

North Texas Tollway Authority

Subcontracting Compliance Reference Guide

Purpose of Business Diversity

It is the policy of North Texas Tollway Authority (NTTA) to promote the participation of disadvantaged, minority, women-owned business enterprises (D/M/WBE) in the procurement of goods, materials, supplies and services on any available contracting opportunity.

Business Diversity Department (BDD)

- Commitment Agreement Form for ALL Subcontractors (Form NTTA 4906) (Attachment C-4)
- Monthly Reporting & Compliance (Attachment C NTTA Special Provision)
- Business Diversity Requirements (Attachment C and NTTA Special Provision)
- Business Diversity Contract Requirements – 30%

Certifications NCTTA Recognizes

- Dallas/Fort Worth Minority Supplier Development Council (DFWMSDC)
- North Central Texas Regional Certification Agency (NCTRCA)
- Small Business Administration (SBA) for 8(a) certification only
- Women's Business Council - Southwest (WBCS)
- Texas Department of Transportation (DBE certification only) (TxDOT)
 - Texas Unified Certification Program DBE Certifying Agencies:
 - City of Houston
 - City of Austin
 - Corpus Christi Regional Transportation Authority
 - North Central Texas Certification Agency
 - South Central Texas Certification Agency

Definition of a Prime & Subcontractor

Prime

A prime on any NTTA contract is the **owner of the contract** with all the responsibilities of fulfilling the contract details/conditions including meeting all BDD requirements.

A **D/M/WBE** Prime is **still required** to meet all contract conditions which includes the D/M/WBE goal requirements of any NTTA contract.

A prime is a prime.

Subcontractor

Any firm listed and performing any scope of work on the contract and reporting into the prime.

D/M/W/SBE Compliance Reporting Forms

Commitment Form NTTA 4906

To be completed and included at the time of submission of all proposal documents.

- A commitment form (4906 form) is submitted to identify all subcontractors/sub-consultants & material suppliers that will be used throughout the duration of a project.
- A copy of the NTTA recognized minority certificate of each D/M/WBE subcontractor(s) performing on the project

Any changes to the **original** 4906 commitment(s) previously approved by the department must be reported to NTTA's stakeholders and approved by the Business Diversity Department.

Example of a Completed NTTA Form 4906

IMPORTANT! The signatures of the prime contractor, the subcontractor, and the total commitment amount must always be on the same page.					
Prime Contractor:		ABC Company Inc		Name:	John Smith
Contact Name:		John Smith		Title:	CEO
Address:	5900 Do It Right Boulevard			Signature: <i>John Smith</i>	
City:	Dallas	ST, Zip:	TX 75000		
Phone:	214 111-2222	Fax:	214 333-4444		
Email:	johnsmith@ABC.com		Date:		
Subcontractor:		XYZ Paving		Name:	Tom Brady
Federal ID:		123456789		Title:	Vice President
<input type="checkbox"/> 8(a) <input type="checkbox"/> DBE <input type="checkbox"/> MBE <input checked="" type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/> Non-Minority					
Certification Entity:		NCTRCA		Signature: <i>Tom Brady</i>	
Contact Name:		Tom Brady			
Address:	106 Touch Down Way				
City:	Plano	ST, Zip:	TX 75093		
Phone:	972 555-6666	Fax:	972 777-8888	Date:	31-Jan-16
Email:	tbrady@xyzpaving.com				
2nd Tier Sub:				Name:	
Federal ID:				Title:	
<input type="checkbox"/> 8(a) <input type="checkbox"/> DBE <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/> Non-Minority					
Certification Entity:				Signature:	
Contact Name:					
Address:					
City:		ST, Zip:			
Phone:		Fax:		Date:	
Email:					

The NTTA maintains the information collected through this form. With few exceptions, upon request you may be informed of the information that is collected about you. Under Sections 552.021 and 552.023 of the Texas Government Code, you are permitted to receive and review the information. Under Section 559.004 of the Texas Government Code, you are also permitted to have the NTTA correct information about you that it is incorrect.

To ensure prompt and efficient handling of your project file, we are requesting that all commitments be presented to the NTTA's stakeholder using this form.

Good Faith Effort Form (GFE)

If required, NTTA GFE form must be completed and included at the time of submission of all proposal documents.

