

### **C.1.5.2 (Procedure) Small, Minority, Women and Veteran Owned Business Enterprise Program**

Responsible Department: Vice Chancellor for Finance and Administration

Based on Board Policy: [C.1.5](#) – Purchasing and Acquisitions

Approved: 10-30-12

Last Amended: 3-1-18, 9-15-20

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#### **PURPOSE**

Alamo Colleges District encourages the use of Small, Minority, Women and/or Veteran Owned Business Enterprises (SMWVBEs) as herein below defined to assist in the implementation of this procedure through race, ethnicity, and gender-neutral means. The purpose of this program is to ensure that SMWVBE's are provided the maximum practicable opportunity to participate in all purchasing and contracting opportunities.

The certification process for Alamo Colleges SMWVBE Program will recognize certification credentials from bona fide certifying agencies such as SCTRCA and The State of Texas HUB Program as defined below.

It is the procedure of the Alamo Colleges District to encourage participation by Small, Minority, Women and/or Veteran Owned Business Enterprises as vendor firms to the Alamo Colleges District.

Alamo Colleges District, its contractors, their subcontractors and suppliers, as well as all suppliers of all goods and services, shall not discriminate on the basis of race, color, religion, national origin, disability, gender or sexual orientation in the award and/or performance of contracts. All individuals and entities doing business, or anticipating doing business, with Alamo Colleges District are encouraged to support and implement a program designed to achieve the goal of establishing equal opportunity for all.

Nothing in this procedure is to be construed to require the Alamo Colleges District to award a contract to other than the best value bidder as required by law and Alamo Colleges District policies and procedures.

#### **DEFINITIONS**

1. "Availability" means those Companies, SMWVBE and non-SMWVBE, that have asked to participate in Alamo Colleges District purchasing and contracting activities and are identified for the purpose of validating and documenting the willingness of Companies to participate;
2. "Certification" means certification as a HUB, SBE, MBE, DBE, WBE or VBE awarded by any authorized agency that certifies that a business is a for-profit independent operating business that is at least 51% owned, operated and controlled by minority person(s) and/or a woman or women. The ownership by minorities and women must be real and substantial.
3. "Certification Agency" means an authorized local, state, federal or private sector entity that provides certification services, which consist of supplier submittal of a certification application with supporting documentation, review, and often a personal interview or site visit to validate claims of SMWVBE status.

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4. “Contractor” or “Supplier” or “Company” means any person or legal entity that submits a bid or proposal to provide labor, goods or services to the Alamo Colleges District by contract for profit; and any person or legal entity that supplies or provides labor, goods or services to the Alamo Colleges District by contract for profit.
5. “Expertise” means demonstrable skills or knowledge of the field of endeavor in which certification is sought, including licensure where required. “
6. “HUB Program” means the State of Texas HUB Program of the Texas Procurement and Support Services (TPASS) division of the Texas Comptroller of Public Accounts. TPASS certifies HUB-eligible applicant suppliers and maintains a list of HUB-certified suppliers for Texas state agencies and governmental entities.
7. “Joint Venture” means a legal entity in the nature of a partnership or association engaged in the joint prosecution of a particular transaction for mutual benefit. In cases of joint ventures between local and out- of-town business enterprises or a non-MWBE and MWBE business enterprise, if 51% or more of the contract amount of the work is performed by the local MWBE business enterprise and 51% or more of the compensation is paid to the local MWBE, then 100% of that contract amount will be applied towards the MWBE goal. If less than 51% of the work is performed by the local business enterprise or an MWBE, then only that portion of the contract amount will apply towards the MWBE goal.
8. “Minority and Women Owned Business Enterprise” or “MWBE” means a sole proprietorship, partnership, joint venture or other legal entity owned, operated, and controlled by one or more minority group member(s) or women that have at least 51% ownership. The minority group member(s) or women must have operational and managerial control, interest in capital, and earnings commensurate with the percentage of ownership.
9. “Minority Group Member” means those persons, citizens of the United States and lawfully admitted resident aliens, who are defined as Black, African American, Hispanic, Mexican American, Asian American, Asian Pacific American, Asian Indian American or Native American.
10. “Prime Contractor” means a supplier or contractor awarded a contract or purchase order.
11. “Professional Service Equivalent” means a procurement of professional services where the responsible account principal and/or the professional performing the services are a woman and/or a Minority Group Member.

