



# Texas Department of Public Safety Purchase Order

Purchase Order Number  
  
405-16-P007531  
  
SHOW THIS NUMBER ON ALL  
PACKAGES, INVOICES AND  
SHIPPING DOCUMENTS.

**V  
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R**  
Vendor Number: 00005893  
1043320515900 | MORPHOTRUST USA  
  
296 CONCORD RD  
Suite 300  
USA  
BILLERICA, MA 01821-6618

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Texas Department of Public Safety  
Law Enforcement Support  
5805 North Lamar Blvd  
Austin, TX 78752-4431  
US  
Email: [eprocurementshipping@dps.texas.gov](mailto:eprocurementshipping@dps.texas.gov)  
Phone: (512) 424-2000

State Sales Tax Exemption Certificate: The undersigned claims an exemption from taxes under Chapter 20, Title 122A, Revised Civil Statutes of Texas, for purchase of tangible personal property described in this numbered order, purchased from contractor and/or shipper listed above, as this property is being secured for the exclusive use of the State of Texas.

**B  
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Texas Department of Public Safety  
Finance - Accounts Payable - MSC 0130  
PO Box 4087  
Austin, TX 78773-0130  
US  
Email: [apinvoices@dps.texas.gov](mailto:apinvoices@dps.texas.gov)  
Phone: (512) 424-2060

Solicitation (Bid) No.:

Payment Terms:  
  
Shipping Terms:  
  
Delivery Calendar Day(s) A.R.O.: 0

Item # 2

This purchase order is in accordance with the Texas Department of Public Safety, Open Market Technology Terms and Conditions, dated 12-10-2014, shall apply to this PO when not in conflict to those as stated in The Department of Information Resource Master Contract and will govern the issuance of a Texas Department of Public Safety purchase order.

Service Term: 05/11/2016 through 08/31/2017

Notice Under Government Code 2261.252 Pursuant to Government Code 2261.252 the Department may not enter into a contract for the purchase of goods or services with a private vendor if members of the Public Safety Commission or certain positions within the agency including the Executive Director, the General Counsel or the Procurement Director or their covered family members have a financial interest in the vendor. Any contract found to violate Government Code 2261.252 is void.

Notice Under Government Code 2252.908

Pursuant to Government Code 2252.908 the Department may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the Department at the time the business entity submits the signed contract to the Department. The Texas Ethics Commission has adopted rules and procedures under these provisions:

[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)

Any contract found to violate Government Code 2252.908 is void.

Certification Concerning Restricted Employment for Former State Officers or Employees under Texas Government Code 572.069

The Respondent certifies that it has not employed and will not employ a former TXDPS or state officer who participated in a procurement or contract negotiation for TXDPS involving the Respondent within two (2) years after the state officer or employee left state agency employment or service. This certification only applies to former state officers or employees whose state service or employment ceased on or after September 1, 2015.

Item # 1

Class-Item 208-80

Period of Service

Date of Award through 08-31-2016 (4 months at \$19,861.08 = \$79,444.33)

Contract Period

Initial Contract period - Date of Award through 08-31-2017 = \$316,982.00

1st Renewal Period - \$476,666.00 - 09-01-2017 through 08-31-2019

2nd Renewal Period - \$476,666.00 - 09-01-2019 through 08-31-2021

Quantity	Unit Price	UOM	Discount %	Total Discount Amt.	Tax Rate	Tax Amount	Freight	Total Cost
4.00	\$ 19,861.083	EA	0.00 %	\$ 0.00		\$ 0.00	\$ 0.00	\$ 79,444.33

<u>LN/FY/Account Code</u>	<u>Dollar Amount</u>
1/16/16-41051-6414-6001- - -1100- - -	\$ 79,444.33

