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## RFQ 720-1725 Outside Counsel

**Agency:** UNIVERSITY OF TEXAS SYSTEM

**Open Date:** 05/23/17 0:0 AM

**Agency Requisition Number:** 720-1725

**Previous Price Paid:** N/A

**Bid type:** 14 Days for entire bid or proposal solicitation package

**GSC Classifications:**

Class-Item: 918 - 74

Class-Item: 961 - 49

Class-Item: 961 - 50

**Contact Information:**

**Contact Name:** Sharporn Daniel H.

**Email:** cfaulkner@utsystem.edu

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You will need to download all of the following files for complete bid specifications.

[Bid Package 1](#) size: 308851 (in bytes) Type: Bid Specification Format: Acrobat PDF Files

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**Details:**

In accordance with the provisions of Texas Government Code Chapter 2254, Subchapter D and Texas Administrative Code, Title 1, Chapter

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## The University of Texas System

### Request for Qualifications (Outside Counsel – September 1, 2017 to August 31, 2019) (RFQ No.720-1725)

In accordance with the provisions of Texas Government Code Chapter 2254, Subchapter D and Texas Administrative Code, Title 1, Chapter 57, The University of Texas System (U. T. System) requests responses to this Request for Qualifications (“RFQ”) from law firms and attorneys interested in representing U. T. System and U. T. System institutions in the areas of law described below. The U. T. System is located in Austin and governs fourteen academic and health institutions (located in Arlington, Austin, Dallas, El Paso, Galveston, Houston, Midland-Odessa, San Antonio, Tyler, and Rio Grande Valley). This RFQ is issued to establish a “Referral List” of law firms or attorneys practicing in each of the areas of law identified below, so that the U. T. System Office of General Counsel, on behalf of U. T. System and the U. T. System institutions may contract with those law firms or attorneys as appropriate to serve as counsel representing the U. T. System and/or the U. T. System institutions on specific matters as the need arises during the timeframe beginning September 1, 2017 to August 31, 2019. U. T. System invites responses to this RFQ from qualified law firms and attorneys for the provision of legal services under the direction and supervision of the U. T. System’s Office of General Counsel. Subject to approval by the Office of the Attorney General and compliance with applicable state laws and regulations, U. T. System and U. T. System institutions may engage outside counsel from any Referral List with experience in the following areas of law:

- **Communications, Media, and Information Technology:** Representation and advice regarding communications, media and information technology matters regulated by the Federal Communications Commission and other federal and state government agencies in matters related to regulatory compliance, transactions, corporate, and litigation in the telecommunications, media, Internet, information services and technology industries, including but not limited to commercial and noncommercial broadcast issues; First Amendment and broadcast journalism legal issues; digital rights, privacy and security issues; and preparing, filing, prosecuting, maintaining, and renewing various permits, licenses, and license applications.
- **Corporate Law:** Representation and advice regarding corporate and securities transactions and regulations, including but not limited to entity formation, such as corporations, joint ventures, limited partnerships, limited liability companies, 501(c)(3) corporations, and public-private partnerships; drafting and filing entity documents; filing for certificates of authority to transact business in other states; private equity investing; and the range of corporate legal services related to technology transfer.
- **Employment Law:** Representation and advice regarding complex employment and employee benefits law issues.
- **Ethics, Regulatory Compliance, and Investigations:** Representation and advice regarding compliance with federal and state laws and regulations related to revenue,

expense, and contributions transparency and other related matters, including institutional or federal or state government investigations.