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12. “Responsible” means a supplier can demonstrate the capacity and willingness to perform the bid or proposal (i.e., proper equipment, manpower, financial resources, technical expertise, etc.).
13. “Responsive” means the supplier’s bid or proposal meets the specifications and requirements set forth in the Alamo Colleges District request or solicitation.
14. “Small Business Enterprise” or “SBE” means a business owner meeting all criteria outlined in the U.S. Department of Transportation (DOT) guidelines in 49 CFR Part 26, including the CFR Small Business Administration size standards.
15. “Veteran Business Enterprise” or “Veteran” means a business structure that is at least 51% owned and controlled by an individual who served in the United States Armed Forces, and who was discharged or released under conditions other than dishonorable.
16. "Minority, and/or Women Owned Business Enterprise" (“MWBE”) means a business which is a business entity, sole proprietorship, partnership or joint venture in which at least 51 percent is owned, operated, and controlled by a person or persons who are socially disadvantaged because of their identification as members of certain groups who historically have suffered the effects of discriminatory practices. MWBE groups include:  
  
Black Americans - which includes persons having origins in any of the Black racial groups of Africa; Hispanic Americans - which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other non-Iberian Spanish or Portuguese culture or origin, regardless of race; Asian Pacific Americans - which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific and the Northern Marianas; Native American - which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; and Women.
17. “South Central Texas Regional Certification Agency (SCTRCA)” means the agency contracted with Alamo Colleges District and other local public entities for certification of Minority Business Enterprises (MBEs), Small Business Enterprise (SBEs), Women-owned Business Enterprises (WBEs) and/or Veteran Business Enterprises (VBEs). The SCTRCA receives audits and certifies applications from said businesses in accordance with federal, state and local laws and regulations, as well as guidelines adopted by the SCTRCA Board of Directors, on behalf of Alamo Colleges District.
18. “Subcontractor” means a legal entity that takes a portion of a contract from a principal contractor or another subcontractor. In the event of a subcontractor relationship, if the SMWVBE subcontractor performs 51% or more of the contract work and 51% or more of the

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compensation paid to the SMWVBE subcontractor, then 100% of the contract amount will apply towards the SMWVBE goal. If the SMWVBE subcontractor performs less than 51% of the work and less than 51% of the compensation is paid to the SMWVBE subcontractor, then only that contract amount will apply towards the SMWVBE goal.

### **ROLES AND RESPONSIBILITIES**

#### **ALAMO COLLEGES DISTRICT DEPARTMENTS**

When assembling information for purchases, the departments will be responsible for seeking out and using SMWVBEs as referenced in accordance with the SMWVBE Procedure and Goals, when practicable, reasonable and within sound business principles to do so, as set forth below.

1. Work cooperatively with the Purchasing and Contract Administration Department and SMWVBE Program Office to procure all goods and services that maximize performance and achieve Alamo Colleges District SMWVBE goals;
2. Identify employees with purchase requisition and PCARD duties and ensure that they obtain necessary training in appropriate SMWVBE/Purchasing procedures before purchasing approval is granted; and
3. Uphold the minimum SMWVBE solicitations and quote requirements during the procurement process. A minimum quote requirement of two SMWVBEs is established for purchases that are subject to the Informal Competitive Procurement Process described in Procedure C.1.5.1 Purchase Authority, and have a demonstrated availability of SMWVBEs to perform the work.

#### **PURCHASING AND CONTRACT ADMINISTRATION**

The Vice Chancellor for Finance and Administration, through Purchasing and Contract Administration, in collaborative efforts with departments, will utilize as appropriate, purchasing rules and regulations in support of the SMWVBE Procedure with good faith effort objectives and goals, by following and maintaining an effective purchasing procedures through SMWVBE Procedure, as follows.