TAX:	\$ 0.00
FREIGHT:	\$ 0.00
TOTAL:	\$ 79,444.33

APPROVED

By: Ken Maze, CTPM

Phone#: (512) 424-7347

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BUYER

<b>TYPE OF SOLICITATION</b>		
<input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFO) <input type="checkbox"/> NEGOTIATED (RFP)		
<b>PROPRIETARY:</b> The issuing office believes that the requested items in this request for offers may be proprietary to one vendor under Government Code, §2155.067; however, the issuing office strongly encourages offers from all qualified respondents that may be able to provide the requested items.		
<b>TXDPS REQUISITION NO.</b>  <b>405-16-R048353</b>	<b>TXDPS RFO NO.</b>  <b>405-16-R048353</b>	<b>RFO OPENING DATE</b>  <b>03/29/2016 1:00 pm CT</b>  <i>Any information received after the RFO opening date will not be considered.</i>
<b>INSTRUCTIONS FOR SUBMISSION OF RESPONSES</b> Submit Responses to:  E-MAIL: luis.blanco@dps.texas.gov		<b>FOR INFORMATION CONTACT</b> Luis Blanco, CTPM,CTCM  PHONE: 512-424-7626 E-MAIL: luis.blanco@dps.texas.gov
<b>NAME OF RESPONDENT</b>		<b>RESPONDENT FEDERAL EIN</b>  <b>RESPONDENT TEXAS TINS</b>
<b>PHYSICAL ADDRESS OF RESPONDENT</b>		
<b>MAILING ADDRESS OF RESPONDENT</b>		
<b>NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER</b> <i>(Type or Print)</i>		
<b>TELEPHONE NO. (with area code)</b>	<b>SIGNATURE</b>	<b>DATE</b>
<b>Check below if preference claimed under 34 TAC Rule 20.38</b>		
<input type="checkbox"/> Goods produced or services offered by a Texas bidder that is owned by a Texas resident service-disabled veteran <input type="checkbox"/> Services offered by a Texas bidder that is owned by a Texas resident service-disabled veteran <input type="checkbox"/> Vendors that meet or exceed air quality standards <input type="checkbox"/> Recycled or Reused Computer Equipment of Other Manufacturers <input type="checkbox"/> USA produced supplies, materials, or equipment	<input type="checkbox"/> Goods produced or services offered in Texas or offered by a Texas Bidder that is not owned by a Texas resident service-disabled veteran <input type="checkbox"/> Energy efficient products <input type="checkbox"/> Products and services from economically depressed or blighted areas <input type="checkbox"/> Products produced at facilities located on formerly contaminated property <input type="checkbox"/> Products made of recycled, remanufactured, or environmentally sensitive materials including recycled steel	
<i>By signing, the Respondent certifies that if a Texas address is shown as the address of the response, the Respondent qualifies as a Texas Bidder as defined in 34 TAC Rule 20.32(68).</i>		

When responding to this solicitation, the Respondent shall respond with all information pertaining to the award of the product and/or services to include: any exceptions to TXDPS Terms and Conditions. TXDPS excludes any of the Respondent's exceptions to the terms and conditions and any additional terms and conditions provided by the Respondent in its response unless expressly agreed otherwise in the award. No additional document submissions will be allowed, after the Request For Offer (RFO) opening date.

**I. INTRODUCTION: The Texas Department of Public Safety (TXDPS) is seeking Offers for the items listed in this RFO. Pricing should be submitted on this form and or within the RFO .**

**II. DESCRIPTION AND PRICING**

ITEM NO	CLASS & ITEM	DESCRIPTION	UNIT PRICE	EXTENSION
001	920-04	FAST (Fingerprint Applicant Services of Texas) Universal Enrollment Platform (UEP) Services –Admin Portal Term: Date of Award through 08-31-17		
002	920-04	FAST UEP Services –Admin Portal 1 <sup>st</sup> Optional renewal (09-01-17- 08-31-19)		
003	920-04	FAST UEP Services –Admin Portal 2 <sup>nd</sup> Optional renewal (09-01-19-08-31-21)		

**III. ADDITIONAL TERMS AND CONDITIONS**

- A. This RFO shall be in accordance with Attachment A, Specifications for FAST UEP Services –Admin Portal Solicitation; and will govern the issuance of a TXDPS Purchase Order (PO).

TXDPS reserves the right to increase or decrease the quantities of this PO. The Respondent shall be notified in writing by Purchase Order Change Notice - POCN if additional quantities are required. The Respondent shall provide warranty period information. The Respondent shall provide a description of both the software and hardware support and maintenance services.

This Contract will consist of a Base Period from Date of Award through August 31, 2017 with two (2) two (2) year Option Period Renewals: (September 1, 2017 through August 31, 2019; September 1, 2019 through August 31, 2021).

If software subscription / user licenses / maintenance or warranty agreements are applicable to the requested products, it is the responsibility of the Respondent to provide such licenses/agreements with the submission of the RFO. Any documents provided at a later date by the Respondent or any 3rd party, at a later date, may not be accepted and any related requirements will be the sole responsibility of the supplying Respondent at the Respondent's cost with no additional cost or expense to TXDPS.

