

CITY OF SAN ANTONIO

Recovery Plan - 2023 Annual Report



State and Local Fiscal Recovery Funds

For the period of July 1, 2022 through June 30, 2023

Prepared by the ARPA Management Division as of July 31, 2023



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GENERAL OVERVIEW



GENERAL OVERVIEW

Executive Summary

This annual report provides an update on the programs implemented by the City of San Antonio, funded with State and Local Fiscal Recovery Funds.

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program, a part of the American Rescue Plan Act of 2021 (ARPA), delivered \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency. The U.S. Department of the Treasury awarded \$326.9 million of SLFRF to the City of San Antonio. The City received the first half of the award in the amount of \$163.45 million in May 2021, and the second half in June 2022. For reporting purposes, the City categorized the full SLFRF award under the Treasury's Expenditure Category 6.1, Revenue Replacement for the Provision of Government Services. These funds must be obligated by December 2024 and spent by December 2026.

The SLFRF program provides resources to:

- Fight the negative effects of the pandemic and support families and businesses struggling with its public health and economic impacts.
- Maintain essential public services.
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

On June 16, 2021, as part of the City's Trial Budget presentation, staff presented to the City Council a two-phased strategy for the use of ARPA SLFRF and this strategy was approved in August 2021 as part of the FY 2022 Budget process.

- Phase I was approved as part of the FY 2022 Budget and focused on stabilizing the City budget and addressing community needs.
- Phase II began in the fall of 2021 with community engagement to set spending priorities for the use of the federal funds.



Overview of Phase I

In Phase I, the City allocated \$97.5 million of the first tranche received in May 2021. Of the \$97.5 million, \$46.5 million was allocated to the General Fund over two years (FY 2022 and FY 2023) to stabilize the City budget and to address community needs exacerbated by the pandemic. This includes programs that support mental health, domestic violence, housing, and community navigators. \$51 million was allocated to the Hotel Occupancy Tax (HOT) Funds from FY 2021 through FY 2024 to support the City’s convention center and Alamodome operations, and the arts.

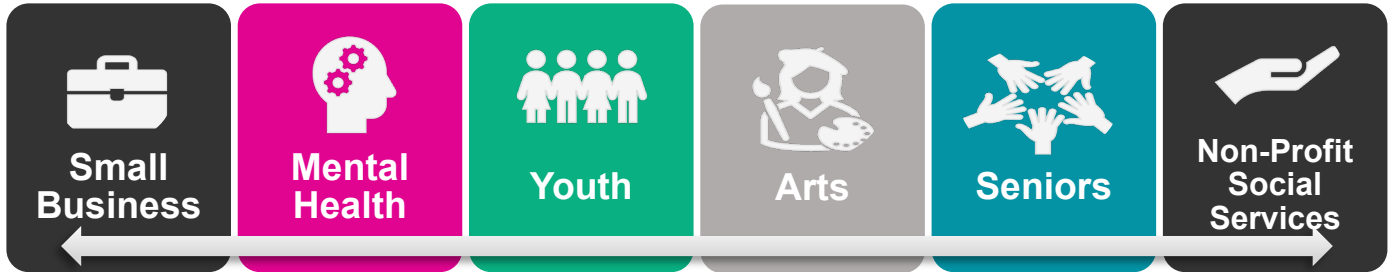
Overview of Phase II

Phase II began on October 20, 2021, with a briefing to the City Council focusing on a spending framework, strategic guiding principles, and a community input plan for the use of SLFRF. During the month of November 2021, the City engaged the public to obtain feedback on the use of SLFRF and also allocated \$30 million of SLFRF for residential utility assistance to aid San Antonians who were financially impacted by the COVID-19 crisis. This allocation was based on feedback from the community and the City Council.

On December 9, 2021, staff presented the results of the community input and meetings held with the Small Business Advisory Commission to the City Council. On January 26, 2022, a recommended spending framework for the remaining \$199.4 million was presented and City Council approved it on February 3, 2022. The table below reflects the spending framework approved.

Spending Framework (In Millions)	Amount
COVID-19 Emergency Response	\$50.00
Infrastructure	45.80
Small Business	26.25
Mental Health	26.00
Emergency Housing Assistance	10.00
Employee Retention	10.00
Youth	10.00
Continuation of Domestic Violence Programs	8.84
Arts	5.00
Seniors	5.00
Non-Profit Social Services	2.50
Total	\$199.39

As part of the spending framework, the City Council identified six spending categories for further discussion at City Council Committees with the goal of defining specific goals and outcomes. Prior to the Council Committees beginning their work, a policy discussion with the City Council took place on March 22, 2022. The six categories are illustrated below:



The City Council Committees were tasked to provide policy direction to City staff to develop implementation plans that included the following:

- Identify a COVID-19 impact
- Respond to the impact identified, benefit those impacted, and promote equitable outcomes
- Define key outcome goals and performance indicators
- Include a 4-year implementation plan (all funds should be committed by December 2024 and spent by December 2026)

During the summer of 2022, implementation plans were approved by the respective City Council Committee and reviewed and approved by the City Council. Work is in progress to include tracking and monitoring performance indicators to maintain alignment with the established goals through program completion.

Implementation plans and reports demonstrating the progress achieved are included in the Appendix, and the City's dedicated ARPA website at <https://www.sa.gov/Directory/Initiatives/ARPA>.

The following table provides a listing of the initiatives/ programs funded by SLFRF, in the two different phases discussed earlier, and highlights adjustments where balances were reprogrammed to address the COVID-19 impacts. These various City programs utilize braided funding from other federal grants and local funds to maximize the impact to the San Antonio community.



Initiatives/ Programs Funded with State & Local Fiscal Recovery Funds

Programs (in Millions) ¹	Phase I	Phase II	Adjustments ²	Total
COVID-19 Emergency Response	\$ -	\$50.0	\$ -	\$50.0
Emergency Preparedness	5.0	-	-	5.0
Emergency Medical Services (EMS)	2.1	-	-	2.1
Public Health: SA Forward Plan	5.0	-	-	5.0
Domestic Violence Expansion	7.6	8.8	-	16.4
Mental Health	3.4	26.0	0.3	29.7
Homelessness	0.5	-	-	0.4
Emergency Housing Assistance	4.4	10.0	-	14.4
Residential Utility Assistance	-	30.0	-	30.0
Non-Profit Social Services	-	2.5	-	2.5
Youth	-	10.0	-	10.0
Seniors	-	5.0	-	5.0
311 Customer Service Operations	0.9	-	-	0.9
City Services Navigators	2.7	-	(0.3)	2.4
Arts	2.6	5.0	-	7.6
Small Business	-	26.3	0.5	26.8
Convention & Sports Facilities Operations	48.3	-	-	48.3
Vision Zero	5.2	-	-	5.2
Street Maintenance	9.7	10.0	-	19.7
Bridge Maintenance Program	-	3.8	-	3.8
One-Time Capital Projects	-	32.0	-	32.0
Employee Retention	-	10.0	(0.5)	9.5
Total	\$97.5	\$229.4	\$ -	\$326.9

¹ Reprogrammed and augmented program funds are detailed in the Program Inventory section.

² Reflects City Council action taken on February 15, 2023. With these changes, Phase I amount is revised to \$96.5 Million and Phase II is revised to \$230.4 Million.

The City’s focus areas, guiding principles, and community engagement efforts ensured that the allocation of funds were directed towards programs that aided in supporting a strong and equitable recovery. The City promotes equitable outcomes by utilizing its Budget Equity Tool and the City of San Antonio Equity Atlas – Online Equity Maps found at <https://www.sanantonio.gov/Equity/Initiatives/Atlas>.

Uses of Funds

The City is utilizing SLFRF under the revenue replacement expenditure category for the provision of government services for FY 2021 through December 2026. This includes funding for the General Fund and Hotel Occupancy Tax (HOT) Fund.

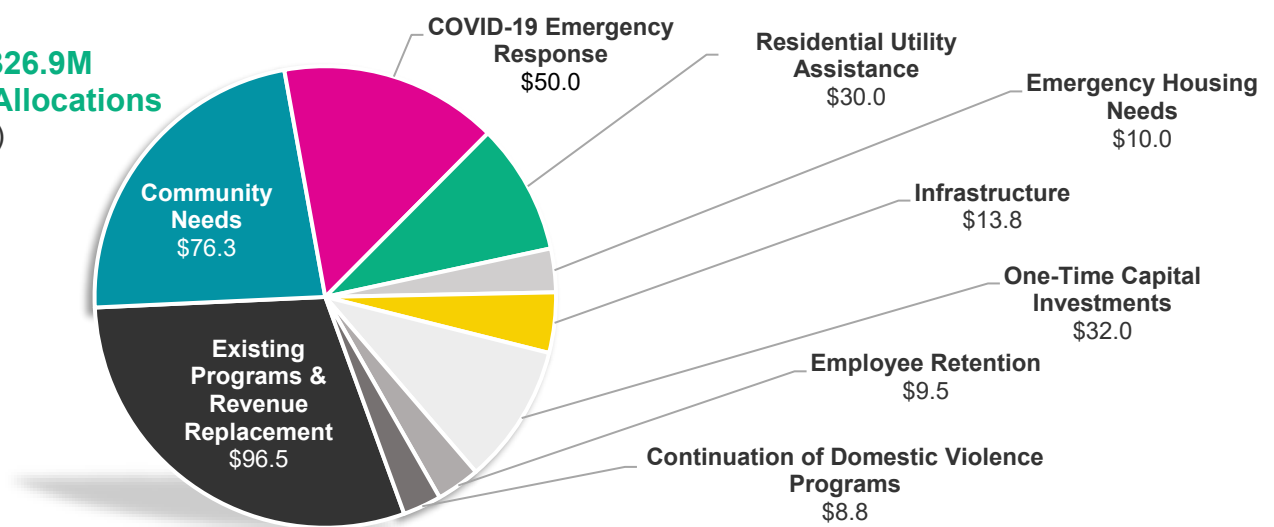
Revenue Replacement

The City’s cumulative revenue loss due to the COVID-19 public health emergency for calendar years 2020 through 2022 is \$1.34 billion. Since the City was awarded \$326.9 million in SLFRF, the revenue loss amount exceeds that of the award amount. Therefore, based on the premise that recipients may expend up to their revenue loss amount on government services, the amount in totality may be utilized for the provision of government services to aid in the recovery from the COVID-19 pandemic. As such, the City elected to categorize its full award to expenditure category 6.1 Revenue Replacement – Provision of Government Services. Specifics on how the City is utilizing these funds are detailed in the Project Inventory section.

SLFRF Funding Allocations

The City’s focus areas, guiding principles, and community engagement efforts ensured that the allocation of funds were directed towards programs that aided in supporting a strong and equitable recovery. The illustration below provides a high-level summary of program allocations, which are further detailed in the Project Inventory section.

**ARPA
SLFRF \$326.9M
Funding Allocations**
(in millions)



- **Existing Programs & Revenue Replacement – \$96.5 Million:** Provides support towards existing programs to stabilize the City’s budget and to address community needs exacerbated by the pandemic, which includes programs that support mental health, domestic violence, housing, emergency preparedness, and community navigators. This category also provides support towards revenue recovery for the HOT Fund to support the convention center, Alamodome, and the arts.
- **COVID-19 Response – \$50 Million:** Provides resources to address the COVID-19 pandemic including testing sites, contact tracing, vaccination sites, and vaccine incentives for San Antonio residents. This category also provides funding for personal protective equipment for City employees, employee testing, and vaccine incentives.
- **Residential Utility Assistance – \$30 Million:** Provides utility assistance (water and electricity) to eligible households in need of financial assistance with utility payments in arrears.
- **Emergency Housing Assistance – \$10 million:** Supplements the City’s Emergency Housing Assistance Program to assist residents with rent and mortgage payments with a focus on addressing the housing security needs of lower-income households.
- **Infrastructure – Streets & Bridges – \$13.8 Million:** Support to the Citywide reconstruction of failed “F” streets and improvements to existing bridge structures in City limits.
- **One-time Capital Projects – \$32 Million:** Supports one-time capital investments tailored to aid individuals with disabilities, high quality childcare, and infrastructure to continue support towards biomedical research.
- **Employee Retention – \$9.5 Million:** Provides a one-time \$1,000 payment to City employees.
- **Continuation of Domestic Violence Programs – \$8.8 Million:** Continues Domestic Violence Programs added in FY 2022 focusing on victim advocacy and crisis response teams.
- **Community Needs – \$76.3 Million:** Support to several categories identified from community engagement efforts, which includes Small Business, Non-Profit Social Services, Mental Health, Arts, Youth, and Seniors.

Other Federal Funds

The City of San Antonio began its response to the COVID-19 pandemic in March of 2020. With the assistance of federal grants, the City’s investment in responding to the pandemic as of June 2023 is \$1.3 billion. Of this amount, \$1.1 billion is funded by federal grants.

The following table illustrates the federal and local sources of funds supporting the City’s response.

City of San Antonio COVID-19 Response (Sources of Revenues)

Funding Sources	Federal Funds	Local Funds	Total
Coronavirus Relief Fund	\$ 271,553,028	\$ -	\$ 271,553,028
CARES/CRRSA			
Housing Emergency Assistance	\$ 166,503,593	\$ -	\$ 166,503,593
Airport	55,128,694		55,128,694
Childcare	41,986,044		41,986,044
Other Federal Grants (Including FEMA)	31,681,641		31,681,641
Sub-total CARES/CRRSA	\$ 295,299,972	\$ -	\$ 295,299,972
ARPA			
State & Local Fiscal Recovery Funds	\$ 326,919,408	\$ -	\$ 326,919,408
SLFRF Interest Earnings	2,399,358		2,399,358
Housing Emergency Assistance	80,324,914		80,324,914
Airport	42,530,956		42,530,956
Other Federal Grants	83,516,847		83,516,847
Sub-total ARPA	\$ 535,691,483	\$ -	\$ 535,691,483
Local Funds	\$ -	\$ 184,862,643	\$ 186,431,954
Total	\$ 1,102,544,483	\$ 184,862,643	\$ 1,287,407,126

The City of San Antonio quickly pivoted City operations to address the needs of San Antonians as a result of the economic and health impacts of the pandemic. Recognizing the urgency of the situation, the City Council took swift action to assist those in need by funding programs for vulnerable and affected populations with federal and local dollars. In April 2020, the City Council approved the creation of the Emergency Housing Assistance Program and, subsequently in June 2020, adopted a Recovery and Resiliency Plan to provide immediate relief to those in need. This program was primarily funded by federal grants.

ARPA funds supplement the services the City has provided since 2020 with other federal and local funds. The following table provides a summary of the City’s investments in response to the COVID-19 pandemic in San Antonio since 2020.

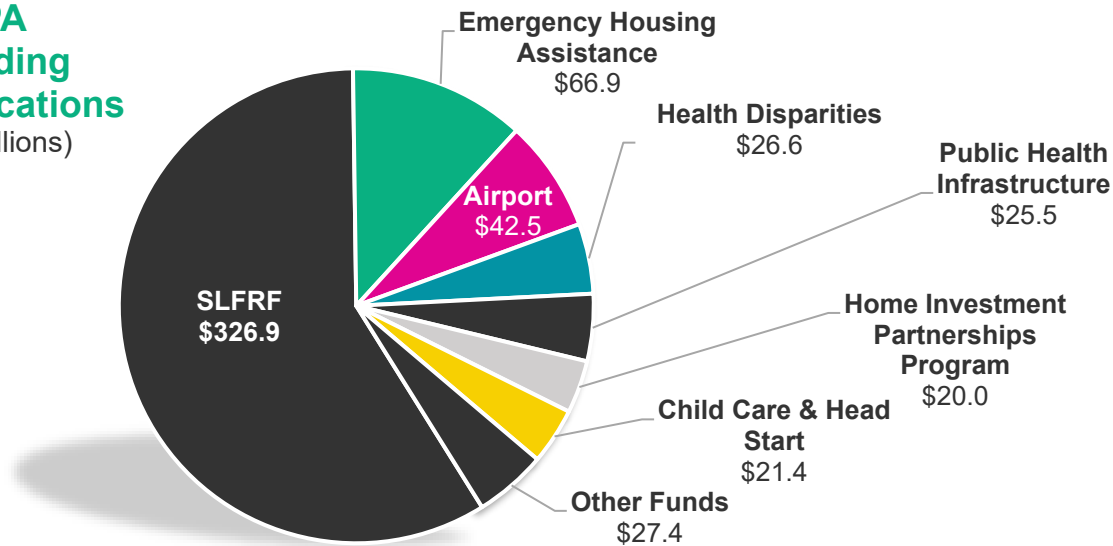
City of San Antonio COVID-19 Response (Uses of Revenues)

Programs	CARES/ CRRSA Funding	ARPA Funding	Total
COVID-19 Emergency Response	\$ 175,459,168	\$ 103,927,963	\$ 279,387,131
Revenue Replacement		96,472,282	96,472,282
Health Implementation Plan	71,244,875		71,244,875
Workforce Development	50,009,380		50,009,380
Housing Security	48,005,539	7,196,196	55,201,735
Emergency Housing Assistance ¹	166,503,593	126,988,914	293,492,507
Small Business	49,208,427	32,448,462	81,656,889
Arts	2,606,158	5,000,000	7,606,158
Digital Inclusion/ Connectivity	17,080,697	8,724,813	17,080,697
Airport	55,128,694	42,530,956	97,659,650
Childcare Services	41,986,044		41,986,044
Infrastructure and Capital Projects		45,800,000	45,800,000
Other (Seniors, Health, Head Start, Youth, Non-Profits Social Services, Mental Health)	52,902,219	88,182,746	149,809,778
Total	\$ 730,134,794	\$ 557,272,332	\$ 1,287,407,126

¹ Includes Residential Utility Assistance

The illustration below provides additional details on the ARPA funds awarded to the City of San Antonio.

ARPA Funding Allocations (in millions)





Community Engagement

Phase I



As a result of these efforts, over 12,000 budget surveys were completed.

The City of San Antonio obtained feedback for Phase I of the two-year strategy as part of the community input process for the FY 2022 Budget. This input process included both in person and survey data collection. Resident participation in the data collection was promoted through numerous channels, including paid digital, radio, television, social media, and print advertising. Data collection surveys, and all promotional efforts were made available in English and Spanish and targeted efforts were directed in areas of the city with historical low participation.

With this input, City staff developed a proposal that included community priorities SLFRF. The plan was presented at each of the ten Council Districts through a series of in person, virtual, and citywide telephone town hall meetings.

Town hall meetings were being promoted using similar marketing, advertising, and grassroots outreach used in the data collection process. Town hall meetings took place from mid-August through the first week of September 2021. San Antonio residents were encouraged to participate in the town hall meetings in person, on TVSA at www.sanantonio.gov/tvsa, the City's Facebook page, on local and cable television channels, and by dialing (210) 207-5555.

Phase II

In November 2021, the City hosted eight community meetings and conducted outreach to seniors to gather feedback from residents regarding their priorities for the use of SLFRF. Widespread social media efforts were used to advertise the meetings and survey. A survey was made available from November 18 to December 1, 2021. A total of 2,417 surveys were completed and 593 residents participated at the town hall meetings through audience live polling.

In addition, the City Council requested that the Small Business Advisory Commission (SBAC) be engaged to discuss the needs and priorities of small businesses impacted by COVID-19. Three public meetings with SBAC were held on November 17, November 29, and December 4, 2021, to garner input from the small business community. During the three listening sessions, SBAC received input from a small business survey, two written statements, and comments.

The report summarizing the results of the community input and the SBAC presentation can be found on the City's ARPA Community Engagement webpage at <https://www.sa.gov/Directory/Initiatives/ARPA/Community-Engagement-SLFRF>.

Implementation Plan Development

From the fall of 2022 through the spring of 2023, the City continued its engagement with the community through the development of the implementation plans for the six categories of the spending framework for which City Council requested the involvement of City Council Committees. The spending framework categories include Arts, Small Business, Youth, Seniors, Non-Profit Social Services, and Digital Connectivity. Meetings were conducted with City Council Committees to guide plan development and community input was sought for the development of these plans. Once a program implementation plan was approved by the Council Committee, it was presented to the City Council for consideration and approval.

The City Council committees involved in the development of the implementation plans were the following:

- The Public Safety Council Committee guided the implementation plan for the Mental Health spending category.

- The Economic & Workforce Development Committee guided implementation plans for Small Business, Youth, and Digital Connectivity.
- The Community Health, Environment & Culture Council Committee guided the implementation plans for Seniors, Arts, and Non-Profit Social Services.

The City Council has approved all implementation plans, except for Digital Connectivity. For this category, the City leveraged allocated funds through a joint solicitation with Bexar County in lieu of an implementation plan. These meetings were made available to the public through various methods to aid in reducing barriers to services at AT&T channel 99, Grande channel 20, Spectrum channel 21, digital antenna 16, and TVSA (www.sanantonio.gov/TVSA). The meetings were also available by calling (210) 207-5555 (English and Spanish available).

The points below provide a brief overview of the community engagement efforts that have occurred during implementation plan development:

- Council Committees held public meetings to guide the development of implementation plans.
- Community meetings and outreach events, stakeholder meetings, and informational & technical assistance sessions for open Request for Proposals (competitive solicitations)
- Meetings with various external commissions and committees, such as the San Antonio Arts Commission, San Antonio Youth Commission, City/ County Joint Commission on Elderly Affairs, Successfully Aging and Living in San Antonio Coalition, South Texas Adult Protective Services Board, Bexar County Senior Advisory Committee, SA 2020 Commission on Education, and The Nonprofit Council



The City continues to provide periodic ARPA updates to the City Council and residents on progress, such as program performance and spending activity. The community is invited to join by viewing the meeting sessions through TVSA or visiting SASpeakUp (<https://www.saspeakup.com/#home>), which is the community's one-stop website to participate in City Council meetings, surveys, events and more. The City also maintains a dedicated ARPA website (<https://www.sa.gov/Directory/Initiatives/ARPA>) where visitors can learn about how ARPA-funded programs are being utilized, review financial reports, and view the ARPA Dashboard. This website is reviewed and updated frequently to reflect current progress. Additionally, City staff are working on a new interactive dashboard that will replace the existing version, which will be launched in the fall of 2023.

Promoting Equitable Outcomes

Operationalizing Equitable Spending

The City of San Antonio utilizes a multifaceted, data-driven approach to ensure that the needs of San Antonio’s most marginalized communities are centered in our work. City departments collaborate with the Department of Diversity, Equity, Inclusion, & Accessibility to operationalize equitable policies and practices.

EQUALITY:
Everyone gets the same – regardless if it’s needed or right for them.



EQUITY:
Everyone gets what they need – understanding the barriers, circumstances, and conditions.



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A resource used to guide budget allocations is the Equity Atlas (<https://www.sanantonio.gov/Equity/Initiatives/Atlas>). The Equity Atlas assigns points 1-5 reflecting demographic numbers for communities of color, as well as points 1-5 reflecting demographic numbers for lower income communities. The Equity Atlas scores range from 2 to 10 and are a combined score of race and income, indicating that the higher the number, the higher the concentration of both people of color and low-income households in that census tract. Consequently, a high Equity Atlas score will reflect a higher concentration of communities of color with lower income. This tool is used by the City to be most impactful with the use of resources. With these scores, departments can strategically place services, resources, and programs.

Other resources used to ensure SLFRF were used in an impactful and equitable manner included the use of mental health hospitalizations and 911 calls data.

Equity in SLFRF Implementation Plans

Equity was considered at every stage of planning and development and was embedded in the implementation plans for the Mental Health, Youth, Seniors, Seniors, Small Business, Non-Profit Social Services, and Arts programs. The following provides examples of how equitable outcomes have been embedded in implementation plans.

Mental Health

Programs in this area offer support towards organizations providing mental health services to vulnerable residents with a focus on youth, seniors, and the homeless population.

- Programs for youth will increase access to mental health care in school-age children and youth aging out of foster care for those diagnosed with developmental disorders and social-emotional skills, and addresses increased social isolation, anxiety, depression, and suicide.
- Programs for seniors will increase awareness of existing programs and access to services for individuals experiencing mental health challenges, improve quality of life by mitigating social/ emotional issues and isolation, and improve the quality of care provided by informal and unpaid caregivers.
- Programs for the homeless population seeks to improve access to mental health services, substance use, and housing resources for those experiencing homelessness, and increase access to services for youth aging out of the foster care system. Additionally, harm reduction services will provide increased access to medication and substance use treatments to improve well-being and reduce the risk of death among this population.

Youth

Programs in this area will improve access to services and opportunities to youth, including those that are homeless, aging out of foster care, and transitioning out or at risk of gang involvement. Programs will expand high quality out-of-school opportunities, improve access to educational and employment services and prospects, and provide family support and housing stability services.



Seniors

Programs in this area will connect older adults with community services and resources to reduce social isolation, alleviate food and resource insecurity for those with financial constraints, and mitigate increased social and emotional issues for informal and unpaid caregivers to improve the safety and quality of care provided.

Small Business

Programs in access to capital, capacity building, ecosystem enhancements, localism, and geographic placemaking in this area will help small business owners recover from the negative economic impacts of the COVID-19 pandemic and achieve long-term resiliency.

- The COVID Impact Grants program provided grants to small businesses who experienced revenue losses due to the negative impacts of the pandemic. This increased opportunity and access to capital for underserved groups aimed to aid in economic recovery with Hispanic- owned and women-owned businesses receiving 57% and 50% of the grants, respectively.



- The COVID-19/ Construction Recovery Grants program provided grants to small businesses whose economic recovery from the pandemic has been prolonged due to being located in City construction projects areas with Hispanic-owned and women-owned businesses receiving 56.7% and 51% of the grants, respectively. Eligible businesses were those micro and small business owners who suffered revenue losses from the COVID-19 pandemic and whose businesses are in an area impacted by City construction projects.



Labor Practices

Infrastructure projects are being completed in accordance with the City's existing standard for labor agreements and practices.

City and State Labor Practice Policies

The City complies with the following, prevailing City and State labor practice policies on all construction contractual agreements, including the Street Maintenance Program, Bridge Maintenance Program, and Vision Zero projects funded with SLFRF.

- **City of San Antonio's Small Business Economic Development Advocacy (SBEDA) Policy and Ordinance**

Ordinance No. 2016-05-19-0367: See Appendix.

The Small Business Economic Development Advocacy (SBEDA) Program provides contracting preferences to eligible local small, minority, and women-owned businesses (S/M/WBEs) to promote their participation in City contracts. The requirements and regulations associated with the SBEDA Program are applied to all contracts for the purchase of services, goods or supplies awarded by, or on behalf of, the City with an estimated value greater than \$50,000. Also included within the scope of the SBEDA Program are contracts or other agreements between the City and any governmental agency, quasi-governmental agency, corporation, developer, or contractor, under which the agency, corporation, developer or contractor receives any fiscal assistance from or through the City for the purpose of contracting with businesses to perform real estate development, renovation, maintenance, or other services.

- **City of San Antonio Wage & Labor Standard Provisions**

Ordinance No. 2008-11-20-1045: See Appendix.

The City of San Antonio Wage & Labor Standard provisions dictates that any City of San Antonio funded construction, demolition, rehabilitation projects will adhere to Texas Government Code Section 2258.

- **State of Texas Government Code Chapter 2258**

Requires contractor and subcontractor to pay laborers, workers, and employees on public projects, no less than the general prevailing rate of wages (consisting of hourly cash wages plus fringe benefits) for work of similar character in the locality where the work is performed.

Specific labor reporting requirements during construction are included in each of the agreements with the beneficiaries for the One-time Capital Projects that include Morgan’s Wonderland, Educare San Antonio, and Texas Biomedical Research Institute. Beneficiaries are required to report the following job and wage information to the City while during construction and will be included in future reporting.

- Number of employees of contractors and subcontractors working on the project
- Number of employees hired directly and through a third party at the project site
- Wages and benefits of workers on the project by classification to include minimum hourly wage, percent receiving more than the minimum hourly wage, percent local, and percent economically disadvantaged
- Workforce efforts: Internships, Apprenticeships, Job Fairs

In accordance with each agreement, once construction is completed, each beneficiary is required to provide reports on a recurring basis with information on the project’s progress and performance. These requirements ensure that City infrastructure projects maximize their collective local impact by promoting strong small business and employment opportunities for local workers.

Note that federal regulations take precedence over city and state policies, which will only be applied to federally funded contracts, as allowable.



Use of Evidence

The City has utilized the revenue replacement expenditure category for its award; however, the City is collecting data on several programs that are utilizing evidence-based interventions.

Phase I

Under Phase I, the City allocated \$5 million to Public Health: SA Forward Plan. The SA Forward Plan presents the strategic direction for the San Antonio Metropolitan Health District to protect and improve the health of the community so that all people thrive in healthy safe communities. The SA Forward Plan strengthens Metro Health’s foundational capabilities to work in new ways to deepen their impact. Over the next five years, Metro Health will focus their efforts on the following six priority areas.

- Access to Care
- Data and Technology Infrastructure
- Food Insecurity and Nutrition
- Health Equity and Social Justice
- Mental Health and Community Resilience
- Violence Prevention

The following section provides programs within the SA Forward Plan that are utilizing evidence-based interventions.

Spending Framework Category: Revenue Replacement – General Fund Public Health: SA Forward Plan

Total Dollar Amount of Program: \$5 Million

Total Dollar Amount allocated to Evidence-Based Interventions: \$1,239,993

Nutrition Expansion (Mayor’s Fitness Council)

Dollar amount allocated to Evidence-Based Interventions:

\$154,332

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

To increase knowledge about and access to healthy foods in the highest needs areas impacted by COVID-19 and other chronic diseases, the Mayor's Fitness Council's Student Ambassador Program will train their student ambassadors and student mentors about the SA Forward initiatives (Por Vida healthy restaurant program and the Viva Health healthy eating lessons, along with diabetes prevention education and food insecurity issues) that affect these high needs areas the most.

The goal is for the student ambassadors to develop and implement community health service projects that integrate the SA Forward initiatives.

Describe the evidence base for the interventions funded by the project:

Viva Health curriculum was developed using USDA's MyPlate and Dietary Guidelines; Project Power by American Diabetes Association is used for the diabetes prevention curriculum that we promote for our ambassadors to implement; Alliance for a Healthier Generation's Healthy Schools Inventory Worksheet with Related School Health Index Questions was used to establish framework for Student Ambassador Health Service Projects; pre/ post evaluation for student ambassadors is administered to assess knowledge, attitudes, and behavior changes.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

- The [USDA Center for Nutrition Policy and Promotion \(CNPP\)](https://www.usda.gov/our-work/food-nutrition/center-for-nutrition-policy-and-promotion) was established in 1994 to improve the nutrition and well-being of Americans. Toward this goal, CNPP focuses its efforts on two *primary* objectives:
 1. Advance and promote dietary guidance for all Americans, and
 2. Conduct applied research and analyses in nutrition and consumer economics.<https://www.myplate.gov/>
- The *Dietary Guidelines for Americans* provides advice on what to eat and drink to meet nutrient needs, promote health, and prevent disease. It is developed and written for a professional audience, including policymakers, healthcare providers, nutrition educators, and Federal nutrition program operators.
 <https://www.dietaryguidelines.gov/>
- The America Diabetes Association funds research to prevent, cure, and manage diabetes, while also providing objective and credible information in order to deliver services to hundreds of communities.
 <https://diabetes.org/get-involved/community/project-power>
- Alliance for a Healthier Generation “Healthy Schools Inventory Worksheet”
 <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Asc%3AUS%3A1e8d0f7c-0e52-3ecf-bb01-cc6b48c57cb7>
- “Mayors Fitness Council Executive Summary”
 <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Asc%3AUS%3A8643f9b9-ed41-3b4c-af93-f3906f8c9489>
- “Mayor’s Fitness Council Student Ambassador Roadmap”
 <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Asc%3AUS%3Acbb95c94-226d-396b-8dfd-078d384d4656>
- “Mayor’s Fitness Council Student Ambassador Survey”
 <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Asc%3AUS%3A0c0172b3-c58c-37a7-8fdb-558653ba492f>

Nutrition Policy (Community Nutrition)

Dollar amount allocated to Evidence-Based Interventions:

\$573,053

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

The Nutrition Policy Team owns the City's Healthy procurement Policy and is developing a Nutrition Equity Framework and Workshop for Public Health Professionals.

Describe the evidence base for the interventions funded by the project:

Surveys are administered to gauge employee's knowledge, attitudes, and behavior towards the Healthy Procurement Policy. Audits of compliance have also been conducted, to inform future training content.

The development of a Nutrition Equity Framework is supported by literature and also aligns with CDC's Essential Public Health Services.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

- Inclusion Diversity Equity and Access. (n.d.). Wwww.eatrightpro.org. Retrieved April 02, 2023, from <https://www.eatrightpro.org/idea/inclusion-diversity-equity-and-access>.
- 2025 Advisory Committee | Dietary Guidelines for Americans. (n.d.).www.dietaryguidelines.gov. Retrieved March 21, 2023, from <https://www.dietaryguidelines.gov/2025-advisory-committee>
- Robinson, S. (2020, January 4). Doubling Down on Diversity: The Journey to a More Diverse Field. Foodandnutrition.Org. Retrieved September 5, 2022, from <https://foodandnutrition.org/from-the-magazine/doubling-down-on-diversity-the-journey-to-a-more-diverse-field/>
- CDC Webpage on “10 Essential Public Health Services”
<https://www.cdc.gov/publichealthgateway/publichealthservices/essentialhealthservices.html>



Healthy Neighborhoods Expansion

Dollar amount allocated to Evidence-Based Interventions:

\$508,608

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

Expand the Healthy Neighborhoods Program, a Community Health Worker (CHW) Program which uses Asset Based Community Development to organize for health improvements in San Antonio neighborhoods.

Describe the evidence base for the interventions funded by the project:

Evidence supports the use of Community Health Workers in public health as educators and community organizers.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

- CDC on CHWs addressing food security during pandemic.
<https://nationaldppcsc.cdc.gov/s/article/A-Study-on-Community-Health-Worker-CHW-Impact-During-the-Public-Health-Emergency-PHE-English-and-Spanish>
- CDC Comprehensive Policy Report.
https://www.cdc.gov/dhdsp/policy_resources/chw.htm
- CDC on “Evidence of Effectiveness for Community Health Workers.”
<https://hdsbpc.cdc.gov/s/article/Evidence-of-Effectiveness-for-Community-Health-Workers>



Phase II

Mental Health

Under Phase II, the City allocated \$27 million in Mental Health to provide access to care in the youth, seniors, and homeless populations. The following illustrates the investment areas in each of these program areas.

Youth

- Access to mental health services
- Project Worth & Stand Up SA
- Diagnostic Services
- Youth Aging Out of Foster System

Seniors

- Navigation Programs
- Social Interaction
- Caregiver Program

Homeless

- Chronic & Unsheltered Veteran Homeless
- Youth Aging Out of Foster System

In the youth area, the Stand Up SA and Project Worth are evidence-based programs. Stand Up SA is a model that focuses on disrupting gun violence by treating it like a disease. Project Worth is a program that promotes health and well-being to San Antonio youth through education, collaboration, and empowerment.

The following section includes the program in this area that are utilizing evidence-based interventions.

Spending Framework Category: Mental Health

Total Dollar Amount of Program: \$27 Million

Total Dollar Amount allocated to Evidence-Based Interventions: \$750,000

Stand Up SA Expansion

Dollar amount allocated to Evidence-Based Interventions:

\$250,000

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

This program includes a focus on restorative justice in schools. A Restorative Justice Coordinator partners with local schools and community organizations to enroll at-risk youth in the initiative. Youth participate in support sessions that utilize a restorative justice process and schools modify their disciplinary practices.

Describe the evidence base for the interventions funded by the project:

Whole-school restorative justice.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

Rethinking Discipline Community of Practice evaluation.

https://uppartnership.wpenginepowered.com/wp-content/uploads/2020/08/Updated-RDCP_July_2020.pdf

Project Worth Teen Ambassador Expansion

Dollar amount allocated to Evidence-Based Interventions:

\$500,000

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

The two goals of this funding for the program are to improve the positive social and emotional skills among San Antonio's youth in 7th-12th grades and increase community engagement in teens and adults to understand positive social behaviors and strengthen family connections.

Describe the evidence base for the interventions funded by the project:

The Program uses the CASEL approved Social Emotional Curriculum, BASE Education with the Teen Ambassador Program. Provides Search Institute Strengthening Families trainings and Teen Mental Health Training to youth and community caregivers.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

Search Institute partners with organizations to conduct and apply research that promotes positive youth development and advances equity.