- **Export Controls:** Representation and advice regarding U.S. export controls and related technology transfer controls, including but not limited to review, revision, implementation or updating of compliance policies and procedures; compliance training; review of deemed export or technical data export aspects of educational activities, laboratory research, sponsored research contracts, and other activities; export control classification, jurisdiction, and licensing advice; U.S. economic sanctions, embargoes, denied parties, and related matters; import/export counseling; compliance reviews. In addition, legal services may be provided concerning government contracting issues and application of relevant U.S. laws and regulations relating to same.
- **Health Law:** Representation and advice regarding (1) compliance with federal and state laws and regulations on privacy and security of protected health information, including the Health Insurance Portability and Accountability Act (HIPAA), other individually identifiable information maintained by the University, and health information technology matters; (2) Medicare/Medicaid/Tricare and private third party certification, payment, managed care, and related matters; (3) health regulatory and research compliance, investigations, and related matters; (4) contractual and business transactions; and other general health law matters.
- **Immigration Law:** Representation and advice regarding immigration law matters, including but not limited to petitioning for nonimmigrant visas (including H-1Bs); petitioning for employer sponsored permanent residence; representation before the Department of Labor, including labor condition applications, labor certifications, Program Electronic Review Management (PERM) complying with the Student and Exchange Visitor Information System (SEVIS) requirements; impact of homeland security issues on immigration law; and interaction with and representation before applicable U.S. governmental agencies, including the Department of Homeland Security and the Department of Labor, as well as the U. T. System Office of General Counsel, U. T. System institutions' international offices, and human resources offices. Family members will not be covered under any outside counsel contract for legal services.
- **Intellectual Property Matters:** Representation and advice regarding intellectual property matters, including but not limited to preparing, filing, prosecuting, and maintaining patent applications in the United States and other countries; securing copyright protection for computer software; preparing, filing, and prosecuting applications to register trademarks and service marks in the United States and other countries; complex licensing transactions; and all other related matters.
- **International Law:** Representation and advice regarding international law obligations and requirements in the following areas: doing business in foreign jurisdictions and related registration and tax obligations, employment issues regarding university employees and foreign nationals, affiliation and collaborative research agreements with

foreign universities and other entities, study abroad programs, and contracting and procurement issues in foreign jurisdictions.

- **Litigation – General:** Representation and advice regarding complex litigation matters, including but not limited to employment litigation, real estate litigation, wills and estate litigation, Texas Public Information Act litigation, commercial litigation, creditors’ rights litigation, and third party issues such as subpoenas and discovery matters.
- **Litigation - IP:** Representation and advice regarding all intellectual property matters, including but not limited to pursuit of litigation against infringers of U. T. System intellectual property rights and defense of any intellectual property related claims.
- **Maritime Law:** Representation and advice regarding all maritime matters.
- **Oil and Gas Transactions:** Representation and advice regarding oil and gas transactions relating to Permanent University Fund assets and minerals gifted to the U. T. System or its institutions which are managed by University Lands. Transactions may involve leasing, pooling, easements, in-kind royalty transactions and complex cooperative ventures with lessees intended to maximize revenue to the Permanent University Fund (PUF) and to the U. T. System in the case of minerals owned directly by the U. T. System.
- **Public School Law:** Representation and advice regarding public school law issues regarding U. T. System institution charter schools and other interactions with K-12 education.
- **Real Estate and Finance Transactions:** Representation and advice regarding acquisitions, dispositions, financings, title issues, entity formation (joint ventures, limited partnerships, limited liability companies, real estate investment trusts, business trusts), securitization, leasing, construction contracting, and workouts and restructurings.
- **Real Estate and Oil & Gas Transactions Outside the State of Texas:** Representation and advice regarding real estate and oil and gas transactions, including but not limited to litigation or hearings related to oil, gas, or other mineral interests that are located outside the State of Texas and that are either owned by or proposed to be given to U. T. System or a U. T. institution; and litigation or hearings related to real estate interests and trust, estate, and probate matters that are located outside the State of Texas and that are either owned by or proposed to be given to U. T. System or a U. T. System institutions.
- **Tax-Exempt Bond Matters:** Public, tax-exempt bond issuance is conducted under two major programs and is rated by three major rating agencies. Under authority granted in Article VII, Section 18 of the Texas Constitution, Chapters 55 and 65, Texas Education Code and Chapters 1207 and 1371, Texas Government Code, and other applicable laws,

the U. T. System issues revenue bonds for capital improvements in support of the U. T. System's \$6.3 billion Capital Improvement Program. Commercial paper programs are generally used for interim financing with long-term bonds sold to provide more permanent financing. These long-term bonds, which may be either fixed rate or variable rate, may be combined with interest rate swap agreements pursuant to International Swaps and Derivatives Association, Inc. (ISDA) master swap agreements. Advance refunding transactions may be undertaken based on market conditions. Federal tax related matters regarding bonds issued by the U. T. System, including strategies and management practices in the conduct of an exempt debt program requires a close working relationship with tax counsel. In addition, the U. T. System works with counsel regarding the preparation of the annual Securities and Exchange Commission filings. Contact with debt management staff is frequent due to the volume of debt issuance.