TXDPS Contract Specialist is the only point of contact for this RFO and shall be emailed for clarification only. No authority is intended or implied that specifications may be amended or alternates accepted prior to the RFO opening without written approval.

Communications with any TXDPS personnel other than TXDPS Procurement and Contract Services personnel shall result in disqualification of the Respondent's RFO response.

**B. NOTICE UNDER GOVERNMENT CODE 2261.252**

**Pursuant to Government Code 2261.252 the Department may not enter into a contract for the purchase of goods or services with a private vendor if members of the Public Safety Commission or certain positions within the agency including the Executive Director, the General Counsel or the Procurement Director or their covered family members have a financial interest in the vendor. Any contract found to violate Government Code 2261.252 is void.**

**NOTICE UNDER GOVERNMENT CODE 2252.908**

**Pursuant to Government Code 2252.908 the Department may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the Department at the time the business entity submits the signed contract to the Department. The Texas Ethics Commission has adopted rules and procedures under these provisions:**

[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)

**Any contract found to violate Government Code 2252.908 is void.**

**DISCLOSURE OF RESTRICTED EMPLOYMENT**

**Pursuant to Government Code 572.069 the Respondent certifies that it has not employed and will not employ a former TXDPS or state officer who participated in a procurement or contract negotiation for TXDPS involving the Respondent within two (2) years after the state officer or employee left state agency employment or service.**

**This certification only applies to former state officers or employees whose state service or employment ceased on or after September 1, 2015.**

**Responses that do not include a completed HSP shall be rejected pursuant to Texas Gov't Code 2161.252(b). See Exhibit A of this RFO for a template of the HSP.**

**This RFO is composed of the following attachments and exhibits:**

**Attachment A- Specifications for FAST UEP Services –Admin Portal Solicitation  
Exhibit A- Historically Underutilized Business Participation**

Submit Questions to: [luis.blanco@dps.texas.gov](mailto:luis.blanco@dps.texas.gov)

Questions will not be accepted after 03/15/2016 at 2:00 pm CT

Submit Offer to: TXDPS address: [luis.blanco@dps.texas.gov](mailto:luis.blanco@dps.texas.gov) Offer No. 405-16-R048353

In the event that you cannot access eProcurement or email please submit offer with signatures and pricing to: ATTN: Luis Blanco 5805 N Lamar BLVD Building A Austin, Texas 78752 No later than 03/29/2016 1:00 pm CT.

## **Attachment A- Specifications for FAST UEP Services –Admin Portal Solicitation**

### **A.1 INTRODUCTION**

The Texas Department of Public Safety (TXDPS or Department) has contracted with MorphoTrust USA to provide FAST (Fingerprint Applicant Services of Texas Program). In the current FAST environment, if an inquiry related to an applicant's submission of biometric data to the FAST Program cannot be handled within the MorphoTrust databases and systems, the user will be redirected, usually via phone or email to the appropriate party (either the Department or the licensing agency). An improved method is to utilize the Universal Enrollment Platform (UEP) Services –Admin Portal ticketing system to manage these inquiries. The Department and any User Agencies that have purchased the service can observe transactional details, collaborate on any issue, maintain a single historic record of all issues, avoid redirecting the applicant, and provide superior customer support. The UEP Services – Admin Portal ticketing system will allow all stakeholders of the FAST applicant tracking system (a ticketing system that relates support tickets directly to applicants processed through state and FBI systems) to collaborate together on issue resolution and tracking. Unlike many COTS solutions, MorphoTrust's proprietary one encrypts data using a unique encryption key, allowing for access controls to specific applicants on a user-by-user basis.

### **A.2 SCOPE**

1. The applicant tracking system shall track, audit, and measure support for all inquiries related to the applicant's submission of the biometric data to the FAST Program.
2. The UEP Services –Admin Portal ticketing system shall use encryption technologies to store and transmit personal identifying information.
3. The UEP Services –Admin Portal ticketing system shall be from MorphoTrust, USA so that TXDPS can observe FAST transactional details, collaborate on issues, maintain a single historic record of all issues, avoid redirecting the applicant, and provide superior customer support.