<https://www.search-institute.org/developmental-relationships/developmental-relationships-framework/>



Seniors

Under Phase II, the City allocated \$5 million to programs serving older adults to connect them with community services and resources, neighborhood-based access to food, transportation services, workforce training, employment, and volunteer opportunities. Additionally, caregivers for older adults will be connected to resources, education, and training.

The following section includes programs within this area that are utilizing evidence-based interventions.

Spending Framework Category: Seniors

Total Dollar Amount of Program: \$5 Million

Total Dollar Amount allocated to Evidence-Based Interventions: \$941,301

Care Navigation Team – Meals on Wheels San Antonio

Dollar amount allocated to Evidence-Based Interventions:

\$246,020

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

Meals on Wheels provides home-delivered nutritious meals accompanied with daily wellness checks to ensure vulnerable populations can live safely and independently in their homes. The Care Navigation Team supports the homebound meal, companionship, and Grace Place programs.

Describe the evidence base for the interventions funded by the project:

Meals on Wheels San Antonio follows the best practices for senior meal delivery as outlined by Meals on Wheels America’s multiple “More Than A Meal” published research studies which outline the importance of daily, hot meal delivery and safety checks in the long-term health of homebound seniors. The agency’s licensed dietician develops meals that are healthy, nutritious, and meet the needs of clients while ensuring that meals are delicious and culturally relevant to the San Antonio community. Through this effort, the agency ensures that meals are more likely to be consumed and clients receive the full nutritional benefit.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

To help the Meals on Wheels network continue to strengthen and build on its current impact, we knew that a comprehensive, data-driven profile of Meals on Wheels America member programs’ client demographics, services, and organizational make-up would be vital. Such specificity and depth will serve as valuable tools to help identify the greatest opportunities for effective partnerships and solutions that can then be replicated and scaled to further benefit a rapidly aging population.

Meals on Wheels Texas Senior Population Statistics: <https://www.mowsatx.org/texas-senior-population-statistics>

If applicable, reference relevant evidence clearinghouses, amount other sources:

USDA - National Hunger Clearinghouse

<https://www.hungerfreeamerica.org/en-us/usda-national-hunger-hotline>

Reducing Social Isolation in San Antonio via Tech Access – Older Adults Technology Services, Inc. (OATS)

Dollar amount allocated to Evidence-Based Interventions:

\$553,471

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

Funding will be used to provide in-person technology programming and engage older adult participants at various locations throughout the City. Funding will also be used to expand the program by providing targeted micro-grants to address capacity gaps in local older adult-serving organizations and facilitate Senior Planet licensing.

Describe the evidence base for the interventions funded by the project:

OATS will capture program impact and broader participants gains through data collection activities by reviewing program survey data, call logs, as well as qualitative information gathered through formal and informal discussions with participants in programs. These discussions will occur during program sessions, phone calls, and through testimonial success stories. It is through these opportunities that students will report gains resulting from their participation in Senior Planet programming.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

Findings demonstrate the efficacy of the OATS computer training program across various measures including increased and sustained computer use; improved ability and confidence with computer and Internet technology; a substantial and positive impact on social connectedness, access to information, and social and civic participation; and a favorable effect on community partners.

If applicable, reference relevant evidence clearinghouses, amount other sources:

Old School Anti-Ageism Clearinghouse

<https://oldschool.info/>



Building Caregiver Confidence – Alzheimer’s Disease and Related Disorders

Dollar amount allocated to Evidence-Based Interventions:
 \$141,810

Use of Evidence Type:
 Evidence-Based Intervention

Describe Goals:
 The program provides dementia education, training, and resources for caregivers, which focus on improving mental, physical, and financial health of the client. Additional support offered by the program include support groups, engagement opportunities for clients with early-onset dementia and their caregivers, 1-800 helpline that provides 24/7 resources to anyone facing mental health concerns, consultations, and connection to resources and referrals.

Describe the evidence base for the interventions funded by the project:

In 2019, the National Institute on Aging (NIA) awarded funding to create the NIA Imbedded Pragmatic AD/ ADRD Clinical Trials (IMPACT) Collaboratory. The Collaboratory includes experts from more than 30 research institutions and supports pilot trials and larger studies that test non-drug, care-based interventions for people living with dementia. The goal of IMPACT is to expedite the timeline of research implementation in real-world settings to improve care for people living with dementia and their caregivers.

In 2020, the CDC established three Public Health Centers of Excellence to disseminate best practices and tools to local, tribal, and state public health organizations throughout the United States that support dementia caregivers, encourage early detection of Alzheimer’s and reduce the risk of dementia, respectively.

The Alzheimer’s Association has also undertaken several efforts to improve dementia care interventions and services. Its dementia care practice recommendations place individuals with dementia and their caregivers at the center of how care should be delivered. Essential to this model is the need to reconsider how care for people with dementia is measured and designed by moving away from an approach that focuses on loss of abilities to one that emphasizes the individual’s unique needs, personal experiences and strengths. This person-centered care philosophy not only values and respects the individual with dementia but also promotes well-being and health.

Frameworks such as the Alzheimer’s Association dementia care practice recommendations are designed to shift how researchers and care providers think about dementia and may point the way to a greater understanding of the resilience, adaptability, and possibilities of maintenance or even improvement of skills and abilities when living with dementia. A core element of these frameworks is ensuring that every experience and interaction is seen as an opportunity to have authentic and meaningful engagement, which in turn helps create a better quality of life for the person with dementia.

- Education Programs:
- Empower volunteer Community Educators to locate new host locations and drive potential new community partners to the chapter.
 - Discuss goals with each Community Educator to target 12 presentations annually (one per month) with minimum attendance of 15-20 (in-person) and 20-25 virtual.
 - Establish in advance registration, attendance, and promotion requirements with host locations (e.g., Association online registration used; minimum attendance of 15-25 per program).
 - Maintain delivery of at least 90% Common Program education programs (vs. chapter-developed).
 - Utilize Personify URL link in promotion/ marketing of programs (e.g., social media, etc.).
 - Utilize Community Partners’ communication channels to help promote programs using Association-created promotional materials with partners landmark when Community Host Agreement is signed and fully implemented.

- Assign speakers/ facilitators to all meetings in Personify (volunteer or staff delivered) at least 24 hours in advance of the program.
- All attendees need to be registered in Personify prior to the program being held in order to receive an online program evaluation (Common Program Evaluation).

Support Groups:

- New support groups occur when evidence of community need is documented through the community assessment process (community forums) and after assessing existing groups in that community to identify growth and sustainability options.
- Support group location is carefully assessed based on community input and LEAP Strategic Planning Tool markets of opportunity. Association guidelines on SGs in long-term care communities should be followed.
- Early Stage (ES) support groups are time-limited (8-12 weeks).
- All ES participants to be interviewed prior to attending a support group to ensure the integrity of ES services.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

Alzheimer's Association Dementia Care Practice Recommendations - With the fundamentals of person-centered care as the foundation, the Dementia Care Practice Recommendations illustrate the goals of quality dementia care in the following areas: <https://www.alz.org/media/Documents/alzheimers-dementia-care-practice-recommendations.pdf>

- Person-centered care
- Detection and diagnosis
- Assessment and care planning
- Medical management
- Information, education, and support
- Ongoing care for behavioral and psychological symptoms of dementia, and support for activities of daily living
- Staffing
- Supportive and therapeutic environments
- Transitions and coordination of services

If applicable, reference relevant evidence clearinghouses, amount other sources:

Administration for Community Living (ACL) National Clearing House for Long-Term Care (LTC)

<https://acl.gov/ltc>



Youth

Under Phase II, the City allocated \$10 million to programs serving youth to address decreased education and career opportunities, offer higher education and workforce training, enhance access to STEM & STEAM, and provide enrichment to support school readiness and long-term success.

The following programs use evidence-based interventions.

- **Advancing Educational & County Foster Educational Success**
Provides foster care youth to college peer mentorship, transportation, tutoring, and enrichment.
- **NXT Level Youth Expansion & Project POYNTs– Communities in Schools of San Antonio (CIS-SA)**
Provides educational coaching, wrap around services and counseling.

The following section includes programs within this area that are utilizing evidence-based interventions.

Spending Framework Category: Youth

Total Dollar Amount of Program: \$10 Million

Total Dollar Amount allocated to Evidence-Based Interventions: \$813,792

Advancing Educational & County Foster Educational Success – The University of Texas at San Antonio (UTSA)

Dollar amount allocated to Evidence-Based Interventions:

\$214,881

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

The program will offer high school youth with a history of foster care the opportunity to be paired with a high achieving UTSA Honors College student who will serve as a weekly tutor for the high school student over a period of 2 years. The high school student will be transported to the UTSA campus for all tutoring and enrichment activities. Emergency direct assistance funding is available to high school student participants.

Describe the evidence base for the interventions funded by the project:

Evidence based strategies include training model implementation for staff & student tutors, trauma-informed care, tutoring best practices, strategic sharing, developmental relationship/ maintaining and establishing appropriate boundaries, regularly scheduled programmatic meetings, peer-to-peer convenings/ check-ins, supervisor and peer debriefs, collaboration meetings with pre-college programs for recruitment (TRiO, Communities in Schools, selected Independent School Districts), and courses (leadership development, advocacy, civic engagement).



Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

Casey Life Skills Toolkit (<https://www.casey.org/casey-life-skills/>): a set of free tools that assess the independent skills youth need to achieve their long-term goals. It aims to guide youth toward developing healthy, productive lives.

Bexar County Fostering Educational Success (BCFES) (<https://www.bcfes.org/>): a trauma-informed model and strategic framework that incorporates evidence of best practices, coaching, and holistic support to meet the educational aspirations and unique needs of youth with foster care history. BCFES has assembled partners across child welfare, the Children’s Court, and two and four-year colleges in Bexar County who work together for the common goal of improving educational outcomes for foster care alumni and children still in foster care.

If applicable, reference relevant evidence clearinghouses, amount other sources:

Family & Youth Services Bureau - RHY National Clearinghouse on Homeless Youth & Families

<https://www.infocismagazine.org/portable/6.1.pdf>

NXT Level Youth Expansion – Communities in Schools of San Antonio (CIS-SA)

Dollar amount allocated to Evidence-Based Interventions:

\$313,819

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

The program will provide expanded ongoing coaching, wraparound support, and direct counseling services by adding a licensed mental health clinician and a full-time Life Coach to the team. The program will also provide graduation and life coaching services to prevent the non-traditional student populations from disconnecting from post-secondary pathways. The Graduation Coach will assist at-risk students and provide college and career readiness services to effectively transition students to college or to the workplace. The Life Coach will provide wrap around support services to students as they work towards a high school diploma.

Describe the evidence base for the interventions funded by the project:

The NXT Level Youth Opportunity Center program model was developed using national best practices and designed using evidence-based solutions to reduce the number of disconnected youths in San Antonio. The program focuses on three key activities: a high-quality intake process employing comprehensive assessment tools, relationship-based goal setting, and ongoing coaching and wraparound supports. CIS-SA facilitates the Communities In Schools (CIS) model of Integrated Student Supports (ISS), tailoring the model to remove barriers as they arise, address participants basic needs, and help them achieve a level of social and emotional functioning that makes re-engagement to education and employment possible.

CIS-SA has 38 years of experience in the facilitation of Integrated Student Services (ISS), a proven cost-effective approach to dropout prevention that has been found to improve students’ academic engagement and promote positive youth development (MDRC, 2017). Integrated Student Supports are defined by Child Trends as "a school-based approach to promoting students' academic success by coordinating a seamless system of wraparound supports for the child, the family, and schools, to target students' academic and non-academic barriers to learning" (Moore K.A., 2014).

In addition, the Texas Education Agency lists the CIS model as an effective best practice for early mental health prevention and intervention and it is a critical component to the effectiveness of CIS interventions.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

Communities In Schools surrounds students with a community of support, empowering them to stay in school and achieve in life. Our evidence-based approach, adapted to meet each community's unique needs, is the basis for our success.

CIS-SA Model: <https://www.cissa.org/our-work>

CIS-SA EcoMap Toolkit: <https://www.communitiesinschools.org/articles/article/ecomap-toolkit/>

Manpower Demonstration Research Corporation (MDRC) Article 2017: <https://www.mdrc.org/publication/mdrc-s-evaluations-communities-schools>

Using Integrated Student Supports To Keep Kids In School: <https://www.mdrc.org/publication/using-integrated-student-supports-keep-kids-school>

Two Years of Case Management: <https://www.mdrc.org/publication/two-years-case-management>

Making the Grade: Assessing the Evidence for Integrated Student Supports: <https://cms.childtrends.org/wp-content/uploads/2014/05/2014-17ISSPresentation.pdf>

If applicable, reference relevant evidence clearinghouses, amount other sources:

Department of Education - Best Practices Clearinghouse

<https://www.socialsolutions.com/products/apricot-essentials/>



Project POYNTS – Communities in Schools of San Antonio

Dollar amount allocated to Evidence-Based Interventions:

\$285,092

Use of Evidence Type:

Evidence-Based Intervention

Describe Goals:

The program will provide expanded ongoing coaching, wraparound support, and direct counseling services by adding a licensed mental health clinician and a full-time Life Coach to the team. The program will also provide graduation and life coaching services to prevent the non-traditional student populations from disconnecting from post-secondary pathways. The Graduation Coach will assist at-risk students and provide college and career readiness services to effectively transition students to college or to the workplace. The Life Coach will provide wrap around support services to students as they work towards a high school diploma.

Describe the evidence base for the interventions funded by the project:

For this program, Communities In Schools of San Antonio (CIS-SA) will adapt the evidence-based Communities In Schools model to provide post-secondary supports to at-risk youth attending non-traditional school sites. CIS-SA facilitates the Communities In Schools (CIS) model of Integrated Student Supports (ISS), tailoring the model to remove barriers as they arise, address participants basic needs, and help them achieve a level of social and emotional functioning that makes re-engagement to education and employment possible.

Integrated Student Supports are defined by Child Trends as "a school-based approach to promoting students' academic success by coordinating a seamless system of wraparound supports for the child, the family, and schools, to target students' academic and non-academic barriers to learning" (Moore K.A., 2014). CIS-SA has 38 years of experience in the facilitation of Integrated Student Services (ISS), a proven cost-effective approach to dropout prevention that has been found to improve students' academic engagement and promote positive youth development (MDRC, 2017).

In addition, the Texas Education Agency lists the CIS model as an effective best practice for early mental health prevention and intervention - a critical component to the effectiveness of CIS interventions.

Include links and their descriptions to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation:

Communities In Schools surrounds students with a community of support, empowering them to stay in school and achieve in life. Our evidence-based approach, adapted to meet each community's unique needs, is the basis for our success.

CIS-SA Model: <https://www.cissa.org/our-work>

CIS-SA EcoMap Toolkit: <https://www.communitiesinschools.org/articles/article/ecomap-toolkit/>

Manpower Demonstration Research Corporation (MDRC) Article 2017: <https://www.mdrc.org/publication/mdrc-s-evaluations-communities-schools>

Using Integrated Student Supports To Keep Kids In School: <https://www.mdrc.org/publication/using-integrated-student-supports-keep-kids-school>

Two Years of Case Management: <https://www.mdrc.org/publication/two-years-case-management>

Making the Grade: Assessing the Evidence for Integrated Student Supports: <https://cms.childtrends.org/wp-content/uploads/2014/05/2014-17ISSPresentation.pdf>

If applicable, reference relevant evidence clearinghouses, amount other sources:

Department of Education - Best Practices Clearinghouse

<https://www.socialsolutions.com/products/apricot-essentials/>



Performance Report

The City has been tracking goals and outcomes by incorporating performance management into its SLFRF-funded programs that utilize existing and new methods. Phase I programs are being monitored through existing methods of collecting information from City departments and compiling results on a quarterly report.

For programs funded as part of Phase II, the City is developing an interactive dashboard to track performance metrics that will be available in the fall of 2023.

PROJECT INVENTORY

Serving our community
and steering it into a
brighter future with our brush.
We seek a healthy barrio con
corazon y conciencia,
Nuestro arte es del
corazon and the barrio's
corazon never skips
a beat.





PROJECT INVENTORY

Overview

This section provides detail of programs funded with SLFRF, which include braided funding from other federal grants and local funds to maximize the impact to the San Antonio community. The following table lists programs funded by SLFRF and illustrates the City’s two-phased strategy.

Initiatives/ Programs Funded with State & Local Fiscal Recovery Funds

Programs (in Millions) ¹	Phase I	Phase II	Adjustments ²	Total
COVID-19 Emergency Response	\$ -	\$50.0	\$ -	\$50.0
Emergency Preparedness	5.0	-	-	5.0
Emergency Medical Services (EMS)	2.1	-	-	2.1
Public Health: SA Forward Plan	5.0	-	-	5.0
Domestic Violence Expansion	7.6	8.8	-	16.4
Mental Health	3.4	26.0	0.3	29.7
Homelessness	0.5	-	-	0.4
Emergency Housing Assistance	4.4	10.0	-	14.4
Residential Utility Assistance	-	30.0	-	30.0
Non-Profit Social Services	-	2.5	-	2.5
Youth	-	10.0	-	10.0
Seniors	-	5.0	-	5.0
311 Customer Service Operations	0.9	-	-	0.9
City Services Navigators	2.7	-	(0.3)	2.4
Arts	2.6	5.0	-	7.6
Small Business	-	26.3	0.5	26.8
Convention & Sports Facilities Operations	48.3	-	-	48.3
Vision Zero	5.2	-	-	5.2
Street Maintenance	9.7	10.0	-	19.7
Bridge Maintenance Program	-	3.8	-	3.8
One-Time Capital Projects	-	32.0	-	32.0
Employee Retention	-	10.0	(0.5)	9.5
Total	\$97.5	\$229.4	\$ -	\$326.9

¹ Reprogrammed and augmented program funds are detailed in the Program Inventory section.

² Reflects City Council action taken on February 15, 2023. With these changes, Phase I amount is revised to \$96.5 Million and Phase II is revised to \$230.4 Million.

Programs

COVID-19 Emergency Response – Phase II – \$50 Million

This allocation supports the City’s response to COVID-19 by providing services to the community and ensuring the City workforce has proper protective equipment and tools. Community services provide testing sites, contact tracing, and vaccine incentives. Support for City employees provides personal protective equipment, employee testing, and vaccine incentives. Resources allocated to the City’s response are estimated to be utilized through FY 2026. Additionally, this allocation supports the administration, reporting, and oversight of ARPA funds from FY 2022 through December 2026.



COVID-19 Community Testing: The San Antonio Metropolitan Health District, referred to as Metro Health, initiated a contract with Community Labs, a local non-profit, to provide COVID-19 tests to San Antonio residents. Community Labs provided testing for 49,356 residents from January 2022 through April 2022. This testing was primarily conducted because of the COVID-19 surge during the winter, and it ended due to a lower number of residents getting tested. Metro Health, the San Antonio Fire Department and Community Labs operated six COVID-19 testing locations in neighborhoods with high COVID-19 index scores. Neighborhoods with high COVID-19 index scores are those with the highest concentration of pre-existing health inequities, COVID-19 cases and COVID deaths.

COVID-19 Contact Tracing: Metro Health initiated a contract with the UT Health School of Public Health Houston, San Antonio Campus (UTSPH Houston) to assist with COVID-19 case investigations. UTSPH Houston trained 50 of their staff to conduct case investigations on positive COVID-19 cases. Case investigations involve notifying the individuals and interviewing to gather information on symptoms, provide isolation guidance, and providing referrals for social resources. All contact investigative efforts are accurately and timely entered into the National Electronic Disease Surveillance System (NEDSS)-based system (NBS). From October 1, 2021, through September 30, 2022, 272,561 cases were assigned for investigation and UTSPH Houston attempted to call each case. UTSPH Houston was able to establish contact with 40,766 individuals and successfully interviewed 38,675 residents.



COVID-19 Vaccine \$100 Gift Card Incentives:

Metro Health began issuing \$100 H-E-B gift cards as an incentive to individuals receiving any COVID-19 vaccine in August 2022. These were issued through the Metro Health’s main immunizations clinic and mobile pop-up clinics coordinated with community stakeholders in neighborhoods with high equity scores. All 10,265 gift cards for this program were issued as of January 2023.

Emergency Preparedness – Phase I – \$5 Million

This allocation provides support to the City’s resiliency to future weather events and other disruption plans for a total investment of \$8.5 million that was included in the FY 2022 budget. This funding will enhance the City’s emergency management and resiliency by adding four community resiliency hubs to be utilized for San Antonio residents during an emergency. These hubs can be used as temporary shelters and for community preparedness events to better equip residents in an emergency event. The City has identified resiliency hub locations and the purchase of generators is in progress. These funds support the purchase of 14 generators for 13 out of the 53 public fire stations and for one services building.

Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
<p>Emergency Response</p>	<ul style="list-style-type: none"> • Four resiliency hubs for the community. • Replace/ add generators to 14 Fire Stations. 	<ul style="list-style-type: none"> • Locations for 4 resiliency hubs have been identified. • Public outreach and marketing plan for resiliency hubs was completed in August. • 4 generators are anticipated to be purchased in October 2022 with delivery by early 2023. The City will be renting 4 generators until the order is received. • 14 generators for the Fire Stations were ordered in June. 	<p>75%</p>



Program	Outcomes Plan - FY 2023	Results October 2022 thru June 2023	% Accomplished
Emergency Response	Install generators at Fire Stations to provide emergency power supply during power disruptions for critical functionalities and to prevent delays to emergency services to the community.	<ul style="list-style-type: none"> • Installation design contracts for the 13 Fire Stations, 1 service building, and 4 community resiliency hubs are being negotiated. • Generators are pending delivery. 	75%

Emergency Medical Services (EMS) Telemedicine – Phase I – \$2.1 Million

This allocation leverages telemedicine technology for Emergency Medical Services (EMS) calls to expand a Clinical Dispatcher Program that increases access to emergency response services through telemedicine with 8 clinical dispatchers. The program frees ambulance and paramedic resources to respond to critical emergencies. This is a multi-year SLFRF investment in FY 2022 and FY 2023.

The Clinical Dispatcher Program is expected to increase access to emergency response services for people of color and low-income communities where approximately 75% of calls are generated by people living in census tracts with higher equity scores.

Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
Clinical Dispatchers	Estimated to receive 7,500 calls through the GoodSAM App.	The clinical dispatchers served 6,871 calls through the GoodSAM app. Through September, the program reduced dispatched medical calls by 4,993 calls, or 73%.	92%

Program	Outcomes Plan - FY 2023	Results October 2022 thru June 2023	% Accomplished
Clinical Dispatchers	Estimated to receive 10,000 calls through the GoodSAM App. Of this, reduce the number of dispatched emergency vehicles by 70%, thereby freeing up San Antonio Fire Department resources for other emergency situations.	The clinical dispatcher served 7,992 calls through the GoodSAM app. Through June 2023, the program reduced dispatched medical calls by 5,873 calls, or 74%.	75%

Public Health: SA Forward Plan – Phase I – \$5 Million

This allocation supports the City’s response to the pandemic-related lessons learned around health disparities, health equity, and social justice, and capitalizes on additional funding for public health. Metro Health developed a community strategic growth plan called SA Forward as an expansion to the department’s strategic plan. This expansion includes additional programs and initiatives in the priority areas of Access to Care, Data & Technology Infrastructure, Food



Insecurity & Nutrition, Health Equity & Social Justice, Mental Health & Community Resilience, and Violence Prevention. This allocation will support some of these initiatives within the SA Forward plan from FY 2023 and FY 2024. The initiatives to be supported by this allocation include Mental Health & Community Resilience, Healthy Neighborhoods Expansion, Project Worth Teen Ambassador, Communications, Operations, Food Policy Assessment, Nutrition Campaign, Nutrition Expansion, a contract with Communities in Schools for Cognitive Behavioral Therapy, Access to Care,

Office of Policy and Civic Engagement, Equity, Informatics Expansion, and a contract with UT Health for Genome Sequencing.

Further information on SA Forward Program, as well as the SA Forward Dashboard, may be accessed at <https://www.sanantonio.gov/Health/AboutUs/SAForward>.

The following table illustrates the City’s SA Forward Plan priority areas and overall progress for the period of October 2022 through June 2023, which has been augmented with this \$5 million investment. The total investment to the SA Forward Plan is \$41.4 million from FY 2023 through FY 2024.



SA Forward Priority Area	Progress from October 2022 – June 2023
<p>Access to Care</p>	<p>CHW Hub – 46% Complete Community Health Workers Hub completed 46 of 100 closed loop referrals on clinical and social services to community members who have been released from the Bexar County Jail.</p> <p>Clinician Ambassadors – 69% Complete 20% of providers will indicate in post surveys an intent to change their practice.</p> <p>Assessment of Access to Care during COVID – 0% Complete Underway by The Health Collaborative and will publish by summer 2023. Four townhalls will be conducted by September 2023.</p> <p>Antiracism and CARE Initiative – 50% Complete Identify 15 CARE Initiative Core Working Group members and facilitate three Core Working Group meetings to initiate the development of CARE assessment criteria.</p>
<p>Data & Technology Infrastructure</p>	<p>Behavioral Risk Factor Surveillance System Surveys (BRFSS) – 100% Complete Contracted with the Texas Department of State Health Services (DSHS) to oversample Bexar County and the rest of the San Antonio Metropolitan Statistical Area. This contract was executed to increase the number of BRFSS surveys in these areas.</p> <p>COVID-19 Next Generation Sequencing – 100% Complete UT Health:</p> <ul style="list-style-type: none"> • Conducted SARS-CoV-2 variant data sequencing • Provided variant surveillance data reports to Metro Health • Updated the public-facing Bexar County SARS-CoV-2 Whole Genome Sequencing Surveillance Dashboard with the most current available data <p>SA Forward Dashboard – 100% Complete Launch a new dashboard designed in partnership with mySidewalk and provides access to over 50 data indicators and allows residents to stay informed about how social determinants of health and the burden of disease are affecting their neighborhoods.</p>
<p>Food Insecurity & Nutrition</p>	<p>Healthy Neighborhoods Program - 51% Complete Completed 919 of 1800 connections to local resources to improve nutrition and physical activity habits among community members.</p> <p>Nutrition Education Campaign – 100% Complete Reached 1 million cumulative impressions for adults to increase nutrition awareness in the south, west, and east San Antonio neighborhoods.</p> <ul style="list-style-type: none"> • 12,960,501 multi-platform impressions, TV, radio, outdoor, digital, streaming radio, and digital streaming platforms. 4 TV long format segments promoting our nutrition program to the San Antonio Community were completed. • Interviews for Viva Health, Diabetes, and Por Vida highlighted program resources for our community during NPHW. Interview ran in various TV station in English and Spanish. They were also shared on social media platforms.



	<p>Community Nutrition Program – 100% Complete</p> <ul style="list-style-type: none"> Assisted one organization to implement policies or standard that improves their nutrition environment. Used a Community Health Worker model to onboard 12 local restaurants in the Por Vida healthy restaurant program to improve the food environment and to work with 12 Viva Health partners to improve knowledge of nutrition and availability of nutrition resources. <p>Diabetes Program – 79% Complete Initiated 33 of 42 in-person workshops (Prevent T2, Diabetes Garage, DEEP, Viva Health) at locations within Council Districts 1 through 7 (6 workshops for each district).</p>
<p>Mental Health & Community Resilience</p>	<p>Project Worth Teen Ambassador Program – 100% Complete</p> <ul style="list-style-type: none"> Initial planning and kick-off meeting with BASE Education took place on March 7, 2023, for the social emotional curriculum. All staff have received training from BASE Education and staff will be implementing the curriculum in the FY 2024 school year. Initiated a contract with Northside Independent School District’s Rudder Middle School to reduce potential barriers for students to participate the community-based Project Worth program group. 50 youth participated as a Teen Ambassador
<p>Health Equity & Social Justice</p>	<p>Office of Health Equity – 75% Complete Secured an external consultant to assess, provide recommendations to enhance the OHE. The consultant has completed the data gathering via focus groups, a review of documents, and meetings with leadership. On April 12, 2023, the consultant presented their findings and recommendations with Metro Health leadership for review and consideration. In addition, staff has initiated the planning process for the second annual Health Equity Symposium which will be held in September 2023.</p>
<p>Violence Prevention</p>	<p>Adverse Child Experiences (ACEs) Trauma Informed Care (TIC) – 70% Complete</p> <ul style="list-style-type: none"> Completed a summary explanation that will inform on “What is TIC” and “Why it is important for the City,” an orientation presentation and manual with glossary for TIC terminology, and creation of a learning series focused on the five (5) principles of TIC in the workplace. Delivered a presentation to department heads in 12 City departments in February 2023 announcing TIC certification and the two City cohorts that will initiate the TIC certification process in 2023. Notifications to the department heads went out in March 2023. The Center of Excellence (CoE) has conducted introductory meetings with four City departments. CoE has scheduled and conducted TI-Certification Orientation and maintains monthly status check-ins and reporting with the Ecumenical Center



Domestic Violence Expansion – Phases I & II – \$16.4 Million

In Phase I, this allocation provides an expansion of services to residents impacted by domestic violence that commenced in FY 2022 with thirty-three additional positions to respond to domestic violence calls, added case management and wrap around services, stronger evaluation and data driven strategies, and enhanced community education initiatives focused on prevention. Additionally, these crisis community advocates will respond alongside police officers on calls related to domestic violence. Of this multi-year SLFRF investment, Phase II continues the funding for this expansion from FY 2024 through FY 2025.

This program provides services and support to any person who experiences domestic violence and contacts 911 or goes to a police station to request help. Staff are assigned to the community based on areas that receive more 911 calls. These areas historically have the greatest concentration of low-income households and marginalized residents. To communicate the availability of these services and better serve the population with limited English proficiency, the City hired bilingual staff including case managers and community health workers and translated and distributed non-English documents.

Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
Domestic Violence Expansion	<ul style="list-style-type: none"> • Provide screening and advocacy for a total of 11,000 clients through Advocates and Case Managers. • Provide direct assistance for 1,000 total survivors of violence. • Complete 50 outreach presentations and host 40 DART/ DAG meetings. 	<ul style="list-style-type: none"> • A total of 11,500 clients received screening and advocacy. • 1,500 individuals received case management services. • 1,785 survivors received direct assistance. • 58 outreach presentations were conducted, and 49 DART/ DAG meetings were hosted. 	100%

Program	Outcomes Plan - FY 2023	Results October 2022 thru June 2023	% Accomplished
Domestic Violence Expansion	<ul style="list-style-type: none"> • Provide screening and advocacy for a total of 11,000 clients through Advocates and Case Managers. • Provide direct assistance for 1,000 total survivors of violence. 	<ul style="list-style-type: none"> • 12,709 clients received screening and advocacy. • 902 individuals received case management services. 	100%

	<ul style="list-style-type: none"> • Complete 50 outreach presentations and host 40 DART/ DAG meetings. 	<ul style="list-style-type: none"> • 1,171 survivors received housing assistance and direct support to purchase food, necessities, and bus/ cab fares. • 53 presentations were delivered, and 41 DART/ DAG meetings were hosted to review high-risk victim cases and develop intervention plans. 	
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Mental Health – Phases I & II – \$29.67 Million

SA CORE Multidisciplinary Response Team – Phase I – \$2.67 Million: This allocation supports the introduction of a pilot program to provide an alternative response to 911 police calls by adding a dedicated multi-disciplinary response team to address mental health calls in one of the six police substations in San Antonio. This is a multi-year SLFRF investment in FY 2022 and FY 2023 and reflects City Council action taken on February 15, 2023.

Launched in April 2022, SA CORE is a partnership between the San Antonio Fire Department (SAFD), the San Antonio Police Department (SAPD), the Center for Health Care Services (CHCS), and The Southwest Texas Regional Advisory Council (STRAC) that enhances the City’s response to mental health calls by having a team comprised of a civilian clinician, a paramedic, and a police officer. The police officer’s role will be to ensure that the scene is safe for



the patient and the other team members. The clinician — provided by the Center for Health Care Services — will perform behavioral health assessments, and the paramedic will address physical health concerns. The SA CORE team serves the Central SAPD Substation which includes downtown and much of the near west and north sides, seven days a week. The team operates 16 hours per day, 7 days per week, 7am-11pm. From July 1, 2022, through June 30, 2023, SA CORE was assigned to a combined total of 1,418 calls for service. Of this, 378 resulted in emergency detentions and 503 were addressed on scene. Furthermore, 32% went to a behavioral health hospital, 36% were resolved in the community, and less than 1% were arrested. The other calls included outcomes, such as unable to locate, transport to medical hospital, and transport to address social needs. Additional positive impacts of the team’s efforts in the community include voluntary admissions for treatment, medical transports, and addressing various social needs.



Based on the results of the first-year pilot program, the City Council has approved two additional teams to be launched in January 2024. These additional teams will provide coverage of the entire City. The City is exploring the possibility of housing clinicians within the 911 call center to assess and screen mental health related calls.

Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
Strengthen Mental Health Response	<ul style="list-style-type: none"> • Provide support for overtime and equipment for the Coordinated On-Scene Response Pilot Program with the City’s Metro Health Department, San Antonio Fire Department, and San Antonio Police Department. • Program goal is to reduce arrests and connect residents to appropriate services. 	<ul style="list-style-type: none"> • The Police, Health, & Fire Departments collaboratively developed and implemented the new San Antonio Community Outreach Resiliency Effort (SA CORE) team. The new team began responding to mental health calls in the Central Service Area on April 18, 2022. • The SA CORE team has responded to 896 calls for service through September. Of those calls only 6 resulted in arrest. 	100%
Strengthen Mental Health Response	<ul style="list-style-type: none"> • Add clinicians to the 911 Floor to better assess mental health calls. 	<ul style="list-style-type: none"> • Positions have been hired and training was completed in August. 	100%

Program	Outcomes Plan - FY 2023	Results October 2022 thru June 2023	% Accomplished
Strengthen Mental Health Response	Provide support for overtime and equipment for the Coordinated On-Scene Response Pilot Program with the City’s Metro Health Department, San Antonio Fire Department, and San Antonio Police Department.	The SA CORE team responded to 989 calls: 364 resolved on scene, 256 emergency detentions, 62 voluntary transport to behavioral health, 48 with social needs addressed by transport, 13 transported by EMS, 46 other outcomes, 98 unable to locate, and 102 canceled.	75%

Mental Health – Phase II – \$27 Million: The City Council designated the Public Safety Committee to oversee the development of the implementation plan for this area. This funding allocation will provide mental health services to youth, older adults, and homeless in partnerships with non-profit organizations through a competitive process. The implementation plan was approved by the Public Safety Committee on August 16, 2022, and the City Council on September 1, 2022. In June and July 2022, a series of community and stakeholder feedback sessions were hosted by the City. There were seven meetings in total: two sessions with faith leaders, two public input sessions, two sessions with mental health providers, and one session with representatives from area school districts.



A Request for Proposals (RFP) for mental health services opened on September 9, 2022, and closed on October 28, 2022. This RFP was for \$22.7 million to partner with non-profits to provide services to the community. Additionally, the City allocated \$3.25 million to existing city programs to expand hours at senior centers and fund an expansion of Stand-Up SA, a violence interrupter program, and Project Worth Teen Ambassadors programs. Evaluation panels comprised of City representatives, people with lived experiences, and subject matter experts from the community met in November 2022 to score the proposals. These evaluation panels recommended \$19.3 million for funding and City Council approved award recommendations on February 2, 2023, with contracts beginning March 1, 2023, and ending February 28, 2025.

The following table summarizes the implementation plan for Mental Health and reflects City Council action taken on February 15, 2023.