- **Tax Matters:** Representation and advice regarding state taxes of any kind, state pension issues and plans available only to universities, and regarding federal taxation of any kind, including but not limited to matters regarding: income, estate, gift, employment, and excise taxes; tax liens, tax garnishments, tax levies, tax assessments, tax valuations, summonses, subpoenas, and discovery; tax audits; administrative appeals of tax issues; tax hearings before administrative law judges and magistrates; appeals to Internal Revenue Service (IRS) appeals officers, district court, U.S. Tax Court, U.S. District Court, U.S. Court of Claims, and other venues; employee benefits such as Internal Revenue Code (I.R.C.) Section 125 cafeteria plans, the Texas Optional Retirement Program, I.R.C. Section 403(b), Section 415(m), and Section 457(a), Section 457(b), and Section 457(f) plans; unrelated business income tax; compensation issues for highly compensated employees and physicians; interaction with and representation before the IRS and other taxing authorities in any tax controversy; and charitable contributions and fundraising. Although outside counsel will not be required to prepare any tax return, it may be required to give legal advice on issues relating to the filing of such tax returns and the appropriate treatment of tax matters on such returns. Outside counsel should be admitted to practice before the Texas district courts, the U.S. Tax Court, the U.S. District Court, and the U.S. Court of Claims.
- **Utility Matters:** Representation and advice in utility matters, including but not limited to natural gas, electric, and telecommunications matters, including reviewing contracts, conducting research, rendering legal opinions, appearing in contested rate hearings, pursuing litigation, and handling other utility-related legal matters.

**Responses:** Responses to this RFQ should include at least the following: (1) a description of the law firm's or attorney's qualifications for performing the above legal services, including the law firm's or attorney's prior experience in the specific area(s) of law for which the law firm or attorney is responding; (2) the expertise, including scientific or technical, of the attorneys that would be assigned to work on such matters; (3) the submission of fee information for the law firm's or attorney's performance of the above legal services, which may be in the form of one or more of the following: (i) a proposed range of hourly rates (not to exceed \$525 per hour for attorneys and \$225 for paralegals) for each billing class of personnel who may be assigned to perform services in relation to U. T. System's or the U. T. System institutions' matters, (ii) a

proposed fixed fee basis, (iii) a proposed fee schedule, and/or (iv) other proposed fee arrangement(s); provided that all fee information submitted must be directly related to the achievement of specific goals and cost controls (however, please note that any reimbursement by U. T. System or a U. T. System institution of a law firm's or attorney's expenses incurred in performing the above legal services under a contract resulting from this RFQ will only be allowed as addressed in Section 5.2 of the Outside Counsel Contract identified below); (4) a description of the efforts made by the law firm or attorney to encourage and develop the participation of minorities and women in the provision both of the law firm's or attorney's legal services generally and the specific areas of law in particular; (5) disclosures of conflicts of interest (identifying each and every matter in which the law firm or attorney has, within the past calendar year, represented any entity or individual with an interest adverse to the U. T. System, the U. T. System institutions, or the State of Texas or any of its boards, agencies, commissions, universities, or elected or appointed officials); (6) confirmation of willingness to comply with policies, directives, and guidelines of the U. T. System, the U. T. System institutions, and the Attorney General of the State of Texas; and (7) a statement that the law firm or attorney (i) has obtained and reviewed both (a) the Office of the Attorney General's administrative rules found in Title 1, Chapter 57 of the Texas Administrative Code and (b) the Attorney General's December 2016 Memorandum to State Agencies, University Systems, and Institutions of Higher Education regarding updates to outside counsel rules and templates ([https://www.texasattorneygeneral.gov/files/agency/Letter to Agencies.pdf](https://www.texasattorneygeneral.gov/files/agency/Letter_to_Agencies.pdf)) and (ii) agrees that it will comply with such administrative rules and that Memorandum in both its response to this RFQ and in the negotiation, processing and performance of any contract(s) resulting from this RFQ to which it is a party. Each response to this RFQ must state that it will remain valid for selection by OGC for one or more outside counsel services contracts between the respondent and either U. T. System or a U. T. System institution, with such contracts having a starting date during the period September 1, 2017 through August 31, 2019.