When to include:

- If the prime contractor fails to meet the designated D/M/WBE goal for the contract in whole or in part.

NTTA will not award a contract to any vendor who has not supplied GFE documentation.

Demonstrating Good Faith Effort

Any reasonable and **documented** effort made to solicit goods and or services from a certified D/M/WBE firm to perform on the project.

What is included in a good faith effort?

1. NTTA Good Faith Effort Form – Completed and signed by the prime
2. Any D/M/WBE list used to contact potential D/M/WBE firms to solicit quotes for goods and or services, and documented communication
3. Any email communication between the prime and D/M/WBE firm regarding potential work on the project
4. Any advertising on vendors website, newspaper ads etc.
5. Any telephone communication between the prime and D/M/WBE firm regarding potential work on the project

Be sure to Include all GFE documentation/communication with the D/M/WBE firm at the time the proposal is submitted

A Good Faith Effort is not checking the boxes on the GFE Form, if the GFE form is submitted in this manner it will be rejected by Business Diversity as being non-responsive.

BDD will verify information submitted.

Good Faith Effort Form Page 1

 <p>NTTA NORTH TEXAS TOLLWAY AUTHORITY</p>		<p>Each HIGHLIGHTED section of the form must be completed. Fill in N/A if section is not applicable to your firm on this project.</p>
<p>GOOD FAITH EFFORT FORM</p>		
<p>If you have failed to secure D/M/WBE participation and you have subcontracting and/or supplier opportunities or if you're D/M/WBE participation is less than the NTTA's project goal, you must complete this form.</p>		
Prime Company Name (please print):	NTTA Contract Number:	
	NTTA Contract Goal: _____ %	
Check applicable response to describe prime:	D/M/WBE:	
	(yes <input type="checkbox"/>) Certifying Entity: _____	
	(no <input type="checkbox"/>)	
<p>If the bidder's method of compliance with the D/M/WBE goal is based upon demonstration of a "good faith effort", the bidder will have the burden of correctly and accurately preparing and submitting the documentation required by the NTTA. Compliance with items 1 through 6 as it appears on the Good Faith Effort Form, in its entirety shall satisfy the good faith effort requirement upon verification from Business Diversity staff and confirmation of no counterfeit information, intentional and/or knowing misrepresentation of facts or intentional discrimination by the contractor.</p> <p>Failure to complete this form, in its entirety with supporting documentation, and received by the Business Diversity Department, will result in the bid being considered non-responsive to bid specifications. Please list each and every subcontracting and/or supplier opportunity for the completion of this project, regardless of whether it is to be provided by a D/M/WBE or non-D/M/W/SBE. (DO NOT LIST NAMES OF FIRMS).</p> <p>1. Please list each and every (subcontracting and/or supplier opportunity) for the completion of this project, regardless of whether it is to be provided by a D/M/WBE or non D/M/WBE (DO NOT LIST NAMES OF FIRMS). List opportunities only (Use additional sheets, if necessary)</p>		
List of Subcontracting Opportunities:	List of Supplier Opportunities:	
<p>List functions related to your normal business practice that are not performed by your workforce but are performed by someone other than your own staff. (These are subcontracting opportunities)</p>	<p>Listed firms that provide your company with material and supplies that your workforce uses to complete a deliverable to the contract or project owner.</p>	

Good Faith Effort Form Page 2

2. Did you obtain a current (**not more than 60 days old from the initial response to the NTTA's solicitation due date**) list of D/M/WBE subcontracts and/or suppliers from the NTTA's Business Diversity Department?

(yes ___) (no ___)

Did you contact NTTA Business Diversity and request a list of certified DWBE firms that can provide the services/supplies you identified above?

D/M/WBE listing request date to the NTTA's Business Diversity

Department: ___/___/20___

Listing must be current (no more than 60 days old)

3. Did you solicit bids from D/M/WBE firms, within the subcontracting and/or supplier areas previously listed by mail?

(yes ___) (no ___)

Self-explanatory

Attach the D/M/WBE mail listing including a dated copy of the letter mailed, or email correspondence showing proof of solicitation to D/M/WBE firms. **If you did not fulfill, please write the following statement: "I did not comply"**

4. Did you solicit bids from D/M/WBE firms within the subcontracting and/or supplier areas previously listed by telephone?