Mental Health Programs – Implementation Plan

COVID-19 Impacts	Strategy/ Program Goal	Equitable Outcomes	Performance Indicators	Allocation
Youth: Address the increased social isolation, anxiety, depression, and suicide in school-age youth	Expand access to mental health services for children and youth	Increased access to mental health care for school-aged children and youth ages 12-19	<ul style="list-style-type: none"> • % Children and youth can identify resources for mental health support • % Participating children and youth report a decrease in depression, stress, anxiety and/or suicidal ideation and resources 	\$12.75 M
	Expand Project Worth Teen ambassadors; Expand Stand Up SA	Improved positive social/emotional skills and behavior among SA youth 7th-12th grade	% Participating children and youth report an increase in positive social/emotional skills and behavior	\$0.75 M
	Provide diagnostic services and individual service family plan development for families of children experiencing developmental disorders in coordination with school districts	Increased access for children diagnosed with developmental disorders and coordination with schools	% Reduction in waiting list for children of up to the age of 6 waiting to be diagnosed with a developmental disorder	\$1.50 M



Older Adults: Address the increased social isolation, anxiety, and depression in older adults	Expand navigation programs to connect older adults to mental health resources and referrals	Older adults will have increased awareness of existing programs and access to services for individuals experiencing mental health challenges	% Participating older adults report a decreased anxiety and depression due to social isolation	\$0.50 M
	Social interaction activities/ programs at senior & community sites and citywide. Expand service hours at City's Comprehensive Senior Centers	Improved quality of life for older adults by mitigating social/ emotional issues and isolation	% Increase in participation at City's Comprehensive Senior Centers	\$4.20 M
Homeless: Address the increased homeless population with mental health and substance abuse services	Outreach teams connect chronic and unsheltered veteran homeless population to available mental health, substance use, and housing resources	Improved access to mental health, substance use, and housing resources for those experiencing homelessness	% Chronic veteran homeless connected to federal resources allocated for mental health, substance use, and housing resources	\$2.15 M
	Outreach and Services available to Youth aging out of foster care system	Increased access to services for youth aging out of the foster care system	% Youth connected to services and resources	\$0.41 M
Collaboration: Address behavioral health problems in Bexar County where COVID-19 has exacerbated existing conditions	Collaborate with community partners to establish a framework to serve and align upstream systems and organizations	Improves coordination of services to improve access to community	% Organizations engaged in collaboration	In-Kind Metro Health Staff
	Collaborate with community partners to recommend/ Identify a central phone number to respond to pre-crisis calls from individuals needing support and navigation		% Individuals who call and have needs met	In-Kind Metro Health Staff



<p>Foster & At-Risk Youth: Address the increased mental health needs of youth aging out of foster care and at-risk youth</p>	<p>Expand access to mental health and wrap around services for at-risk youth and youth in or aging out of the foster care system</p>	<p>Increased access to mental health care and wrap around services for at-risk youth and youth who are in or aging out of the foster care system</p>	<ul style="list-style-type: none"> • % Children and youth are able to identify resources for mental health support • % Participating children and youth report a decrease in depression, stress, anxiety and/ or suicidal ideation and resources 	<p>\$3.00 M</p>
<p>Harm Reduction: Increased substance use and overdoses</p>	<p>Connect individuals with substance use concerns to medication and treatment services to improve their well-being, decrease the risk of death, and increase the availability of bystander trainings</p>	<p>Increased access to medication and substance use treatments to improve well-being and decrease the risk of death</p>	<p>% Individuals trained who report improved knowledge in overdose response</p>	<p>\$0.6 M</p>
<p>Caregiver: Address increased responsibility on informal and unpaid caregivers during the COVID – 19 pandemic</p>	<ul style="list-style-type: none"> • Connect caregivers to available resources, education, and training • Improve caregiver access to specialized training and resources for older adults with dementia and other cognitive issues • Fund respite resources for caregivers 	<p>Mitigate increased social and emotional issues exacerbated by COVID – 19 for caregivers to improve the safety and quality of care provided to older adults</p>	<ul style="list-style-type: none"> • % Clients whose caregiver reported increased quality of life and/ or self-sufficiency • % Clients who are homebound and receiving monthly visits from caregivers • % Caregivers accessing caregiver resources and support 	<p>\$0.30 M</p>
<p>Domestic Violence:</p>	<p>In Development: Support for domestic violence prevention and intervention services through DHS’ Human Services Consolidated funding process.</p>		<p>\$1.00 M</p>	
<p style="text-align: right;">Mental Health Total</p>				<p>\$27.20 M</p>

Homelessness – Phase I – \$439 Thousand

This allocation supports the City’s additional \$32.5 million in homelessness funding in FY 2022. Through enhanced support to the South Alamo Regional Alliance for the Homeless (SARAH) to divert households from entering homeless emergency shelters. The program assists individuals and families with immediate needs such as rent, utility assistance, or hotel vouchers to quickly stabilize housing situations.

The City’s homeless prevention programs directly support low-income households to maintain or access stable housing situations when facing economic instability caused by the pandemic. Program design and eligibility focuses resources on the most vulnerable populations, and targeted outreach will aim to further close racial and income gaps.

Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
Homeless Diversion	100 clients will be served under the Diversion Program.	353 people (151 households) were served, which includes 61 single-households and 90 families.	100%

Additionally, the City is enhancing contract monitoring with two positions to monitor and work with non-profit organizations in effectively and efficiently using funding allocated to support the City’s policy priorities and ensure compliance with local, state, and federal regulations and federal grant deliverables. This is a multi-year SLFRF investment in FY 2022 and FY 2023 and reflects City Council action taken on February 15, 2023.

Emergency Housing Assistance – Phases I & II – \$14.4 Million

Housing Stability – Phase I – \$4.4 Million: This allocation supports the total housing investment of \$35.7 million included in the FY 2022 Budget by enhancing housing stability services to help families with programs, such as Owner-Occupied Rehabilitation, Minor Repair, and Under 1 Roof. Additionally, this includes providing funding for Relocation Assistance to aid in risk mitigation. These programs support findings in the San Antonio Housing Policy Framework that address the growing housing affordability gap. This is a one-time SLFRF investment in FY 2022 and FY 2023.



This investment benefits low-income families at or below 80% Average Median Income (AMI), households in historically marginalized areas and those facing eviction, and focuses on ensuring San Antonio residents remain in their current homes and addresses the housing security needs for lower-income households impacted by the COVID-19 pandemic. The City used the Equity Atlas to target outreach efforts in areas of the city with the highest concentration of low-income and communities of color. In addition, the City

leveraged existing community-based organizations and partnerships to ensure that marginalized communities are



aware of the housing rehabilitation and relocation assistance programs. Additional resources are dedicated to conduct outreach in Qualified Census Tracts and census tracts with higher equity scores in the San Antonio Equity Atlas.

Through the application process, residents were selected for assistance for these home rehabilitation programs by utilizing an equity scoring matrix that designated residents with low incomes at or below 80% AMI, which was based on home selection and the combined equity score, redline score, applicant age, disability status and size of the home. Using the scoring matrix prioritized selection of families that resided in census tracts with a higher representation of low-income and communities of color. Additionally, the scoring matrix prioritized seniors and individuals that were disabled. Funding assisted 183 households with their homes – 11 with major rehabilitation, 127 with minor rehabilitation, and 96 with energy efficient roof shingle replacement.

Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
Owner-Occupied Rehabilitation	Approve homes through the Home Rehab Application to assist 11 homes with rehab to address health, safety, and code issues.	11 homes approved and construction completed.	100%
Minor Repair	Approve homes through the Home Rehab Application to assist 100 homes with minor repairs to address health, safety, and code issues.	75 homes approved with 50 scopes of work developed and 27 homes completed with minor repairs.	50%
Under 1 Roof	Approve homes through the Home Rehab application to assist 96 homes with energy efficient roof shingle replacement.	Roof shingle replacement completed for 96 homes.	100%
Relocation Assistance	Assist 80 residents with relocation or with rental/ utility assistance.	Assisted 120 residents with relocation or with rental/ utility assistance.	100%

Program	Outcomes Plan - FY 2023	Results October 2022 thru June 2023	% Accomplished
Owner-Occupied Rehabilitation	Approve 3 homes through the Open Home Rehab Application. Of this, complete a scope of work for 3 homes and begin construction on 3 homes.	3 homes approved with a completed scope of work and under construction.	70%
Minor Repair	Approve homes through the Home Rehab Application to assist 100 homes with minor repairs to address health, safety, and code issues.	100 homes approved with 100 scopes of work developed and 100 homes completed with minor repairs.	100%

Emergency Housing Assistance – Phase II – \$10 Million: This funding augments federal funds allocated through the CARES and ARPA to provide emergency rental and mortgage assistance to San Antonio residents financially impacted by COVID-19.

The City created the Emergency Housing Assistance Program (EHAP) to address these emergency housing needs of the community. The EHAP was created to mitigate the financial hardships associated with the pandemic by providing financial assistance to eligible low-income families who have fallen behind on rent and utilities payments. The EHAP focused on eligibility for families at or below 80% AMI and provided 6 months of assistance for families between 50% to 80% AMI and 9 months for families below 50% AMI. The program focused on distributing funds quickly and to a significant portion of the eligible population.

The City's Neighborhood Housing Services Department distributed assistance to households with the understanding that documentation requirements could potentially prevent or discourage marginalized and vulnerable residents from applying. The program allocated funds to households between 50% to 80% AMI to help households in the lowest income brackets and in need of immediate rental assistance. To ensure a low bar to entry and mitigate any potential disparities, the program provided flexibility in its application process, especially if applicants were experiencing informal banking situations or income volatility. This included self-attestation of COVID-19 hardship as an alternative or submitting a signed letter to explain their situation. To help marginalized residents, including undocumented immigrants in need of emergency rental or utilities assistance, the program accepted an ID issued by state or other country and did not require a social security number from applicants.

This program has been effective in reaching Hispanic/ Latino households through outreach to include offering bilingual help with the application process at libraries in low-income communities, conducting bilingual campaigns, and utilizing advertisements on Spanish-speaking platforms. To date, 74,771 households have been assisted with rental assistance. Of this, approximately 3,726 families were helped with an average assistance of \$2,684 per home with the \$10 million SLFRF allocation. Overall, the average AMI for households assisted was 29.7%. The average age of the households was 39.4 years old. In terms of ethnicity, 59% of households were Hispanic and 36% were non-Hispanic. Of the non-Hispanic, 54% were White, 30% were Black-African American, 0.94% were American Indian, 9% were other/ multi-race, and 5% opted out. Lastly, in terms of education, 45% of heads of households were high school graduates, while 14% had less than a high school education.

Residential Utility Assistance – Phase II – \$30 Million

This allocation provides household utility assistance to aid residents who were financially impacted by the COVID-19 crisis and in need of financial assistance with utility payments in arrears. In November 2021, the City entered into

agreements with CPS Energy, the local electric and gas utility, for a total of \$20 million, and the San Antonio Water System (SAWS), the local water and wastewater utility, for a total of \$10 million.

CPS Energy and SAWS promoted the assistance programs through messages on their websites, television, and print news stories, and by hosting information tables at public resource fairs across San Antonio. The utility companies also promoted the availability of assistance through postcard mailouts and door hangers in geographic areas with lower-income households. Additional outreach included a robo-dialer campaign to ratepayers, an email campaign, service center posters, newsletter articles, and social media communication.

CPS Energy and SAWS developed a simplified application to capture only necessary data for delivering service and compliance reporting, while minimizing barriers to access. In addition, community service representatives operated phone-based applications and accepted in-person consultations at utility service centers. The use of Qualified Census Tracts as a determination of COVID-19 impact reduced barriers to assistance by eliminating the need to complete an application for assistance, thus ensuring continued utility service to the most vulnerable communities within San Antonio.

CPS Energy has served 16,261 residents with bill assistance, of which approximately 70% earned less than 125% of the Federal Poverty Level (FPL). SAWS served 20,124 residents to date, of which approximately 32% earned less than 125% of the FPL. All residents served have demonstrated that they were financially impacted by the COVID-19 crisis through responses to a questionnaire or are currently enrolled in an Automated Discount Program available to residents earning less than 125% of the FPL. Under certain circumstances, utility bill assistance was provided to residents confirmed to reside in a federal Qualified Census Tract and who had outstanding balances on their utility bill accounts incurred during the pandemic.

A balance of \$1.3 million in funds for this program is being redirected from SAWS to CPS Energy to assist additional residents with electric and natural gas utility bills, in a manner described above, and is anticipated to be completed by August 2023.

Non-Profit Social Services – Phase II – \$2.5 Million

This allocation focuses on addressing COVID-19 impacts to non-profit agencies in San Antonio through a two-phased approach. This project is augmented with City funds for a total investment of \$4 million. The City Council designated the Community Health, Environment & Culture Committee (CHECC) to oversee the implementation planning for this area. Over the course of several meetings, CHECC considered the department recommendations, and it was determined to carry out this investment in two phases.

Phase I, totaling \$1.5 million, provides support to immigrant serving organizations and that help noncitizens with services, including but not limited to permanent U.S. residents, undocumented, asylum seekers, and refugees. This phase is funded with City funds. The plan is aimed at creating increased economic security of noncitizens and pathways for citizenship. The implementation plan and associated criteria for distribution was approved by CHECC on May 26, 2022, and the City Council on June 2, 2022.



The City released a Request for Proposals (RFP) to identify immigration service organization providers from June 6 through July 8, 2022. Proposal evaluations were conducted in July 2022, the City Council approved contract awards on September 29, 2022, and two-year contracts began November 2022. The following table shows combined results through May 2023 of the combined programs of the three non-profits agencies funded:

Program	Outcomes Plan - FY 2022	Results November 2022 thru May 2023	% Accomplished
Immigration Services	Assist 445 unduplicated clients and connect them to services.	228 clients assisted and connected to services.	51%
	Assist 35% of clients to apply for a job permit in the U.S.A.	59% of clients assisted have completed and submitted the USCIS I-765 Application for Employment Authorization.	27%
	Increase understanding of community and/ or their legal rights among program participants.	60% of unduplicated program participants have reported increased understanding of their community and/ or their legal rights as a result of these programs.	27%

Results from Phase I indicate that this program has served very low-income residents (77% of them earning less than \$10,000 a year) with a large majority from Hispanic or Latino origin (87%).

Phase II, totaling \$2.5 million, provides support to non-profit organizations to mitigate increased financial hardship and infrastructure needs due to the COVID-19 pandemic, and address economic security for residents. Assistance to non-profits for capacity building and programming support includes funding for operations, to help agencies in recovery and improving organizational resiliency, and the expansion of services to meet new and emerging community needs. Additionally, non-profits will assist residents with access to resources, direct assistance, and training and employment opportunities.



The implementation plan for this phase was presented to CHECC for approval on August 9, 2022, and the City Council for consideration and approval on August 18, 2022. A Request for Proposals (RFP) opened on September 9 and closed on October 28, 2022. Training and technical assistance workshops were held on September 6 and September 8, 2022. The RFP pre-submittal conference was held on September 16, 2022, and additional training and technical assistance workshops were held on September 27 and 30, 2022. Evaluation and scoring of 185 proposals from

100 responsive agencies took place during November 2022. The City Council received a briefing with staff recommendations on January 26, 2023, and approved award recommendations on February 2, 2023. Beginning on March 1, 2023, a total of eleven agency contracts were awarded.

On March 9, 2023, the City Council approved the priorities and plan, with a competitive process (RFP) for Non-Profit Social Services, Youth, and Seniors totaling \$1.67 million to be open from March 13 through April 27, 2023. Of the total RFP amount, \$500 thousand was allocated for Non-Profit Social Services. The pre-submittal conference took place on March 23, 2023, with a training and technical assistance session on March 28, 2023. Evaluation and scoring of proposals took place from May 5 through May 10, 2023. City Council award approval took place on June 14, 2023. These contracts will begin August 1, 2023, and end July 31, 2025.

The following table summarizes the implementation plan for Non-Profit Social Services programs and reflects City Council action taken on February 15, 2023.



Non-Profit Social Services Programs – Implementation Plan

COVID-19 Impacts	Strategy/ Program Goal	Equitable Outcomes	Performance Indicators	Allocation
Phase I – Immigration Services				
<ul style="list-style-type: none"> • Address negative COVID – 19 impacts on economic security for noncitizens • Address decreased opportunities for citizenship that have been adversely impacted by COVID – 19 	<ul style="list-style-type: none"> • Fund navigation and case management services to coordinate access to resources across providers, organizations, and agencies • Provide direct assistance to families in financial crisis (ex: households at risk of homelessness, unexpected financial hardship, etc.) • Connect noncitizens with enrollment assistance for public benefits for which they may be eligible • Connect noncitizens who are legally eligible to work to training and employment opportunities • Provide outreach and education on immigration pathways • Fund legal representation for immigrants at risk of deportation, including parents of U.S. Citizen children, crime victims, victims of domestic violence, trafficking victims, DACA eligible residents, and abused or neglected children 	<ul style="list-style-type: none"> • Families with Improved Financial Security • Increased access to opportunities for improved immigration status 	<ul style="list-style-type: none"> • # of unduplicated clients served (direct assistance, consultation and/ or legal services) • % of eligible clients assisted to apply for a job permit in the U.S.A. • % of unduplicated program participants who report increased understanding of their community and/ or their legal rights as a result of these programs. 	\$1.34 M
Phase II – Capacity Building & Programming Support				
<p>Mitigate increased financial hardship and infrastructure needs for nonprofit organizations impacted by COVID-19</p>	<p>Provide funding to support administration and operations strategies, systems, and/ or structures to assist agencies in recovery and improving organizational resiliency</p> <p>Provide access to capital funding to support expansion of services to meet new and emerging community needs</p>	<p>Address immediate and systemic needs impacted by COVID – 19 to improve resiliency and long-term sustainability particularly for small organizations disproportionately impacted by COVID– 19</p>	<ul style="list-style-type: none"> • % Agencies reporting improved resiliency • % Increase in grant and fundraising revenue • % Increase in residents connected to enhanced programming 	\$2.00 M



	Fund initiatives to strengthen pool of capacity building within organizations and the larger community	Connect non-profits disproportionately impacted by COVID – 19 with capacity building resources	% Trained capacity builders completing capacity building projects in community organizations	
Address decreased economic security for residents	Fund navigation and case management services to coordinate access to resources across providers, organizations, and agencies	Strengthen safety net to support family stability and improve financial security for families struggling with financial hardships due to the pandemic	% Families enrolled and accepted into public benefits programs	\$1.00 M
	Provide direct assistance to families in financial crisis (ex: households at risk of homelessness, unexpected financial hardship, etc.)		% Families in financial crisis that are stabilized	
	Connect individuals who are unemployed or under employed to training and employment opportunities		% Enrolled individuals obtaining a better job within 90 days of program completion	
Non-Profit Social Services Total				\$4.34 M

Youth – Phase II – \$10 Million

Through this allocation, agencies will provide support to youth serving organizations to address decreased education and career opportunities, offer higher education and workforce training, enhance access to STEM & STEAM, and provide enrichment to support school readiness and long-term success. The City Council designated the Economic & Workforce Development Committee (EWDC) to oversee the implementation planning for a total of \$10 million for Youth. The implementation plan for this allocation was approved by the EWDC on June 24, 2022, and was brought before the City Council for consideration and approval on August 18, 2022. The City's Department of Human Services (DHS) held four stakeholder feedback sessions in May 2022 attended by 42 youth-serving organizations and key partners. In addition to these meetings, DHS met with over 30 youth from seven youth organizations and focus groups with 22 youth who had aged out of the foster care system. The purpose of these sessions was to share community and City Council input, gather suggestions on proposed funding priorities and goals, and finalize performance indicators.



In addition to community stakeholder meetings and conversations, DHS is working with UP Partnership - Excel Beyond the Bell, which is a collaborative of out-of-school organizations to increase coordination of local investments and shared community goals for youth related to education success and career pathways. This alignment and coordination will continue beyond release of the competitive process and funding

awards to foster innovative and best practices, collaborative services, and reduce duplication. The coordination will also ensure development of uniform guidance on how to better support students with disabilities, homeless youth, and youth aging out of foster care.

A Request for Proposals (RFP) opened on September 9 and closed on October 28, 2022. Training and technical assistance workshops were held on September 6 and September 8, 2022. The RFP pre-submittal conference was held on September 16, 2022, and additional training and technical assistance workshops were held on September 18 and 19, 2022. Evaluation and scoring of 185 proposals from 100 responsive agencies took place during November 2022. The City Council received a briefing with staff recommendations on January 26, 2023, and approved award recommendations on February 2, 2023. Beginning on March 1, 2023, a total of twenty-eight agency contracts were awarded.

On March 9, 2023, the City Council approved the priorities and plan, with a competitive process (RFP) for Non-Profit Social Services, Youth, and Seniors totaling \$1.67 million to be open from March 13 through April 27, 2023. Of the total RFP amount, \$674 thousand is allocated for Youth services. The pre-submittal conference took place on March 23, 2023, with a training and technical assistance session on March 28, 2023. Evaluation and scoring of proposals took place between May 5 and May 10, 2023. City Council award approval took place on June 14, 2023. These contracts will begin August 1, 2023, and end July 31, 2025.



The following table summarizes the implementation plan for Youth programs and reflects City Council action taken on February 15, 2023.



Youth Programs – Implementation Plan

COVID-19 Impacts	Strategy/ Program Goal	Equitable Outcomes	Performance Indicators	Allocation
Decrease in youth involvement	Set aside \$100,000 for the San Antonio Youth Commission to evaluate and develop funding recommendations to address youth needs	<ul style="list-style-type: none"> • Amplify youth voice through participation in civic process • Ensure funded programs meet the needs of youth impacted by COVID-19 	<ul style="list-style-type: none"> • # Youth participating in civic processes • % Impacted youth connected to resources and support 	\$0.10 M
Lack of education and career opportunities for youth transitioning out of or at risk for gang involvement	<ul style="list-style-type: none"> • Support mentorship and internship programs coupled with specialized case management support • Fund second chance employment programs to connect youth transitioning out of or at risk of gang involvement • Create coaching and mentoring supports for youth entering skills training or the workforce for the first time • Increase diverse education pathways, including secondary education, for disengaged youth 	Develop targeted prevention programs that offer positive pathways for education & employment opportunities	<ul style="list-style-type: none"> • # Youth engaged through outreach activities • % Engaged youth enrolling in prevention programs • % Gang or justice involved youth connecting to education and employment • % Youth maintaining employment six months after program completion 	\$0.75 M
Lack of higher education, workforce training, and supportive services for youth who are aging out of the foster care system	<ul style="list-style-type: none"> • Create access to individualized education and workforce counseling and planning for youth aging out of the foster care system • Expand support and wrap around services for foster youth who are working towards their education and workforce goals • Provide paid internship and apprenticeship opportunities to support workforce 	<ul style="list-style-type: none"> • Improve access to basic services including housing, education supports, and coaching to support attainment of education and career goals • Increase foster youth participation in City and City funded programs 	<ul style="list-style-type: none"> • # Foster youth engaged through outreach Activities • % Foster youth enrolling and receiving benefits and resources • % Engaged foster youth enrolling in college or Employment • # Foster youth participating in City-funded internship and apprenticeship programs 	\$1.76 M



	readiness and specialized skill development	<ul style="list-style-type: none"> • Increase college enrollment 		
Increase in number of Opportunity Youth and Homeless Youth	<ul style="list-style-type: none"> • Expand existing Opportunity Youth programs that focus on education and workforce readiness • Provide supports to address barriers to education and workforce attainment • Provide incentives for participation and retention in education and internship/ apprenticeship • Provide paid internship and apprenticeship opportunities to support workforce readiness 	<ul style="list-style-type: none"> • Increase the number of opportunity youth connected to education and employment opportunities • Decrease youth experiencing homelessness 	<ul style="list-style-type: none"> • # Youth connected to education and employment opportunities • # Youth completing high school equivalency • # Opportunity youth participating in paid internship and apprenticeships • % Decrease in youth experiencing homelessness 	\$3.32 M
Decrease in access to STEM, STEAM, and other enrichment activities for youth to support school readiness and long-term success	<ul style="list-style-type: none"> • Increase access to high quality After School and Summer Programs that incorporate STEM, STEAM, and education/ career exploration activities • Provide transportation support to programs to support student attendance who have a transportation barrier 	<ul style="list-style-type: none"> • Expand and enhance high quality out-of-school opportunities focused on academic loss, developmental relationships, and enrichment activities • Decrease staff to student ratios 	<ul style="list-style-type: none"> • # Youth engaged in outreach • # Youth enrolled in after school and summer programs • % Participating youth with 90% attendance • % Youth receiving “digital badges” for career exploration and post-secondary planning 	\$4.50 M
Youth Total				\$10.43 M

Seniors – Phase II – \$5 Million

Through this allocation, agencies will assist older adults by connecting them with community services and resources, neighborhood-based access to food, transportation services, workforce training, employment, and volunteer opportunities. Additionally, caregivers servicing older adults will be connected to resources, education, and training. The City Council designated the Community Health, Environment & Culture Committee (CHECC) to oversee the implementation planning for this area. The implementation plan for this allocation was brought to CCHEC on August 9, 2022, and the City Council approved the implementation plan on August 18, 2022.

The Department of Human Services (DHS) held three stakeholder feedback sessions from April 27 through May 13, 2022. The purpose of these sessions was to share community and City Council input, gather suggestions on proposed funding priorities and goals, and finalize performance indicators.



A Request for Proposals (RFP) opened on September 9 and closed on October 28, 2022. Training and technical assistance workshops were held on September 6 and September 8, 2022. The RFP pre-submittal conference was held on September 16, 2022, and additional training and technical assistance workshops were held on September 18 and 19, 2022. Evaluation and scoring of 185 proposals from 100 responsive agencies took place during November 2022. The City Council received a briefing with staff recommendations on

January 26, 2023 and approved award recommendations on February 2, 2023. Beginning on March 1, 2023, a total of thirteen agency contracts were awarded.

On March 9, 2023, the City Council approved the priorities and plan, with a competitive process (RFP) for Non-Profit Social Services, Youth, and Seniors totaling \$1.67 million to be open from March 13 through April 27, 2023. Of the total RFP amount, \$500 thousand is allocated for senior services. The pre-submittal conference took place on March 23, 2023, with a training and technical assistance session on March 28, 2023. Evaluation and scoring of proposals took place between May 5 and May 10, 2023. City Council award approval took place on June 14, 2023. These contracts will begin August 1, 2023, and end July 31, 2025.

The following table summarizes the implementation plan for Non-Profit Social Services programs and reflects City Council action taken on February 15, 2023.



Seniors Programs – Implementation Plan

COVID-19 Impacts	Strategy/ Program Goal	Equitable Outcomes	Performance Indicators	Allocation
Mitigate increased social isolation for older adults disproportionately impacted by COVID - 19	<ul style="list-style-type: none"> • Provide funding to support community – based transportation access (ex: senior centers, doctor’s appointments, errands, etc.) • Fund non-center-based programming to reduce social isolation for seniors with mobility issues • Connect older adults to volunteer, workforce training, and employment opportunities 	Connect older adults with barriers exacerbated by COVID - 19 to community services and resources	<ul style="list-style-type: none"> • % Connected and accessing reliable transportation • % Reporting increased social, emotional and/ or physical health • % Enrolled individuals obtaining a better job within 90 days of program completion 	\$2.14 M
Address increased older adult food and resource insecurity exacerbated by COVID - 19	<ul style="list-style-type: none"> • Fund neighborhood-based access to food and commodities • Fund navigation and case management services to coordinate access to resources for home-bound seniors • Provide direct assistance to older adults in financial crisis (ex: households at risk of homelessness, unexpected financial hardship, etc.) • Connect working older adults who are unemployed or under employed to training, employment, and volunteer opportunities 	Alleviate increased cost and scarcity of resources for older adults with financial constraints	<ul style="list-style-type: none"> • % Reporting improved food security • % Enrolled in and accessing public benefits and resources • % Financial crisis that are stabilized • % Enrolled individuals obtaining a better job within 90 days of program completion 	\$2.23 M
Address increased responsibility on informal and unpaid caregivers during the COVID – 19 pandemic	<ul style="list-style-type: none"> • Connect caregivers to available resources, education, and training • Improve caregiver access to specialized training and resources for older adults with dementia and other cognitive issues • Fund respite resources for caregivers 	Mitigate increased social and emotional issues exacerbated by COVID – 19 for caregivers to improve the safety and quality of care provided with	<ul style="list-style-type: none"> • % Reporting increased social, emotional and/ or physical health • % Reporting increased awareness of resources and supportive services • % Increased access respite care resources and support 	\$1.05 M
Seniors Total				\$5.42 M



311 Customer Service Operations – Phase I – \$919 Thousand

With this allocation, the City’s 311 Call Center is being enhanced with seven customer service positions to increase efficiency and satisfaction in customer service when responding to requests for information from residents. This is a multi-year SLFRF investment in FY 2022 and FY 2023.

The 311 Customer Service line plays a critical role in connecting and dispersing vital information to San Antonio residents as we continue to respond to pandemic matters and ongoing recovery efforts. The use of funds expands staffing to support the City of San Antonio’s 311 Call Center in responding to the growing need of language accessibility for non-English speaking residents.

By increasing staffing, the desired outcome is to improve response times and reduce abandonment rates by 4% for Spanish-speaking residents who utilize the 311 Call Center. In FY 2021, 311 received 73,917 Spanish calls, answering 79% of the calls. In FY 2022, 311 received 49,160 Spanish calls, answering 95% of the calls. In FY 2023, 311 has received 41,071 Spanish calls, answering 97% of the calls.

Additionally, the 311 Customer Service Office has translated the City’s promotional material to Spanish and is also scheduled to launch an Interactive Voice Recognition (virtual assistant) on the City’s 3-1-1 line on July 1, 2023. The virtual assistance will also be available in Spanish to provide information on frequently asked questions regarding City services.

Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
311 Customer Service	4 Customer Service Supervisors and 42 Customer Service Representatives will receive 912,544 total calls and answer 876,042 calls, or 96%.	4 Customer Service Supervisors and 42 Customer Service Representatives received 785,009 total calls and answered 730,882 calls, or 93%.	100%

Program	Outcomes Plan - FY 2023	Results October 2022 thru June 2023	% Accomplished
311 Customer Service	The 311 Call Center is projected to answer 96% of the projected 832,500 calls, of which 6% of the calls received are Spanish calls.	<ul style="list-style-type: none"> • 615,507 calls received with 92% answered. • 41,071 Spanish calls received and answered, 97% of those calls during this same period. 	75%

City Services Navigators – Phase I – \$2.4 Million

This allocation supports a navigator program to assist older adults, families, and individuals. Older adults will be connected to financial counseling services focusing on issues facing older adults including identity theft, scams, and reverse mortgages. Families will be assisted with fair housing and housing navigation services, and homeless individuals will be connected to services, including shelter, mental health, domestic violence, and job training resources. This is a multi-year SLFRF investment in FY 2022 and FY 2023 and reflects City Council action taken on February 15, 2023.



As the City began its response to the pandemic, the City realized that the community needed assistance in navigating the many services available in San Antonio provided by local, federal, and non-profit agencies. In response to this need, the City added community navigators to connect residents to services in financial counseling, safety net, mental health, domestic violence, and job training resources. This program bridges gaps for individuals, families, and older adults experiencing severe financial stress and homelessness. The community navigators also

assist with homeless shelter diversion, street outreach resources, and benefits navigation that serve low-income households, including older adults experiencing housing instability due to the direct and indirect effects of COVID-19.

The Department of Human Services' Homeless Benefits Navigator and Older Adult Financial Security programs have served more than 22,000 residents since October 2021. Approximately 90% of clients receiving Benefits Navigator assistance and 85% of older adults receiving financial counseling had incomes under 125% of the Federal Poverty Level (\$33,125 for a household of four). Of the residents accessing Benefits Navigator social service referrals and application assistance were an estimated 30% African American, and 17% of older adults accessing financial counseling were African American. Furthermore, approximately 30% of Benefits Navigator clients are primarily Spanish speakers. The Homeless Benefits Navigator program served 19,163 residents from January 2022 through June 2023. The most requested services are for help on applications for residential utility assistance, rental assistance, mortgage assistance, and emergency food assistance. The Older Adults Financial Security program provided benefits navigation assistance to 8,031 older adults, of which 3,049 also received financial counseling.

Since October 2021, the community navigator programs have conducted outreach presentations at nearly 210 community meetings, including neighborhood associations, senior centers, emergency shelters, new home buyer



classes, and other resource fairs. These presentations included over 2,900 attendees. The programs were also presented to multiple professional groups, including presentations to 27 San Antonio Public Library branch managers and community trainers that share resources with residents across the community; to 23 staff members of San Antonio Independent Living Skills (SAILS) who will in turn share program information with residents living with disabilities; to the South Texas Silver Sabbath and Community Board Symposium, which included attendees from over 20 agencies serving older adults in the San Antonio area; and to the Bexar County Elder Abuse and Exploitation Task Force Meeting, which included staff representing the Alamo Area Agency on Aging, Texas Department of Family and Protective Services, Bexar County Court System, Gonzaba Foundation, San Antonio Police Department Fraud/ Elder Crimes, UT Health Science Center, and the Texas Senate Office. All are working in conjunction for the prevention of elder fraud abuse. The Homeless Benefits Navigator and Older Adult Financial Security programs make referrals to the organizations represented in these presentations and receive referrals from them to better serve low-income residents, older adults, and residents living with disabilities.

Every Benefits Navigator on staff is bilingual in English/ Spanish, and more than half of the Financial Counselors are bilingual, as well. Most services provided in the two programs are conducted via telephone-based appointments, which residents have found to be an easier and more convenient than driving or taking the bus for in-person assistance. In-person consultations for both services remain an option for those who wish to utilize it.

Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
Homeless Navigators	Assist 3,000 unduplicated clients and connect them to services.	Assisted 19,106 residents with benefits navigation services, exceeding the estimated FY 2022 annual target of 3,000 unduplicated individuals.	100%
Financial Security Benefits Navigators for Older Adults	Assist 700 clients.	Assisted 929 older adults with financial counseling services.	100%

Program	Outcomes Plan - FY 2023	Results October 2022 thru June 2023	% Accomplished
Homeless Navigators	Assist 15,000 unduplicated clients and connect them to services.	4,557 residents assisted with benefits navigation assistance.	30%
Financial Security Benefits Navigators for Older Adults	Assist 1,300 Older Adults with financial counseling and/ or benefits navigation assistance.	2,440 older adults served with financial counseling and/ or benefits navigation assistance.	100%

Arts – Phases I & II – \$7.6 Million

In Phase I, the Department of Arts & Culture was allocated \$2.6 million to maintain the funding for arts agencies and department operations supported by the Hotel Occupancy Tax (HOT) Fund at 2019 levels. Additionally, in Phase II, the City Council allocated \$5 million to fund arts agencies and designated the Community Health, Environment & Culture Committee (CHECC) to oversee the implementation for Arts. The Department of Arts & Culture developed an implementation plan known as ARPA 4 Arts, which provided grants to non-profits and individual artists disproportionately impacted by the COVID-19 pandemic.



CHECC considered the recommendation over the course of two meetings and the plan, which the San Antonio Arts Commission approved on May 6, 2022, was approved on May 10, 2022. On June 2, 2022, the City Council provided approval of the ARPA 4 Arts implementation plan. On September 13, 2022, the San Antonio Arts Commission voted to approve funding recommendations, which the City Council approved on September 29, 2022.

The ARPA 4 Arts program provides grants to assist individual artists with housing/ living expenses, professional development, and support of artistic careers, including equipment, materials, and rent. Non-profits may use grant funds to mitigate financial hardship, including supporting payroll costs, operations and maintenance of equipment and facilities, technical assistance, and COVID-19 mitigation and infection prevention measures. The Department of Arts & Culture will manage this program for individual artists and non-profit arts organizations to help them be more resilient and thrive beyond the pandemic.

Of the applications received for the Non-profit arts organizations, 46 out of 54 were eligible, and 11 of those respondents were culturally specific organizations. These eligible organizations reported a combined loss of \$47 million due to the pandemic.

Respondents reported that awards would be used to fund the following spending categories.



Use of Funds	Payroll	Existing Programs	New Programs	Facilities / Equipment	Business Planning	Technical Assistance	COVID-19 Prevention
# of Applicants	39	38	24	17	16	12	11
% of Applicants	85%	83%	52%	37%	35%	26%	24%

Of the applications received for the Individual Artist Grants, 136 out of 151 respondents were deemed eligible, reporting a total loss of \$3.5 million due to the pandemic. Of the eligible respondents, 24 individuals received a priority score of between 75 and 100, 56 individuals received a priority score of between 50 and 74, and 38 individuals received a priority score of between 25 and 49. These individual applicants reported that awards would be used to fund the following spending categories.

Use of Funds	Housing / Living Expenses	Creation of New Works	Professional Development	Artistic Performances
# of Applicants	119	109	97	76
% of Applicants	87.50%	80.15%	71.32%	55.88%

Contract initiation and funds disbursement for all awards took place from October through November 2022. A total of 182 grants were dispersed, of which 136 went to individual artists with awards ranging from \$7,200 to \$7,500. Grant awards to 46 non-profit arts organizations were based on a percentage of the organization’s operating budget. Non-profit arts organizations with a culturally specific mission and programming received an additional 20% award. Post-award surveys and final reports are being conducted to evaluate the impact of the ARPA 4 Arts program, for both awarded non-profit arts organizations and individual award recipients, between December 2022 and December 2026. Through June 30, 2023, four arts organizations and 64 artists have completed their post-award reports.