**Selection of Outside Counsel:** Responses to the RFQ will be reviewed by U. T. System and U. T. System institutions. The U. T. System Office of General Counsel ("OGC"), on behalf of U. T. System and each U. T. System institution, contracts with all outside counsel and may select outside counsel from the Referral List of RFQ respondents only if and when the need for legal services arises based on OGC's determination, at its sole discretion, of which respondent on the Referral List has (1) complied with this RFQ, (2) demonstrated in its RFQ response the competence and qualifications necessary to perform the needed legal services and (3) proposed in its RFQ response a fair and reasonable price for the needed legal services, based on the fee and expense information set forth in that response. The selection of and contracting with outside counsel is subject to the approval of the Office of the Attorney General and compliance with applicable state laws and regulations. Any contract resulting from this RFQ must use the Attorney General approved Outside Counsel Contract ("OCC") template located at [http://www.utsystem.edu/sites/default/files/documents/notice/Outside%20Counsel%20Contract%20Template%20FY17-FY19/OutsideCounselContractTemplate2017\\_2019.pdf](http://www.utsystem.edu/sites/default/files/documents/notice/Outside%20Counsel%20Contract%20Template%20FY17-FY19/OutsideCounselContractTemplate2017_2019.pdf)

As required by Texas Administrative Code, Title 1, Rule §57.4 (d) and (e) and Rule §57.5 (e), after U. T. System or a U. T. System institution selects a law firm or attorney as outside counsel, that law firm or attorney must submit to U. T. System or the U. T. System institution a written disclosure statement identifying every matter in which the law firm or attorney represents, or has

represented, within the past calendar year, any entity or individual in any litigation matter in which the entity or individual is directly adverse to the State of Texas or any of its boards, agencies, commissions, universities, or elected or appointed state agency officials in connection with their official job duties and responsibilities. "Litigation" means the matter has been filed in the public record in either state or federal court. If a disclosure statement is submitted, it must include a short description of the nature of the matter and the relief requested or obtained in each matter and any identifying cause or case number. U. T. System or the U. T. System institution shall determine given the disclosure statement whether to continue with its choice of outside counsel. Furthermore, U. T. System or the U. T. System institution shall submit to the Office of the Attorney General the disclosure statement previously submitted by the selected outside counsel. If U. T. System or the U. T. System institution is satisfied in its choice of outside counsel selected, it shall submit to the Office of the Attorney General an affirmative statement that it is satisfied in its choice of selected outside counsel notwithstanding the information contained in the disclosure statement.

**Format and Person to Contact:** Instructions for responses are online at <http://www.utsystem.edu/offices/general-counsel/outside-counsel-rfq-response-instructions>. Please do not forward any materials directly to U. T. System except as provided above. Questions should be addressed to Daniel H. Sharporn, Vice Chancellor and General Counsel, Office of General Counsel, The University of Texas System and sent to [cfaulkner@utsystem.edu](mailto:cfaulkner@utsystem.edu). It is U. T. System's intent to respond to all appropriate questions; however, U. T. System reserves the right to decline to respond to any question.

**Deadline for Submission of Response:** All responses must be completed and submitted to the U. T. System Office of General Counsel online through the RFQ Response web page (<https://apps.utsystem.edu/rfqresponse/homepage.aspx>) no later than 11:59 p.m., Monday, May 22, 2017.



THE UNIVERSITY of TEXAS SYSTEM  
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Office of HUB Programs  
512-499-4530  
[www.utsystem.edu/hub](http://www.utsystem.edu/hub)

## Exhibit H – Policy on Utilization Historically Underutilized Businesses

HUB Subcontracting Plan for:

- Commodities
- Special Trades
- Other Services
- Miscellaneous Professional Services

OFPC Managed Projects /UT System Administration Only

Revision dated January 1, 2017





I.	Instructions to Complete the HSP	Pages 2-5
II.	Letter of Transmittal	Page 6
III.	Letter of HUB Commitment	Page 7
IV.	HUB Subcontracting Plan (HSP)	Pages 8-14
V.	HUB Subcontracting Opportunity Notification Form	Page 15
VI.	Prime Contractor Progress Assessment Report (PAR)*	Page 16

\* **Note 1:** *If awarded a contract, the Prime Contractor Progress Assessment Report (PAR) is a required form with each payment application submitted. This form is a condition of payment.*

For questions or clarifications regarding the HUB Subcontracting Plan, please contact the appropriate HUB Coordinator listed below:

### **North, East and West Texas**

Christi Johnson  
Sr. HUB Coordinator  
512-499-4610  
[cjohnson@utsystem.edu](mailto:cjohnson@utsystem.edu)

### **Austin, San Antonio, and South Texas**

Stephanie Park  
HUB Coordinator  
512-499-4378  
[spark@utsystem.edu](mailto:spark@utsystem.edu)

### **Galveston and Houston**

Cynthia Booker  
HUB Coordinator  
409-772-1353  
[cbooker@utsystem.edu](mailto:cbooker@utsystem.edu)

**UT System Administration**  
**Historically Underutilized Subcontracting Plans (HSP)**  
Commodities-31.04%, Other Services-26%, Special Trades-32.9%,  
Miscellaneous Professional Services – 23.7%

All Texas State agencies and institutions of higher education (universities) are required to make a good faith effort to include minority and/or women owned businesses in their procurement opportunities. The State of Texas uses the term Historically Underutilized Businesses (HUB) to distinguish State certified minority and/or women owned businesses.