### **A.3 GENERAL TECHNICAL REQUIREMENTS**

The system must:

1. Support individuals rather than transactions
2. Encrypt data for every applicant
3. Allow the Department to observe transactional details
4. Allow the Department to have access to reports related to operations, financials, and support
5. Maintain a single historic record of all issues
6. Avoid redirecting applicants and;
7. Provide customer support

### **A.4 TESTING AND ACCEPTANCE**

1. Tests will be performed on each documented deliverable and will require joint signoff by Contractor and Department personnel. The testing will verify successful implementation of the UEP Admin Portal.

## **Attachment A- Specifications for FAST UEP Services –Admin Portal Solicitation**

2. The test schedule and test plan will be developed jointly by the Department and the Contractor. All costs shall be borne by the Contractor in the event any deliverable tested fails to meet or exceed all conditions and requirements of the specifications.

## **Exhibit A- Historically Underutilized Business Participation**

### **HISTORICALLY UNDERUTILIZED BUSINESSES (HUB) PARTICIPATION**

#### **Introduction**

The Department is committed to promoting full and equal business opportunities for businesses in state contracting in accordance with the goals specified in the 2009 State of Texas Disparity Study conducted by the Comptroller of Public Accounts (CPA). The Department encourages the use of Historically Underutilized Businesses (HUBs) through race, ethnic and gender-neutral means.

Pursuant to Texas Government Code §2161.181 and §2161.182, and the Department's HUB policy and rules, the Department is required to make a good faith effort to increase HUB participation in its contracts. The Department may accomplish the goal of increased HUB participation by contracting directly with HUBs or indirectly through subcontracting opportunities.

#### **Department's Administrative Rules**

The Department has adopted the CPA's HUB rules as its own. The Department's HUB rules are located in Title 37, Part 1, Chapter 1, Subchapter U, Rule §1.261 of the Texas Administrative Code, and the CPA rules are located in Title 34, Part 1, Chapter 20, Subchapter B, Rule §20.11 – 20.28. If there are any discrepancies between the Department's administrative rules and this RFP the rules shall take priority.

#### **HUB Participation Goal**

The CPA has established statewide HUB participation goals for different categories of contracts in 34 T.A.C. §20.13. In order to meet or exceed the HUB participation goals, the Department encourages outreach to certified HUBs. Contractors shall make a good faith effort to include certified HUBs in the procurement process.

This Contract is classified as an (**Other Services**) contract under the CPA rule, and therefore has a HUB Annual Procurement Utilization Goal of (**26.0%**) per fiscal year.

#### **Required HUB Subcontracting Plan (HSP)**

In accordance with Texas Government Code, Chapter 2161.252, Subchapter F, 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 this contract.

In accordance with 34 T.A.C. §20.14(a)(1)(C) of the HUB Rules, an agency may determine that subcontracting is probable for only a subset of the work expected to be performed or the funds to be expended under this contract. If an agency determines that subcontracting is probable on only a portion of this contract, it shall document its reasons in writing for the procurement file.

## **Exhibit A- Historically Underutilized Business Participation**

The Department has determined that subcontracting opportunities are probable for this contract. As a result, the contractor must submit an HSP with its offer. The HSP is required whether a contractor intends to subcontract or not.

In the HSP, the contractor must indicate whether it is a Texas certified HUB. Being a certified HUB does not exempt the contractor from completing the HSP requirement.

The Department shall review the documentation submitted by the contractor to determine if a good faith effort has been made, in accordance with solicitation and HSP requirements. During the good faith effort evaluation, the Department may, at its discretion, allow clarifications or enhancements to information submitted with the HSP.

If the Department determines that the contractor's HSP was not developed in good faith, the HSP shall be considered non-responsive and shall be **rejected** as a material failure to comply with the advertised specifications. The reasons for rejection shall be recorded in the procurement file.

### **CPA Centralized Master Bidder's List**

Contractors may search for HUB subcontractors in the CPA's Centralized Master Bidders List (CMBL) HUB Directory, which is located on the CPA's website at <https://mycpa.cpa.state.tx.us/tpasscmbsearch/index.jsp>. For this procurement, the Department has identified the following class and item codes for potential subcontracting opportunities:

**NIGP Class/Item Code: 918-04, 918-32 & 946-20**

Contractors are not required to use, nor limited to using, the class and item codes identified above, and may identify other areas for subcontracting.

The Department does not endorse, recommend, nor attest to the capabilities of any company or individual listed on the CPA's CMBL. The list of certified HUBs is subject to change, so contractors are encouraged to refer to the CMBL often to find the most current listing of HUBs.