The following table summarizes the implementation plan for the Arts program.



Arts Program – Implementation Plan

COVID-19 Impacts	Strategy/ Program Goal	Equitable Outcomes	Performance Indicators	Allocation
<ul style="list-style-type: none"> • Arts non-profits & artists were disproportionately impacted by COVID-19 • The Arts experienced financial hardships from revenue losses • 18% decrease in employment • 16% decrease in creative economy 	<ul style="list-style-type: none"> • Develop grant program for arts non-profits & artists • Support non-profits' operational costs, strategic planning & COVID-19 mitigation • Support artists' housing/ living expenses, professional development, & artistic career 	<ul style="list-style-type: none"> • Disproportionally impacted communities prioritized in funding policy • Arts agencies & artists thrive beyond the pandemic • Residents & visitors connected & engaged with local artists & arts programming • San Antonio's reputation as a top arts & tourist destination reinforced 	<ul style="list-style-type: none"> • At least 133 artists will receive grants • At least 40 non-profit arts organizations will receive grants • 75% of non-profits receiving grants are more financially resilient as a result • 50% of artists receiving grants created new works and performances 	\$5.00 M
			Arts Total	\$5.00 M

Small Business – Phase II – \$26.8 Million

This allocation focuses on addressing the immediate needs of small business owners to help them recover from the negative economic impacts of the COVID-19 pandemic and achieve long-term resiliency through a two-phased approach. This total investment of \$32.44 million is augmented with City funds and reflects City Council action taken on February 15, 2023.

The City Council designated the Economic & Workforce Development Committee (EWDC) to oversee the implementation planning. The EWDC considered the Small Business Advisory Commission (SBAC) Small Business Implementation Plan recommendation over the course of several meetings and approved the plan on June 15, 2022. On June 23, 2022, the City Council provided approval of a two-phase implementation plan.

Phase I, totaling \$17.63 million, took place from July 2022 through January 2023 with a focus on the deployment of the COVID Impact Grants program to provide access to capital, and the associated outreach and technical assistance. Applications were open from August 1 through August 22, 2022, and the program concluded on January 13, 2023.

- Through the COVID Impact Grants program, the City provided meaningful and efficient support to small businesses that continue to work toward recovery from the economic strife caused by the public health crisis and secondary impacts associated with the COVID-19 pandemic. A total of \$15.6 million was awarded to 524 individual small businesses in San Antonio. Nearly 88% of those awarded were microbusinesses of ten employees or less. Additionally, businesses in nineteen City-initiated construction zones were eligible for an additional \$10,000 supplement. Of the 160 businesses located in City construction zones that received grants, 135 received the additional \$10,000 supplement.

Phase II, totaling \$14.8 million, is in progress and consists of the deployment of the COVID-19/ Construction Recovery Grants Program and small business programs focused on Access to Capital (Growth Fund), Capacity Building, Ecosystem Enhancements, and Localism.

A solicitation for the small business programs began August 2022 and City Council approval was completed April 2023. Programming began April 2023 and runs through December 2025.



- The implementation of programs in the Geographic Placemaking strategy coincided with the completion of the Economic Development Department's (EDD) Strategic Framework Initiative. The Strategic Framework and Work Plan was approved by the City Council on October 20, 2022.
- The COVID-19/ Construction Recovery Grants program provided financial support in the form of grants to small businesses whose economic recovery from the pandemic has been prolonged by long-term construction projects. Eligible businesses are those micro and small business owners who suffered revenue losses from the COVID-19 pandemic and whose businesses are in an area impacted by City-initiated construction projects that began after January 1, 2020, have a projected project duration of at least twelve months and are ongoing as of December 1, 2022. Administered by LiftFund, the program approved \$2.45 million in grants for 91 for-profit small businesses, with grants ranging from \$10,000 up to \$35,000. The application period was open from February 13 through February 28, 2023, and had a total of 219 submitted applications. Award notifications began March 17, 2023, and completed June 2023.
- Regarding the Strategic Framework and Work Plan, EDD worked to finalize the program plan for the Geographic Placemaking strategy, including executing a contract with Main Street America (MSA) for the Corridor Program Pilot. The application period ran from March 20 through May 1, 2023. There were 12 applications received and scored; however, many of the applications were for areas too large to make the funds effective and did not have the organizational capacity to support the program. In response, EDD and MSA are collaborating to propose a new path to support community-based economic development through training, education, networking, and capacity building.

The San Antonio Small Business Corridor Revitalization Network will be a nine-month economic development leadership training program that provides individuals working to strengthen San Antonio's commercial corridors with tools, experiences, and networks they need to develop new ways to lead change through their commercial corridor change projects.

The Façade Improvement Program and the Outdoor Spaces Program applications opened July 10, 2023, and closed on September 8 and September 1, 2023, respectively. An extended application window and a robust outreach plan were crafted with equity in mind to provide greater opportunity to reach small business owners, who are normally harder to contact, thereby increasing their chances of applying.



The following table provides a summary of investments by identified priority and reflects City Council action taken on February 15, 2023.

Strategy/ Program	Amount
Access to Capital	\$22.12 M
COVID Impact Grants - \$17 Million	
COVID Impact Grants Outreach and Marketing - \$625K	
Growth Fund Grants/Programming - \$750K	
COVID/ Construction Recovery Grants - \$3.75 Million	
Capacity Building	\$1.60 M
Launch SA Improvements - \$300K	
Back Office Support Program - \$750K	
Web Presence Program - \$550K	
Ecosystem Enhancements	\$3.00 M
Implementation of Pillars Identified in the SA Ecosystem Report	
Localism	\$475 K
Buy Local Program Implementation & Operations Support	
Geographic Placemaking	\$5.25 M
Operation Facelift - \$3.0 Million	
Outdoor Spaces Program - \$1.25 Million	
Corridor Program Pilot - \$1.0 Million	
Total	\$32.44 M

The strategies and programs in this investment address solutions, both short-term and long-term, for businesses to recover from the negative impacts of the COVID-19 pandemic and achieve long-term resiliency. Long-term resiliency requires intentional investment and strategies to build infrastructure and support in coordination with immediate relief.

The following table summarizes the implementation plan for Non-Profit Social Services programs. For additional detail, the full implementation plan can be found in the Appendix.



Small Business Programs – Implementation Plan

COVID-19 Impacts	Strategy/ Program Goal	Equitable Outcomes	Performance Indicators	Allocation
Impact of pandemic accelerates trends in small business digital inclusion, access to flexible financial capital, technical assistance, and space needs	COVID Impact Grants - Phase I (SBAC Priority: Access to Capital)	Increased opportunity and access to capital for underserved groups with a focus on Black- and Latino-owned businesses	<ul style="list-style-type: none"> • # Jobs created • # Grants approved • # Jobs retained 	\$17.00 M
	COVID Construction Recovery Grants - Phase II (SBAC Priority: Access to Capital)	Provide small business support in recovery and resiliency within major, City-initiated construction zones	<ul style="list-style-type: none"> • # Jobs created • # Recovery Grants approved • # Jobs retained 	\$3.74 M
	COVID Impact Grants - Phase I Outreach & Marketing (SBAC Priority: Access to Capital)	Businesses in the hardest-to-reach areas and the most historically underserved have increased opportunity to successfully apply for and receive a grant	<ul style="list-style-type: none"> • Grant awardee demographics • # Businesses that stay open after receiving grant 	\$0.63 M
	Web Presence Program - Phase II (SBAC Priority: Capacity Building)	Identify and address barriers to create opportunities for business owners	<ul style="list-style-type: none"> • \$ Revenue • \$ Growth 	\$0.55 M
	Launch SA Improvements - Phase II (SBAC Priority: Capacity Building)	Coordinated and sustainable small business ecosystem that serves as a safety net during future economic downturns	<ul style="list-style-type: none"> • # Program Participant • Participant business failure rate 	\$0.30 M
	Operation Facelift 2.0 - Phase II (SBAC Priority: Geographic Placemaking)	Strengthened connection between people and the places they share	<ul style="list-style-type: none"> • \$ Revenue • \$ Invested in corridors 	\$3.00 M
	Outdoor Spaces Program - Phase II (SBAC Priority: Geographic Placemaking)	Improvements to the exteriors of commercial areas and the revitalization of commercial corridors	<ul style="list-style-type: none"> • # Jobs created • # Jobs retained 	\$1.25 M



	Corridor Program Pilot - Phase II (SBAC Priority: Geographic Placemaking)			\$1.00 M
Small Businesses, in particular Black- and Latino-owned, have disproportionately lower access to financial capital to sustain or grow operations during the pandemic	Growth Fund - Phase I (SBAC Priority: Access to Capital)	<p>Increased opportunity and access to capital for underserved groups with a focus on Black- and Latino-owned businesses</p> <p>Identify and address barriers to create opportunities for business owners</p>	<ul style="list-style-type: none"> • # Jobs created • # Jobs retained • \$ Revenue 	\$0.75 M
Business Development Organizations struggle to reach businesses to provide assistance	Implementation of Pillars Identified in the SA Ecosystem Report - Phase II (SBAC Priority: Ecosystem Enhancements)	<p>Increased opportunity and access to capital for underserved groups with a focus on Black- and Latino-owned businesses</p> <p>Identify and address barriers to create opportunities for business owners</p>	<ul style="list-style-type: none"> • \$ Leveraged from other funding sources • \$ Capital demand • # & \$ CDFI Loans • # & \$ Bank Loans 	\$3.00 M
Small Businesses without adequate back-office functions struggle to access recovery funding and other assistance programs	Back Office Support Program - Phase II (SBAC Priority: Capacity Building)	Identify and address barriers to create opportunities for business owners	<ul style="list-style-type: none"> • # Jobs created • \$ Revenue 	\$0.75 M
Secondary effects of the impact of pandemic on hospitality industry felt by other small business sectors due to lack of local demand	Buy Local Implementation - Phase II (SBAC Priority: Localism)	Support for production and consumption of local goods while promoting local history, culture, and identity	<ul style="list-style-type: none"> • Buy local multiplier • Shift in consumer behavior and sentiment 	\$0.47 M
Small Business Total				\$32.44 M



Convention & Sports Facilities Operations – Phase I – \$48.3 Million

This allocation was used to stabilize the City's budget. COVID-19 had an unprecedented impact on the Hotel Occupancy Tax (HOT) Fund with revenues declining by 44% in FY 2020. In April of 2020, the City Manager implemented a hiring freeze due to budgetary and service impacts resulting in the furlough of 266 employees from departments funded by the HOT Tax and by revenues derived by the Convention Center and the Alamodome. SLFRF has been critical to support the operations of the Convention Center and Alamodome.

In FY 2021, the City utilized \$12.7 million for the purposes of providing support to the HOT Fund to ensure continuity of vital government services. In FY 2021, SLFRF was utilized to support the cost of operations for the Convention Center and the Alamodome due to a decline in tourism and conventions activities that occurred. Additionally, SLFRF supported the return of employees at the Convention Center.

The City has designated \$35.6 million from FY 2022 through 2024 to ensure continuity of vital government services to support the cost of operations for the Convention Center and Alamodome.

Vision Zero – Phase I – \$5.2 Million

This allocation provides funding for Vision Zero pedestrian safety improvements which are supported by traffic studies, data collection and analysis. These improvements include the design and construction of mid-block crossings along seven corridors and are intended to address severe pedestrian injury areas, which were identified by the City's Vision Zero 2020 Severe Pedestrian Injury Report. The projects will take place in areas of persistent poverty, which are disproportionately impacted by severe pedestrian injuries and fatalities. The safety improvements will facilitate crossings to places that people want to go but that are not well served by the existing traffic network.

The Transportation Department contracted consulting services to perform traffic studies in the previously identified High Injury Network (HIN) corridors in San Antonio. Of the twenty-eight locations evaluated, twenty-two warranted installation of corridors' Pedestrian Hybrid Beacon (PHB) mid-block crossings, which would help prevent pedestrian crashes. Of the twenty-two locations warranting installation of a mid-block crossing, twelve locations will be funded through SLFRF and leveraging of other grant funds.

A competitive solicitation is open for on-call engineering and planning services to continue the design of these mid-block crossings and enter into construction contracts. City Council consideration is anticipated in August 2023 with construction anticipated to be complete in FY 2025.



Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
Vision Zero Pedestrian Crossing	The Transportation department anticipates to complete design for all 28 Vision Zero locations, continue construction, and begin Severe Pedestrian Injury Area Report data collection.	6 locations are being coordinated with the 2022 Bond Project. 14 locations are in the design process and will begin construction in FY 2023. The remaining 8 locations will begin construction in FY 2024. The scope of work for the Severe Pedestrian Injury Area Report is still in progress with the consultant.	35%

Program	Outcomes Plan - FY 2023	Results October 2022 thru June 2023	% Accomplished
Vision Zero Pedestrian Crossing	The Transportation department anticipates to complete design for all 28 Vision Zero locations, continue construction, and begin Severe Pedestrian Injury Area Report data collection.	Traffic studies and data collection were conducted to identify 22 mid-block crossings. Due to leveraging of funds, funding was secured for a total of 12 crossings to be complete in FY 2025.	38%

Street Maintenance – Phases I & II – \$19.7 Million

Street Maintenance Program – \$9.7 Million: This allocation supports the City’s FY 2022 total investment of \$110 million in street maintenance. The annual program serves to prolong the useful life of streets by mitigating deteriorating pavement conditions caused by age, utility cuts, and underlying soil conditions.

Program	Outcomes Plan - FY 2022	Results October 2021 thru September 2022	% Accomplished
Street Maintenance Program	Anticipate completing 800 Pavement Preservation projects and 408 Street Rehabilitation projects for a total of 1,208 street maintenance projects anticipated to be completed citywide.	Completed 800 Pavement Preservation projects and 408 Street Rehabilitation projects for a total of 1,208 street maintenance projects completed citywide.	100%



Program	Outcomes Plan - FY 2023	Results October 2022 thru June 2023	% Accomplished
Street Maintenance Program	Complete 10 of 24 street rehabilitation projects on failed streets.	Secured design consultants and contractors for the completion of these projects. Construction has begun in conjunction with utilities. 5 out of the 10 planned projects have been completed.	53%

“F” Streets – \$10 Million: The City of San Antonio has a 4,190-centerline mile network of which 457 miles (11%) of streets are considered failed streets (F-streets). An F-street has deteriorated pavement and requires extensive rehabilitation of the roadway. The City has allocated \$10 million to reconstruct twenty-four F-streets citywide. These funds will be distributed across the City based on the percentage of current F-streets by Council District. As part of the FY 2023 Budget, staff worked with each Council District to identify and program the twenty-four projects to be completed with this funding. The preliminary engineering reports and procurement of design contracts are completed for all projects. Projects that were already designed started construction in January 2023, with five projects complete and one remaining under construction. Eleven projects are under pre-construction and seven projects are currently in the design phase. Projects are anticipated to be complete by FY 2024.

Bridge Maintenance Program – Phase II – \$3.8 Million

The allocation supports the Citywide Bridge Program, which improves and rehabilitates existing bridge structures within City limits. Bridges are selected for maintenance or rehabilitation based on industry criteria such as hydraulic capacity, structural condition, age, and pedestrian mobility. Each selected bridge project includes any needed right-of-way acquisition, utility adjustments, environmental clearances, and incidental construction beyond the physical footprint of the bridge.

This allocation augments the \$1.157 million allocated in the recently approved 2022 Bond Program for a total of \$4.957 million for the Citywide Bridge Program. In November 2022, a consultant was selected to assist the City in evaluating the current inventory of bridges and document bridge issues and needs collected since the last bond program. The bridges with the greatest potential for improvement of safety and connecting communities will be prioritized. In March 2023, the consultant began the assessment, under design services to review the condition of existing bridge rails within the downtown area. The consultant finalized the list of bridges and reviewed the existing conditions. The final condition report and prioritization list will be provided in July 2023. Based on the project schedule and tasks completed to date, this project is 28% complete. Projects that are to be completed by on-call contracts are anticipated to begin in August 2023. All bridge projects utilizing this investment are anticipated to be complete by FY 2025.

One-Time Capital Investments – Phase II – \$32 Million

This allocation provides support in the amount of \$32 million for three capital projects, which are listed below.

- **Morgan’s Wonderland - \$15 Million:** Morgan’s Wonderland is a non-profit organization part of the Gordon Hartman Family Foundation that provides a theme park to the community where children and adults with special needs have access to facilities that enable them to fully enjoy outdoor recreation. The park welcomes everyone and was built to provide and create an atmosphere of inclusion for those with and without disabilities, while encouraging everyone to gain a greater understanding of one another. This investment will support park improvements between 2022 and 2024, to include construction of the Multi-Assistance Center (MAC), a pediatric care center now referred to as The Nest at Morgan’s Wonderland, an inclusive 4D theater experience attraction, and other park amenities and enhancements.

Below is a list of the projects, statuses, and anticipated completion dates:

- MAC – Project completed September 2022
 - The Nest at Morgan’s Wonderland – This project is 5% complete: based on project schedule and tasks completed to date, completion is anticipated in FY 2025.
 - 4D Theater Experience – This project is 40% complete: based on the project schedule and tasks completed to date, completion is anticipated in FY 2024.
 - Park Amenities & Enhancements – This project is 40% complete: based on the project schedule and tasks completed to date, completion is anticipated in FY 2024.
- **Educare San Antonio - \$7 Million:** Educare is a public-private partnership providing a state-of-the art early childhood development school managed by Texas A&M University San Antonio that will address the childcare desert in South Bexar County by offering high-quality early learning and care for over 320 families annually. The program will include full-day care as well as evening hours to serve families who work or attend higher education classes at night. Educare will also increase the pool of childcare workers by offering professional learning for current and aspiring early childhood educators. An additional \$10.2 million will support this project with funding from Texas A&M University San Antonio, Bexar County, and private donors with funding totaling \$17.2 million. The contract is in development and is anticipated to be executed August 2023. The design of the facility is anticipated to begin October 2023 with construction to begin in November 2024 and completion by March 2026.
- **Texas Biomedical Research Institute - \$10 Million:** The Texas Biomedical Research Institute is a non-profit biomedical research institution that pioneers and shares scientific breakthroughs to protect the community from the threat of infectious diseases. The City’s investment will support campus infrastructure improvements,

which consists of electrical grid upgrades to support energy reliability and resiliency due to the critical research conducted at the facility. The contract with Texas Biomedical Research Institute was executed on August 29, 2022. The design phase of the project has been completed, and procurement of the construction contract is underway. Construction is anticipated to begin November 2023 with completion by April 2025. This project is 40% complete, based on the project schedule and tasks completed to date.

Employee Retention – Phase II – \$9.5 Million

This allocation funded a \$1,000 one-time distribution to City employees as a retention benefit program. This program was developed with employee input. A total of 9,476 employees received the retention benefit. Police uniform employees waived their right to this retention benefit as part of their most current collective bargaining agreement approved in May 2022.

Upcoming Activity

As part of the financial and performance updates to the City Council, in June 2023, a reallocation of SLFRF funds of \$29.7 million was recommended. This reallocation is from Phase II emergency response and interest earned to two programs that are priority of the community and the City Council:

- Low Barrier Shelter for homeless individuals: \$15,943,364
- Emergency Preparedness \$13,725,000

The City Council will consider these reallocations for approval as part of the FY 2024 Proposed Budget that will be presented by the City Manager on August 10, 2023.

APPENDIX





Background

The COVID-19 pandemic immediately devastated San Antonio's creative economy, causing organizations and businesses that house artistic programming to shutter their doors, cancel performances and exhibitions, cut budgets, and reduce personnel. This ultimately impacted individual artists, who lost jobs and gigs due to these cancellations, budget cuts, and closures. San Antonio's creative economy job loss during the pandemic was 18%.

On February 3, 2022, City Council allocated \$5 million in American Rescue Plan Act (ARPA) funds to the arts. Using the ARPA Final Rule categories of impacted households and impacted industries, which aids industries in the travel, tourism, and hospitality sector and employment losses of more than 6%, the Department of Arts & Culture will manage an ARPA 4 Arts Grant Program for individual artists and nonprofit arts organizations to help them thrive beyond the pandemic.

Grant Eligibility

Applicants must meet the following criteria to be eligible for the ARPA 4 Arts Grant Program.

Individual Artists:

- Gig workers and independent contractors.
- Limited to artists who live in the San Antonio city limits.
- Must be a professional artist that derives a portion of their income from independent contractor artistic activity as of May 31, 2019.
- Must be a professional artist that has a portfolio which includes published or publicly displayed works.

Nonprofit Arts Organizations:

- San Antonio Based IRS recognized 501(c)3 tax-exempt nonprofit in "good status" as a nonprofit corporation and up to date with IRS 990 filings.
 - The Department will validate whether the organization has a current, valid 501(c)3 status with the Texas Secretary of State (SOS). Through this validation, the Department will determine whether the nonprofit is listed as inactive or has not renewed its documentation with the SOS or whether they have forfeited, voluntarily or involuntarily dissolved, or terminated their existence.
- Must have been in existence and actively producing programs that are open to the public in the City of San Antonio for a minimum of three years. Membership only organizations are not eligible.
 - The Department will use articles of incorporation and IRS 990s to ensure the agency was established prior to May 31, 2019.
 - A Review panel will check website for mission and public programming.
- Must be an arts and cultural business whose mission and actual operations (as articulated within its mission statement) is primarily the creation, education, preservation, presentation of arts or cultural programming; and be the primary presenter / producer of the work and responsible for all aspects of its provision to the community. Applicants are not allowed to be fiscal sponsors.
 - The Department will use articles of incorporation to ensure that nonprofit was established with the primary purposes listed above.
 - The Department will verify that the actual operations of the nonprofit fit within the arts and culture mission and that the nonprofit is the primary presenter / producer.
 - The Department will review the nonprofit's mission on GuideStar and their website to ensure that they match and provide this information to the Review Panel.
 - A review panel will determine if a nonprofit qualifies as Culturally Specific.
- Must have at least one paid staff person who will be designated as administrator of the grant funds.
 - The Department will check this through IRS 990.

Grant Awards

Individual Artists:

- The total amount allocated for individual artists is \$1,000,000.
- Grants will be awarded in the amount of up to \$7,500 per artist.

Nonprofit Arts Organizations:

- The total amount allocated for nonprofit arts organizations is \$4,000,000.
- ARPA 4 Arts Grant Program allocations will be distributed to eligible nonprofit arts small businesses based on the funding scale outlined in the Evaluation & Award Process Section.

Plan Components

COVID-19 Impact	Programs / Strategies	Equitable Outcomes	Performance Indicators	Amount
<ul style="list-style-type: none"> • Arts nonprofits & artists were disproportionately impacted by COVID-19 • The Arts experienced financial hardships from revenue losses • 18% decrease in employment • 16% decrease in creative economy 	<ul style="list-style-type: none"> • Develop grant program for arts nonprofits & artists • Support nonprofits’ operational costs, strategic planning & COVID-19 mitigation • Support artists’ housing/living expenses, professional development, & artistic career 	<ul style="list-style-type: none"> • Disproportionally impacted communities prioritized in funding policy • Arts agencies & artists thrive beyond the pandemic • Residents & visitors connected & engaged with local artists & arts programming • San Antonio’s reputation as a top arts & tourist destination reinforced 	<ul style="list-style-type: none"> • At least 133 artists will receive grants • At least 40 nonprofit arts organizations will receive grants • 100% of grant funding will be disbursed by December 2024 & spent by December 2026 • 75% of nonprofits receiving grants are more financially resilient as a result • 50% of artists receiving grants created new works and performances 	<p>\$5M (\$4M for Arts Nonprofits; \$1M for Artist)</p>

Evaluation and Award Process

The Department will utilize the [SanAntonioGoSmart](#) grant platform to administer the ARPA 4 Arts grant opportunities for nonprofit arts organization and individual artists. All completed applications will be reviewed for eligibility. Each application will be reviewed and deemed eligible or ineligible by a Review Panel which could include the San Antonio Arts Commission (SAAC), SAAC Committees, Department of Arts & Culture staff, and industry experts. Once eligibility is determined, eligible applicants will be awarded funding based on the criteria outlined below.

Individual Artists:

Equitable Points System	
Category	Eligibility Requirement or Points
San Antonio Resident	Eligibility Requirement
TIN or SSN	Eligibility Requirement
1040 filed	Eligibility Requirement
Statement of work as an independent professional artist. To Qualify - Must meet the following criteria: <ul style="list-style-type: none"> • At least three years of relevant work experience, or has received specialized training in your artistic field, such as a degree or certification • Derives a portion of individual earned income from your artistic practice or areas related to their field or demonstrates a clear investment of time and resources into the creation of new works. • Has a professional portfolio that includes published or publicly displayed works. 	Eligibility Requirement
Annual Income Range	Up to 30 points
% Income from Artistic Activity	Up to 30 points
Equity Atlas Score	Up to 10 points
Diversity, Equity & Inclusion (Gender, LGBTQIA+, Racial/Ethnic Classification)	Up to 15 points
Veteran	5 points
Disabled	5 points
Did not receive SA CARES 4 Art Grant	5 points

1. The top scoring artists will receive a grant up to \$7,500. All artist grants may be reduced at the same rate in the event a tie places more than 133 artists in the top scoring applications or if there is insufficient funding to provide \$7,500 grants. If all funding is not allocated in the first grant cycle, the Department may open the application for an additional grant cycle.
2. All artist grant recipients will receive a one-time distribution of funding and must agree to follow the requirements outlined in the Grant Reporting Requirements Section.

Nonprofit Arts Organizations:

Nonprofit Arts Business Size ¹

Budget	Range	Max Award *
\$ 50,000	to \$ 200,000	12.0%
\$ 200,001	to \$ 500,000	11.0%
\$ 500,001	to \$800,000	10.0%
\$ 800,001	to \$1,000,000	9.0%
\$ 1,000,001	to \$2,000,000	8.0%
\$ 2,000,001	to \$3,000,000	7.0%
\$ 3,000,001	to \$6,000,000	4.0%
\$ 6,000,001	to \$ 8,000,000	3.0%
\$ 8,000,001	to \$15,000,000	2.0%
Over \$15,000,000		Not eligible

**In keeping with the City's Cultural Equity Policy, Culturally Specific nonprofit arts businesses' max award percentage will be increased by an additional 20% of the qualifying organizations' average operating expense included in the original application up to a maximum of \$150,000.*

1. **Nonprofit Arts Organization Size** will be based on average of the last three years of IRS 990s in GuideStar at <https://www.guidestar.org/search> at the time of application (Line 18 - expenditures).
2. **Culturally Specific Nonprofit Arts Organizations** are defined as organizations whose specific mission as posted in GuideStar and verified on their website that their actual programming has a specific focus to promote, preserve and enhance the identity and character of one of the following specific cultures:
 - a. Women
 - b. *African Americans*: Persons with origins in any of the black racial groups of Africa.
 - c. *Hispanic-Americans/Latinx*: Persons of Mexican, Puerto Rican, Cuban, Spanish or Central or South American origin.
 - d. *Asian Americans*: Persons having origins in any of the original peoples of the Far East, Middle East, Southeast Asia, Indian subcontinent or Pacific Islands and any other region of the Asian continent.
 - e. *Native Americans*: Persons having origin in a recognized Native American Tribe.

**Culturally Specific nonprofits are not designated based on their audiences, customers, and clientele. To qualify as a Culturally Specific nonprofit arts business, the leadership (Executive Director and Board Chair) of the Culturally Specific nonprofit business must demographically represent the specific culture identified.*

3. Nonprofit arts organizations that do not have a current grant from the City will be treated as “new” and funding will be limited to one half of the funding in the scale in which they qualify.
4. If amount of funding is insufficient to meet amounts listed above, all arts nonprofit grants will be reduced at the same rate. However, if additional funding is made available subsequent to the initial award, nonprofits may receive additional funds.
5. All nonprofit grant recipients will receive a one-time distribution of funding and must:
 - f. Submit an expenditure plan which includes categories, amounts and a timeline for expenditures upon contract initiation.
 - g. Follow the requirements outlined in the Grant Reporting Requirements Section.

Eligible Uses of Funds

In accordance with U.S. Department of the Treasury’s guidance, eligible uses of funding for the ARPA 4 Arts Grant Program include:

Nonprofits:

- Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations, and maintenance of existing equipment and facilities
- Technical assistance, counseling, or other services to support business planning
- COVID-19 mitigation and infection prevention measures

Individual Artists:

- Housing/Living Expenses
- Professional development, including training and classes
- Support of artistic career, including equipment, materials, rent and rental fees, studio spaces, and collaborating artist fees

Grant Reporting Requirements

Grant recipients must keep detailed records of receipts for expenditure of grant funds, and staff and payroll records. Grant recipients are required to comply with all grant requirements and maintain all records in accordance with City, State & Federal Regulations and Guidelines.

Artist grant recipients will be required to complete follow-up surveys and submit a final report within one year of receiving the grant. Nonprofit grant recipients will be required to complete follow-up surveys after grants are awarded through December 2026, the date by which all expenditures must be made, or when all expenditures using grant funding are made, whichever comes first. Nonprofit grant recipients will be required to submit a final report once all expenditures using grant funding are made.

Data collected through surveys include, but are not limited to:

- Plans for grant funding, including how much is allocated for each expenditure category and when funding will be spent
- How grant was used and how much was used in each expenditure category
- Any successes, including resiliency of organization and creation of new artworks, as a result of funding
- Any staff, artists or contractors supported as a result of funding

Program Timeline

Grants for both individual artists and nonprofit arts organizations will be run on the same timeline.

- June 29, 2022: Application open period
- July 27, 2022: Deadline for questions pertaining to the application
- July 29, 2022: Application closes
- August 2022: Review period and selection
- September 2022: San Antonio Arts Commission approves funding allocations
- September 2022: City Council approves funding allocations
- September 2022: Award notification period begins
- September – October 2022: Contract initiation and funds disbursement begins
- October 2022 – December 2026: Contract monitoring and surveys/final report collection

Restrictions on Communication

In accordance with §2-61 of the City Code, interested applicants are prohibited from communication regarding the ARPA 4 Arts Request for Applications (RFA) with City Officials, Employees, and members of the San Antonio Arts Commission from June 29, 2022, until the date proposed awards are approved by City Council. Exceptions to this restriction are outlined below in the Available Help Section.

Available Help

Questions from Applicants may be submitted to the ArtsFunding@SanAntonio.gov by email no later than 5 p.m. on July 27, 2022. We will respond to questions within two business days and Frequently Asked Questions with responses will be posted on the Grant page of the Department of Arts & Culture’s website at <https://SanAntonio.gov/ArtGrants>.



ARPA Spending Framework Investments for Nonprofits/Social Services Phase 1: Immigration Organizations and Services

Background

On March 11, 2021, Congress signed into law ARPA which included resources to support local government's response to and recovery from the COVID-19 pandemic. The City of San Antonio was awarded \$326.9 million in State and local Fiscal Recovery Funds. As part of the FY 2022 Budget process, City Council approved \$97.5 million to support the city budget and address community needs. On November 18, 2021, Council approved an additional \$30.0 million for utility assistance. The remaining \$199.4 million remained unallocated and was intended to be awarded following a community engagement process that began in the fall of 2021.

On January 26, 2022, following a community engagement process, staff presented a recommended spending framework reflecting Community and City Council input. The final spending framework was approved by City Council on February 3, 2022. The approved spending framework included \$87.8 million recommended for programmatic funding with \$4 million dedicated to support nonprofit and social services to support organizations and residents disproportionately impacted by the COVID-19 pandemic.

Through a comprehensive plan, the Department of Human Services will manage investments for nonprofits and social services in the amount of \$4 million through a competitive process. This document outlines the first phase of the implementation plan, which focuses on investments for immigration serving organizations and programs.

Eligibility

Eligible Organizations

- Nonprofit organizations (501 (c) 3)
- Faith-Based organizations
- Public Entities (including non-COSA government agencies)

Additional Information on Eligibility

- Must have been in existence and actively producing programs that are open to the public in the City of San Antonio for a minimum of two years
- Must demonstrate agency and/or residents served have been disproportionately impacted by the COVID-19
- Services are intended to be targeted to serve noncitizens, including lawful permanent, undocumented, asylum-seeking, and refugee residents

Program Funding and Anticipated Awards: \$4 Million

The Department of Human Services is proposing two competitive processes for distribution of investments for nonprofit and social services organizations. The first phase of the plan is proposed to support immigrant serving organizations, through a competitive Request for Proposal (RFP) process in the amount of \$1.5 million for a term of two years.

A plan for the balance of the \$4 million allocation for social services non-profits of \$2.5 million will be brought to the Community Health Environment, and Culture Committee and City Council for approval at future meetings.

Phase 1: Immigration Serving Organizations and Services - \$1.5 Million

- Minimum award of \$100,000 over two-year contract term
- Allowable administrative rate of 30%

Phase 2: Nonprofit and Social Services - \$2.5 Million

- Minimum award of \$100,000 over two-year contract term
- Allowable administrative rate of 30%

Stakeholder Engagement

The Department of Human Services and the City of San Antonio’s Immigration Liaison held three stakeholder feedback sessions from May 9– 20, 2022 attended by 31 immigrant serving organizations and key stakeholders. The purpose of these sessions was to share community and City Council input, gather suggestions on proposed funding priorities and goals, and finalize performance indicators.

Participating Stakeholders:

Academia America	Endeavors	Refugee Services of Texas
Alamo Colleges	Episcopal Diocese of West Texas	San Antonio Food Bank
American Gateways	First Baptist Church of San Antonio	San Antonio First Church of the Nazarene
American Organization for Immigrants	Immigration Legal Resource Center	San Antonio ISD
Arab American Community Network	Interfaith Welcome Coalition	Southwest ISD
Catholic Charities of San Antonio	Justice for All Immigrants	Texas Office of Refugees
Center for Refugee Services	Lutheran Immigration and Refugee Services	UTHSA Nursing School
Church of Jesus Christ of Latter – Day Saints	Mandaeen Community of San Antonio	The Young Center
City Church San Antonio	New Hope Connection	YWCA
Corazon Ministries	Providencia Group	
Culturingua	RAICES	

Funding Priority Investments

Immigration Serving Organizations and Programs: Funding is proposed to support organizations and services that support noncitizens (includes but is not limited to permanent residents, undocumented, asylum seekers, and refugees)			
COVID – 19 Impact	Strategy/Programs	Equitable Outcomes	Performance Indicators
Address negative COVID – 19 impacts on economic security for noncitizens	Fund navigation and case management services to coordinate access to resources across providers, organizations, and agencies	Families with Improved Financial Security	% Families enrolled in two or more resources
	Provide direct assistance to families in financial crisis (ex: households at risk of homelessness, unexpected financial hardship, etc.)		% Families in financial crisis that are stabilized
	Connect noncitizens with enrollment assistance for public benefits for which they may be eligible		% Families enrolled and accepted into public benefits programs
	Connect noncitizens who are legally eligible to work to training and employment opportunities		% Enrolled individuals obtaining a better job within 90 days of program completion
Address decreased opportunities for citizenship that have been adversely impacted by COVID – 19	Provide outreach and education on immigration pathways	Increased access to opportunities for improved immigration status	% Noncitizens who report increased understanding of legal rights
	Fund legal representation for immigrants at risk of deportation, including parents of U.S. Citizen children, crime victims, victims of domestic violence, trafficking victims, DACA eligible residents, and abused or neglected children		# Noncitizens who file an application for immigration benefits or relief % Noncitizens who accept legal representation post screening interview

Request for Proposal Timeline

DATE	ACTION ITEM
June 2, 2022	City Council A-Session Briefing
June 6, 2022	Request for Proposal Opens
June 17, 2022	Pre-Submittal Conference
June 18 -23, 2022	Training and Technical Assistance Workshops
June 24, 2022	Last Day/Time for Questions
July 8, 2022	Request for Proposal Closes
July 11-25, 2022	Evaluation and Scoring
August 2022	City Council A Session – Approval of Awards
September 2022	Contracts Begin

No Contact Period

In accordance with §2-61 of the City Code, interested applicants are prohibited from communication regarding the Immigration Services RFP with City Officials and Employees during specific portions of the competitive process. The Department of Human Services, in line with prior competitive RFPs issued is recommending an abbreviated no contact period for City Officials as reflected below.