Statement of Probability - Subcontracting Opportunities are probable in connection with this solicitation

**Choose ONLY ONE of the options below and follow the directions below the appropriate section.**

**Option 1 - Complete a Self-Performing HSP as follows:**

**Section 1**

- Respondent and Requisition Information. Complete as indicated on the form. VID # refers to the tax ID number.

**Section 2A**

- Mark the 'NO', I will not be sub-consulting any portion of the contract, and I will be fulfilling the entire contract with my own resources. Continue to Section 3.

**Section 3**

- Mark the "NO" box and in the space provided indicate how your company will perform the entire contract with its own equipment, supplies, materials and/or employees.

\_\_\_\_\_ has the resources to complete all scopes of this RFP with our own equipment, supplies, materials and personnel. If sub-contracting opportunities are identified at a future date, we will immediately contact the project manager and HUB Coordinator and commit to perform a Good Faith Effort through solicitation of HUB firms and submit an amended HUB Subcontracting Plan.

**Section 4**

- Sign the form. Include your e-mail address and contact phone number should UT System HUB have any questions.

**Option 2 – Complete if all sub-consulting opportunities are performed by ONLY HUB vendors.**

**Section 1**

- Respondent and Requisition Information. Complete as indicated on the form. VID # refers to the tax ID number.

**Section 2A**

- Mark the 'YES', I will be sub-contracting portions of the contract.

**Section 2B**

- List all the portions of work you will subcontract, and indicated the percentage of the contract you expect to award to HUB vendors.

**Section 2C**

- Mark "YES".

**Section 4**

- Sign the form. Include your e-mail address and contact phone number should UT System HUB have any questions.

**Good-Faith Effort (Attachment A)**

**Section A-1**

- Complete this attachment for each sub-consulting opportunity listed in Section 2B.

**Section A2**

- List the sub-consultants you selected to perform this subcontracting opportunity listed above in Section A-1. Please include their VID #, State of Texas HUB certificate, the appropriate \$ amount and the contract percentage.

**Option 3 – Complete if sub-consulting opportunities by both HUB and non-HUB vendors meet or exceed the HUB goals stated above.**

**Section 1**

- Respondent and Requisition Information. Complete as indicated on the form. VID # refers to the tax ID number.

**Section 2A**

- Mark the ‘YES’, I will be subcontracting portions of the contract.

**Section 2B**

- List all the portions of work you will subcontract, and indicated the percentage of the contract you expect to award to HUB vendors and Non HUB vendors

**Section 2C**

- Mark “NO”.

**Section 2D**

- Mark “YES”.

**Section 4**

- Sign the form. Include your e-mail address and contact phone number should UT System HUB have any questions.

**Good-Faith Effort (Attachment A)**

- Complete this attachment for each sub-consulting opportunity listed in Section 2B.

**Section A1**

- List the name of the sub-consulting opportunity listed on the corresponding line in Section 2B.

**Section A2**

- List the sub-consultants you selected to perform this subcontracting opportunity listed above in Section A-1. Please include their VID #, State of Texas HUB certificate, the appropriate \$ amount and the contract percentage.

**Option 4 - Complete a Sub-Contracting HSP as follows:**

**Section 1**

- Respondent and Requisition Information. Complete as indicated on the form. VID # refers to the tax ID number.

**Section 2A**

- Mark the ‘YES’, I will be subcontracting portions of the contract.

**Section 2B**

- List all the portions of work you will subcontract, and indicated the percentage of the contract you expect to award to HUB vendors and Non HUB vendors

**Section 2C**

- Mark “NO”.

## Section 2D

- Mark "NO".

## Section 4

- Sign the form. Include your e-mail address and contact phone number should UT System HUB have any questions.

## Good-Faith Effort (Attachment B)

- Complete this attachment for each sub-consulting opportunity listed in Section 2B.

## Section B1

- List the name of the sub-consulting opportunity listed on the corresponding line in Section 2B.