1. Provide assistance to the Alamo Colleges District SMWVBE Program Office with outreach efforts to build relationships with the SMWVBE community and organizations throughout San Antonio and the State of Texas;
2. Seek out SMWVBEs to solicit bids and proposals in support of the Alamo Colleges District SMWVBE policies and goal;

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3. Provide strategic purchasing advice and support to SMWVBE Office and to the SMWVBE Supplier as they develop business relationships and growth throughout Alamo Colleges District;
4. Work with College executives and departments to develop necessary forms, formats and procedures in compliance with Alamo Colleges District SMWVBE procedure;
5. Work with SMWVBEs to ensure timely delivery of all goods and services for Alamo Colleges District campuses and departments for the greatest value in compliance with Alamo Colleges District' purchasing policies and procedures; and
6. Help provide training to assist Alamo Colleges District' employees in compliance of the SMWVBE policies and procedures towards purchasing policies.

#### **SUPPLIER**

It is the responsibility of the supplier to ensure that all required forms to do business with Alamo Colleges District are up to date and all applicable opportunities for subcontracting follow the requirements of the SMWVBE Program to ensure the success and value of Alamo Colleges District SMWVBE effort, as follows.

1. Suppliers are required to complete and submit a Vendor Registration form with all supporting documents to Alamo Colleges District.
2. Suppliers are required to send information updates to Alamo Colleges District, to ensure all information in its Supplier database is accurate and precise; also Suppliers must submit changes in email form to document changes such as certifications, ownership changes, and information pertaining to procurement process.
3. In conjunction with completing the SMWVBE Subcontracting forms, each Supplier will notify SMWVBEs in writing when SMWVBE subcontracting opportunities are available, allowing sufficient time for the SMWVBEs to propose their participation in the work the supplier plans to subcontract. The notification shall include, but is not limited to, the following:
  - A. Provide information concerning the intended subcontracting work;
  - B. Provide bonding and insurance requirements that the SMWVBE Subcontractor will be required to fulfill;

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- C. Provide a point of contact (name, title, phone number, and address, etc.) within the Supplier's organization that can answer any question a SMWVBE may have concerning the project; and
  - D. Provide SMWVBEs that are genuinely interested in the project with adequate information about the project (i.e., plans & specifications, scope of work, etc.) and any other information that will prove beneficial to the SMWVBE.
4. Suppliers are required to provide written notice/explanation to the SMWVBE Program Office when a change is made to the SMWVBE Subcontractor Plan after the plan has been submitted. The SMWVBE Program Office will then evaluate the new plan and determine whether changes will be accepted per justification of change.
  5. For those Suppliers that experience difficulty in locating certified SMWVBEs, a list will be provided to help in the search of SMWVBEs for subcontracting opportunities.

#### **SMWVBE OFFICE**

In order to fully implement the intent and goals of this procedure, the SMWVBE Program Office is responsible for the implementation, monitoring, and general operations of the SMWVBE procedure requirements. In addition, all Alamo Colleges District departments are required to coordinate and support the SMWVBE Program. The SMWVBE Program Office shall be responsible for the overall administration of the program for Alamo Colleges District, as follows:

1. Establishing procedures for the implementation of the procedure;
2. Developing and implementing educational programs to assist SMWVBEs to compete effectively for Alamo Colleges District contracting opportunities;
3. Making recommendations to Alamo Colleges District Vice Chancellor for Finance and Administration to further the objectives of this procedure;
4. Compiling quarterly reports reflecting program statistics and the progress in attaining Alamo Colleges District SMWVBE goals;
5. Reviewing, developing and providing access to a directory of certified SMWVBEs, HUBs and those in the SCTRCA and HUB program certification process;
6. Serving as Alamo Colleges District' board representative to the South Central Texas Regional Certification Agency;