- **City Officials:** July 8, 2022 until the date the City Manager posts proposed awards for City Council consideration.
- **City Employees:** June 6, 2022 until the date proposed awards are approved by City Council.

Scoring Criteria

- **Experience Background and Qualifications: 30 Points**
 - Agency experience
 - Financial management
 - History providing migrant services
- **Proposed Plan: 40 Points**
 - Demonstrate disproportionate COVID – 19 impacts to organization or residents
 - Alignment with proposed program strategies, outcomes, and performance indicators
 - Identify how support to organizations and residents assists them thrive long-term
 - Community collaboration
- **Budget and Budget Narrative: 20 Points**
 - Prior receipt of federal COVID -19 funding assistance
 - Leveraged agency resources
 - Capacity building investments
 - Long-term sustainability



Mental Health – Recommended Implementation Plan For the use of ARPA State and Local Fiscal Recovery Funds

Background

On March 11, 2021, Congress signed into law the American Rescue Plan Act (ARPA) which included resources to support local government's response to and recovery from the COVID-19 pandemic. The City of San Antonio was awarded \$326.9 million in State and local Fiscal Recovery Funds. As part of the FY 2022 Budget process, City Council approved \$97.5 million to support the city budget and address community needs. On November 18, 2021, Council approved an additional \$30.0 million for utility assistance. The remaining \$199.4 million remained unallocated and was intended to be awarded following a community engagement process that began in the fall of 2021.

On January 26, 2022 staff presented a recommended spending framework reflecting Community and City Council input. The final spending framework was approved by City Council on February 3, 2022. The approved spending framework included \$26 million recommended for programmatic funding dedicated to support residents with mental health stressors exacerbated by the COVID-19 pandemic.

Through a comprehensive plan, San Antonio Metro Health District will manage investments for organizations in the amount of \$26 million through a competitive process. This document outlines the implementation plan.

Eligibility

Eligible Organizations

- Nonprofit organizations (501 (c) 3)
- Faith-Based organizations
- Public Entities (including non-COSA government agencies)

Additional Information on Eligibility

- Must have been in existence and actively producing programs that are open to the public in the City of San Antonio for a minimum of two years
- Must demonstrate agency and/or residents served have been disproportionately impacted by the COVID-19 Pandemic
- Additional points will be awarded for agencies who partner with agencies that have not been in existence for a minimum of two years

Program Funding and Competitive Process

The total allocation to the Mental Health Spending Category is \$26 Million. The Implementation Plan proposes to allocate \$23 Million through a competitive process to eligible organizations to assist the City in delivering the services recommended within the plan.

The Metro Health Department is proposing to award mental health investments to support access to programs that directly benefit Youth, Seniors and Homeless individuals through a competitive Request for Proposal (RFP) process for distribution of investments for nonprofit and social services organizations.

Awards:

- Minimum of \$100,000 over two-year contract term

Targeted Populations

Youth

The Proposed Implementation Plan proposes three strategies to address the increased social isolation, anxiety, and depression experienced by youth by:

- Expanding access to mental health services for children and youth ages 12 to 19
 - The City will request responders for innovative ideas to provide services including the use of technology
 - The City will also request in-person services at Parks and Recreation Community Centers, Service Provider Locations, and schools
- Expanding Metro Health Project Worth Teen Ambassador and Expanding Metro Health Stand Up SA
- Providing diagnostic services and individual service family plan development for families of children up to the age of 6 experiencing developmental disorders

The Proposed Implementation Plan proposes services to youth ages 12 to 19 in census tracks where there is a high concentration of:

- Mental Health Hospitalizations
- 911 Calls
- Equity Atlas Score of 6 and above

The Proposed Implementation Plan proposes diagnostic services and individual service family plan development for families of children up to the age of 6 experiencing developmental disorders in census tracks with an Equity Atlas Score of 6 and above.

Older Adults

The Implementation Plan proposes three strategies to address the increased social isolation, anxiety, and depression experienced by older adults by:

- Expanding navigation programs to connect older adults to mental health resources and referrals
- Increasing interaction activities at City of San Antonio senior centers and extending service hours at comprehensive senior centers
- Increasing social interaction activities at community sites in census tracks with a City Equity Atlas Score of 6 and above
- Offering program services and coaching for loved ones caring for older adults in census tracks with a City Equity Atlas Score of 6 and above

The Proposed Implementation Plan proposes a pilot program to extend hours at the Comprehensive Senior Centers across the City. The current hours are Monday through Friday from 7am to 4pm. The implementation plan proposes a pilot program to extend the hours from 4pm to 7pm Monday through Thursday at these centers for two years. The Senior Center locations are:

Comprehensive Senior Center	Location	Council District
West End Park	1226 NW 18th St. 78207	1
District 2 Senior Center	1751 S. W.W. White Rd. 78220	2
South Side Lions	3303 Pecan Valley Dr. 78210	3
Willie Cortez	5512 SW Military Dr. 78242	4
Heritage Park	Under Construction. To be completed in FY 2023	
District 5 Senior Center	2701 S. Presa 78210	5
Normoyle	700 Culberson 78211	
Alicia Treviño Lopez	8353 Culebra Rd 78251	6
Doris Griffin	6157 NW Loop 410 78238	7
Bob Ross	2219 Babcock 78229	8
Walker Ranch	835 W. Rhapsody 78216	9
Northeast	4135 Thousand Oaks 78247	10

Stakeholder Engagement

San Antonio Metro Health District held two public input meetings, two provider and stakeholder feedback sessions, one session with school districts, and two sessions with faith leaders from June 23 - July 21, 2022. The purpose of these sessions was to share community and City Council input, gather suggestions on proposed funding priorities and goals, and finalize performance indicators.

Participating Stakeholders (6/29 and 7/11):

Alamo Area Council of Governments	Family Service Association of San Antonio, Inc.	San Antonio Behavioral Healthcare Hospital
All of Us or None, Texas	Haven for Hope	San Antonio State Hospital
Alpha Home	Jewish Family Service	Sigma Mental Health Urgent Care
Bexar County Department of Behavioral Health	Laurel Ridge Treatment Center	Texas Vista Medical Center
Bexar County Juvenile Probation	Lifetime Recovery	The San Antonio Clubhouse
Big Brothers Big Sisters of South Texas	NAMI San Antonio	University Health
Bridges to Care	Providence Place	University of Incarnate Word
Center for Health Care Services	PsychHealth	UT Health San Antonio
CentroMed	Purple Couch Counseling and Consulting PLLC	UT Teen Health
Clarity Child Guidance Center	Reliable Medical Technology	WestCare Foundation/WestCare Texas
Communities In Schools San Antonio	Roy Maas Youth Alternatives	YMCA
Ecumenical Center	SAMMinistries	

Participating School Districts (6/27):

Alamo Heights ISD	Harlandale ISD	South San Antonio ISD
Comal ISD	North East ISD	Southwest ISD
East Central ISD	Northside ISD	Region 20
Edgewood ISD	San Antonio ISD	

Funding Priority Investments

COVID – 19 Impact	Strategy/Programs	Equitable Outcomes	Performance Indicators	Allocation Amount
<p>Youth Address the increased social isolation, anxiety, depression, and suicide in school age youth</p>	Expand access to mental health services for children and youth	Increased access to mental health care for school-aged children and youth ages 12-19	<p>% of children and youth are able to identify resources for mental health support</p> <p>% of participating children and youth report a decrease in depression, stress, anxiety and/or suicidal ideation</p> <p>% of participating school children report decrease in discipline at school</p> <p>% of participating children and youth report an increase in school attendance</p>	\$12.75 million
	Expand Project Worth Teen ambassadors Expand Stand Up SA	Improved positive social/emotional skills and behavior among SA youth 7th-12th grade	% of participating children and youth report an increase in positive social/emotional skills and behavior	\$750K
	Provide diagnostic services and individual service family plan development for families of children experiencing developmental disorders in coordination with school districts	Increased access for children diagnosed with developmental disorders and coordination with Schools	% reduction in waiting list for children of up to the Age of 6 waiting to be diagnosed with a developmental disorder	\$1.5 million

COVID – 19 Impact	Strategy/Programs	Equitable Outcomes	Performance Indicators	Allocation Amount
<p><u>Older Adults</u> Address the increased social isolation, anxiety, depression in older adults</p>	Expand navigation programs to connect older adults to mental health resources and referrals	Older adults will have increased awareness of existing programs and access to services for individuals experiencing mental health challenges	% of participating older adults report a decreased anxiety and depression due to social isolation	\$500K
	Social interaction activities/programs at senior & community sites and citywide. Expand service hours at City’s Comprehensive Senior Centers	Improved quality of life for older adults by mitigating social/emotional issues and isolation	% increase in participation at City’s Comprehensive Senior Centers	\$4.2 million
	Caregiver program services and coaching for loved ones caring for older adults	Improved quality of care provided by caregivers	% increased caregiver participation in support services to improve quality of caregiving	\$300K
<p><u>Homeless</u> Address the increased homeless population with mental health and substance abuse</p>	Outreach teams connect chronic and unsheltered veteran homeless population to available mental health, substance use, and housing resources	Improved access to mental health, substance use, and housing resources for those experiencing homelessness	% chronic veteran homeless connected to federal resources allocated for mental health, substance use, and housing resources	\$1 million
	Outreach and Services available to Youth aging out of foster care system	Increased access to services for youth aging out of the foster care system	% of Youth connected to services and resources	\$4 million

COVID – 19 Impact	Strategy/Programs	Equitable Outcomes	Performance Indicators	Allocation Amount
<p>Collaboration Address behavioral health problems in Bexar County where COVID-19 has exacerbated existing conditions</p>	Collaborate with community partners to establish a framework to serve and align upstream systems and organizations	Improves coordination of services to improve access to community	% organizations engaged in collaboration	In-Kind Metro Health Staff
	Collaborate with community partners to recommend/Identify a central phone number to respond to pre-crisis calls from individuals needing support and navigation		% individuals who call and have needs met	In-Kind Metro Health Staff
	Collaborate with community partners to develop a public education campaign to address mental health stigma and create hope for those affected by mental illness	Improves coordination of services to improve access to community	% of individuals with increased awareness of how to access mental health services	\$1 Million
	Collaborate with Bexar County and Center for Health Care Services to evaluate the recent deployed 988 line for mental health calls			

Request for Proposal Timeline

DATE	ACTION ITEM
September 1, 2022	City Council A-Session Briefing
September 6 and 8	Technical Assistance Workshops
September 9, 2022	Request for Proposal Opens
September 16, 2022	Pre-Submittal Conference
September 19, 2022	Last Day/Time for Questions
October 28, 2022	Request for Proposal Closes
November 2022	Evaluation and Scoring
December 15, 2022	City Council A Session – Approval of Awards
January 1, 2023	Contracts Begin

No Contact Period

In accordance with §2-61 of the City Code, interested applicants are prohibited from communication regarding the Mental Health Services RFP with City Officials and Employees during specific portions of the competitive process. The Department of Human Services, in line with prior competitive RFPs issued is recommending an abbreviated no contact period for City Officials as reflected below.

- **City Employees:** September 9, 2022 until the date proposed awards are approved by City Council.
- **City Officials:** October 28, 2022 until the date the City Manager posts proposed awards for City Council consideration.

Scoring Criteria

- **Experience Background and Qualifications: 30 Points**
 - Agency experience
 - Financial management
 - History providing mental health services
- **Proposed Plan: 40 Points**
 - Demonstrate disproportionate COVID-19 impacts to organization or residents
 - Alignment with proposed program strategies, outcomes, and performance indicators
 - Identify how support to organizations and residents assists them thrive long-term
 - Community collaboration
 - Partnering with qualifying entities with less than two years of experience
- **Budget and Budget Narrative: 20 Points**
 - Prior receipt of federal COVID-19 funding assistance
 - Leveraged agency resources
 - Capacity building investments
 - Long-term sustainability
- **Evaluation, Innovation, and/or Continuity of Effective Programming: 10 Points**
 - Demonstrate effective programming through evaluation
 - Build on existing programming and infrastructure



Background

On March 11, 2021, Congress signed into law ARPA which included resources to support local government's response to and recovery from the COVID-19 pandemic. The City of San Antonio was awarded \$326.9 million in State and local Fiscal Recovery Funds. As part of the FY 2022 Budget process, the City Council approved \$97.5 million to support the city budget and address community needs. On November 18, 2021, the City Council approved an additional \$30.0 million for residential utility assistance. The remaining \$199.4 million remained unallocated and was intended to be awarded following a community engagement process that began in the fall of 2021.

On January 26, 2022, following a community engagement process, staff presented a recommended spending framework reflecting community and City Council input. The final spending framework was approved by the City Council on February 3, 2022. The approved spending framework included \$87.8 million recommended for programmatic funding with \$4 million allocated to Non-profit Social Services to support organizations and residents disproportionately impacted by the COVID-19 pandemic.

On April 12, 2022, and May 10, 2022, the Community Health, Environment, and Culture Committee (CHECC) was briefed on the impact of COVID – 19 on nonprofit and social services organizations and residents, and feedback from the community and stakeholders. CHECC considered department recommendations during these meetings, and it was determined to carry out the \$4 million investment in two phases.

- Phase I - Focus on Immigration Services.
- Phase II – Non-Profit Social Services.

In Phase I, a total of \$1.5 million was designated for Immigration Services. The implementation plan and associated criteria for distribution was approved by CHECC on May 26, 2022, and the City Council on June 2, 2022. In Phase II, a total of \$2.5 million was designated for Non-Profit Social Services.

This document outlines the implementation plan for Phase II, which focuses on investments for nonprofit capacity building and programming for impacted residents.

Eligibility

Eligible Organizations

- Nonprofit organizations (501 (c) 3)
- Faith-Based organizations
- Public Entities (including non-COSA government agencies)

Additional Information on Eligibility

- Must have been in existence and actively producing programs that are open to the public in the City of San Antonio for a minimum of two years

- Must demonstrate agency and/or residents served have been disproportionately impacted by COVID-19

Program Funding and Anticipated Awards: \$4 Million

Phase I: Immigration Serving Organizations and Services - \$1.5 Million

- Minimum award of \$100,000 over two-year contract term
- Allowable administrative rate of 30%

Phase II: Non-Profit Social Services - \$2.5 Million

- Minimum award of \$100,000 over two-year contract term
- Allowable administrative rate of 30%

Stakeholder Engagement

The Department of Human Services and held three stakeholder feedback sessions from May 5 – 31, 2022. The purpose of these sessions was to share community and City Council input, gather suggestions on proposed funding priorities and goals, and finalize performance indicators.

Participating Stakeholders:

Alpha Home	Girls, Inc.	San Antonio Area Foundation
Autism Community Network	Good Samaritan Community Services	San Antonio Clubhouse
Bexar County Family Justice Center	Goodwill Industries	San Antonio Food Bank
Bihl Haus Arts	H.E. BUTT Foundation	San Antonio Oasis
Boys and Girls Club of San Antonio	Housing First Community Coalition	SA Youth
Center for Health Care Services Foundation	Kronkosky Charitable Foundation	Southwest Texas Regional Advisory Council
Center for Health Care Services	Martinez Street Women’s Center	Texas Grandparents Raising Grandchildren
Clarity Child Guidance Center	Meals on Wheels	United Way of San Antonio & Bexar County
Communities in Schools	Nonprofit Council (Advocacy)	Urban 15
Family Violence Prevention Services	Project Mend	Workforce Solutions Alamo
Family Services Association		

Funding Priority Investments

Non-Profit Social Services (Capacity Building & Programming Support)				
COVID – 19 Impact	Strategy/Programs	Equitable Outcomes	Performance Indicators *	Amount
Mitigate increased financial hardship and infrastructure needs for nonprofit organizations impacted by COVID - 19	Provide funding to support administration and operations strategies, systems and/or structures to assist agencies in recovery and improving organizational resiliency.	Address immediate and systemic needs impacted by COVID – 19 to improve resiliency and long-term sustainability particularly for small organizations disproportionately impacted by COVID – 19.	% Agencies reporting improved resiliency % Increase in grant and fundraising revenue % Increase in residents connected to enhanced programming	\$1 M
	Provide access to capital funding to support expansion of services to meet new and emerging community needs.			
	Fund initiatives to strengthen pool of capacity building within organizations and the larger community.	Connect nonprofits disproportionately impacted by COVID – 19 with capacity building resources.		
Address decreased economic security for residents	Fund navigation and case management services to coordinate access to resources across providers, organizations, and agencies.	Strengthen safety net to support family stability and improve financial security for families struggling with financial hardships due to the pandemic.	% Families enrolled and accepted into public benefits programs	\$1 M
	Provide direct assistance to families in financial crisis (ex: households at risk of homelessness, unexpected financial hardship, etc.).		% Families in financial crisis that are stabilized	
	Connect individuals who are unemployed or under employed to training and		% Enrolled individuals obtaining a better job within 90 days of program completion	

	employment opportunities.			
				Total \$2.5 M

*Note: For capacity building funding, additional performance indicators will be developed based on investment focus.

Request for Proposal Timeline

DATE	ACTION ITEM
August 18, 2022	City Council A-Session – Approval of Implementation Plan
September 2, 2022	Request for Proposal Opens
September 12 - 16, 2022	Pre-Submittal Conference and Training and Technical Assistance Workshops
October 3, 2022	Request for Proposal Closes
October 4 - 20, 2022	Evaluation and Scoring
November 2022	City Council A Session – Approval of Awards
December 2022	Contracts Begin

No Contact Period

In accordance with §2-61 of the City Code, interested applicants are prohibited from communication regarding the Immigration Services RFP with City Officials and Employees during specific portions of the competitive process. The Department of Human Services, in line with prior competitive RFPs issued is recommending an abbreviated no contact period for City Officials as reflected below.

- **City Officials:** September 21, 2022, until the date the City Manager posts proposed awards for City Council consideration.
- **City Employees:** August 19, 2022, until the date proposed awards are approved by the City Council.

Scoring Criteria

- **Experience Background and Qualifications: 30 Points**
 - Agency experience (preference points for small nonprofit organizations)
 - Financial management
 - History providing nonprofit services
- **Proposed Plan: 50 Points**
 - Demonstrate disproportionate COVID – 19 impacts to organization or residents
 - Alignment with proposed program strategies, outcomes, and performance indicators
 - Identify how support to organizations and residents assists them thrive long-term
 - Community collaboration
- **Budget and Budget Narrative: 20 Points**
 - Prior receipt of federal COVID -19 funding assistance

- Leveraged agency resources
- Capacity building investments
- Long-term sustainability



ARPA SLFRF Spending Framework Education & Workforce Investments for Youth

Background

On March 11, 2021, Congress signed into law the American Rescue Plan Act (ARPA), which included resources to support local government's response to and recovery from the COVID-19 pandemic. The City of San Antonio was awarded \$326.9 million in State & Local Fiscal Recovery Funds (SLFRF). As part of the FY 2022 Budget process, the City Council approved \$97.5 million to support the City budget and address community needs. On November 18, 2021, the City Council approved an additional \$30.0 million for residential utility assistance. The remaining \$199.4 million remained unallocated and was intended to be awarded following a community engagement process that began in the fall of 2021.

On January 26, 2022, following a community engagement process, staff presented a recommended spending framework reflecting community and City Council input. The final spending framework of \$199.4 million was approved by the City Council on February 3, 2022. The approved spending framework included \$87.8 million recommended for programmatic funding with \$10 million allocated to support youth with increased availability to comprehensive and trauma-informed services so youth improve their educational and career outcomes. This will assist in addressing of the increased number in youth disengaged from school and the workforce, which was exacerbated by the COVID-19 pandemic.

The Department of Human Services (DHS) will manage the \$10 million investment for youth through a competitive Request for Proposal (RFP) process. Recommended investments will mitigate COVID – 19 impacts on youth including intensive supports to improve access to education, skills training, and workforce pathways. The funds will address:

- (1) lack of trauma – informed education and career opportunities for youth transitioning out of or at risk for gang involvement;
- (2) lack of higher education, workforce, and supportive services for youth aging out of the foster care system;
- (3) increases in homeless youth and “opportunity youth” who are disconnected from education and workforce opportunities; and
- (4) decreases in access to STEM, STEAM, and youth enrichment activities that support school readiness and education success.

This document outlines the implementation plan for these investments. In addition, \$100,000 will be set aside for the San Antonio Youth Commission to review applications and recommend awards to support their ongoing work on behalf of San Antonio youth.

Eligibility

Eligible Organizations

- Nonprofit organizations (501 (c) 3)
- Faith-Based organizations
- Public entities (including non-COSA government agencies)

Additional Information on Eligibility

- Must have been in existence and operating programs serving the population identified in the submitted proposal in San Antonio for a minimum of two years

- Must demonstrate agency and/or participants served have been disproportionately impacted by COVID–19

Program Funding and Anticipated Awards: \$10 Million

DHS is proposing to award youth services investments to support enhanced education and workforce pathways through a combined competitive process that includes investments for: Youth (\$10 million), Non-profit Social Services (\$2.5 Million out of \$4 Million), and Seniors (\$5 Million).

All funds will be first approved by their respective City Council committees and then taken to the City Council for consideration and approval.

Stakeholder Engagement

DHS held four stakeholder feedback sessions in May 2022 attended by 42 youth-serving organizations and key partners. In addition to these meetings, DHS met with over 30 youth from seven youth organizations and focus groups with 22 youth who had aged out of the foster care system.

The purpose of these sessions was to share community and City Council input, gather suggestions on proposed funding priorities and goals, and finalize performance indicators.

Participating Stakeholders:

- Alamo Colleges District
- Bexar County
- Bexar County Fostering for Educational Success
- Boys and Girls Club
- Boy Scouts of America, Alamo Area Council
- CASA
- Catholic Charities
- Children’s Shelter
- ChildSAFE
- City Life San Antonio
- Communities in Schools-San Antonio
- CRIT Teleton
- Texas Department of Family and Protective Services
- DoinWell
- DoSeum
- ESC-20
- Empower House
- Family Services Association
- Former Foster Youth
- Girl Scouts of Southwest Texas
- GIRLS INC.
- Good Samaritan
- Goodwill Industries
- Guadalupe Community Center
- HBBSA
- Healy Murphy Center
- Joven
- Leaven Kids
- NEISD Kid's Involvement Network
- Northside ISD
- Pride Center San Antonio
- Ready to Work (COSA)
- SA Sports
- SA Youth
- SA Youth for Christ
- SAMSAT
- San Antonio Chamber of Commerce
- San Antonio Education Partnership
- San Antonio Clubhouse
- San Antonio Youth Commission
- SARAH Youth Action Board
- SAY SI
- The University of Texas at San Antonio
- THRIVE
- Thru Project
- United Way
- UP Partnership
- Workforce Solutions Alamo
- YWCA
- Youth from Faith-Based Organizations

In addition to community stakeholder meetings and conversations, DHS is working with UP Partnership - Excel Beyond the Bell, which is a collaborative of out-of-school organizations to increase coordination of local investments and shared community goals for youth related to education success and career pathways.

This alignment and coordination will continue beyond release of the competitive process and funding awards to foster innovative and best practices, collaborative services, and reduce duplication. This coordination will also ensure development of uniform guidance on how to better support students with disabilities, homeless youth, youth aging out of foster care.

Funding Priority Investments

COVID-19 Impact	Programs/Strategies	Equitable Outcomes	Performance Indicators	Proposed Amount
Decrease in Youth Involvement	<ul style="list-style-type: none"> Set aside \$100,000 for the San Antonio Youth Commission to evaluate and develop funding recommendations to address youth needs. 	<ul style="list-style-type: none"> Amplify youth voice through participation in civic process. Ensure funded programs meet the needs of youth impacted by COVID-19. 	<ul style="list-style-type: none"> # Youth participating in civic processes % Impacted youth connected to resources and support 	\$100 K
Lack of education and career opportunities for youth transitioning out of or at risk for gang involvement	<ul style="list-style-type: none"> Support mentorship and internship programs coupled with specialized case management support. Fund second chance employment programs to connect youth transitioning out of or at risk of gang involvement. Create coaching and mentoring supports for youth entering skills training or the workforce for the first time. Increase diverse education pathways, including secondary education, for disengaged youth. 	Develop targeted prevention programs that offer positive pathways for education & employment opportunities.	<ul style="list-style-type: none"> # Youth engaged through outreach activities % Engaged youth enrolling in prevention programs % Gang or justice involved youth connecting to education and employment. % youth maintaining employment 6 months after program completion 	\$750 K

COVID-19 Impact	Programs/Strategies	Equitable Outcomes	Performance Indicators	Proposed Amount
Lack of higher education, workforce training, and supportive services for youth who are aging out of the foster care system	<ul style="list-style-type: none"> • Create access to individualized education and workforce counseling and planning for youth aging out of the foster care system. • Expand support and wrap around services for foster youth who are working towards their education and workforce goals. • Provide paid internship and apprenticeship opportunities to support workforce readiness and specialized skill development. 	<ul style="list-style-type: none"> • Improve access to basic services including housing, education supports, and coaching to support attainment of education and career goals. • Increase foster youth participation in City and City funded programs. • Increase college enrollment. 	<ul style="list-style-type: none"> • # Foster youth engaged through outreach activities • % Foster youth enrolling and receiving benefits and resources. • % Engaged foster youth enrolling in college or employment • # of foster youth participating in city-funded internship and apprenticeship programs 	\$2.00 M
Increase in number of Opportunity Youth & Homeless Youth	<ul style="list-style-type: none"> • Expand existing OY programs that focus on education and workforce readiness. • Provide supports to address barriers to education and workforce attainment. • Provide incentives for participation and retention in education and internship/apprenticeship. • Provide paid internship and apprenticeship opportunities to support workforce readiness. 	<ul style="list-style-type: none"> • Increase the number of opportunity youth connected to education and employment opportunities. • Decrease youth experiencing homelessness. 	<ul style="list-style-type: none"> • # Youth connected to education and employment opportunities • # youth completing high school equivalency • # of opportunity youth participating in paid internship and apprenticeships • % Decrease in youth experiencing homelessness 	\$2.65 M
Decrease in access to STEM, STEAM, and other enrichment activities for youth to support school readiness and long-term success	<ul style="list-style-type: none"> • Increase access to high-quality After School and Summer Programs that incorporate STEM, STEAM, and education/career exploration activities • Provide transportation support to programs to support student attendance who have a transportation barrier 	<ul style="list-style-type: none"> • Expand and enhance high quality out-of-school opportunities focused on academic loss, developmental relationships, and enrichment activities. • Decrease staff to student ratios. 	<ul style="list-style-type: none"> • # Youth engaged in outreach • # Youth enrolled in after school and summer programs • % Participating youth with 90% attendance • % of youth receiving “digital badges” for career exploration and post-secondary planning 	\$4.50 M
			Total	\$10 M

Request for Proposal Timeline

DATE	ACTION ITEM
August 18, 2022	City Council A-Session – Approval of Implementation Plan
September 2, 2022	Request for Proposal Opens
September 12 - 16, 2022	Pre-Submittal Conference and Training and Technical Assistance Workshops
October 3, 2022	Request for Proposal Closes
October 4 - 20, 2022	Evaluation & Scoring
November 2022	City Council A Session – Approval of Awards
December 2022	Contracts Begin

No Contact Period

In accordance with §2-61 of the City Code, interested applicants are prohibited from communication regarding the Combined Services RFP with City Officials and Employees during specific portions of the competitive process. The Department of Human Services, in line with prior competitive RFPs issued is recommending an abbreviated no contact period for City Officials as reflected below.

- **City Officials:** September 21, 2022 until the date the City Manager posts proposed awards for City Council consideration.
- **City Employees:** August 19, 2022 until the date proposed awards are approved by the City Council.

Scoring Criteria

- **Experience Background and Qualifications: 30 Points**
 - Agency experience
 - Financial management
 - History providing youth services for targeted youth population
- **Proposed Plan: 50 Points**
 - Demonstrate disproportionate COVID – 19 impacts to youth and/or organization
 - Alignment with proposed program strategies, outcomes, and performance indicators
 - Identify how support to youth assists them long-term
 - Youth engagement in development of plan
 - Collaboration with other agencies and innovative practices to support youth
- **Budget and Budget Narrative: 20 Points**
 - Prior receipt of federal COVID-19 funding assistance
 - Leveraged agency resources
 - Capacity building investments
 - Long-term sustainability



Background

On March 11, 2021, Congress signed into law ARPA which included resources to support local government's response to and recovery from the COVID-19 pandemic. The City of San Antonio was awarded \$326.9 million in State and local Fiscal Recovery Funds. As part of the FY 2022 Budget process, the City Council approved \$97.5 million to support the city budget and address community needs. On November 18, 2021, the City Council approved an additional \$30.0 million for residential utility assistance. The remaining \$199.4 million remained unallocated and was intended to be awarded following a community engagement process that began in the fall of 2021.

On January 26, 2022, following a community engagement process, staff presented a recommended spending framework reflecting Community and City Council input. The final spending framework was approved by the City Council on February 3, 2022. The approved spending framework included \$87.8 million recommended for programmatic funding with \$5 million dedicated to Senior to support older adults disproportionately impacted by the COVID-19 pandemic.

On April 12, 2022, May 10, 2022, and June 14, 2022, the Community Health, Environment, and Culture Committee (CHECC) was briefed on the impact of COVID-19 on senior services organizations and residents, and feedback from the community and stakeholders. This document outlines the implementation plan, which focuses on mitigating the impact of COVID-19 on older adults.

Eligibility

Eligible Organizations

- Nonprofit organizations (501 (c) 3)
- Faith-Based organizations
- Public Entities (including non-COSA government agencies)

Additional Information on Eligibility

- Must have been in existence and actively producing programs that are open to the public in the City of San Antonio for a minimum of two years
- Must demonstrate residents served have been disproportionately impacted by COVID-19

Program Funding and Anticipated Awards: \$5 Million

- Minimum award of \$100,000 over two-year contract term
- Allowable administrative rate of 30%
- Preference for small nonprofit organizations (annual budget less than \$500,000)

Stakeholder Engagement

The Department of Human Services and held three stakeholder feedback sessions from April 27 – May 13, 2022. The purpose of these sessions was to share community and City Council input, gather suggestions on proposed funding priorities and goals, and finalize performance indicators.

Participating Stakeholder Groups:

City/County Joint Commission on Elderly Affairs City of San Antonio & Bexar County - 15 members	South Texas Adult Protective Services Community Board Texas Department of Family Protective Services - 13 Members
Bexar County Senior Advisory Committee Alamo Area Council of Governments - 42 members	Successfully Aging and Living in San Antonio Coalition San Antonio Area Foundation - 80 members

Funding Priority Investments

Older Adults (Programming Support)				
COVID – 19 Impact	Strategy/Programs	Equitable Outcomes	Performance Indicators	Amount
Mitigate increased social isolation for older adults disproportionately impacted by COVID - 19	Provide funding to support community – based transportation access (ex: senior centers, doctor’s appointments, errands, etc.).	Connect older adults with barriers exacerbated by COVID - 19 to community services and resources.	% Connected and accessing reliable transportation	\$2 M
	Fund non-center-based programming to reduce social isolation for seniors with mobility issues.		% Reporting increased social, emotional and/or physical health	
	Connect older adults to volunteer, workforce training, and employment opportunities.		% Enrolled individuals obtaining a better job within 90 days of program completion	
Address increased older adult food and resource insecurity exacerbated by COVID – 19	Fund neighborhood-based access to food and commodities.	Alleviate increased cost and scarcity of resources for older adults with financial constraints	% Reporting improved food security	\$2 M
	Fund navigation and case management services to coordinate access to resources for home-bound seniors.		% Enrolled in and accessing public benefits and resources	
	Provide direct assistance to older adults in financial crisis (ex: households at risk of homelessness, unexpected financial hardship, etc.).		% Financial crisis that are stabilized	
	Connect working older adults who are unemployed or under employed to training, employment, and volunteer opportunities.		% Enrolled individuals obtaining a better job within 90 days of program completion	

Address increased responsibility on informal and unpaid caregivers during the COVID – 19 pandemic	Connect caregivers to available resources, education, and training.	Mitigate increased social and emotional issues exacerbated by COVID – 19 for caregivers to improve the safety and quality of care provided to older adults	% Reporting increased social, emotional and/or physical health	\$1 M
	Improve caregiver access to specialized training and resources for older adults with dementia and other cognitive issues.		% Reporting increased awareness of resources and supportive services	
	Fund respite resources for caregivers.		% Increased access to respite care resources and support	

Request for Proposal Timeline

DATE	ACTION ITEM
August 18, 2022	City Council A-Session – Approval of Implementation Plan
September 2, 2022	Request for Proposal Opens
September 12 - 16, 2022	Pre-Submittal Conference and Training and Technical Assistance Workshops
October 3, 2022	Request for Proposal Closes
October 4 - 20, 2022	Evaluation & Scoring
November 2022	City Council A Session – Approval of Awards
December 2022	Contracts Begin

No Contact Period

In accordance with §2-61 of the City Code, interested applicants are prohibited from communication regarding the Immigration Services RFP with City Officials and Employees during specific portions of the competitive process. The Department of Human Services, in line with prior competitive RFPs issued is recommending an abbreviated no contact period for City Officials as reflected below.

- **City Officials:** September 21, 2022, until the date the City Manager posts proposed awards for City Council consideration.
- **City Employees:** August 19, 2022, until the date proposed awards are approved by the City Council.

Scoring Criteria

- **Experience Background and Qualifications: 30 Points**
 - Agency experience (preference points for small nonprofit organizations)
 - Financial management

- History providing services to older adults
- **Proposed Plan: 50 Points**
 - Demonstrate disproportionate COVID – 19 impacts to organization or residents
 - Alignment with proposed program strategies, outcomes, and performance indicators
 - Identify how support to organizations and residents assists them thrive long-term
 - Community collaboration
- **Budget and Budget Narrative: 20 Points**
 - Prior receipt of federal COVID -19 funding assistance
 - Leveraged agency resources
 - Capacity building investments
 - Long-term sustainability



Background

On March 11, 2021, Congress signed into law ARPA which included resources to support local government's response to and recovery from the COVID-19 pandemic. The City of San Antonio was awarded \$326.9 million in State and local Fiscal Recovery Funds. As part of the FY 2022 Budget process, the City Council approved \$97.5 million to support the city budget and address community needs. On November 18, 2021, the City Council approved an additional \$30.0 million for residential utility assistance. The remaining \$199.4 million remained unallocated and was intended to be awarded following a community engagement process that began in the fall of 2021.

On January 26, 2022, following a community engagement process, staff presented a recommended spending framework reflecting Community and City Council input. The final spending framework was approved by the City Council on February 3, 2022. The approved spending framework included \$87.8 million recommended for programmatic funding with \$5 million dedicated to Senior to support older adults disproportionately impacted by the COVID-19 pandemic.

On April 12, 2022, May 10, 2022, and June 14, 2022, the Community Health, Environment, and Culture Committee (CHECC) was briefed on the impact of COVID-19 on senior services organizations and residents, and feedback from the community and stakeholders. This document outlines the implementation plan, which focuses on mitigating the impact of COVID-19 on older adults.

Eligibility

Eligible Organizations

- Nonprofit organizations (501 (c) 3)
- Faith-Based organizations
- Public Entities (including non-COSA government agencies)

Additional Information on Eligibility

- Must have been in existence and actively producing programs that are open to the public in the City of San Antonio for a minimum of two years
- Must demonstrate residents served have been disproportionately impacted by COVID-19

Program Funding and Anticipated Awards: \$5 Million

- Minimum award of \$100,000 over two-year contract term
- Allowable administrative rate of 30%
- Preference for small nonprofit organizations (annual budget less than \$500,000)

Stakeholder Engagement

The Department of Human Services and held three stakeholder feedback sessions from April 27 – May 13, 2022. The purpose of these sessions was to share community and City Council input, gather suggestions on proposed funding priorities and goals, and finalize performance indicators.