## Section B3

- Subsection (b) - List 3 three HUBs you notified regarding the portion of work indicated in Section B1. **NOTE: Attach addressed and dated supporting documentation in the form of letters, fax transmittals, e-mails etc. demonstrating evidence of the Good Faith Effort performed. Please note that you must give the subcontractor 7 working days to respond to your request. Holidays and skeleton crew days do not count as working days.**

Subsection (d) – Indicate the names of two minority or women’s organization you contacted. **NOTE: Include copies of correspondence as well as the date the notice is sent and indicate if the notice was accepted or rejected.** The minority organizations at the link below, have expressed their willingness to accept notices of subcontracting opportunities from vendors to distribute to their minority and woman-owned business members. <https://www.comptroller.texas.gov/purchasing/vendor/hub/resources.php>

## Section B4

List the sub-consultant you selected to perform the portion of the work indicated in Section 3. Include the expected percentage of work to be subcontracted, the dollar value and whether company selected is a HUB. If company selected is not a HUB, provide written justification of your selection process in Section B4, sub-section b.

***Responses that do not include an HSP will be rejected as a material failure to comply with advertised specifications in accordance with the request for qualifications.***

**Determination of Good Faith Effort in developing an HSP for commodities contracts includes but is not limited to the following:**

1. Divide the contract work into reasonable lots or portions to the extent consistent with prudent industry practices.
2. The respondent shall notify HUBs of subcontracting opportunities that the respondent intends to subcontract in writing. Notice shall include the following:
  - a. Scope of work
  - b. Specifications
  - c. Identify a contact person with phone number and emailThe respondent shall provide potential HUB subcontractors no less than seven (7) working days from receipt of notice to respond.
3. The respondent shall use the Centralized Master Bidders List (CMBL), HUB Directory, Internet resources, and/or other directories as identified by the agency when searching for HUB subcontractors. Respondents may also rely on the services of minority/ women and community organizations, contractor groups, local, state and federal business assistance offices in identifying qualified HUB subcontractors. Search the CMBL at: <https://mycpa.cpa.state.tx.us/tpasscmbsearch/tpasscmbsearch.do>
4. The respondent shall provide notice of subcontracting opportunities to minority/women trade organizations or development centers to assist in identifying HUBs by disseminating subcontracting opportunities to their membership. Minority and business contacts may be found at: <https://www.comptroller.texas.gov/purchasing/vendor/hub/resources.php>

Notice must be provided no less than seven (7) working days prior to the submission of the response.

Notice shall include the following:

- a. Scope of work
  - b. Specifications
  - c. Identify a contact person
5. The respondent shall provide notice to three or more HUBs per each subcontracting opportunity that provide the type of work required for each subcontracting opportunity identified in the contract specifications or any other subcontracting opportunity the respondent cannot complete with its own equipment, supplies, materials, and/or employees. The respondent must keep and provide official written documentation (i.e. fax transmittals, email, etc. to demonstrate compliance).
6. Provide written justification of the selection process if a non HUB subcontractor is selected.
7. Encourage selected non-certified minority or woman owned business subcontractors to apply for HUB certification. If the minority or woman owned vendor is not a State certified HUB you may refer the firm to the HUB office for additional information on becoming HUB certified or the State HUB website <https://www.comptroller.texas.gov/purchasing/vendor/hub/resources.php>

### **HUB Subcontracting Plan Required Documents**

HUB forms may also be downloaded at: <http://www.utsystem.edu/offices/historically-underutilized-business/hub-forms>

### **Changes to the Plan**

Once the HUB Plan has been submitted any changes to the HSP must be approved in writing by the UT System project manager and HUB Coordinator **prior** to any work commencing by the new subcontractor. Once the contract has been awarded the HSP is considered part of the contract. Violations to the HSP can be deemed a breach of contract by UT System.

### **Reporting – After Award**

Prime contractor payment requests shall include: Prime Contractor Progress Assessment Report (PAR) identify all HUB and non-HUB subcontractor payments. PAR form and instructions for completion can be found at: <http://www.utsystem.edu/offices/historically-underutilized-business/hub-forms>

RESPONDENT'S BUSINESS LETTERHEAD

Date

Regional HUB Coordinator  
The University of Texas System  
Office of HUB Programs  
201 W. 6<sup>th</sup> Street, Room B.140E  
Austin, Texas 78701

RE: Historically Underutilized Business Plan for (Project Title): \_\_\_\_\_  
Project Number: \_\_\_\_\_-\_\_\_\_\_

Dear ,

I am pleased to forward this HUB Subcontracting Plan as an integral part of our response in connection with your invitation for Request for Proposals referencing the above project.