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7. Assisting departments with identifying SMWVBE's for use in the procurement process;
8. Establishing efforts to build and maintain partnerships with other public, non-profit agencies and private enterprise organizations for the purpose outlined in this procedure;
9. Performing other duties assigned by the Alamo Colleges District to comply with the intent of this procedure;
10. Providing assistance to departments with SMWVBE searches for quotes, qualifications and solicitation requirements for the purchasing procedures;
11. Assisting Suppliers with understanding "how to do business with Alamo Colleges District" and the supplier registration process;
12. Updating, maintaining, and managing SMWVBE and Supplier databases for Alamo Colleges District Purchasing and Contract Administration Department; and
13. Coordinating meetings with Suppliers throughout San Antonio and the State of Texas regarding the business processes and procedures of Alamo Colleges District.
14. Analyzing potential contracts of \$100,000 or more. Alamo Colleges District SMWVBE Program when considering entering into a contract with an expected value of \$100,000 or more over the life of the contract (including any renewals) shall, before the agency solicits bids, proposals, offers, or other applicable contract. If so, the SMWVBE Program in accordance with Purchasing and Contract Administration will include a SMWVBE Subcontracting Plan apart of the proposal.

#### **SMWVBE PROGRAM ASPIRATIONAL GOAL**

The Vice Chancellor for Finance and Administration will establish the Alamo Colleges Aspirational Goal for the SMWVBE Program based on an analysis of projected annual purchases and a survey of available SMWVBES registered with the Alamo Colleges and/or the South Central Texas Certification Agency. The primary means for achieving the Aspirational Goal will be through race- and gender-neutral principles.

The goal of the SMWVBE Program are based on providing opportunities for SMWVBE to learn new skills, technology and access adequate resources, to enable them to grow and compete effectively as Alamo Colleges District Suppliers.

Through marketing and outreach efforts, Alamo Colleges District will attempt to encourage all segments of the business community to compete and participate in procurement activities.



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SMWVBE Aspirational Goal will be decided and set by the Alamo Colleges District Vice Chancellor for Finance and Administration. Aspirational Goal, if established and supported by verifiable criteria, will generally apply to all goods and services.

#### **SMWVBE UTILIZATION REPORTING**

The SMWVBE Program Office will develop and maintain a SMWVBE utilization reporting by compiling and analyzing monthly data sufficient to satisfy reporting requirements. The SMWVBE utilization percentage for Alamo Colleges District will be reported annually to the Board of Trustees.

#### **OUTREACH PROGRAM**

The SMWVBE Program Office will establish an outreach program designed to contact and maintain continuous liaison with the local and regional SMWVBE business community. The major objectives of the outreach program are (1) to become knowledgeable of SMWVBE firms capable of supplying needed materials, supplies, equipment, and services, and (2) to inform the SMWVBE community of business opportunities with Alamo Colleges District and of requisite business processes and procedures.

Outreach to SMWVBE organizations within San Antonio and the State of Texas will include:

- a. Supporting organizations with training on how to do business with Alamo Colleges District and how to obtain supplier certifications and registration for members through events.
- b. Providing current opportunities for organization members learn of opportunities with Alamo Colleges District.
- c. Partnering and promoting organizations' events throughout the fiscal year.
- d. Trade Shows
- e. Establishing Alamo Colleges District' commitment to the SMWVBE community by being available to and supportive of the SMWVBE business community by engaging in events throughout the State of Texas.

#### **IN-REACH PROGRAM**

The SMWVBE Program Office will establish an in-reach program designed to educate and provide expertise to department representatives. All department representatives who are engaged



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in procurement operations will be provided with SMWVBE information, resources, and guidance enabling them to become knowledgeable of and vigorously implement SMWVBE Program goals, objectives, strategies, and action plans.

**Determination Regarding Subcontracting Opportunities: “SMWVBE Subcontracting Plan”**

When Alamo Colleges District considers entering into a contract for the purchase of goods, services, construction services, or professional services with an expected value of \$10,000 or more shall, before soliciting bids, proposals, offers, or other applicable expressions of interest for the contract, determine whether there will be subcontracting opportunities under the contract. If the SMWVBE Program Office determines that there is that probability, the Purchasing & Contract Administration Department will incorporate the SMWVBE Subcontracting Plan requirements and evaluation criteria into the solicitation for bid, proposal, offer, weighted points or other applicable expression of interest.