Participating Stakeholder Groups:

City/County Joint Commission on Elderly Affairs City of San Antonio & Bexar County - 15 members	South Texas Adult Protective Services Community Board Texas Department of Family Protective Services - 13 Members
Bexar County Senior Advisory Committee Alamo Area Council of Governments - 42 members	Successfully Aging and Living in San Antonio Coalition San Antonio Area Foundation - 80 members

Funding Priority Investments

Older Adults (Programming Support)				
COVID – 19 Impact	Strategy/Programs	Equitable Outcomes	Performance Indicators	Amount
Mitigate increased social isolation for older adults disproportionately impacted by COVID - 19	Provide funding to support community – based transportation access (ex: senior centers, doctor’s appointments, errands, etc.).	Connect older adults with barriers exacerbated by COVID - 19 to community services and resources.	% Connected and accessing reliable transportation	\$2 M
	Fund non-center-based programming to reduce social isolation for seniors with mobility issues.		% Reporting increased social, emotional and/or physical health	
	Connect older adults to volunteer, workforce training, and employment opportunities.		% Enrolled individuals obtaining a better job within 90 days of program completion	
Address increased older adult food and resource insecurity exacerbated by COVID – 19	Fund neighborhood-based access to food and commodities.	Alleviate increased cost and scarcity of resources for older adults with financial constraints	% Reporting improved food security	\$2 M
	Fund navigation and case management services to coordinate access to resources for home-bound seniors.		% Enrolled in and accessing public benefits and resources	
	Provide direct assistance to older adults in financial crisis (ex: households at risk of homelessness, unexpected financial hardship, etc.).		% Financial crisis that are stabilized	
	Connect working older adults who are unemployed or under employed to training, employment, and volunteer opportunities.		% Enrolled individuals obtaining a better job within 90 days of program completion	

Address increased responsibility on informal and unpaid caregivers during the COVID – 19 pandemic	Connect caregivers to available resources, education, and training.	Mitigate increased social and emotional issues exacerbated by COVID – 19 for caregivers to improve the safety and quality of care provided to older adults	% Reporting increased social, emotional and/or physical health	\$1 M
	Improve caregiver access to specialized training and resources for older adults with dementia and other cognitive issues.		% Reporting increased awareness of resources and supportive services	
	Fund respite resources for caregivers.		% Increased access to respite care resources and support	

Request for Proposal Timeline

DATE	ACTION ITEM
August 18, 2022	City Council A-Session – Approval of Implementation Plan
September 2, 2022	Request for Proposal Opens
September 12 - 16, 2022	Pre-Submittal Conference and Training and Technical Assistance Workshops
October 3, 2022	Request for Proposal Closes
October 4 - 20, 2022	Evaluation & Scoring
November 2022	City Council A Session – Approval of Awards
December 2022	Contracts Begin

No Contact Period

In accordance with §2-61 of the City Code, interested applicants are prohibited from communication regarding the Immigration Services RFP with City Officials and Employees during specific portions of the competitive process. The Department of Human Services, in line with prior competitive RFPs issued is recommending an abbreviated no contact period for City Officials as reflected below.

- **City Officials:** September 21, 2022, until the date the City Manager posts proposed awards for City Council consideration.
- **City Employees:** August 19, 2022, until the date proposed awards are approved by the City Council.

Scoring Criteria

- **Experience Background and Qualifications: 30 Points**
 - Agency experience (preference points for small nonprofit organizations)
 - Financial management

- History providing services to older adults

- **Proposed Plan: 50 Points**
 - Demonstrate disproportionate COVID – 19 impacts to organization or residents
 - Alignment with proposed program strategies, outcomes, and performance indicators
 - Identify how support to organizations and residents assists them thrive long-term
 - Community collaboration

- **Budget and Budget Narrative: 20 Points**
 - Prior receipt of federal COVID -19 funding assistance
 - Leveraged agency resources
 - Capacity building investments
 - Long-term sustainability

ARPA Small Business

Implementation Plan

Executive Summary

On February 3, 2022, the City Council approved the spending framework for State & Local Fiscal Recovery Funds received by the City of San Antonio under the American Rescue Plan Act (ARPA). This framework included \$30.95 million for small businesses. Based on a comprehensive outreach effort, the City’s Small Business Advisory Commission (SBAC) identified five priority areas to be included in the portfolio of Small Business investments. It is expected that these investments not only address the immediate needs of the small business owners, but also provides the opportunity for transformational change in the larger small business ecosystem resulting in a stronger, more resilient economy. The Economic & Workforce Development Committee accepted the SBAC priority areas. The following table provides a summary of investments by identified priority.

Strategy/Program	Recommended Funding
Access to Capital	\$20,625,000
<i>COVID Impact Grants</i>	\$17,000,000
<i>COVID Impact Grants Outreach and Marketing</i>	\$625,000
<i>Growth Fund Loan/ Grants*</i>	\$3,000,000
Capacity Building	\$1,450,000
<i>Launch SA Improvements</i>	\$300,000
<i>Back Office Support Program*</i>	\$750,000
<i>Web Presence Program*</i>	\$400,000
Ecosystem Enhancements	\$3,000,000
<i>Implementation of Pillars Identified in the SA Ecosystem Report*</i>	\$3,000,000
Localism	\$625,000
<i>Buy Local Program Implementation and Operations Support*</i>	\$625,000
Geographic Placemaking	\$5,250,000
<i>Operation Facelift 2.0*</i>	\$3,000,000
<i>Outdoor Spaces Program</i>	\$1,250,000
<i>Corridor Program Pilot*</i>	\$1,000,000

*Staff recommends RFP solicitation

Recognizing the immediate needs of small businesses that continued to be impacted by the COVID-19 pandemic, the implementation plan will be executed in two phases. Phase 1 will focus on the execution of the COVID Impacts Grants program. In partnership with LiftFund, this program will provide direct financial assistance of up to \$45,000 to small businesses owners to be used on qualifying expenses such as payroll, rent/mortgage, utilities, and supplies. To support this program, \$625,000 has been allocated for targeted outreach and technical assistance to be provided by local business development organization partners with a focus on areas with the greatest digital divide.

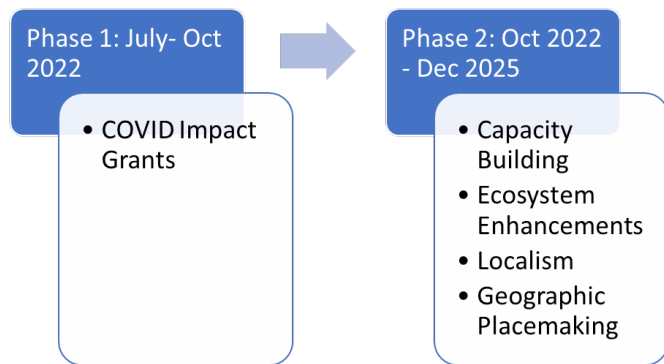


Figure 1 Implementation Timeline

With the completion of the COVID Impact Grants program, the Economic Development Department (EDD) will focus on execution of Phase 2 of the implementation plan beginning with the Capacity Building, Ecosystem Enhancements, and Localism strategy areas in the fall of 2022. Implementation of the programs associated the Geographic Placemaking strategy will coincide with the completion of the EDD strategic planning initiative.

Background

With the onset of the COVID-19 pandemic, many of the city’s small businesses were negatively impacted. While there have been several recovery programs, including \$45.5 million in grants from the CARES Act and General Fund resources, the COSA Hospitality Grants Program, among other local and national efforts, anecdotal evidence has shown that certain sectors continue to face ongoing challenges due to the pandemic and its secondary impacts.

On March 11, 2021, Congress signed into law the American Rescue Plan Act (ARPA), which included resources to support local government’s response to and recovery from the COVID-19 pandemic. The City of San Antonio was awarded \$326.9 million in State & Local Fiscal Recovery Funds. As part of the FY 2022 Budget process, the City Council approved \$97.5 million to support the City budget and address community needs. On November 18, 2021, the City Council approved an additional \$30.0 million for utility assistance. The remaining \$199.4 million remained unallocated and was intended to be awarded following a community engagement process in the fall of 2021.

In November 2021, a comprehensive community outreach effort took place that included 2,417 responses through a city-wide SASpeakUp survey online and available at ARPA town hall meetings, 28 public comments at three Small Business Advisory Commission (SBAC) Listening Sessions, and 157 responses to the Small Business Owner Input Form.

On January 26, 2022, following a community engagement process, staff presented a recommended spending framework reflecting the community and City Council input. The final spending framework of \$199.4 million was approved by the City Council on February 3, 2022. The approved spending framework included \$87.8 million recommended for programmatic funding, which included \$30.95 million for small businesses.

SBAC recommended priorities detailed within this document through its regular meetings and in consideration of community input to identify the following funding areas in the ARPA Investment Portfolio: Access to Capital, Capacity Building, Ecosystem Enhancements, Localism, and Geographic Placemaking.

The Investment Portfolio addresses solutions, both short-term and long-term, for businesses to recover from the negative impacts of the pandemic and achieve long-term resiliency. Long-term resiliency requires intentional investment and strategies to build infrastructure and support in coordination immediate relief.

The City Council designated the Economic & Workforce Development Committee (EWDC) to oversee the implementation planning for the \$30.95 million funding designation. EWDC considered the SBAC Investment Portfolio recommendation over the course of several meetings, with the following approved June 15, 2022.

Investment Portfolio

Working with SBAC and EWDC, the Economic Development Department sought to create a balanced portfolio of investments aimed at addressing the immediate needs of small businesses owners while also seeking to identify transformative solutions to improve our community and opportunities for small businesses going forward. The following chart provides an overview of the investments by identified priority.

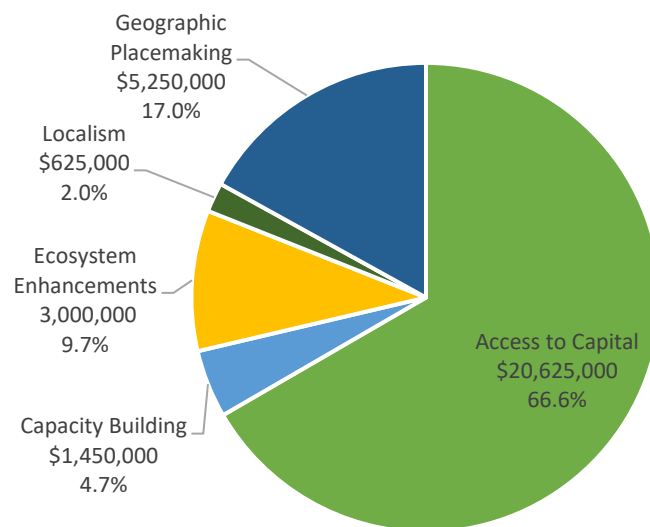


Figure 2 Program Portfolio

The strategies and programs identified in the implementation plan will be implemented in two phases. Phase 1 will focus on the deployment of the COVID Impact Grants program and the associated outreach and technical assistance. This phase will begin in July 2022 and conclude in November 2022.

Phase 2 will begin in the Fall of 2022 and prioritize programs in the Capacity Building, Ecosystem Enhancements, and Localism strategies. Implementation of programs in the Geographic Placemaking strategy will coincide with the completion of EDD Strategic Planning Initiative.

The following sections will provide additional detail on investments by priority area and program.

Access to Capital

\$20,625,000

Provide access to flexible capital that meets the needs of small businesses at every stage and aligns with the SA Ecosystem Report that identified access to capital as one of the greatest needs of small businesses owned by minority groups that have traditionally been underfunded.

COVID Impact Grants

\$17,000,000

Program Description

Small businesses need support, technical assistance, and tools to support their recovery from the COVID-19 pandemic while building long-term resiliency. Recognizing this, San Antonio is implementing the COVID Impact Grants program to provide meaningful and efficient support to small businesses that continue to work toward recovery from the economic strife caused by the public health crisis and secondary impacts associated with the pandemic.

EDD is partnering with LiftFund for the administration of the COVID Impact Grants program with an administrative fee of 8% (or \$1.36 million) of the \$17 million total allocation for administrative expenses.

Grant Eligibility Criteria

Applicants must meet all the following criteria to be eligible for the COVID Impact Grants:

- Business is in one of the eligible NAICS codes provided below. These NAICS codes were identified as experiencing at least 5% employment loss from pre-pandemic levels
- Reduction in gross revenues in 2020 and 2021 when compared to 2019
- Minimum 20% reduction in gross revenues from 2019 to 2021
- Must meet SBA size standards for small businesses for 6-digit NAICS code
- Established prior to January 1, 2020 with demonstrated revenue in 2019
- Be in operation and not filed for bankruptcy at time of application
- Primarily be located within San Antonio city limits and remain for one year from date of grant award
- Not be in the following categories: gambling/gaming businesses; franchisors; sexually oriented businesses; payday & auto loan providers; liquor stores and businesses in which a City employee or officer has a financial interest, as defined in Sec. 2-53 of the City's Ethics Code
- Not have applied for any other City of San Antonio grant programs funded by the American Rescue Plan Act (ARPA), including, but not limited to ARPA 4 Arts
- Grant applicant must be authorized representative of business

Eligible NAICS codes

Demonstrated a 5% loss or more in employment 2021 compared to 2019.

NAICS	Industry	Employment Loss
213	Support Activities for Mining	-80.9%

NAICS	Industry	Employment Loss
512	Motion Picture and Sound Recording Industries	-55.7%
519	Other Information Services	-48.0%
331	Primary Metal Manufacturing	-38.6%
711	Performing Arts, Spectator Sports, and Related Industries	-37.6%
721	Accommodation	-33.7%
487	Scenic and Sightseeing Transportation	-32.7%
486	Pipeline Transportation	-30.2%
448	Clothing and Clothing Accessories Stores	-29.7%
485	Transit and Ground Passenger Transportation	-25.0%
532	Rental and Leasing Services	-24.3%
333	Machinery Manufacturing	-23.4%
323	Printing and Related Support Activities	-22.6%
115	Support Activities for Agriculture and Forestry	-22.5%
211	Oil and Gas Extraction	-22.4%
212	Mining (except Oil and Gas)	-17.6%
316	Leather and Allied Product Manufacturing	-17.4%
518	Data Processing, Hosting, and Related Services	-16.5%
515	Broadcasting (except Internet)	-15.7%
623	Nursing and Residential Care Facilities	-12.2%
425	Wholesale Electronic Markets and Agents and Brokers	-11.2%
442	Furniture and Home Furnishings Stores	-10.9%
339	Miscellaneous Manufacturing	-10.8%
315	Apparel Manufacturing	-10.8%
722	Food Services and Drinking Places	-10.5%
812	Personal and Laundry Services	-10.4%
533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	-10.3%
326	Plastics and Rubber Products Manufacturing	-9.6%
453	Miscellaneous Store Retailers	-8.8%
624	Social Assistance	-8.8%
322	Paper Manufacturing	-8.2%

NAICS	Industry	Employment Loss
523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities	-8.1%
622	Hospitals	-7.5%
236	Construction of Buildings	-5.9%
424	Merchant Wholesalers, Nondurable Goods	-5.9%
321	Wood Product Manufacturing	-5.6%
712	Museums, Historical Sites, and Similar Institutions	-5.5%
713	Amusement, Gambling, and Recreation Industries	-5.5%
451	Sporting Goods, Hobby, Musical Instrument, and Book Stores	-5.4%
112	Animal Production and Aquaculture	-5.2%
446	Health and Personal Care Stores	-5.0%
524	Insurance Carriers and Related Activities	-5.0%

Scoring Matrix

Reduction in Gross Revenue 2019 to 2021	30	Points
40% or Greater		30
30% - 39.9%		20
20% - 29.9%		10
Industry Employment Loss	30	Points
25% or greater		30
20 – 24.9 %		25
15-19.9%		20
10-14.9%		15
5-9.9%		10
Demographic Criteria	20	Points
Minority-Owned		5
Women-Owned		5
Veteran-Owned		5
Disabled-Owned		5
Equity Atlas Score	20	Points
Equity Atlas Score 8-10		20

Equity Atlas Score 5-7		10
Equity Atlas Score 2-4		0
Other Grant Funding Received*	15	Points
\$0		15
\$1 to \$10,000		10
\$10,001 to \$25,000		5
\$25,001 or more		0

*To include PPP, EIDL, Restaurant Revitalization Fund, and COSA Recovery and Hospitality Grants

Grant Funding and Category Amounts

Reduction in Gross Revenue	Grant Amount
20% - 29.9%	\$15,000
30% - 39.9%	\$25,000
40% or Greater	\$35,000

Construction Impact Funding

Additional funding of \$10,000 will be available to businesses located within major, City-initiated construction zones. The following projects started within the timeframe of October 1, 2019 and December 31, 2021 and include project duration time of at least 18 months.

Eligible projects include:

- The Alamo (Area Streets)
- Broadway Street Corridor (East Houston Street to IH35)
- Prue Road (Babcock Road to Laureate Drive) (D/B)
- Harry Wurzbach Road/Austin Highway Connectors
- West Commerce Street (Frio Street to Colorado Street)
- Goliad Road (Fair Avenue to East Southcross Boulevard)
- Commerce Street (St. Mary's Street to Santa Rosa Street)
- Cedarhurst Drive Area (Dumont Drive to Eaglerock Drive)
- North St. Mary's Street (East Mistletoe Avenue to West Josephine Street)
- Brooks City Base South New Braunfels Avenue (Lyster Road to Aviation Landing)
- North New Braunfels Avenue Phase 1 (East Houston Street to Burseson Street)
- Bulverde Road Phase 1 (Butterleigh Drive to North of Quiet Meadow Street)
- West Military Drive & Westmar Drive Area

- Enrique M. Barrera Parkway Phase 1 (Old Highway 90 Area)
- Brooks City Base Inner Circle Road (Louis Bauer Drive to Research Plaza)
- Barbara Drive Drainage Phase 2
- Aldine Drive & Burr Oak Drive (Alley to Outfall)
- Mission Road (San Antonio River to Southeast Military Drive)
- Fredericksburg Road (North Flores Street to West Woodlawn Avenue)

Implementation Timeline

July 2022: Community outreach launch
 August 2022: Applications open
 September – October 2022: Scoring and awarding
 December 2022: Funding disbursement complete

Equitable Outcomes

- Increased opportunity and access to capital for underserved groups with a focus on Black- and Latino-owned businesses

COVID Impact Grants Outreach and Marketing \$625,000

Program Description

This program provides support to the business development organization partners to ensure targeted outreach, marketing and technical assistance are provided to small business owners who are eligible to apply for COVID Impact Grants.

Implementation Timeline

July 2022: Marketing and outreach
 August 2022: Technical support
 August – October 2022: Provide direct assistance to advise grant recipients of best use of grants should advice be requested

Equitable Outcomes

- Businesses in the hardest-to-reach areas and the most historically underserved have increased opportunity to successfully apply for and receive a grant

Note: All subsequent programs described are included within Phase 2 of the Implementation Plan

Growth Fund \$3,000,000

Program Description

The Growth Fund program provides small businesses, which have disproportionately lower access to financial capital, the financial assistance to sustain or grow operations. This program will increase

opportunity and access to capital for underserved groups in business. It will also identify and address the barriers to create better opportunities for business owners. Performance will be measured through jobs created, retained and growth in revenue.

A competitive RFP process will be conducted to identify implementation partner(s) for this program.

Implementation Timeline

Spring 2023: Program development including criteria for participation

Fall 2023: Solicitation process begins

2024: Contract award and program implementation

Equitable Outcomes

- Increased opportunity and access to capital for underserved groups with a focus on Black- and Latino-owned businesses
- Identify and address barriers to create opportunities for business owners

Capacity Building

\$1,450,000

Small businesses grow to their greatest potential.

Launch SA Improvements

\$300,000

Program Description

The Economic Development Department has operated LaunchSA, located in the Central Library, in partnership with LiftFund since 2014. Physical improvements will be made to the Launch SA space with the goal to create a best-in-class full-service small business support hub. Potential improvements include technology upgrades and reconfiguration of the existing space.

Implementation Timeline

Fall 2023: Space needs assessment complete and coordination with San Antonio Public Library

Winter 2023: Procurement process (if needed)

Spring 2024: Improvements complete

Equitable Outcomes

- Coordinated and sustainable small business ecosystem that serves as a safety net during future economic downturns

Back Office Support Program

\$750,000

Program Description

At the outset of the pandemic, back office support services were identified as a major deficiency for many small businesses trying to access financial assistance programs. Frequently, businesses were unable to provide the necessary financial documentation to access those resources.

Currently, San Antonio for Growth on the Eastside (SAGE) operates a Back Office Program to provide the necessary support to ensure that the background operations of businesses are successful. Programs such as these help identify challenges in areas, such as accounting, project management, billing, HR, and supply chain operations, and develop tailored solutions to create opportunities for business owners to effectively operate and grow their business. This program seeks to identify one or more partner agencies to develop a scalable model to provide back office support to small business owners across the city.

A competitive RFP process will be conducted to identify implementation partner(s) for this program.

Implementation Timeline

Fall/Winter 2022: Solicitation process begins

Spring 2023: Partner identification and program implementation

Equitable Outcomes

- Identify and address barriers to create opportunities for business owners

Web Presence Program

\$400,000

Program Description

Support through this program will assist businesses in the creation of an online presence that could include the creation or upgrade of existing websites as well as social media and online advertising education and support. Potential services include conducting an individualized needs assessment, tool development to include photography and copywriting, training, and update support.

A competitive RFP process will be conducted to identify implementation partner(s) for this program.

Implementation Timeline

Fall/Winter 2022: Solicitation process begins

Spring 2023: Partner selection and program implementation

Equitable Outcomes

- Identify and address barriers to create opportunities for business owners

Ecosystem Enhancements

\$3,000,000

Develop a stronger, more resilient small business ecosystem.

Implementation of Pillars – SA Ecosystem Report

\$3,000,000

Program Description

The 2021 SA Ecosystem Report, supported by JPMorgan Chase & Co, Common Future and Next Street, codeveloped insights with local stakeholders to identify four ecosystem pillars that can help to lift small business owned by minority groups that have traditionally been underfunded and focus on closing a racially systematic wealth gap in our community. Those pillars are access to flexible capital, sustainability and resiliency, access and networks, and ecosystem coordination. Support of this ecosystem can improve the local economy and create a sustainable business environment for local prosperity. The four pillars will facilitate the long-term creation of wealth and jobs in San Antonio, which will lead to a sustainable economic growth in underdeveloped areas of the city. This program will support transformative work to improve the ecosystem by investing in initiatives aimed at addressing one or more of the opportunities identified in the report. Emphasis will be placed on initiatives that leverage other funding sources and involve collaboration between one or more agencies.

A competitive RFP process will be conducted to identify implementation partner(s) for this program and initiatives.

Implementation Timeline

Fall/Winter 2022: Solicitation process begins
Spring 2023: Identification of initiatives and partner agencies

Equitable Outcomes

- Increased opportunity and access to capital for underserved groups with a focus on Black- and Latino-owned businesses
- Identify and address barriers to create opportunities for business owners

Localism

\$625,000

Foster growth of demand for locally made products and services and the implementation of finding from ongoing assessment of buy local initiatives.

Buy Local Implementation & Operations

\$625,000

Program Description

The Buy Local Program will promote the importance of locally owned, independent businesses and create a business alliance to advocate for those businesses. Supporting local businesses will recirculate more money in the local economy, preserve and celebrate local culture and neighborhoods, attract visitors, and maintain livable communities where the full diversity of residents can prosper. Project scope will

incorporate findings and recommendations from the assessment of current buy local initiatives completed in Spring 2022. This includes identification of a lead agency partner to support program implementation.

A competitive RFP process will be conducted to identify implementation partner(s) for this program.

Implementation Timeline

Fall/Winter 2022: Implementation of findings and recommendation from Buy Local Assessment to include program design, partner identification, funding structure, and marketing strategy

Spring/Summer 2023: Identification of lead agency partner for ongoing program execution to include plan for financial sustainability and long-term strategy

Equitable Outcomes

- Support for production and consumption of local goods while promoting local history, culture, and identity

Geographic Placemaking

\$5,250,000

Establishing a framework to create connected, vibrant, and inclusive communities through transformative placemaking. As defined by [Brookings](#), transformative placemaking “aims to nurture an economic ecosystem that is regionally connected, innovative, and rooted in the assets of its local residents and businesses.”

Operation Facelift 2.0

\$3,000,000

Program Description

From 1998-2018, the Neighborhood Housing Services Department operated the Operation Facelift program. This program, funded by a combination of City and federal HUD resources, provided funding for exterior improvements to commercial properties, either tenant or owner occupied, in target areas as part of neighborhood revitalization efforts. In the last years of the program, the property had to be located within RenewSA target areas. The purpose of the program was to reverse the deterioration of commercial structures in targeted areas and stimulate new, private investment and economic growth. Eligible projects could receive up to \$35,000 in exterior improvements to the building. Records show that the City completed 95 façade improvement projects and expended \$1,881,974 under this program.

Currently SAGE, operates a Store Front Grant Program with the objective of revitalizing small businesses. The Storefront Grant is a matching grant program that provides up to \$10,000 for façade improvements in targeted areas that will help revitalize and return activity to our commercial corridors. All grant funds must be matched dollar for dollar by the property owner. To date, 150 commercial businesses have received SAGE Store Front Grant, with a total investment of over \$1.3 million in Eastside business façade improvements.

This proposed initiative will seek to reinstitute the Operation Facelift program to provide funding for storefront and façade improvements in target areas. Staff will review prior program guidelines and recommend modifications.

A competitive RFP process will be conducted to identify implementation partner(s) for this program.

Implementation Timeline

Fall 2022: Develop program requirements and scope

Winter 2022/2023: Solicitation process

Spring 2023: Program implementation

Equitable Outcomes

- Strengthened connection between people and the places they share

Outdoor Spaces Program

\$1,250,000

Program Description

There have been fundamental changes in customer preferences resulting from the COVID-19 pandemic that include increased and continued demand for outdoor spaces as extensions of existing business blueprint. The program will provide funding to businesses that wish to create outdoor spaces as an enhancement to the current facility. The National Restaurant Association’s 2021 State of the Restaurant Industry report indicated that since the start of the pandemic, 62% of fine dining and 56% of casual dining restaurant owners have committed more resources to expanding and developing their outdoor dining spaces, and 45% of both casual and fine dining operators said they have added seating to their parking lots and sidewalks. Most operators surveyed said they plan on keeping those outdoor improvements in place.

Concurrently, staff will work with participating businesses and the City’s Development Services Department to identify opportunities to streamline and/or simplify permitting processes.

A competitive RFP process will be conducted to identify implementation partner(s) for this program.

Implementation Timeline

Fall 2022: Identify program requirements, criteria, and begin coordination with Development Services Department

Fall/Winter 2022: Solicitation process Begins

Spring 2023: Program implementation

Equitable Outcomes

- Strengthened connection between people and the places they share

Corridor Program Pilot

\$1,000,000

Program Description

There are economic corridors throughout the city, once at their prime, that have lost vitality due to a variety of reasons, such as the impact of the pandemic on small businesses located along the corridor, changes in demographics, consumer trends, lack of access to financial capital, need for technical assistance, and space needs. This pilot program will focus on two economic corridors in San Antonio. By improving these corridors, we can strengthen the connection between people and the places they share, which will create and retain jobs as well as increase revenue in these corridors.

A competitive RFP process will be conducted to identify implementation partner(s) for this program.

Implementation Timeline

Fall 2023: Corridor selection and solicitation process

Spring 2024: Program initiation

Equitable Outcomes

- Strengthened connection between people and the places they share

COVID Impact Matrix

COVID-19 Impact	Strategies/ SBAC Priority	Program	Equitable Outcomes	Performance Indicators	Amount	
Impact of pandemic accelerates trends in small business digital inclusion, access to flexible financial capital, technical assistance, and space needs	Access to Capital	COVID Impact Grants	Increased opportunity and access to capital for underserved groups with a focus on Black- and Latino-owned businesses	<ul style="list-style-type: none"> Jobs created Jobs retained 	\$17.00 M	
		COVID Impact Grants Outreach and Marketing	Businesses in the hardest-to-reach areas and the most historically underserved have increased opportunity to successfully apply for and receive a grant	<ul style="list-style-type: none"> Grant awardee demographics Number of businesses that stay open after receiving grant 	\$625 K	
	Capacity Building	Web Presence Program	Identify and address barriers to create opportunities for business owners	<ul style="list-style-type: none"> Revenue 	\$400 K	
		Launch SA Improvements	Coordinated and sustainable small business ecosystem that serves as a safety net during future economic downturns	<ul style="list-style-type: none"> Program Participation Participant Business Failure Rate 	\$300 K	
	Geographic Placemaking	Operation Facelift 2.0	Strengthened connection between people and the places they share		<ul style="list-style-type: none"> Revenue Corridor Investments Jobs created Jobs retained 	\$3.00 M
		Outdoor Spaces Program				\$1.25 M
		Corridor Program Pilot				\$1.00 M

COVID-19 Impact	Strategies/ SBAC Priority	Program	Equitable Outcomes	Performance Indicators	Amount
Small Businesses, in particular Black- and Latino-owned, have disproportionately lower access to financial capital to sustain or grow operations during the pandemic	Access to Capital	Growth Fund	Increased opportunity and access to capital for underserved groups with a focus on Black- and Latino-owned businesses Identify and address barriers to create opportunities for business owners	<ul style="list-style-type: none"> Jobs created Jobs retained Revenue 	\$3.00 M
Business Development Organizations struggle to reach businesses to provide assistance	Ecosystem Enhancements	Implementation of Pillars Identified in the SA Ecosystem Report	Increased opportunity and access to capital for underserved groups with a focus on Black- and Latino-owned businesses Identify and address barriers to create opportunities for business owners	<ul style="list-style-type: none"> \$ Leveraged from other funding sources Capital demand CDFI Loans Bank Loans 	\$3.00 M
Small Businesses without adequate back-office functions struggle to access recovery funding and other assistance programs	Capacity Building	Back Office Support Program	Identify and address barriers to create opportunities for business owners	<ul style="list-style-type: none"> Jobs created Revenue 	\$750 K
Secondary effects of the impact of pandemic on hospitality industry felt by other small business sectors due to lack of local demand	Localism	Buy Local Implementation	Support for production and consumption of local goods while promoting local history, culture, and identity	<ul style="list-style-type: none"> Buy local multiplier Shift in consumer behavior and sentiment 	\$250 K
		Buy Local Operations Support			\$375 K

Program Budget by Year

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Total
Access to Capital						
COVID Impact Grants	\$16,320,000	\$680,000				\$17,000,000
Growth Fund			1,500,000	1,500,000		3,000,000
COVID Impact Grants Outreach and Marketing	325,000	300,000				\$625,000
Access to Capital Total	\$16,645,000	\$980,000	\$1,500,000	\$1,500,000	-	\$20,625,000
Capacity Building						
Launch SA Improvements			300,000			300,000
Back Office Support Program		400,000	250,000	100,000		750,000
Web Presence Program		200,000	125,000	75,000		400,000
Capacity Building Total	-	\$600,000	\$675,000	\$175,000	-	\$1,450,000
Ecosystem Enhancements						
Implementation of Pillars Identified in the SA Ecosystem Report		1,500,000	1,000,000	\$500,000		3,000,000
Ecosystem Total	-	\$1,500,000	\$1,000,000	\$500,000	-	\$3,000,000

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Total
Localism						
Buy Local Initial Implementation		250,000				250,000
Buy Local - Operational Support			200,000	125,000	50,000	375,000
Localism Total	-	\$250,000	\$200,000	\$125,000	\$50,000	\$625,000
Geographic Placemaking						
Operation Facelift 2.0		1,000,000	1,000,000	1,000,000		3,000,000
Outdoor Spaces Program		750,000	500,000			1,250,000
Corridor Program Pilot			500,000	500,000		1,000,000
Geographic Placemaking Total	-	\$1,750,000	\$2,000,000	\$1,500,000	-	\$5,250,000
Total	\$16,645,000	\$5,080,000	\$5,375,000	\$3,800,000	\$50,000	\$30,950,000

Timeline

Phase	SBAC Identified Priority	Investment Portfolio Project	Timeline
Phase 1	Access to Capital	COVID Impact Grants	July 2022: Community outreach August 1 – 22, 2022: Applications open September – October 2022: Scoring and award notifications December 2022: Funding disbursement complete
	Access to Capital	COVID Impact Grants Outreach and Marketing	July 2022: Marketing and outreach August 2022: Technical assistance August – October 2022: Direct assistance to advise grant recipients
Phase 2	Capacity Building	Back Office Support Program	Fall/Winter 2022: Solicitation Process Begins Spring 2023: Partner identification and program implementation
		Web Presence Program	Fall/Winter 2022: Solicitation Process Begins Spring 2023: Partner selection and program implementation
	Ecosystem Enhancements	Implementation of Pillars – SA Ecosystem	Fall/Winter 2022: Solicitation Process Begins Spring 2023: Identification of initiatives and partner agencies

Phase	SBAC Identified Priority	Investment Portfolio Project	Timeline
	Localism	Buy Local Program Implementation	<p>Fall/Winter 2022: Implementation of findings and recommendation from Buy Local Assessment to include program design, partner identification, funding structure, and marketing strategy</p> <p>Spring/Summer 2023: Identification of lead agency partner for ongoing program execution to include plan for financial sustainability and long-term strategy</p>
		Operation Facelift 2.0	<p>Fall 2022: Develop program requirements and scope</p> <p>Winter 2022/2023: Solicitation Process</p> <p>Spring 2023: Program implementation</p>
	Geographic Placemaking	Outdoor Spaces Program	<p>Fall 2022: Identify program requirements, criteria, and begin coordination with Development Services Department</p> <p>Fall/Winter 2022: Solicitation Process Begins</p> <p>Spring 2023: Program implementation</p>
		Corridor Pilot Program	<p>Fall 2023: Corridor selection and solicitation process</p> <p>Spring 2024: Program initiation</p>

Phase	SBAC Identified Priority	Investment Portfolio Project	Timeline
	Access to Capital	Growth Fund Loan/Grants	Spring 2023: Program development including criteria for participation Fall 2023: Solicitation Process Begins 2024: Contract Award & Program Implementation
	Capacity Building	Launch SA Improvements	Fall 2023: Space needs assessment complete and coordination with San Antonio Public Library Winter 2023: Procurement process Spring 2024: Improvements Complete



ARPA SLFRF Spending Framework Education & Workforce Investments for Youth

Background

On March 11, 2021, Congress signed into law the American Rescue Plan Act (ARPA), which included resources to support local government's response to and recovery from the COVID-19 pandemic. The City of San Antonio was awarded \$326.9 million in State & Local Fiscal Recovery Funds (SLFRF). As part of the FY 2022 Budget process, the City Council approved \$97.5 million to support the City budget and address community needs. On November 18, 2021, the City Council approved an additional \$30.0 million for residential utility assistance. The remaining \$199.4 million remained unallocated and was intended to be awarded following a community engagement process that began in the fall of 2021.

On January 26, 2022, following a community engagement process, staff presented a recommended spending framework reflecting community and City Council input. The final spending framework of \$199.4 million was approved by the City Council on February 3, 2022. The approved spending framework included \$87.8 million recommended for programmatic funding with \$10 million allocated to support youth with increased availability to comprehensive and trauma-informed services so youth improve their educational and career outcomes. This will assist in addressing of the increased number in youth disengaged from school and the workforce, which was exacerbated by the COVID-19 pandemic.

The Department of Human Services (DHS) will manage the \$10 million investment for youth through a competitive Request for Proposal (RFP) process. Recommended investments will mitigate COVID – 19 impacts on youth including intensive supports to improve access to education, skills training, and workforce pathways. The funds will address:

- (1) lack of trauma – informed education and career opportunities for youth transitioning out of or at risk for gang involvement;
- (2) lack of higher education, workforce, and supportive services for youth aging out of the foster care system;
- (3) increases in homeless youth and “opportunity youth” who are disconnected from education and workforce opportunities; and
- (4) decreases in access to STEM, STEAM, and youth enrichment activities that support school readiness and education success.

This document outlines the implementation plan for these investments. In addition, \$100,000 will be set aside for the San Antonio Youth Commission to review applications and recommend awards to support their ongoing work on behalf of San Antonio youth.

Eligibility

Eligible Organizations

- Nonprofit organizations (501 (c) 3)
- Faith-Based organizations
- Public entities (including non-COSA government agencies)

Additional Information on Eligibility

- Must have been in existence and operating programs serving the population identified in the submitted proposal in San Antonio for a minimum of two years

- Must demonstrate agency and/or participants served have been disproportionately impacted by COVID-19

Program Funding and Anticipated Awards: \$10 Million

DHS is proposing to award youth services investments to support enhanced education and workforce pathways through a combined competitive process that includes investments for: Youth (\$10 million), Non-profit Social Services (\$2.5 Million out of \$4 Million), and Seniors (\$5 Million).

All funds will be first approved by their respective City Council committees and then taken to the City Council for consideration and approval.

Stakeholder Engagement

DHS held four stakeholder feedback sessions in May 2022 attended by 42 youth-serving organizations and key partners. In addition to these meetings, DHS met with over 30 youth from seven youth organizations and focus groups with 22 youth who had aged out of the foster care system.