(yes ___) (no ___)

Self-explanatory

Attach D/M/WBE contact list to include: D/M/WBE firm, person contacted, telephone number, date and time of contact. **If you did not fulfill, please write the following statement: "I did not comply"**

NOTE: A facsimile may be used to comply with either 3 or 4 but may **not** be used for both. If a facsimile is used, attach the fax confirmation, which is to provide: D/M/WBE name, date, time, fax number and documentation faxed.

NOTE: If the list of D/M/WBE firms for a particular subcontracting/supplier opportunity is **ten (10) or less**, the contractor must contact the entire list to be in compliance with item 3 and 4. If the list of D/M/WBE firms for a particular subcontracting/supplier opportunity is **ten (10) or more**, the contractor must contact at least two-thirds (2/3) of the list within such area of opportunity, but not less than ten to be in compliance with items 3 and 4.

5. Did you provide plans and specifications to potential D/M/WBE firms or information regarding the location of plans and specifications in order to assist the D/M/WBE firms?

(yes ___) (no ___)

Typically for construction related projects

6. Submit documentation if D/M/WBE firms were rejected. The documentation submitted should be in the form of an affidavit, include a detailed explanation of why the D/M/WBE firms were rejected and any supporting documentation the contractor wishes to be considered by the NTTA. In the event of an actual dispute concerning quotes, the contractor will provide for confidential access to and inspection of any relevant documentation by NTTA Legal personnel. **(Please use additional sheets, if necessary and attach)**

Good Faith Effort Form Page 3

Company Name	Telephone	Contact Person	Scope of Work	Reason for Rejection

ADDITIONAL INFORMATION:
 Please provide additional information you feel will further explain your good and honest efforts to obtain D/M/WBE participation on this project.

The bidder further agrees to provide, directly to the NTTA upon request, complete and accurate information regarding actual work performed on this contract, the payment thereof and any proposed changes to the original arrangements submitted with this bid. The bidder also agrees to allow an audit and/or examination of any books, records and files held by their company that will substantiate the actual work performed on this contract, by an authorized NTTA employee. Any intentional and/or knowing misrepresentation of facts will be grounds for terminating the contract or debarment from NTTA work for a period of not less than three (3) years and for initiating action under laws concerning false statements. Any breach of contract may result in a determination of an irresponsible offeror and barred from participating in NTTA work for a period of time not less than one (1) year.

The undersigned certifies that the information provided and the listed was/were contacted in good faith. It is understood that any D/M/WBE firms listed on the Good Faith Effort Form will be contacted and the reasons for not using them will be verified by the NTTA's Business Diversity Department.

Authorized Signature:	Printed Signature:
Title:	Contact Name and Title (if different):
Company Name:	Phone Number:
Street Address:	Email Address:
City/County/State and Zip Code	Date: _____ , _____ 20__
Business Diversity Director Authorized Signature:	Date: _____ , _____ 20__

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Responsive vs. Non-Responsive

Is your documentation?

Complete

- Did you include all necessary documents and information?

Accurate

- Is the information submitted correct?

Responsive

- Were all questions answered?

Executed

- Are all documents signed and dated?

D/M/WBE Lists

To obtain a list of capable and qualified D/M/WBE firms to solicit quotes on goods and services to be performed on the contract, and help facilitate meeting goal requirements, you may do either of the following:

1. Request the D/M/WBE list directly from BDD stating the specific scope(s) you are interested in subcontracting out.
2. Visit the Prism website (a user ID is not required for access) directly at:

<https://ntta.prismcompliance.com/default.aspx>

D/M/WBE Resources

For additional resources please visit us at:

www.ntta.org/procurement/busdiv/complianceandresources

- Subcontracting Compliance Reference Guide
- NTTA Diversity Policy
- Business Diversity Department Contractors Compliance Manual (CCM)
- NTTA Business Diversity Department Overview

Business Diversity Contacts

Email all questions to:
businessdiversity@ntta.org
and
buyer@ntta.org

North Texas Tollway Authority

Our Mission

❖ **Provide** a safe and reliable toll road system ❖ **Increase** value and mobility options for customers ❖ **Operate** the Authority in a businesslike manner ❖ **Protect** our bondholders ❖ **Partner** to meet our region's growing need for transportation infrastructure