

C.1.5.2 (Procedure) Small, Minority, and Women 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:

PURPOSE

Alamo Colleges encourages the use of Small, Minority, and/or Women Owned Business Enterprises 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 SMWBE's are provided the maximum practicable opportunity to participate in all purchasing and contracting opportunities.

The certification process for Alamo Colleges SMWBE 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 to encourage participation by small, minority and/or women owned business enterprise (SMWBEs) as vendor firms to the Alamo Colleges.

Alamo Colleges, 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 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 to award a contract to other than the best value bidder as required by law and Alamo Colleges policies and procedures.

DEFINITIONS

1. "Availability" means those Companies, SMWBE and non-SMWBE, that have asked to participate in Alamo Colleges 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, or WBE awarded by any authorized agency 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 SMWBE status.
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 by contract for profit; and any person or legal entity that supplies or provides labor, goods or services to the Alamo Colleges 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

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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.

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 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 and DOT size cap, but with personal net worth excluded.

15. "Small, Minority and/or Women Owned Business Enterprise" (“SMWBE”) 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. SMWBE 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

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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 - which includes all women of any ethnicity.

16. “South Central Texas Regional Certification Agency (SCTRCA)” means the agency contracted with Alamo Colleges and other local public entities for certification of Minority Business Enterprises (MBEs), Small Business Enterprise (SBEs) and/or Women-owned Business Enterprises (WBEs). 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.

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

ROLES AND RESPONSIBILITIES

ALAMO COLLEGES DEPARTMENTS

When assembling information for purchases, the departments will be responsible for seeking out and using SMWBEs as referenced in accordance with the SMWBE 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 SMWBE Program Office to procure all goods and services that maximize performance and achieve Alamo Colleges SMWBE goals;
2. Identify employees with purchase requisition and PCARD duties and ensure that they obtain necessary training in appropriate SMWBE/Purchasing procedures before purchasing approval is granted; and
3. Uphold the minimum SMWBE solicitations and quote requirements during the procurement process.

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 SMWBE Procedure with good faith effort objectives and goals, by following and maintaining an effective purchasing procedures through SMWBE Procedure, as follows.

1. Provide assistance to the Alamo Colleges SMWBE Program Office with outreach efforts to build relationships with the SMWBE community and organizations throughout San Antonio and the State of Texas;

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2. Seek out SMWBEs to solicit bids and proposals in support of the Alamo Colleges SMWBE policies and goal;
 3. Provide strategic purchasing advice and support to SMWBE Office and to the SMWBE Supplier as they develop business relationships and growth throughout Alamo Colleges;
 4. Work with College executives and departments to develop necessary forms, formats and procedures in compliance with Alamo Colleges SMWBE procedure;
 5. Work with SMWBEs to ensure timely delivery of all goods and services for Alamo Colleges campuses and departments for the greatest value in compliance with Alamo Colleges' purchasing policies and procedures; and
 6. Help provide training to assist Alamo Colleges' employees in compliance of the SMWBE 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 are up to date and all applicable opportunities for subcontracting follow the requirements of the SMWBE Program to ensure the success and value of Alamo Colleges SMWBE effort, as follows.

1. Suppliers are required to complete and submit a Vendor Registration form with all supporting documents to Alamo Colleges.
2. Suppliers are required to send information updates to Alamo Colleges, 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 SMWBE Subcontracting forms, each Supplier will notify SMWBEs in writing when SMWBE subcontracting opportunities are available, allowing sufficient time for the SMWBEs 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 SMWBE Subcontractor will be required to fulfill;
 - C. Provide a point of contact (name, title, phone number, and address, etc.) within the Supplier's organization that can answer any question a SMWBE may have concerning the project; and
 - D. Provide SMWBEs 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 SMWBE.
4. Suppliers are required to provide written notice/explanation to the SMWBE Program Office when a change is made to the SMWBE Subcontractor Plan after the plan has been submitted. The SMWBE Program Office will then evaluate the new plan and determine whether changes will be accepted per justification of change.

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5. For those Suppliers that experience difficulty in locating certified SMWBEs, a list will be provided to help in the search of SMWBEs for subcontracting opportunities.

SMWBE OFFICE

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

1. Establishing procedures for the implementation of the procedure;
2. Developing and implementing educational programs to assist SMWBEs to compete effectively for Alamo Colleges contracting opportunities;
3. Making recommendations to Alamo Colleges 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 SMWBE goals;
5. Reviewing, developing and providing access to a directory of certified SMWBEs, HUBs and those in the SCTRCA and HUB program certification process;
6. Serving as Alamo Colleges' board representative to the South Central Texas Regional Certification Agency;
7. Assisting departments with identifying SMWBE'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 to comply with the intent of this procedure;
10. Providing assistance to departments with SMWBE searches for quotes, qualifications and solicitation requirements for the purchasing procedures;
11. Assisting Suppliers with understanding "how to do business with Alamo Colleges" and the supplier registration process;
12. Updating, maintaining, and managing SMWBE and Supplier databases for Alamo Colleges 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.
14. Analyzing potential contracts of \$50,000 or more. Alamo Colleges SMWBE Program when considering entering into a contract with an expected value of \$50,000 or more over the life of the contract (including any renewals) shall, before the agency solicits bids, proposals, offers, or other applicable expressions of interest, determine whether subcontracting opportunities are probable under the

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contract. If so, the SMWBE Program in accordance with Purchasing and Contract Administration will include a Subcontracting Plan apart of the proposal.

SMWBE PROGRAM ASPIRATIONAL GOAL

The Vice Chancellor for Finance and Administration will establish the Alamo Colleges an Aspirational Goal for the SMWBE Program. The primary means for achieving the Aspirational Goal, if any, will be through race- and gender-neutral principles.

The SMWBE Aspirational Goal will be reviewed annually by the SMWBE Program Office. Any recommendations for adjustment will be submitted to the Vice Chancellor for Finance and Administration for consideration. The goal of the SMWBE Program are based on providing opportunities for SMWBE to learn new skills, technology and access adequate resources, to enable them to grow and compete effectively as Alamo Colleges Suppliers.

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

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

SMWBE UTILIZATION REPORTING

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

OUTREACH PROGRAM

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

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

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

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IN-REACH PROGRAM

The SMWBE Program Office will establish an in-reach program designed to educate and provide expertise to department representatives. All department representatives who are engaged in procurement operations will be provided with SMWBE information, resources, and guidance enabling them to become knowledgeable of and vigorously implement SMWBE Program goals, objectives, strategies, and action plans.

Determination Regarding Subcontracting Opportunities: “SMWBE Subcontracting Plan”

When Alamo Colleges considers entering into a contract for the purchase of goods, services, construction services, or professional services with an expected value of \$50,000 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 SMWBE Program Office determines that there is that probability, the Purchasing & Contract Administration Department will incorporate the SMWBE Subcontracting Plan requirements and evaluation criteria into the solicitation for bid, proposal, offer, weighted points or other applicable expression of interest.