The purpose of these sessions was to share community and City Council input, gather suggestions on proposed funding priorities and goals, and finalize performance indicators.

Participating Stakeholders:

- Alamo Colleges District
- Bexar County
- Bexar County Fostering for Educational Success
- Boys and Girls Club
- Boy Scouts of America, Alamo Area Council
- CASA
- Catholic Charities
- Children’s Shelter
- ChildSAFE
- City Life San Antonio
- Communities in Schools-San Antonio
- CRIT Teleton
- Texas Department of Family and Protective Services
- DoinWell
- DoSeum
- ESC-20
- Empower House
- Family Services Association
- Former Foster Youth
- Girl Scouts of Southwest Texas
- GIRLS INC.
- Good Samaritan
- Goodwill Industries
- Guadalupe Community Center
- HBBSA
- Healy Murphy Center
- Joven
- Leaven Kids
- NEISD Kid's Involvement Network
- Northside ISD
- Pride Center San Antonio
- Ready to Work (COSA)
- SA Sports
- SA Youth
- SA Youth for Christ
- SAMSAT
- San Antonio Chamber of Commerce
- San Antonio Education Partnership
- San Antonio Clubhouse
- San Antonio Youth Commission
- SARAH Youth Action Board
- SAY SI
- The University of Texas at San Antonio
- THRIVE
- Thru Project
- United Way
- UP Partnership
- Workforce Solutions Alamo
- YWCA
- Youth from Faith-Based Organizations

In addition to community stakeholder meetings and conversations, DHS is working with UP Partnership - Excel Beyond the Bell, which is a collaborative of out-of-school organizations to increase coordination of local investments and shared community goals for youth related to education success and career pathways.

This alignment and coordination will continue beyond release of the competitive process and funding awards to foster innovative and best practices, collaborative services, and reduce duplication. This coordination will also ensure development of uniform guidance on how to better support students with disabilities, homeless youth, youth aging out of foster care.

Funding Priority Investments

COVID-19 Impact	Programs/Strategies	Equitable Outcomes	Performance Indicators	Proposed Amount
Decrease in Youth Involvement	<ul style="list-style-type: none"> Set aside \$100,000 for the San Antonio Youth Commission to evaluate and develop funding recommendations to address youth needs. 	<ul style="list-style-type: none"> Amplify youth voice through participation in civic process. Ensure funded programs meet the needs of youth impacted by COVID-19. 	<ul style="list-style-type: none"> # Youth participating in civic processes % Impacted youth connected to resources and support 	\$100 K
Lack of education and career opportunities for youth transitioning out of or at risk for gang involvement	<ul style="list-style-type: none"> Support mentorship and internship programs coupled with specialized case management support. Fund second chance employment programs to connect youth transitioning out of or at risk of gang involvement. Create coaching and mentoring supports for youth entering skills training or the workforce for the first time. Increase diverse education pathways, including secondary education, for disengaged youth. 	Develop targeted prevention programs that offer positive pathways for education & employment opportunities.	<ul style="list-style-type: none"> # Youth engaged through outreach activities % Engaged youth enrolling in prevention programs % Gang or justice involved youth connecting to education and employment. % youth maintaining employment 6 months after program completion 	\$750 K

COVID-19 Impact	Programs/Strategies	Equitable Outcomes	Performance Indicators	Proposed Amount
Lack of higher education, workforce training, and supportive services for youth who are aging out of the foster care system	<ul style="list-style-type: none"> • Create access to individualized education and workforce counseling and planning for youth aging out of the foster care system. • Expand support and wrap around services for foster youth who are working towards their education and workforce goals. • Provide paid internship and apprenticeship opportunities to support workforce readiness and specialized skill development. 	<ul style="list-style-type: none"> • Improve access to basic services including housing, education supports, and coaching to support attainment of education and career goals. • Increase foster youth participation in City and City funded programs. • Increase college enrollment. 	<ul style="list-style-type: none"> • # Foster youth engaged through outreach activities • % Foster youth enrolling and receiving benefits and resources. • % Engaged foster youth enrolling in college or employment • # of foster youth participating in city-funded internship and apprenticeship programs 	\$2.00 M
Increase in number of Opportunity Youth & Homeless Youth	<ul style="list-style-type: none"> • Expand existing OY programs that focus on education and workforce readiness. • Provide supports to address barriers to education and workforce attainment. • Provide incentives for participation and retention in education and internship/apprenticeship. • Provide paid internship and apprenticeship opportunities to support workforce readiness. 	<ul style="list-style-type: none"> • Increase the number of opportunity youth connected to education and employment opportunities. • Decrease youth experiencing homelessness. 	<ul style="list-style-type: none"> • # Youth connected to education and employment opportunities • # youth completing high school equivalency • # of opportunity youth participating in paid internship and apprenticeships • % Decrease in youth experiencing homelessness 	\$2.65 M
Decrease in access to STEM, STEAM, and other enrichment activities for youth to support school readiness and long-term success	<ul style="list-style-type: none"> • Increase access to high-quality After School and Summer Programs that incorporate STEM, STEAM, and education/career exploration activities • Provide transportation support to programs to support student attendance who have a transportation barrier 	<ul style="list-style-type: none"> • Expand and enhance high quality out-of-school opportunities focused on academic loss, developmental relationships, and enrichment activities. • Decrease staff to student ratios. 	<ul style="list-style-type: none"> • # Youth engaged in outreach • # Youth enrolled in after school and summer programs • % Participating youth with 90% attendance • % of youth receiving “digital badges” for career exploration and post-secondary planning 	\$4.50 M
			Total	\$10 M

Request for Proposal Timeline

DATE	ACTION ITEM
August 18, 2022	City Council A-Session – Approval of Implementation Plan
September 2, 2022	Request for Proposal Opens
September 12 - 16, 2022	Pre-Submittal Conference and Training and Technical Assistance Workshops
October 3, 2022	Request for Proposal Closes
October 4 - 20, 2022	Evaluation & Scoring
November 2022	City Council A Session – Approval of Awards
December 2022	Contracts Begin

No Contact Period

In accordance with §2-61 of the City Code, interested applicants are prohibited from communication regarding the Combined Services RFP with City Officials and Employees during specific portions of the competitive process. The Department of Human Services, in line with prior competitive RFPs issued is recommending an abbreviated no contact period for City Officials as reflected below.

- **City Officials:** September 21, 2022 until the date the City Manager posts proposed awards for City Council consideration.
- **City Employees:** August 19, 2022 until the date proposed awards are approved by the City Council.

Scoring Criteria

- **Experience Background and Qualifications: 30 Points**
 - Agency experience
 - Financial management
 - History providing youth services for targeted youth population
- **Proposed Plan: 50 Points**
 - Demonstrate disproportionate COVID – 19 impacts to youth and/or organization
 - Alignment with proposed program strategies, outcomes, and performance indicators
 - Identify how support to youth assists them long-term
 - Youth engagement in development of plan
 - Collaboration with other agencies and innovative practices to support youth
- **Budget and Budget Narrative: 20 Points**
 - Prior receipt of federal COVID-19 funding assistance
 - Leveraged agency resources
 - Capacity building investments
 - Long-term sustainability

AN ORDINANCE 2008-11-20-1045

AMENDING ORDINANCE 71312 CONCERNING WAGE AND HOUR
LABOR STANDARD PROVISIONS FOR CITY OF SAN ANTONIO
CONSTRUCTION PROJECTS.

* * * * *

WHEREAS, federal and state laws require that all companies working on publicly funded construction projects must pay prevailing wage rates to its contractor and subcontractor employees, as determined by the U.S. Department of Labor; and

WHEREAS, governing procedures were established to ensure the City's compliance with various state laws through Ordinance No. 71312 approved on March 29, 1990 which provided for the Wage and Labor Standard Provision for locally funded City construction projects; and

WHEREAS, there have been changes in state law, as well as, organizational and process changes within the City that necessitate an amendment to Ordinance No. 71312; and

WHEREAS, this Ordinance amends Ordinance No. 71312 to a) reflect the changes in the Texas Government Code, Section 2258, Prevailing Wages, (superseding Article 5159a, Revised Civil Statutes), b) incorporate changes in the City's organizational structure renaming the Wage and Hour Office of the Public Works Department to the Labor Compliance Office, Capital Improvements Management Services Department, c) reflect changes in the City processes and the implementation of an electronic compliance program, and d) clarify language and eliminate ambiguities in the Ordinance, including the processes used by contractors for the restitution of underpayment of wages to workers whose contact information or current address is unknown; and

WHEREAS, approval of this Amendment will accurately reflect current laws, City organizational structure and current processes; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:


SECTION 1. Ordinance No. 71312 concerning Wage and Hour Labor Standard Provisions for City of San Antonio construction projects are hereby amended and the amended Wage and Labor Standard Provisions are attached hereto and incorporated by reference herein as Attachment I.

SECTION 2. This Ordinance shall take effect ten days after passage.

PASSED AND APPROVED this 20th day of November, 2008.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
FLM City Attorney For

WAGE AND LABOR STANDARD PROVISIONS
CITY OF SAN ANTONIO FUNDED CONSTRUCTION

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1. GENERAL STATEMENT

For all City of San Antonio funded public works construction contracts, the City of San Antonio, in accordance with Texas Government Code Section 2258, requires that not less than the general prevailing wage rates (minimum hourly base pay and minimum hourly fringe benefit contribution) for work of similar character be paid to contractor and subcontractor employees. These wage rates are derived from the most current applicable federal prevailing wage rates as published by the United States Department of Labor, Dallas, Texas and authority of Ordinance Nos. 60110 and 71312 as amended and passed by the City Council of the City of San Antonio.

Any deviation from Wage and Labor Standard Provisions compliance shall be cause for City's withholding either periodic interim or final payment to the contractor until such deviations are properly corrected.

2. LABOR COMPLIANCE OFFICE, CAPITAL IMPROVEMENTS MANAGEMENT SERVICES DEPARTMENT RESPONSIBILITIES

Labor Compliance Office, Capital Improvements Management Services Department, City of San Antonio, is primarily responsible for all Wage and Labor Standard Provisions investigation and enforcement and will monitor contractor/subcontractor practices to assure the Director of Capital Improvements Management Services Department that:

- a. Appropriate weekly compliance statements and payroll records are submitted to the City by the contractor/subcontractors and that such are reviewed for compliance with the Wage and Labor Standard Provisions.
- b. Apprentices/trainees working on the project are properly identified by the contractor/subcontractor on payroll records and documented as being included in programs currently sanctioned by appropriate federal or state regulatory agencies.
- c. Applicable Wage Determination Decisions, including any applicable modifications and related statements must be posted at the work-site by the contractor and that proper job classification and commensurate minimum hourly base and fringe wage rates are paid.
- d. Employees are periodically interviewed (at random) to assure proper work classification and wage rates.
- e. The Labor Compliance Office will investigate all allegations that no person employed by contractor/subcontractor is induced against his will, by any means, to give up any part of the compensation to which he is otherwise entitled.
- f. That any and all periodic administrative directives to the Labor Compliance Office from the Director of Capital

Improvements are being implemented. For purpose of these Wage and Labor Standard Provisions, the Director of Capital Improvements Management Services means the Director, his successor, or his designee.

3. CLAIMS & DISPUTES PERTAINING TO WAGE RATES

Claims and disputes not promptly and routinely settled by the contractor/subcontractor and employee pertaining to wage rates, or to job classifications of labor employed regarding the work covered by this contract, shall be reported by the employee in writing, within sixty (60) calendar days of employee's receipt of any allegedly incorrect classification, wage or benefit report, to the Labor Compliance Office, City of San Antonio for further investigation. Claims and disputes not reported by the employee to the City's Wage & Hour Office in writing within the sixty (60) calendar day period shall be deemed waived by the employee for the purposes of the City administering and enforcing the City's contract rights against the contractor on behalf of the employee. Waiver by the employee of this City intervention shall not constitute waiver by the City to independently pursue contractual rights it has against the contractor/subcontractor for breach of contract and other sanctions available to enforce the Wage and Labor Standard Provisions.

4. BREACH OF WAGE & LABOR STANDARD PROVISIONS

The City of San Antonio reserves the right to terminate a contract for cause if the contractor/subcontractors shall knowingly and continuously breach, without timely restitution or cure, any of these governing Wage and Labor Standard Provisions. A knowing and unremedied proven violation of these Wage and Labor Standard Provisions may also be grounds for debarment of the contractor/subcontractor from future City of San Antonio contracts for lack of responsibility, as determined by the City of San Antonio. Recurrent violations, whether remedied or not, will be considered by the Director of Capital Improvements Management Services Department when assessing the responsibility history of a potential contractor/subcontractor prior to competitive award of future Project Management Office projects. The general remedies stated in this paragraph 4. above, are not exhaustive and not cumulative for the City reserves legal and contractual rights to other specific remedies outlined herein below and in other parts of this contract and as are allowed by applicable City of San Antonio ordinances, state and federal statutes.

5. EMPLOYMENT OF LABORERS/MECHANICS NOT LISTED IN WAGE DETERMINATION DECISION

In the event that a contractor/subcontractor discovers that construction of a particular work element requires a certain employee classification and skill that is not listed in the wage determinations decision contained in the original contract documents, contractor/subcontractors will make prompt inquiry

(before bidding, if possible) to the Labor Compliance Office identifying that class of laborer/mechanics not listed in the wage determination decision who are intended to be employed, or who are being employed, under the contract. Using his best judgment and information resources available to him at the time, and any similar prior decisions, the Director of Capital Improvements Management Services Department, City of San Antonio shall classify said laborers/mechanics by issuing a special local wage determination decision to the contractor/subcontractor, which shall be enforced by the Labor Compliance Office.

6. MINIMUM WAGE

All laborers/mechanics employed to construct the work governed by this contract shall be paid not less than weekly the full amount of wages due (minimum hourly base pay and minimum hourly fringe benefit contribution for all hours worked, including overtime) for the immediately preceding pay period computed at wage and fringe rates not less than those contained in the wage determination decision included in this contract. Only payroll deductions as are mandated by state or federal law and those legal deductions previously approved in writing by the employee, or as are otherwise permitted by state or federal law, may be withheld by the contractor/subcontractor.

Should the contractor/ subcontractor subscribe to fringe benefit programs for employees, such programs shall be fully approved by the City in adopting a previous U.S. Department of Labor (DOL) decision on such fringe benefit programs or by applying DOL criteria in rendering a local decision on the adequacy of the fringe benefit programs. The approved programs shall be in place at the time of City contract execution and provisions thereof disclosed to the Labor Compliance Office, City of San Antonio, for legal review prior to project commencement.

Regular contractor/subcontractor contributions made to, or costs incurred for, approved fringe benefit plans, funds or other benefit programs that cover periods of time greater than the one week payroll periods of time period (e.g. monthly or quarterly, etc.) shall be prorated by the contractor/subcontractor on weekly payroll records to reflect the equivalent value of the hourly and weekly summary of fringe benefits per employee.

7. OVERTIME COMPENSATION

No contractor/subcontractor contracting for any part of the City of San Antonio funded contract work (except for worksite related security guard services) which may require or involve the employment of laborers/mechanics shall require or permit any laborer/mechanic in any seven (7) calendar day work period in which he or she is employed on such work to work in excess of 40 hours in such work period unless said laborer/mechanic receives compensation at a rate not less than one and one-half times the basic hourly rate of pay for all hours worked in

excess of 40 hours in a seven (7) calendar day work period. Fringe benefits must be paid for straight time and overtime; however, fringe benefits are not included when computing the overtime rate.

8. PAYMENT OF CASH EQUIVALENT FRINGE BENEFITS

The contractor/subcontractor is allowed to pay a minimum hourly cash equivalent of minimum hourly fringe benefits listed in the wage determination decision in lieu of the contribution of benefits to a permissible fringe benefit plan for all hours worked including overtime as described in paragraph 6 above. An employee is not allowed to receive less than the minimum hourly basic rate of pay specified in the wage determination decision.

9. WORK CONDUCTED ON HOLIDAYS

If a laborer/mechanic is employed in the normal course and scope of his or her work on the jobsite on the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and Martin Luther King, Jr. Day, or the calendar days observed as such in any given year, work performed shall be paid for at no less than one and one half (1 1/2) times the regular minimum hourly base pay regardless of the total number of the laborer/mechanic has accumulated during the pay period.

10. UNDERPAYMENT OF PREVAILING WAGES OR SALARIES

a. When a "full investigation" (as called for in and as construed under Texas Government Code Section 2258) establishes underpayment of wages by contractor/subcontractor to laborers/mechanics employed upon the work covered by a contract with the City of San Antonio, the City shall withhold an amount from the contractor, out of any payments (Interim progress and/or final) due the contractor, the City of San Antonio may also consider it necessary to secure ultimate payment by the appropriate party to such laborers/mechanics, of full wages plus possible penalty (see b. below). The amount withheld, excluding any possible penalty to be retained by City, may be disbursed at an appropriate time after "full investigation" by the City of San Antonio, for and on behalf of the contractor/subcontractor (as may be appropriate), to the respective laborers/mechanics to whom the same is due or on their behalf to fringe benefit plans, funds or programs for any type of minimum fringe benefits prescribed in the applicable wage determination decision.

b. Texas Government Code Section 2258, states that the contractor shall forfeit as a penalty to the City of San Antonio the sum of sixty dollars (\$60.00) for each calendar day, or portion thereof, for each laborer, workman, or mechanic, who is paid less than the said stipulated rate for any work done under this contract, whether by the contractor himself or by any subcontractor working under him. Pursuant to and supplemental to this statutory authority, the City of

San Antonio and the contractor/subcontractor contractually acknowledge and agree that said sixty dollar (\$60.00) statutory penalty shall be construed by and between the City of San Antonio and the contractor/subcontractor as liquidated damages and will apply to any violations of paragraphs 6, 7, or 9 herein, resulting from contractor/subcontractor underpayment violations.

- c. If unpaid or underpaid workers cannot be located by the Contractor or the City after diligent efforts to accomplish same, the contractor shall report the wages as "unclaimed property" in accordance to Texas State law.

The City of San Antonio requires that the prime contractor send to the Labor Compliance Office a copy of the supporting documentation for the unclaimed property submitted to the State.

11. POSTING WAGE DETERMINATION DECISIONS/AND NOTICE TO LABORERS/MECHANICS STATEMENT

The applicable wage determination decision as described in the "General Statement" (and as specifically included in each project contract), outlining the various worker classifications and mandatory minimum wages and minimum hourly fringe benefit deductions, if any, of laborers/mechanics employed and to be employed upon the work covered by this contract, shall be displayed by the contractor/subcontractor at the site of work in a conspicuous and prominent public place readily and routinely accessible to workmen for the duration of the project. In addition, the contractor/subcontractor agrees with the contents of the following statement, and shall display same, in English and Spanish, near the display of the wage determination decision:

NOTICE TO LABORERS/MECHANICS

Both the City of San Antonio and the contractor/subcontractor agree that you must be compensated with not less than the minimum hourly base pay and minimum hourly fringe benefit contribution in accordance with the wage rates publicly posted at this jobsite and as are applicable to the classification of work you perform.

Additionally, you must be paid not less than one and one-half times your basic hourly rate of pay for any hours worked over 40 in any seven (7) calendar day work period, and for any work conducted on the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, and Martin Luther King Day or the calendar days observed as such in any given year.

Apprentice and trainee hourly wage rates and ratios apply only to apprentices and trainees recognized under approved Federal, or State, apprenticeship training program registered with the Bureau of Apprenticeship and Training, U.S. Dept. of Labor.

If you believe that your employer is not paying the posted minimum wage for the type of work you do, you must make direct inquiry to the employer and inquire in writing within sixty (60) calendar days of your receipt of any allegedly incorrect wage or benefit check or report, to the City of San Antonio Labor Compliance Office, Capital Improvements Management Services Department, P.O. Box 839966, San Antonio, Texas 78283-3966. It is mandatory that the worker promptly file written inquiry of any allegedly incorrect wage or benefit checks or reports with the City of San Antonio, Labor Compliance Office within the sixty (60) calendar day period so that they do not waive your potential right of recovery under the provisions of the City of San Antonio Project Management Office contract that governs this project.

Both the City of San Antonio and the contractor/subcontractor agree that no laborer/mechanic who files a complaint or inquiry concerning alleged underpayment of wages or benefits shall be discharged by the employer or in any other manner be discriminated against by the employer for filing such complaint or inquiry.

12. PAYROLLS & BASIC PAYROLL RECORDS

- a. The contractor and each subcontractor shall prepare payroll reports in accordance with the "General Guideline" instructions furnished by the Labor Compliance Office of the City of San Antonio. Such payroll submittals shall contain the name and address of each such employee, his correct labor classification, rate of pay, daily and weekly number of hours worked, any deductions made, and actual basic hourly and fringe benefits paid. The contractor shall submit payroll records each week, and no later than seven (7) working days following completion of the workweek being processed, to the Labor Compliance Office, City of San Antonio. These payroll records shall include certified copies of all payrolls of the contractor and of his subcontractors, it being understood that the contractor shall be responsible for the submission and general mathematical accuracy of payrolls from all his subcontractors. Each such payroll submittal shall be on forms deemed satisfactory to the City's Labor Compliance Office and shall contain a "Weekly Statement of Compliance", as called for by the contract documents. Such payrolls will be forwarded to Capital Improvements Management Services, Labor Compliance Office, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283-3966.
- b. All City of San Antonio construction contracts are subject to contract compliance tracking, and the prime contractor and any subcontractors are required to provide any stated and/or requested contract compliance-related data electronically in the Labor Compliance Electronic Certified Payrolls System. The prime contractor and all subcontractors are required to respond not later than the stated response date or due date to any instructions or

request for information from the Labor Compliance Office. All prime contractors and subcontractors shall periodically review the City of San Antonio labor Compliance Electronic Certified Payrolls System to manage contact information and the contract records. The prime contractor shall ensure that all subcontractors have completed all requested forms and that all contact information is accurate and up-to-date. The City of San Antonio Labor Compliance Office may require additional information related to the contract to be provided through the San Antonio Labor Compliance Electronic Certified Payrolls System at any time before, during, or after contract award.

- c. A designated point of contact for contractor access to the San Antonio Labor Compliance Electronic Certified Payrolls System shall be provided for each prime contractor upon award of the contract.
- d. Copies of payroll submittals and basic supporting payroll records of the contractor/subcontractors accounting for all laborers/mechanics employed under the work covered by this contract shall be maintained during the course of the work and preserved for a period of three (3) years after completion of the project. The contractors/subcontractors shall maintain records which demonstrate: any contractor commitment to provide fringe benefits to employees as may be mandated by the applicable wage determination decision, that the plan or program is adjudged financially responsible by the appropriate approving authority, (i.e. U. S. Department of Labor, U.S. Department of Treasury, etc.), and that the provisions, policies, certificates, and description of benefits of the plan or program as may be periodically amended, have been clearly communicated in a timely manner and in writing, to the laborers/mechanics affected prior to their performing work on the project.
- e. The contractor/subcontractor shall make the above records available for inspection, copying, or transcribing by authorized representatives of the City of San Antonio at reasonable times and locations for purposes of monitoring compliance with this contract.
- f. All certified payrolls submitted to the Labor Compliance Office are deemed true and accurate. If upon review of the certified payrolls, wage underpayment violations are identified and noted, restitution will be calculated and penalties will be issued to the prime contractor of the project. In order to refute a wage violation, the contractor/subcontractor must provide supporting documentation to the Labor Compliance Office for review and consideration.

13. LABOR DISPUTES

The contractor/subcontractor shall immediately notify the Project Management Office or designated representative of any actual or impending contractor/subcontractor labor dispute

which may affect, or is affecting, the schedule of the contractor, or any other contractor/subcontractor work. In addition, the contractor/subcontractor shall consider all appropriate measures to eliminate or minimize the effect of such labor disputes on the schedule, including but not limited to such measures as: promptly seeking injunctive relief if appropriate; seeking appropriate legal or equitable actions or remedies; taking such measures as establishing a reserved rate, as appropriate; if reasonably feasible, seeking other sources of supply or service; and any other measures that may be appropriately utilized to mitigate or eliminate the jobsite and scheduling effects of the labor dispute.

14. COMPLAINTS, PROCEEDINGS, OR TESTIMONY BY EMPLOYEES

No laborers/mechanics to whom the wage, salary, or other labor standard provisions of this contract are applicable shall be discharged in any other manner discriminated against by the contractor/subcontractors because such employee has filed any formal inquiry or complaint or instituted, or caused to be instituted, any legal or equitable proceeding or has testified, or is about to testify, in any such proceeding under or relating to the wage and labor standards applicable under this contract.

15. EMPLOYEE INTERVIEWS TO ASSURE WAGE AND LABOR STANDARD COMPLIANCE

Contractor/subcontractors shall allow expeditious jobsite entry of City of San Antonio Labor Compliance representatives displaying and presenting proper identification credentials to the jobsite superintendent or his representative. While on the jobsite, the Labor Compliance representatives shall observe all jobsite rules and regulations concerning safety, internal security and fire prevention. Contractor/subcontractors shall allow project employees to be separately and confidentially interviewed at random for a reasonable duration by the Labor Compliance representatives to facilitate compliance determinations regarding adherence by the contractor/subcontractor to these Wage and Labor Standard Provisions.

16. "ANTI-KICKBACK" PROVISION

No person employed in the construction or repair of any City of San Antonio public work shall be induced, by any means, to give up to any contractor/subcontractor or public official or employee any part of the hourly and/or fringe benefit compensation to which he is otherwise entitled.

17. "FALSE OR DECEPTIVE INFORMATION PROVISION"

Any person employed by the contractor/subcontractor in the construction or repair of any City of San Antonio public work, who is proven to have knowingly and willfully falsified, concealed or covered up by any deceptive trick, scheme, or device a material fact, or made any false, fictitious or fraudulent statement or representation, or made or used any

false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be permanently removed from the jobsite by contractor/subcontractor. The City of San Antonio reserves the right to terminate this contract for cause as a result of serious and uncured violations of this provision.

18. EMPLOYMENT OF APPRENTICES/TRAINEES

- a. Apprentices will be permitted to work at less than the predetermined rate for the work they perform when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship & Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship & Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor/subcontractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in (b) below or is not registered or otherwise employed as stated above, shall be paid the wage rate for the classification of work he actually performs. The contractor/subcontractor is required to furnish to the Labor Compliance Office of the City of San Antonio, a copy of the certification, along with the payroll record that the employee is first listed on. The wage rate paid apprentices shall be not less than the specified rate in the registered program for the apprentice's level of progress expressed as the appropriate percentage of the journeyman's rate contained in the applicable wage determination decision.
- b. Trainees will be permitted to work at less than the predetermined rate for the work performed when they are employed pursuant to an individually registered program which has received prior approval, evidenced by formal certification by the U. S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen shall not be greater than that permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for his/her level of progress. Any employee listed on the payroll at a trainee wage rate that is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the wage rate determined by the classification of work he actually performs. The contractor/subcontractor is required to furnish a copy of the trainee program certification, registration of employee-trainees, ratios and wage rates

prescribed in the program, along with the payroll record that the employee is first listed on, to the Labor Compliance Office of the City of San Antonio. In the event the Employment and Training Administration withdraws approval of a training program, the contractor/subcontractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved by the Employment and Training Administration.

- c. Paragraphs above shall not operate to exclude training programs approved by the OFCCP, United States Department of Labor and as adopted by the Associated General Contractors (AGC) of Texas, Highway, Heavy, Utilities and Industrial Branch. Guidelines for these training programs shall be the same as those established for federally funded projects. This sub-paragraph shall not apply to those portions of a project deemed to be building construction.
- d. The Ratio to Apprentice to Journeyman for this project shall be the same as the ratio permitted under the plan approved by the Employment and Training, Administration, Bureau of Apprenticeship and Training, U.S. Department of Labor, by Craft. A copy of the allowable Ratios is included with the applicable Wage Determination Decision in the specifications for this project.

When a "full investigation" (as called for in, and as construed under, Texas Government Code Section 2258) evidences a violation of the Apprentice or Trainee to Journeyman ratios effective for contractor/subcontractor employees working on this contract, the City of San Antonio, in addition to such other rights as may be afforded it under state and/or federal law and/or other sections of this contract, shall withhold from the contractor, out of any payments (interim progress and/or final) due the contractor, the liquidated damages sum of seventy-five dollars (\$75.00) for each calendar day, or portion thereof, for each certified Apprentice or Trainee employee assigned to a Journeyman that exceeds the maximum allowable Apprentice/Trainee to Journeyman ratio stipulated for any work done under this contract, whether by the contractor himself or by any subcontractor working under him.

19. JOBSITE CONDITIONS

Contractors/subcontractors shall not allow any person employed for the project to work in surroundings or under construction conditions which are unsanitary, unhealthy, hazardous, or dangerous as governed by industry standards and appropriate local, state and federal statutes, ordinances, and regulatory guidelines.

20. EMPLOYMENT OF CERTAIN PERSONS PROHIBITED

- a. The contractor/subcontractor shall knowingly only employ persons of appropriate ages commensurate with the degree of

required skill, strength, maturity and judgment associated with the activity to be engaged in, but not less than the age of fourteen (14) years, as governed by the Texas Child Labor Law, Chapter 51 of the Texas Labor Code "Child Labor" and Texas Department of Labor and Standards rulings and interpretations associated with that statute. It is hereby noted that in some circumstances generally governed by this section, a federal statute (see: Fair Labor Standards Act, 29 USCS Section 212; Volume 6A of the Bureau of National Affairs Wage Hour Manual at Paragraph 96:1; "Child Labor Requirements in Nonagricultural Occupations" WH Publication 1330, July 1978 as may be amended), could pre-empt the Texas Statute and therefore be the controlling law on this subject. The contractor/subcontractor should seek clarification from state and federal agencies and legal counsel when hiring adolescent employees for particular job classifications.

- b. Prohibited persons not to be employed are also those persons who, at the time of employment for this contract, are serving sentence in a penal or correctional institution except that prior approval by the Director of Capital Improvements Management Services is required to employ any person participating in a supervised work release or furlough program that is sanctioned by appropriate state or federal correctional agencies.
- c. The Contractor/subcontractors shall be responsible for compliance with the provisions of the "Immigration Reform and Control Act of 1986" Public Law 99-603, and any related State enabling or implementing statutes, especially as they in combination apply to the unlawful employment of aliens and unfair immigration-related employment practices affecting this contract.

21. PROVISIONS TO BE INCLUDED IN SUBCONTRACTS

The contractor shall cause these Wage and Labor Standard Provisions, or reasonably similar contextual adaptations hereof, and any other appropriate state and federal labor provisions, to be inserted in all subcontracts relative to the work to bind subcontractors to the same Wage and Labor Standards as contained in these terms of the General Conditions and other contract documents insofar as applicable to the work of subcontractors or sub-subcontractors and to give the contractor similar, if not greater, general contractual authority over the subcontractor or subcontractors as the City of San Antonio may exercise over the contractor.

22. CONTRACTOR'S RESPONSIBILITY

The prime contractor shall be responsible for ensuring that its subcontractors comply with the Wage and Labor Standards Provisions.

AN ORDINANCE **2016-05-19-0367**

**AMENDING THE SMALL BUSINESS ECONOMIC DEVELOPMENT
ADVOCACY ORDINANCE TO ENCOURAGE THE FULL AND
EQUITABLE UTILIZATION AND DEVELOPMENT OF SMALL
BUSINESS ENTERPRISES AND SMALL MINORITY / WOMEN
BUSINESS ENTERPRISES IN THE SAN ANTONIO MARKETPLACE.**

* * * * *

WHEREAS, in April 2014, National Economic Research Associates, Inc. (NERA) was retained to conduct an updated minority and women business enterprise Disparity Study for the City of San Antonio to determine whether a compelling interest remained for the City to continue or modify implementation of a narrowly-tailored minority- and women-owned business enterprise (M/WBE) program established in 2011; and

WHEREAS, NERA's Disparity Study was completed and released for public comment in October 2015; and

WHEREAS, NERA's Disparity Study findings for the contracting period between January 2011 and December 2013 confirm that although the City's Small Business Economic Development Advocacy (SBEDA) Ordinance has significantly improved the participation of M/WBE firms in City contracts beyond the level reflected in a 2010 study, which had found that 16 percent of City contract dollars overall were paid to M/WBE firms, significant disparities in the City's utilization of M/WBE firms continue to persist in numerous industry segments; and

WHEREAS, NERA's 2015 Disparity Study found, based upon regression analysis and other firm evidence, that private sector discrimination adversely affects M/WBE access to small business credit markets, and that such discrimination also contributes to gross patterns of exclusion of M/WBE firms from private sector contract opportunities and significantly lowers earnings for M/WBE firms as compared to similarly situated non-minority firms; and

WHEREAS, public testimony and comments received during the Disparity Study process and public comment period following release of the 2015 Disparity Study further supported study findings with additional anecdotal evidence that some prime contractors and vendors engaged in business with the City had avoided contracting with M/WBE firms when the SBEDA Program was not applied to a public or private sector contract; and

WHEREAS, the City is relying upon a strong basis in evidence in concluding that there are ongoing effects of marketplace discrimination adversely affecting the utilization of M/WBE firms in City contracts and in the City's relevant marketplace; and

WHEREAS, the 2015 Disparity Study was also reviewed and formally recommended for acceptance for purposes of reliance in the formulation of public policy by the Small Business Advocacy Committee (SBAC) as appointed by the City Council; and

WHEREAS, on December 3, 2015, after a considerable period of public review and comment, the San Antonio City Council voted to formally accept the 2015 Disparity Study findings for purposes of policy formulation; and

WHEREAS, decades of small business programs and other race- and gender-neutral remedies (including those within the current SBEDA Ordinance) have failed to fully eliminate statistically significant underutilization of ready, willing and able M/WBE firms; and

WHEREAS, based upon the latest Disparity Study, the City of San Antonio continues to have a compelling interest to remedy the ongoing effects of marketplace discrimination against M/WBE businesses and to avoid becoming a passive participant in private sector discrimination; and

WHEREAS, the significant underutilization of available M/WBE firms continues to be a drain on the local economy and continues to undermine the economic vitality and development of the San Antonio region; and

WHEREAS, the City of San Antonio is fully committed to not only remedying the ongoing effects of marketplace discrimination, but to also using its spending powers in a manner that promotes a robust and inclusive economy that fully utilizes all segments of its business population regardless of race or gender; and

WHEREAS, based upon an extensive factual predicate, the City Council has determined that a narrowly-tailored and somewhat modified combination of race- and gender-neutral and race- and gender-conscious remedies and programs is necessary to serve these compelling interests and needs of the City of San Antonio; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The following amendments to the SBEDA Ordinance No. 2010-06-17-0531 as set out in Attachment "A" are hereby approved and adopted for purposes of furthering the narrow-tailoring of remedies necessary to effectively address the aforementioned compelling interests and needs of the City of San Antonio.

SECTION 2. Scope and Exclusions: Attachment "A" of this Ordinance shall apply to all contracts for the purchase of services, goods or supplies awarded by, or on behalf of, the City, including, but not limited to, every contract or other agreement between the City of San Antonio and any governmental agency, quasi-governmental agency, corporation, developer or contractor, under which the agency, corporation, developer or contractor receives any fiscal assistance (including, but not limited to, Tax Increment Financing for economic development projects) from or through the City for the purpose of contracting with businesses to perform real estate development, renovation, maintenance or other services and as such, the City shall require the agency, corporation, developer or contractor to comply with this Ordinance in awarding and administering that contract or agreement; provided, however, that the following categories of contracts shall be excluded from the scope and application of this Ordinance:

- (a) Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program and Airport Concessions Disadvantaged Business Enterprise Program as set forth in 49 CFR Parts 23 and 26 or any successor regulations or legislation;
- (b) Any expenditure or revenue contract with a value that is less than the amount that is required to be bid pursuant to state law (Chapter 252, Texas Local Government Code, and as amended), currently \$50,000.00 or less;
- (c) Contracts for the purchase of goods or supplies of a unique nature for which the City Originating Department and the Finance Department or Transportation and Capital Improvement confirms there is only a sole source of supply;
- (d) Contracts for electricity or water and sewage services from a municipal utility district or governmental agency;
- (e) Emergency contracts for goods or supplies that the City Manager or designee determines are necessary for the preservation of public health or safety and whose immediacy of need is so great that it is impractical for the City to apply the terms of this Ordinance to the contract;
- (f) Contracts for the City's lease or purchase of real property where City is lessee or purchaser;
- (g) Agreements for Tax Abatements and Chapter 380 Grant Agreements; and
- (h) Personal Services involving the unique abilities or style of a particular individual.