### **Minority & Women Organization**

Respondents subcontracting must 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. 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 <http://www.window.state.tx.us/procurement/prog/hub/mwb-links-1/>.

### **Post award HSP Requirements**

## **Exhibit A- Historically Underutilized Business Participation**

The HSP shall be reviewed and evaluated prior to contract award and, if accepted, the finalized HSP will become part of this contract.

After contract award, the Department will coordinate a post award meeting with the contractor to discuss HSP reporting requirements. The contractor shall maintain business records documenting compliance with the HSP, and shall submit monthly subcontract reports to the Department by completing the HUB "Prime Contractor Progress Assessment Report." This monthly report is required as a condition for payment to report to the agency the identity and the amount paid to all subcontractors.

As a condition of award the contractor is required to send notification to all selected subcontractors as identified in the accepted/approved HSP. In addition, a copy of the notification must be provided to the agency's Contract Manager and/or HUB Program Office within 10 calendar days of the contract award.

During the term of this contract, if the parties in this contract amend this contract to include a change to the scope of work or add additional funding, the Department shall evaluate to determine the probability of additional subcontracting opportunities. When applicable, the contractor shall submit an HSP change request form for the Department's HUB Office review.

When making a change to an HSP, the contractor shall obtain prior written approval from the Department's HUB Office before making any changes to the HSP. Proposed changes shall comply with the current HUB Program good faith effort requirements relating to the development and submission of a HSP.

Failure to meet the HSP and post award requirements shall constitute a breach of contract and will be subject to remedial actions. The Department may also report noncompliance to the CPA in accordance with the provisions of the Debarment Program and Vendor Performance Tracking System (see 34 T.A.C. §20.105 relating to Debarment) and (see 34 T.A.C. §20.108 relating to Vendor Performance Tracking System).



# HUB Subcontracting Plan (HSP)

## QUICK CHECKLIST

While this HSP Quick Checklist is being provided to merely assist you in readily identifying the sections of the HSP form that you will need to complete, it is very important that you adhere to the instructions in the HSP form and instructions provided by the contracting agency.

- If you will be awarding all of the subcontracting work you have to offer under the contract to only Texas certified HUB vendors, complete:
  - Section 1 - Respondent and Requisition Information
  - Section 2 a. - Yes, I will be subcontracting portions of the contract.
  - Section 2 b. - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors.
  - Section 2 c. - Yes
  - Section 4 - Affirmation
  - GFE Method A (Attachment A) - Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.
- If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you **do not** have a continuous contract\* in place for more than five (5) years meets or exceeds the HUB Goal the contracting agency identified in the "Agency Special Instructions/Additional Requirements", complete:
  - Section 1 - Respondent and Requisition Information
  - Section 2 a. - Yes, I will be subcontracting portions of the contract.
  - Section 2 b. - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors.
  - Section 2 c. - No
  - Section 2 d. - Yes
  - Section 4 - Affirmation
  - GFE Method A (Attachment A) - Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.
- If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors or only to Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you **do not** have a continuous contract\* in place for more than five (5) years does not meet or exceed the HUB Goal the contracting agency identified in the "Agency Special Instructions/Additional Requirements", complete:
  - Section 1 - Respondent and Requisition Information
  - Section 2 a. - Yes, I will be subcontracting portions of the contract.
  - Section 2 b. - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors.
  - Section 2 c. - No
  - Section 2 d. - No
  - Section 4 - Affirmation
  - GFE Method B (Attachment B) - Complete an Attachment B for each of the subcontracting opportunities you listed in Section 2 b.
- If you will not be subcontracting any portion of the contract and will be fulfilling the entire contract with your own resources (i.e., employees, supplies, materials and/or equipment, to include transportation and delivery), complete:
  - Section 1 - Respondent and Requisition Information
  - Section 2 a. - No, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources.
  - Section 3 - Self Performing Justification
  - Section 4 - Affirmation

**\*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, to include transportation and delivery 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.



# 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) §20.13 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 §20.14(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 contract 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.

**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)

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

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

**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, services, transportation and delivery will be subcontracted.** Note: In accordance with 34 TAC §20.11., 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, services, transportation and delivery. (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 <u>continuous contract*</u> in place for <u>more than five (5) years.</u>	Percentage of the contract expected to be subcontracted to HUBs with which you have a <u>continuous contract*</u> in place for <u>more than five (5) years.</u>	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		%	%	%
Aggregate percentages of the contract expected to be subcontracted:		%	%	%

(Note: If you have more than fifteen subcontracting opportunities, a continuation sheet is available online at <http://window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan/>.)

