional Services.

**13. Q: Section IV.C. 5, Team’s Prior Experience, requires a Narrative on Relevant Project Experience and a List of Disparity Studies and Examples. Is the List to also include those projects described in the Narrative?**

A: Yes, the List of Disparity Studies and Examples should include those projects described in the Narrative, because the Narrative does not ask whether legal action was taken against a disparity study, but the List does.

**14. Q: Section IV.C. 9, states that 5 points are available for “full compliance” with GFE requirements. GFE documentation is typically used to reflect the activities of a proposer who did not meet the goal, rather than explain how the proposer succeeded in meeting the goal. Is meeting the SMWB goal sufficient to receive the full 15 points? Are bidders required to provide GFE documentation, despite meeting the goal, in order to receive the full 15 points?**

A: Please see the chart below for an explanation of the Good Faith Effort Plan point spread:

<b>Good Faith Effort Plan (GFEP) Section</b>	<b>Description</b>	<b>Total Possible Points</b>
Section B.1.	Submittal of the completed and signed GFEP	Five (5) Points (all or nothing)
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Sections B.1.; Section B.2., C-G; Section C.1.	See above	<b>15</b>

**15. Q: Exhibit B, Good Faith Efforts Plan, is 4 pages long and bidders are allowed up to 3 pages to respond to Section C., subsections C. through G. Please confirm that Section 9 may be up to 7 pages long.**

A: The Good Faith Effort Plan is a required document; therefore, accompanying narrative and documentation will not count toward the 35 page limit.

**16. Q: Since the original proposal is to contain the cost proposal, but the copies will not, should we delete Section 7 (Section IV.C. 7), and have the copies go from Section 6 to Section 8 or re-number the sections (and the pages?) so that Section 7 is replaced by Section 8 in the “copies”?**

A: Please include a page that says, “Section 7: Included in the Original.”

**17. Q: Should “the proposal in CD Format,” per Section IV. B, 2., be a copy of the original proposal, including the compensation proposal or of the “copies” without the compensation proposal?**

A: The CDs should be in the “Original” format containing Exhibit F.

**18. Q: Regarding the compensation proposal, should we include *only* Exhibit F or also include standard budget information such as expenses, team costs, etc.?**

A: The compensation for each scenario, A, B, C, and D, will be a not-to-exceed amount in Exhibit F. Below the compensation table, please concisely include an itemized breakdown of what percentage each scope (bullet point) in the applicable Phases (I, II, III) will be encompassed by each scenario’s fee. Please also include itemized percentages of expenses (such as travel, for example), and team costs. Additional pages may be used as necessary, and will not count toward the 35 page limit. The fees shall be all-inclusive of expenses and team costs.

**19. Q: While we understand that SAWS believes it has captured all of the payment data for 2 full years for all subs, including *each* non-certified sub, and that “SAWS’ expectation is that the disparity study will be an analysis of this captured board award and payment data,” if any sub payment data are missing, including to non-certified subs, will SAWS consider re-negotiating the cost of the project after contract award because collecting missing contract data is highly labor intensive yet crucial to the legal defensibility of a program based on the Study?**

A: Our outside legal counsel would weigh in if this situation arises, and would advise on whether the amount of uncaptured data is significant enough to rise to the occasion of renegotiating fees. SAWS will provide much of the labor to research any missing data.

**20. Q: Two of the four compensation proposals drop Phase II, the anecdotal data and private market/economy-wide analyses. Both are critical elements of a study that meets strict scrutiny, and are especially important for an agency like SAWS that has been implementing a M/WBE program. Will SAWS accept a proposal that only provides pricing that includes all the elements necessary to provide a legally defensible evidentiary foundation because the exclusion of Phase II will prevent the consultant from providing expert testimony in support of a race- and gender-conscious program, if challenged?**

A: SAWS chose to break down the major scopes of this disparity study RFP into phases, knowing that Phase II may be cost-prohibitive. It is anticipated that if we cannot afford Phase II at this time, then we will commission a study that includes only Phases I and III, and we will issue another RFP for Phase II when funding becomes available. In other words, the study will not be considered by SAWS to be complete until all three phases have been completed.

Submittals that do not include Compensation Proposals in the format prescribed by SAWS may be considered non-responsive.

**21. Q: If proposers have Scope of Services suggestions that differ from the 4 listed in the RFP, is it acceptable to detail them and include additional compensation proposals for other potential scopes, such as covering all construction industries, all construction-related professional services and all construction-related non-professional services such as landscaping, surveying, etc.?**

A: No.

**22. Q: Are proposers to include resumes for the subconsultant firms’ personnel?**

A: Résumés for all project team members should be included, whether the team members are prime consultants or subconsultants. Please include any key personnel (whether employees of the prime firm or any subcontractors) who will be on the project team and will have a direct role in the SAWS M/WBE

Program Disparity Study. You are not expected to list every member of your leadership/executive team or those of your subcontractors. Résumés are a part of the response format, and should be included in the body of the RFP. (This is standard practice for SAWS RFPs.) Please ensure that the résumés are concise, and include the team member's name, title, education, and a brief overview of professional experience, and any applicable licenses or professional affiliations. Please remember that résumés must not exceed two pages.

**23. Q: Section IV. B, Submission, instructs bidders to mark “ORIGINAL” on the proposal “and on the signature sheet.” What is the signature sheet (e.g., the Submittal Response Checklist, the Respondent Questionnaire)?**

A: The signature sheet is the Submittal Response Checklist, found on Page 18.

**24. Q: Is it acceptable for the hard copy proposals to be spiral bound?**

A: Yes, plastic spiral-bound hard copies are acceptable. Please refer to Page 8, Section B., Number 8: “Responses must be **securely** bound by any means **except** by 3-ring binders, metal bindings and paper/binder clips.”

**25. Q: Will SAWS consider extending the due date because proposers will have only 3 days to prepare proposals after the answers to questions are provided, since 2 days shipping time is needed to ensure timely delivery?**

A: Yes. The proposal due date will be extended to Friday, July 19, 2013, at 4:00 p.m.

END ADDENDUM #1
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