I have read and understand The University of Texas System Policy on Utilization of Historically Underutilized Businesses (HUBs). I also understand the State of Texas Annual Procurement Goal according to 34 Texas Administrative Code Section 20.284, and the goal as stated in the Agency Special Instructions section of the HUB Subcontracting Plan, page 8.

<b>Subcontractors</b>	<b>No. of Subcontractors</b>	<b>Total Subcontract \$ Value</b>	<b>Total Estimated HUB</b>	<b>% Minority Owned</b>	<b>% Woman Owned</b>	<b>% Service Disabled Veteran</b>
HUB						
NON-HUB						
TOTAL						

I understand the above HUB percentages must represent Texas Comptroller HUB certification standards. For each of the listed HUB firms, I have attached a Texas Comptroller HUB Certification document.

During the course of this contract should we discover additional subcontractors claiming Historically Underutilized Business status or if for some reason a HUB is unable to fulfill its contractual obligation with us, we will notify you immediately in order to take the appropriate steps to amend this HUB subcontracting Plan.

Sincerely,

Project Executive

cc: Project Manager

BUSINESS LETTERHEAD

Date

Regional HUB Coordinator  
Office of HUB Programs  
The University of Texas System  
201 W. 6<sup>th</sup> Street, Room B.140E  
Austin, TX 78701

RE: Historically Underutilized Business Plan for (Project Title): \_\_\_\_\_  
Project Number: \_\_\_\_\_ - \_\_\_\_\_

Dear ,

I have read and understand The University of Texas System Policy on Utilization of Historically Underutilized Businesses (HUBs). In accordance with the requirements outlined in the HUB Subcontracting Plan (HSP), I am pleased to forward this HUB Subcontracting Plan as an integral part of our proposal in connection with your invitation for request for qualifications/proposals, referencing Project Number \_\_\_\_\_.

The Good Faith Effort for AE services will be documented by a two (2) part HUB Subcontracting Plan (HSP) process as described in the instructions located on page 2-3 of The University of Texas Exhibit H Policy on Utilization of Historically Underutilized Businesses (HUBs) for Hybrid Delivery Professional Services.

An HSP for Part One AE services shall consist of a Letter of HUB Commitment (page 7) and the HUB Subcontracting Plan (pages 8-16) with the appropriate sections completed per the instructions located on pages 2-5 of The University of Texas Exhibit H Policy on Utilization of Historically Underutilized Businesses (HUBs) for Professional Services.

As the scope of work/project is defined under this IDIQ/Miscellaneous Services contract, Part Two of the process will require a revised HUB Subcontracting Plan (HSP) if the work/project value over the duration of the work/project exceeds \$100,000. A Good Faith Effort will be required per instructions in Attachment B (pages 13-14).

Sincerely,

Project Manager/Executive



# 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) §20.284 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 §20.285(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 contracts 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.*

In accordance with 34 TAC §20.13(d)(1)(D)(iii), the goals below are the applicable goals for **The University of Texas System Administration only** effective January 1, 2016.

**Miscellaneous Professional Services – 23.7%**

**Commodities-31.04%**

**Other Services-26%**

**Special Trades- 32.9%**

- Respondents shall submit a completed HUB Subcontracting Plan (HSP) to be considered responsive. Failure to submit a completed HSP shall result in the bid, proposal or other expression of interest to be considered Non-responsive.
- Prime Contractor Progress Assessment Report (PAR) shall be submitted with each request for payment as a condition of payment. A copy of the UT System Contract Management System (UTCMS) Compliance Report shall be attached to the State of Texas HUB PAR and shall be submitted with each request for payment as a condition of payment.
- Please note that phone logs are no longer acceptable documentation of Good Faith Effort. Only fax, email and certified letter are acceptable.

**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)



**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 and services will be subcontracted**. Note: In accordance with 34 TAC §20.282, 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 and services. (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		%	%	%
<b>Aggregate percentages of the contract expected to be subcontracted:</b>		<b>%</b>	<b>%</b>	<b>%</b>

(Note: If you have more than fifteen subcontracting opportunities, a continuation sheet is available online at <https://www.comptroller.texas.gov/purchasing/vendor/hub/forms.php>)

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 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 <b>continuous contract*</b> in place for <b>more than five (5) years</b> .	Percentage of the contract expected to be subcontracted to HUBs with which you have a <b>continuous contract*</b> in place for <b>more than five (5) years</b> .	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		%	%	%
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 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.