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, to include transportation and delivery 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 <u>continuous contract</u> * in place for <u>more than five (5)</u>	Percentage of the contract expected to be subcontracted to HUBs with which you have a <u>continuous contract</u> * in place for <u>more than five (5) years</u> .	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		%	%	%
44		%	%	%
45		%	%	%
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, to include transportation and delivery 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, to include transportation and delivery.

**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 <http://www.window.state.tx.us/procurement/prog/hub/hub-forms/progressassessmentrpt.xls>).
- 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 <small>(mm/dd/yyyy)</small>
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**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)

Rev. 09/15

Enter your company's name here: _____	Requisition #: _____
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**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 <http://window.state.tx.us/procurement/prog/hub/hub-forms/hub-sbcont-plan-gfe-achm-b.pdf>.

## 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, to 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 <http://www.window.state.tx.us/procurement/prog/hub/hub-subcontracting-plan>.

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 your submitting your bid response to the contracting agency. When searching for Texas certified HUBs, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) and Historically Underutilized Business (HUB) Search directory located at <http://mycpa.cpa.state.tx.us/tpasscmbsearch/index.jsp>. 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 Vendor ID (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	VID Number	Date Notice Sent (mm/dd/yyyy)	Did the HUB Respond?	
			<input type="radio"/> - Yes	<input type="radio"/> - No
			<input type="radio"/> - Yes	<input type="radio"/> - No
			<input type="radio"/> - Yes	<input type="radio"/> - 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 <http://www.window.state.tx.us/procurement/prog/hub/mwb-links-1/>.
- 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 (mm/dd/yyyy)	Was the Notice Accepted?	
		<input type="radio"/> - Yes	<input type="radio"/> - No
		<input type="radio"/> - Yes	<input type="radio"/> - No

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

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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 VID number, the approximate dollar value of the work to be subcontracted, the expected percentage of work to be subcontracted, and indicate whether the company is a Texas certified HUB.

Company Name	Texas certified HUB		VID Number <small>(Required if Texas certified HUB)</small>	Approximate Dollar Amount	Expected Percentage of Contract
	<input type="radio"/> - Yes	<input type="radio"/> - No		\$	%
	<input type="radio"/> - Yes	<input type="radio"/> - No		\$	%
	<input type="radio"/> - Yes	<input type="radio"/> - No		\$	%
	<input type="radio"/> - Yes	<input type="radio"/> - No		\$	%
	<input type="radio"/> - Yes	<input type="radio"/> - No		\$	%
	<input type="radio"/> - Yes	<input type="radio"/> - No		\$	%
	<input type="radio"/> - Yes	<input type="radio"/> - No		\$	%
	<input type="radio"/> - Yes	<input type="radio"/> - No		\$	%
	<input type="radio"/> - Yes	<input type="radio"/> - No		\$	%
	<input type="radio"/> - Yes	<input type="radio"/> - 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, §20.14 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, §20.11(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**.

## SECTION A: PRIME CONTRACTOR'S INFORMATION

Company Name: \_\_\_\_\_ State of Texas VID #: \_\_\_\_\_  
 Point-of-Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_ Fax #: \_\_\_\_\_

## SECTION B: CONTRACTING STATE AGENCY AND REQUISITION INFORMATION

Agency Name: \_\_\_\_\_  
 Point-of-Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Requisition #: \_\_\_\_\_ Bid Open Date: \_\_\_\_\_  
(mm/dd/yyyy)

## SECTION C: SUBCONTRACTING OPPORTUNITY RESPONSE DUE DATE, DESCRIPTION, REQUIREMENTS AND RELATED INFORMATION

**1. Potential Subcontractor's Bid Response Due Date:**  
 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)

*In accordance with 34 TAC §20.14, 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 American, Black American, Hispanic American, Native American, Woman, Service Disabled Veteran) identified in Texas Administrative Code, §20.11(19)(C).  
 (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.)*

**2. Subcontracting Opportunity Scope of Work:**

**3. Required Qualifications:**  - Not Applicable

**4. Bonding/Insurance Requirements:**  - Not Applicable

**5. Location to review plans/specifications:**  - Not Applicable