**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 <https://www.comptroller.texas.gov/purchasing/vendor/hub/forms.php>).
- 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  
(mm/dd/yyyy)

**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 A (Attachment A)

Enter your company's name here: _____	Requisition #: _____
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**IMPORTANT:** If you responded "Yes" to SECTION 2, Items c or d of the completed HSP form, you must submit a completed "HSP Good Faith Effort - Method A (Attachment A)" 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 format <https://www.comptroller.texas.gov/purchasing/vendor/hub/forms.php>

## SECTION A-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 A-2: SUBCONTRACTOR SELECTION

List the subcontractor(s) you selected to perform the subcontracting opportunity you listed above in SECTION A-1. Also identify whether they are a Texas certified HUB and their Texas Vendor Identification (VID) Number or federal Employer Identification Number (EIN), the approximate dollar value of the work to be subcontracted, and the expected percentage of work to be subcontracted. When searching for Texas certified HUBs and verifying their HUB status, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) - Historically Underutilized Business (HUB) Directory Search located at <https://mycpa.cpa.state.tx.us/tpasscmbsearch/tpasscmbsearch.do>. HUB status code "A" signifies that the company is a Texas certified HUB.

Company Name	Texas certified HUB	Texas VID or federal EIN <small>Do not enter Social Security Numbers. If you do not know their VID / EIN, leave their VID / EIN field blank.</small>	Approximate Dollar Amount	Expected Percentage of Contract
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%

**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 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.

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

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

**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 <https://www.comptroller.texas.gov/purchasing/vendor/hub/forms.php>

## 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, 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 <https://www.comptroller.texas.gov/purchasing/vendor/hub/forms.php>

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 you submitting your bid response to the contracting agency. When searching for Texas certified HUBs and verifying their HUB status, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) - Historically Underutilized Business (HUB) Directory Search located at <https://mycpa.cpa.state.tx.us/tpasscmbsearch/tpasscmbsearch.do>. 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 Texas Vendor Identification (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	Texas VID <small>(Do not enter Social Security Numbers.)</small>	Date Notice Sent <small>(mm/dd/yyyy)</small>	Did the HUB Respond?
			<input type="checkbox"/> - Yes <input type="checkbox"/> - No
			<input type="checkbox"/> - Yes <input type="checkbox"/> - No
			<input type="checkbox"/> - Yes <input type="checkbox"/> - 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 <https://www.comptroller.texas.gov/purchasing/vendor/hub/resources.php>

- 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 <small>(mm/dd/yyyy)</small>	Was the Notice Accepted?
		<input type="checkbox"/> - Yes <input type="checkbox"/> - No
		<input type="checkbox"/> - Yes <input type="checkbox"/> - No

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

Enter your company's name here: _____	Requisition#: _____
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## 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 Texas Vendor Identification (VID) Number or federal Employer Identification Number (EIN), the approximate dollar value of the work to be subcontracted, and the expected percentage of work to be subcontracted. When searching for Texas certified HUBs and verifying their HUB status, ensure that you use the State of Texas' Centralized Master Bidders List (CMBL) - Historically Underutilized Business (HUB) Directory Search located at <https://mycpa.cpa.state.tx.us/tpasscmbsearch/tpasscmbsearch.do>. HUB status code "A" signifies that the company is a Texas certified HUB.

Company Name	Texas certified HUB	Texas VID or federal EIN <small>Do not enter Social Security Numbers. If you do not know their VID / EIN, leave their VID / EIN field blank.</small>	Approximate Dollar Amount	Expected Percentage of Contract
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - No		\$	%
	<input type="checkbox"/> - Yes <input type="checkbox"/> - 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, §20.285 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, §20.282(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: \_\_\_\_\_  
Point-of-Contact: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

State of Texas VID #: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_

## SECTION B: CONTRACTING STATE AGENCY AND REQUISITION INFORMATION

Agency Name: \_\_\_\_\_  
Point-of-Contact: \_\_\_\_\_  
Requisition #: \_\_\_\_\_

Phone #: \_\_\_\_\_  
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 §20.285, 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, §20.282(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:

- NotApplicable

### 4. Bonding/Insurance Requirements:

- NotApplicable

### 5. Location to review plans/specifications:

- NotApplicable