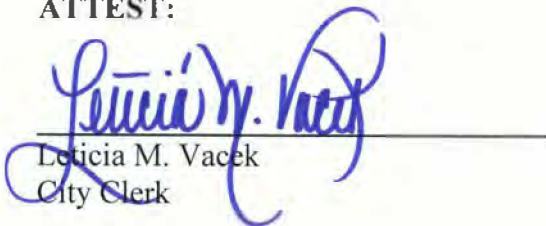
SECTION 3. This Ordinance shall be effective July 1, 2016.

PASSED AND APPROVED THIS 19th day of May, 2016.




M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek
City Clerk

APPROVED AS TO FORM:



Martha G. Sepeda
Acting City Attorney

Agenda Item:	21						
Date:	05/19/2016						
Time:	11:36:35 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance approving the proposed amendments to the SBEDA Ordinance [Carlos J. Contreras, III, Assistant City Manager; Rene Dominguez, Director, Economic Development]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8	x					
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

ATTACHMENT "A"

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I. Purpose

- A. The following Ordinance is adopted to establish a Small, Minority and Women Business Enterprise (S/M/WBE) Policy to remedy the ongoing effects of marketplace discrimination that the City of San Antonio has found continue to adversely affect the participation of S/M/WBEs in City of San Antonio contracts.
- B. To exercise the spending powers of the City of San Antonio in a manner that promotes economic inclusion of all segments of the business population, regardless of race or gender, so as to maximize the economic vitality and development of the San Antonio region.
- C. To clearly communicate the City's S/M/WBE Policy to internal stakeholders within the City and to the external stakeholders within the broader community served by the City.

II. Policy Statements

- A. The Policy herein and procedures established pursuant to this Ordinance serve the City's compelling interest to remedy the various ongoing effects of marketplace discrimination against S/M/WBEs that are ready, willing and able to sell goods and services to the City.
- B. The narrowly-tailored remedial efforts established in this Ordinance are designed to promote greater availability, capacity development and contract participation by S/M/WBEs in City of San Antonio contracts.
- C. The Policy established in this Ordinance is intended, in part, to further the City of San Antonio's compelling interest in ensuring that it is neither an active nor passive participant in private sector marketplace discrimination, and to actively promote equal opportunity for all segments of the contracting and business community to participate in City of San Antonio contracts.
- D. The City shall resort to the use of race- and gender-conscious means for addressing disparities within its contract participation only when it is apparent that the use of race- and gender-neutral means alone will likely be insufficient to remedy the effects of identified discrimination.
- E. Having found that it has a compelling governmental interest to remedy the effects of discrimination upon City of San Antonio contracts, the City Council directs the City Manager or designee, the City Attorney, and the EDD Director or designee to collaborate in recommending to the City Council possible future amendments necessary to fully effectuate the purposes and Policy established in this Ordinance. Such proposed amendments shall be consistent with the Policy direction established above in this Ordinance, and shall also be narrowly-tailored in accordance with applicable law and the specific barriers to S/M/WBE participation identified within the City's factual predicate as described below in Section III.A of this Ordinance.
- F. It is the Policy of the City to take all necessary, reasonable and legal action to prevent discrimination and to ensure that all businesses, including M/WBEs, are afforded the maximum practicable opportunity to participate in the City's purchasing and contracting processes.
- G. It is the Policy of the City to ensure that the firms it engages in business with do not discriminate in the solicitation, selection or treatment of subcontractors, suppliers, vendors or commercial

customers on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation or on the basis of disability or any otherwise unlawful use of characteristics regarding the vendor's, supplier's or commercial customer's employees or owners.

- H. The Small Business Office shall have primary oversight responsibility with the full support and cooperation of all other City of San Antonio offices and departments in the establishment and administration of the Policy and procedures established herein and pursuant to this Ordinance.

III. S/M/WBE Program

A. Overview and Factual Predicate

Over the years since the inception of its first M/WBE program, the City has undertaken a number of extensive fact-finding studies, data gathering efforts and public hearings to examine its marketplace and the effects of marketplace discrimination on its purchases of Construction services, Architectural and Engineering services, Professional Services, Other Services, and Goods and Supplies. As a result, there have been a number of revisions to the City's SBEDA and M/WBE Program since its inception in 1989. The most recent revision of the SBEDA Program is embodied in Ordinance No. 2010-06-17-0531. Since Ordinance No. 2010-06-17-0531 was established, the City has undertaken additional fact-finding and disparity studies. Most recently, in 2015, National Economic Research Associates (NERA) updated the City's factual predicate by providing a comprehensive Disparity Study. This Disparity Study conducted by NERA utilized various methodologies in gathering relevant quantitative and qualitative data and performing various analyses relating to the City's Relevant Markets for goods and services. The following findings of the City are based upon the totality of this factual predicate; including, but not limited to, a 1987 study that found that less than 2 percent of COSA contracts were awarded to S/M/WBEs; a 1992 San Antonio Consortium Study that found that there was substantial disparity in the utilization of certain segments of available M/WBE firms in all Industry Categories of City contracting; a 2010 Disparity Study performed by MGT that found disparity in the utilization of certain segments of available M/WBE firms in all Industry Categories of City contracting; and the most recent 2015 NERA Disparity Study that reflects continuing disparities across most industry segments in City contract payments spanning the time frame from January 2011 through December 2013 which reflected the following:

1. **Discrimination has affected the Relevant Marketplace and City of San Antonio in the past.** A number of studies have documented the discrimination against M/WBE owners in the San Antonio marketplace in the past.
2. **There is evidence of ongoing effects of past discrimination in the local marketplace and in City of San Antonio purchases of goods and supplies.** The present opportunities for M/WBE participation in the local marketplace and in City of San Antonio contracts are affected by past discrimination. For example, the 2015 Disparity Study observed large, adverse, and statistically significant disparities in business formation for M/WBEs in the construction sector and goods and supplies sector. Moreover, an analysis of data from 1993 through 2003 from the Survey of Small Business Finances found when MBEs applied for loans, their requests were substantially more likely to be denied than non-MBEs, even after accounting for differences like firm size and credit history. The ongoing effects of such discrimination are also reflected in analysis reflecting significant underutilization of M/WBE firms in City contracts and in the overall marketplace from 1987 through 2013.

3. **There is contemporary evidence of discrimination against M/WBEs in the Relevant Marketplace.** Some practices within the marketplace have the effect of causing disadvantage to M/WBE firms. MGT found evidence of negative stereotypes against M/WBEs and public testimony confirmed fraud and exclusionary practices of Prime Contractors to avoid utilizing M/WBE Subcontractors and sub-consultants that they had committed to use on City contracts. Such practices adversely affect M/WBE contract participation, growth and competitiveness. Both the MGT and more recent NERA disparity studies contain extensive evidence of discrimination against M/WBE business owners when seeking commercial credit within the local market. Credit is needed for a firm to be successful in each of the Industries from which the City makes purchases; especially in the Construction Industry. In addition, public forum testimony provided particularized evidence of discrimination against a minority contractor by a bank.
4. **There is evidence that the M/WBE opportunities for participation in City of San Antonio contracts are affected by discrimination in the marketplace.** M/WBE firms appear to be at a disadvantage in certain types of City of San Antonio purchases because of discrimination that keeps them smaller and less experienced than they otherwise would be. As a result of these effects, they are less able to compete on the basis of price or qualifications. There are well-documented reports from smaller M/WBE firms that they were unable to compete against larger firms.
5. **The evidence indicated some Prime Contractors that are doing business with the City of San Antonio discriminated against M/WBE Subcontractors.** Anecdotal evidence (and some statistical evidence) suggests that some Prime Contractors discriminate against M/WBE Subcontractors on City of San Antonio projects. (For example, on those contracts where race- and gender-conscious subcontracting goals were not applied, the most recent NERA 2015 Disparity Study reflects that the utilization of M/WBE firms was considerably less than it was when such race- and gender-conscious subcontracting goals were applied.) Whenever this occurs, City of San Antonio's contract dollars reinforce a discriminatory scheme by rewarding those bad actors that have excluded legitimate M/WBE firms from the subcontracting process and thereby make it more difficult for those M/WBE firms to grow and become competitive on future contracts.
6. **In some areas of City of San Antonio purchasing and contracting, race- and gender-neutral programs alone may be effective but, in other areas, race- and gender-neutral programs alone are not likely to be effective.** In certain areas of City contracting, under the SBEDA Program, most recent data suggests that some segments of the M/WBE population are no longer experiencing significant disparity in utilization. (For example, AABEs did not experience a disparity in utilization in City Architecture & Engineering contracts during the Study period of January 2011 through December 2013, but continued to experience disparities in the award of Prime contracts in that industry. Similarly, NERA's recent Disparity Study reflects that on those COSA contracts where no race- and gender-conscious remedies were applied, the utilization of M/WBE subcontractors was significantly less. Accordingly, the City should retain the authority to implement narrowly-tailored race- and gender-conscious programs on a limited basis in the event that the neutral programs prove to be inadequate to fully remedy disparities in the award of Prime contracts and subcontracts.

B. Definitions

Affirmative Procurement Initiatives (API) – Refers to various S/M/WBE Program tools and Solicitation Incentives that are used to encourage greater prime and subcontract participation by S/M/WBE firms, including bonding assistance, evaluation preferences, subcontracting goals and joint

venture incentives. (For full descriptions of these and other S/M/WBE Program tools, see Section III.D of Attachment A to this Ordinance). To be eligible for the benefits of race- and gender-conscious APIs as provided in this Ordinance, M/WBE firms must also satisfy the size standards for being a Small Business Enterprise or SBE as defined herein.

Annual Aspirational Goal – a non-mandatory annual aspirational percentage goal for overall M/WBE Prime and subcontract participation in City of San Antonio contracts is established each year for Construction, Architectural & Engineering, Professional Services, Other Services, and Goods & Supplies contract Industry Categories. This Annual Aspirational Goal is to be set (and thereafter adjusted) by the Goal Setting Committee (GSC) based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. Any adjusted Annual Aspirational Goals for a given industry should not exceed the Expected Availability for award dollar weights as found in the 2015 Disparity Study. Annual Aspirational Goals are not to be routinely applied to individual contracts, but are intended to serve as a benchmark against which to measure the overall effectiveness of the S/M/WBE Program on an annual basis, and to gauge the need for future adjustments to the mix and to the aggressiveness of remedies being applied under the Program. Percentage Goals for S/M/WBE participation may be established by the GSC on a contract-by-contract basis based upon similar data and analysis for the particular goods and services being purchased in a given contract.

Award – the final selection of a Respondent for a specified Prime Contract or subcontract dollar amount. Contract awards are made by the City to Prime Contractors or vendors and by Prime Contractors or vendors to Subcontractor or sub-vendors, usually pursuant to a solicitation process. (Contract awards are to be distinguished from contract payments in that they only reflect the anticipated dollar amounts instead of actual dollar amounts that are paid to a contractor under an awarded contract).

Best Value Contracting – a purchasing solicitation process through which the Originating Department may evaluate factors other than price. Evaluation criteria for selection may include a Respondent's previous experience and quality of product or services procured, and other factors identified in the applicable statute.

Centralized Vendor Registration System (CVR) – a mandatory electronic system of hardware and software programs by which the City recommends all prospective Respondents and Subcontractors that are ready, willing and able to sell goods or services to the City to register. All businesses awarded a City contract shall be required to register in the CVR. The CVR system assigns a unique identifier to each registrant that is then required for the purpose of submitting solicitation responses and invoices, and for receiving payments from the City. The CVR-assigned identifiers are also used by the Goal Setting Committee for measuring relative availability and tracking utilization of SBE and M/WBE firms by Industry or commodity codes, and for establishing Annual Aspirational Goals and Contract-by-Contract Subcontracting Goals.

Certification – the process by which the Small Business Office (SBO) staff determines a firm to be a bona-fide small, minority-, women-owned, or emerging small business enterprise. Emerging Small Business Enterprises (ESBEs) are automatically eligible for Certification as SBEs. Any firm may apply for multiple Certifications that cover each and every status category (e.g., SBE, ESBE, MBE, or WBE) for which it is able to satisfy eligibility standards. The SBO staff may contract these services to a regional Certification agency or other entity. For purposes of Certification, the City may accept any firm that is certified by local government entities and other organizations identified herein that have

adopted Certification standards and procedures similar to those followed by the SBO, provided the prospective firm satisfies the eligibility requirements set forth in this Ordinance in Section III.E.6.

Certification Application – this form shall be completed by vendors when applying for Certification and/or re-Certification status for participation in the City of San Antonio’s S/M/WBE Program. This form shall be submitted, to the City’s certifying agency, every two years by each certified vendor by the anniversary date of its original Certification.

City – refers to the City of San Antonio, TX.

Commercially Useful Function – an S/M/WBE firm performs a Commercially Useful Function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, staffing, managing and supervising the work involved. To perform a Commercially Useful Function, the S/M/WBE firm must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quantity and quality, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an S/M/WBE firm is performing a Commercially Useful Function, an evaluation must be performed of the amount of work subcontracted, normal industry practices, whether the amount the S/M/WBE firm is to be paid under the contract is commensurate with the work it is actually performing and the S/M/WBE credit claimed for its performance of the work, and other relevant factors. Specifically, an S/M/WBE firm does not perform a Commercially Useful Function if its role is limited to that of an extra participant in a transaction, contract or project through which funds are passed in order to obtain the appearance of meaningful and useful S/M/WBE participation, when in similar transactions in which S/M/WBE firms do not participate, there is no such role performed.

Control – the authority of a person or business owner to sign responses to solicitations and contracts, make price negotiation decisions, sell or liquidate the business and have the primary authority to direct the day-to-day management and operation of a business enterprise without interference from others.

Economic Inclusion – efforts to promote and maximize commercial transactions within, between and among all segments of the business population, regardless of race or gender, within the Relevant Marketplace.

Emerging SBE (ESBE) – a certified SBE corporation, partnership, sole proprietorship or other legal entity for the purpose of making a profit, which is independently owned and operated by Individuals legally residing in, or that are citizens of, the United States or its territories whose annual revenues and number of employees are no greater than 25% of the small business size standards for its industry as established by the U.S. Small Business Administration, and meets the Significant Business Presence requirements as defined herein.

Emerging M/WBE – a certified M/WBE firm whose annual revenues and number of employees are no greater than 25% of the small business size standards for its industry as established by the U.S. Small Business Administration, and meets the Significant Business Presence requirements as defined herein.

Evaluation Preference – an API that may be applied by the Goal Setting Committee to Construction, Architectural & Engineering, Professional Services, Other Services, and Goods and Supplies contracts that are to be awarded on a basis that includes factors other than lowest price, and wherein responses that are submitted to the City by S/M/WBE firms may be awarded additional Points in the evaluation process in the scoring and ranking of their proposals against those submitted by other prime

Respondents.

Formal Solicitation – an invitation for bids, request for proposals, request for qualifications or other solicitation document issued by a City department for a contract that requires City Council approval, in accordance with the procurement rules adopted by the City Manager or designee through a memorandum issued by the City Manager or designee, an Administrative Directive or a procurement manual issued under the authority of the City Manager or designee, and/or pursuant to statutory requirements.

Goal Setting Committee (GSC) – a committee, or series of committees, appointed and chaired by the City Manager or designee from the Executive Team that includes, at a minimum, the EDD Director or designee, and the Director of Finance or Director of Transportation and Capital Improvements (TCI) or their designees, the Director or designee of the Originating Department (if the Originating Department is neither Finance nor TCI,) all without duplication of designees and two citizens appointed by City Council who are eligible to vote during the goal setting committee on contracts valued at \$3,000,000 and above. The City Manager or designee may also appoint two ex-officio members of the Small Business Advocacy Committee to serve on any GSC purely in an advisory and non-voting capacity. The GSC establishes S/M/WBE Program Goals for the City of San Antonio (e.g., Annual Aspirational Goals, Contract-by-Contract Subcontracting Goals, and determining which M/WBE segments are eligible for Segmented Subcontracting Goals annually) based upon Industry Categories, vendor availability, project-specific characteristics, and M/WBE utilization. The GSC also makes determinations about which Affirmative Procurement Initiatives (APIs) are to be applied to specific contracts based upon various criteria.

Good Faith Efforts – documentation of the Respondent's intent to comply with S/M/WBE Program Goals and procedures including, but not limited to, the following: (1) documentation as stated in the solicitation reflecting the Respondent's commitment to comply with SBE or M/WBE Program Goals as established by the GSC for a particular contract; or (2) documentation of efforts made toward achieving the SBE or M/WBE Program Goals (e.g., solicitations of bids/proposals/qualification statements from all qualified SBE or M/WBE firms listed in the Small Business Office's directory of certified SBE or M/WBE firms; correspondence from qualified SBE or M/WBE firms documenting their unavailability to perform SBE or M/WBE contracts; documentation of efforts to subdivide work into smaller quantities for subcontracting purposes to enhance opportunities for SBE or M/WBE firms; documentation of a Prime Contractor's posting of a bond covering the work of SBE or M/WBE Subcontractors; documentation of efforts to assist SBE or M/WBE firms with obtaining financing, bonding or insurance required by the Respondent; and documentation of consultations with trade associations and consultants that represent the interests of SBE and/or M/WBEs in order to identify qualified and available SBE or M/WBE Subcontractors.)

Graduation – an SBE or M/WBE firm permanently graduates from the City of San Antonio S/M/WBE program when it meets the criteria for graduation set forth in Section III.E.7 of this Ordinance. A firm's graduation or temporary suspension from the S/M/WBE program does not necessarily affect its eligibility to be recertified and to participate in the City's S/M/WBE Program as an SBE or M/WBE. Graduated SBE or M/WBE firms shall be eligible to apply for SBE or M/WBE re-Certification following the expiration of the two-year period immediately following graduation. Such application for SBE or M/WBE re-Certification shall only be granted on condition that the graduated SBE or M/WBE firm presents documentation as required by the SBO that establishes that the SBE or M/WBE firm's annual revenues and number of employees have fallen below the SBA's small business size standards for the Relevant Industry for two consecutive years of the post-graduation period. . However, a graduated SBE or M/WBE firm may continue to participate in and benefit from other

Race-Neutral non-industry-specific remedies of the S/M/WBE Program as described in Section III.C of this Ordinance.

HUBZone Firm – a business that has been certified by U.S. Small Business Administration for participation in the federal HUBZone Program, as established under the 1997 Small Business Reauthorization Act. To qualify as a HUBZone firm, a small business must meet the following criteria: (1) it must be owned and Controlled by U.S. citizens; (2) at least 35 percent of its employees must reside in a HUBZone; and (3) its Principal Place of Business must be located in a HUBZone within the San Antonio Metropolitan Statistical Area. [See 13 C.F.R. 126.200 (1999).]

Independently Owned and Operated – ownership of an SBE firm must be direct, independent and by Individuals only. Ownership of an M/WBE firm may be by Individuals and/or by other businesses provided the ownership interests in the M/WBE firm can satisfy the M/WBE eligibility requirements for ownership and Control as specified herein in Section III.E.6. The M/WBE firm must also be Independently Owned and Operated in the sense that it cannot be the subsidiary of another firm that does not itself (and in combination with the certified M/WBE firm) satisfy the eligibility requirements for M/WBE Certification.

Individual – an adult person that is of legal majority age.

Industry Categories – procurement groupings for the City of San Antonio inclusive of Construction, Architectural & Engineering, Professional Services, Other Services, and Goods & Supplies (i.e., manufacturing, wholesale and retail distribution of commodities). This term may sometimes be referred to as “business categories.”

Informal Solicitations – solicitations for contracts that exceed \$3,000, but do not require Formal Solicitations.

Joint Venture Incentives – an API that provides inducements for non-SBE and non-M/WBE firms to collaborate with SBE or M/WBE partners in responses to solicitations and performing a Prime Contract to supply goods to, or to perform non-Construction services on behalf of, the City. Joint ventures are manifested by written agreements between two or more Independently Owned and Controlled business firms to form a third business entity solely for purposes of undertaking distinct roles and responsibilities in the completion of a given contract. Under this business arrangement, each joint venture partner shares in the management of the joint venture and also shares in the profits or losses of the joint venture enterprise commensurately with its contribution to the venture. Incentives under this API may include Evaluation Preferences that are tied to the percentage of SBE or M/WBE participation in the joint venture, expedited issuance of building permits and extra contract option years in certain Other Services and Goods & Supplies contracts.

Leases and Concessions - the renting of City-owned space on a contractual basis for the purpose of making a profit by selling a commodity/service.

Minority/Women Business Enterprise (M/WBE) – firm that is certified as either a Minority Business Enterprise or as a Women Business Enterprise, and which is at least fifty-one percent (51%) owned, managed and Controlled by one or more Minority Group Members and/or women, and that is ready, willing and able to sell goods or services that are purchased by the City of San Antonio.

M/WBE Directory – a listing of M/WBEs that have been certified for participation in the City’s M/WBE Program APIs.

M/WBE Subcontracting Program – an API in which Prime Contractors or vendors are required to make Good Faith Efforts to subcontract a specified percentage of the value of prime contract dollars to certified M/WBE firms. Such subcontracting goals may be set and applied by the GSC on a contract-by-contract basis to those types of contracts that provide subcontract opportunities for performing Commercially Useful Functions wherein:

- (1) There have been ongoing disparities in the utilization of available M/WBE Subcontractors; or
- (2) Race-Neutral efforts have failed to eliminate persistent and significant disparities in the award of prime contracts to M/WBEs in a particular Industry Category or industry segment (e.g., Construction contracts, Professional Services contracts, and Architectural and Engineering contracts), and subcontract opportunities are limited outside of City contracts.

When specified by the GSC, the M/WBE Subcontracting Program may also be required to reflect Good Faith Efforts that a Prime Contractor or vendor has taken (or commits to taking in the case of solicitations that do not include a detailed scope of work or those in which price cannot be considered a factor in evaluation), toward attainment of subcontracting goals for M/WBE firms.

M/WBE Evaluation Preference – an API that the City may apply to requests for proposals or qualifications (RFPs or RFQs) on City Architectural & Engineering and Professional Services contracts that are issued pursuant to a Best Value Contracting method or other methods of procurement wherein criteria other than lowest price are factored into the selection process. M/WBEs that submit responses for these kinds of solicitations are awarded additional Points in the scoring of their responses when evaluating and ranking their responses against those submitted by non-minority firms. Where specified in contract specifications as approved by the Goal Setting Committee, the M/WBE Evaluation Preference may be limited to Emerging M/WBE firms.

Minority Business Enterprise (MBE) – any legal entity, except a joint venture, that is organized to engage in for-profit transactions, which is certified as being at least fifty-one percent (51%) owned, managed and Controlled by one or more Minority Group Members, and that is ready, willing and able to sell goods or services that are purchased by the City. To qualify as an MBE, the enterprise shall meet the Significant Business Presence requirement as defined herein. Unless otherwise stated, the term “MBE” as used in this Ordinance is not inclusive of women-owned business enterprises (WBEs).

Minority Group Members – African-Americans, Hispanic Americans, Asian Americans and Native Americans legally residing in, or that are citizens of, the United States or its territories, as defined below:

African-Americans: Persons with origins in any of the black racial groups of Africa.

Hispanic-Americans: Persons of Mexican, Puerto Rican, Cuban, Spanish or Central and South American origin.

Asian-Americans: Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.

Native Americans: Persons having no less than 1/16th percentage origin in any of the Native American Tribes, as recognized by the U.S. Department of the Interior, Bureau of Indian Affairs and as demonstrated by possession of personal tribal role documents.

Originating Department – the City department or authorized representative of the City which issues solicitations or for which a solicitation is issued.

Payment – dollars actually paid to Prime Contractors and/or Subcontractors and vendors for City contracted goods and/or services.

Points – the quantitative assignment of value for specific evaluation criteria in the vendor selection process used in some Construction, Architectural & Engineering, Professional Services, Other Services, and Goods & Supplies contracts (e.g., up to 20 points out of a total of 100 points assigned for S/M/WBE participation as stated in response to a Request for Proposals).

Prime Contractor – the vendor or contractor to whom a purchase order or contract is issued by the City of San Antonio for purposes of providing goods or services for the City.

Race-Conscious – any business classification or API wherein the race or gender of business owners is taken into consideration (e.g., references to M/WBE programs and APIs that are listed herein under the heading of “Race-Conscious”). To be eligible for the benefits of race- and gender-conscious APIs as provided in this Ordinance, M/WBE firms must also satisfy the size standards for being a Small Business Enterprise or SBE as defined herein.

Race-Neutral – any business classification or API wherein the race or gender of business owners is not taken into consideration (e.g., references to SBE programs and APIs that are listed herein under the heading of “Race-Neutral”).

Relevant Marketplace – the geographic market area affecting the S/M/WBE Program as determined for purposes of collecting data for the 2015 Disparity Study, and for determining eligibility for participation under various programs established by this Ordinance, is defined as the San Antonio Metropolitan Statistical Area (SAMSAs), currently including the counties of Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina and Wilson.

Respondent – a vendor submitting a bid, statement of qualifications, or proposal in response to a solicitation issued by the City.

Responsible – a firm which is capable in all respects to fully perform the contract requirements and has the integrity and reliability which will assure good faith performance of contract specifications.

Responsive – a firm’s submittal (bid, response or proposal) conforms in all material respects to the solicitation (Invitation for Bid, Request for Qualifications, or Request for Proposal) and shall include compliance with S/M/WBE Program requirements.

San Antonio Metropolitan Statistical Area (SAMSAs) – also known as the Relevant Marketplace, the geographic market area from which the City’s 2015 Disparity Study analyzed contract utilization and availability data for disparity (currently including the counties of Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina and Wilson).

Segmented M/WBE Goals – the application of multiple goals for M/WBE participation within Annual Aspirational Goals or for M/WBE Subcontracting Goals on an individual City contract wherein an overall combined M/WBE goal is accompanied by subsets of one or more smaller goals. Such segmented goals specifically target the participation of a particular segment of business enterprises owned and Controlled by WBEs or certain Minority Group Members (e.g., African-

Americans or Hispanic-Americans) based upon relative availability and significantly greater patterns of underutilization and disparity within an industry as compared to other gender and Minority Group Member categories of M/WBEs. The application of Segmented M/WBE Goals is intended to ensure that those segments of M/WBEs that have been most significantly and persistently underutilized receive a fair measure of remedial assistance.

SBE Directory – a listing of small businesses that have been certified for participation in the City’s SBE Program APIs.

Significant Business Presence – to qualify for this Program, a S/M/WBE must be headquartered or have a *significant business presence* for at least one year within the Relevant Marketplace, defined as: an established place of business in one or more of the eight counties that make up the San Antonio Metropolitan Statistical Area (SAMSA), from which 20% of its full-time, part-time and contract employees are regularly based, and from which a substantial role in the S/M/WBE's performance of a Commercially Useful Function is conducted. A location utilized solely as a post office box, mail drop or telephone message center or any combination thereof, with no other substantial work function, shall not be construed to constitute a significant business presence.

Small Business Advocacy Committee (SBAC) – an eleven-member citizens committee made up of trade groups and members of the general business community, and appointed by the City Council as an advisory group to: (a) assist the Director of Economic Development Department (EDD) or designee, the City Manager or designee, and City Council in reviewing the continuing programs for contractors and Prime Contractors and Subcontractors that promote S/M/WBE participation; (b) coordinate activities and actions with the City Council Economic and Human Development Committee (EHDC) or corresponding committee designated by the Mayor and/or City Council; and (c) make recommendations to the Director of EDD or designee, the City Manager or designee, and City Council concerning modifications of such programs and procedures established pursuant to this Ordinance. Committee members may participate as advisory non-voting members of Goal Setting Committees.

Small Business Enterprise (SBE) – a corporation, partnership, sole proprietorship or other legal entity for the purpose of making a profit, which is Independently Owned and Operated by Individuals legally residing in, or that are citizens of, the United States or its territories, and which meets the U.S. Small Business Administration (SBA) size standard for a small business in its particular industry(ies) and meets the Significant Business Presence requirements as defined herein.

Small Business Office (SBO) – the office within the Economic Development Department (EDD) of the City that is primarily responsible for general oversight and administration of the S/M/WBE Program.

Small Minority Women Business Enterprise Program (S/M/WBE Program) – the combination of SBE Program and M/WBE Program features contained in this Ordinance.

Solicitation Incentives – additional inducements or enhancements in the solicitation process that are designed to increase the chances for the selection of S/M/WBE firms in competition with other firms. Such inducements and enhancements may include such terms as additional contract option years, increased quantities in supply contracts, and evaluation preferences, where not prohibited by law. These solicitation incentives may be applied as appropriate to solicitations, contracts, and letter agreements for Construction, Architecture and Engineering services, Professional Services, Other Services, and Goods & Supplies contracts, including change orders and amendments.

Subcontractor – any vendor or contractor that is providing goods or services to a Prime Contractor in furtherance of the Prime Contractor’s performance under a contract or purchase order with the City. A copy of the binding agreement between the Prime Contractor and the Subcontractor shall be submitted prior to the City’s issuance of a notice to proceed.

Suspension – the temporary stoppage of an SBE or M/WBE firm’s beneficial participation in the City’s S/M/WBE Program for a finite period of time due to cumulative contract payments the S/M/WBE firm received during a fiscal year that exceed a certain dollar threshold as set forth in Section III.E.7, or pursuant to the Penalties and Sanctions set forth in Section III.E.13.

Tax Increment Finance (TIF) – a form of public finance typically used to fund real estate/community development projects and infrastructure improvements wherein the City raises funding based upon projected future increased tax revenues that are to be paid over time by property owners located within a certain geographic area that are the beneficiaries from such publicly-financed improvements.

Utilization Documentation – a binding part of the contract which includes the name of all Subcontractors to be utilized in the contract, specifying the S/M/WBE Certification category for each, as approved by the EDD Director or designee. Additions, deletions or modifications of the utilization amounts or substitutions or deletions of S/M/WBE Subcontractors requires an amendment to be approved by the EDD Director or designee.

Women Business Enterprises (WBEs) - any legal entity, except a joint venture, that is organized to engage in for-profit transactions, that is certified for purposes of this Ordinance as being at least fifty-one percent (51%) owned, managed and Controlled by one or more non-minority women Individuals that are lawfully residing in, or are citizens of, the United States or its territories, that is ready, willing and able to sell goods or services that are purchased by the City and that meets the Significant Business Presence requirements as defined herein. Unless otherwise stated, the term “WBE” as used in this Ordinance is not inclusive of MBEs.

C. Procurement Reform & Non-Industry-Specific Remedies

In furtherance of the policies and objectives of this Ordinance, the City Manager or designee shall be responsible for implementing the following procurement policy reforms and non-industry-specific remedies to address ongoing effects of discrimination that adversely affect M/WBE access to public and private sector contracting opportunities, and that will further facilitate the efficient implementation and successful enforcement of the S/M/WBE Program:

1. Commercial Nondiscrimination Policy

a. Statement of Policy

It is the policy of the City not to enter into a contract or to be engaged in a business relationship with any business entity that has discriminated in the solicitation, selection, hiring or commercial treatment of vendors, suppliers, subcontractors or commercial customers on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation or on the basis of disability or any otherwise unlawful use of characteristics regarding the vendor's, supplier's or commercial customer's employees or owners; provided that nothing in this policy shall be construed to prohibit or

limit otherwise lawful efforts to remedy the effects of discrimination that have occurred or are occurring in the Relevant Marketplace.

b. Policy Implementation

The Small Business Office shall implement this policy by periodically conducting outreach and distributing educational materials to the City's contracting and vendor community and related trade associations to advise such contractors, vendors and prospective respondents of this policy and the procedures to be followed in submitting complaints alleging violations of this policy. In addition, the City Manager or designee, the Director of Finance, the Director of Transportation and Capital Improvements and the City Attorney's Office shall insure that the following commercial nondiscrimination clause language is set forth in and incorporated into all the City contracts that result from Formal Solicitations:

Every contract and subcontract shall contain a nondiscrimination clause that reads as follows:

"As a condition of entering into this agreement, the company represents and warrants that it will comply with the City's Commercial Nondiscrimination Policy, as described under Section III.C.1 of the SBEDA Ordinance. As part of such compliance, the company shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring or commercial treatment of Subcontractors, vendors, suppliers, or commercial customers, nor shall the company retaliate against any person for reporting instances of such discrimination. The company shall provide equal opportunity for Subcontractors, vendors and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the City's Relevant Marketplace. The company understands and agrees that a material violation of this clause shall be considered a material breach of this agreement and may result in termination of this agreement, disqualification of the company from participating in City contracts, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party."

All Formal Solicitations issued for City contracts shall include the following certification to be completed by the Respondent:

"The undersigned Respondent hereby certifies and agrees that the following information is correct: In preparing its response on this project, the Respondent has considered all proposals submitted from qualified, potential Subcontractors and suppliers, and has not engaged in "discrimination" as defined in the City's SBEDA Ordinance, Section III.C.1; to wit: discrimination in the solicitation, selection or commercial treatment of any Subcontractor, vendor, supplier or commercial customer on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation or on the basis of disability or other unlawful forms of discrimination. Without limiting the foregoing, "discrimination" also includes retaliating against any person or other entity for reporting any incident of "discrimination". Without limiting any other provision of the solicitation for responses on this project, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the City to reject the response submitted by the Respondent on this project, and terminate any contract awarded based on the response. As part of its response, the Respondent shall provide to the City a list of all instances within the immediate past 4 years where there has been a final adjudicated determination in a legal or administrative proceeding in the State of Texas that the Respondent discriminated against its Subcontractors, vendors, suppliers or commercial customers, and a description of the status or resolution of that complaint, including any remedial action taken. As a

condition of submitting a response to the City, the Respondent agrees to comply with the City's Commercial Nondiscrimination Policy as described under its SBEDA Ordinance, Section III.C.1."

2. Centralized Vendor Registration Policy

The City shall establish an electronic Centralized Vendor Registration (CVR) system to provide the elements and functionalities necessary to advance and facilitate the Program Objectives of the S/M/WBE Program stated herein. The CVR shall, at a minimum, include the following:

- a. The CVR shall allow a prospective vendor to electronically enter, maintain, and update its vendor registration and profile data. The CVR shall capture relevant vendor contact information, nationally-recognized industry/commodity identification codes, ownership status, length of time in business, number of employees, and the unique identifiers deemed necessary by the City. Vendors shall be required to update critical fields, as defined by the EDD Director or designee, within 72 hours of any changes. Vendors shall be required to update any changes to their entire registration and profile and confirm their interest in performing work for the City on an annual basis.
- b. *Every* vendor that seeks to respond to City solicitations, to receive a City prime contract or subcontract, or to receive payment for work performed, and/or to receive payment for goods or services delivered on behalf of the City, are recommended to register through the CVR System. All businesses awarded a City contract shall be required to register in the CVR. The City shall designate the acceptable methods for the unique identification of vendors. Each Respondent/vendor must complete registration on the CVR to be eligible to respond to any City solicitations, to receive a contract award, or to receive a payment from the City.
- c. The City shall use the CVR for electronic outreach purposes and send alerts to CVR registrants of upcoming solicitation opportunities based upon the identified industry/commodity codes of CVR registrants or vendor-identified areas of interest, unless such notification is declined.
- d. The CVR shall track all payments, by industry/commodity classification codes that are made to each CVR registrant.
- e. Upon payment by the City to a vendor for goods or services provided, vendors shall be required to provide and aver at such times and in the format required by the City:
 1. Their City vendor identifiers;
 2. The City vendor identifiers for all Subcontractors and suppliers;
 3. The claimed value of the respective goods or services provided by the vendor and any Subcontractor or supplier; and
 4. The nationally-recognized industry/commodity identification codes for all goods or services provided by the vendor and any Subcontractors or suppliers.

The City shall electronically notify such identified Subcontractors and suppliers and require that they confirm and aver payment from Prime Contractors for goods and services for which the City has paid the prime contractor.

- f. The CVR shall provide users the ability to identify prospective Respondents, Subcontractors, and vendors that are ready, willing and able to sell specific types of goods or services. Consistent with applicable law regarding privacy and public records, the City may establish policies regarding the access and use of the CVR system by vendors and by the general public.

- g. The City shall strive to ensure this registration process is integrated with any other registrations required by law or available by common practice. The City Manager or designee is hereby authorized to enter into interlocal, intergovernmental, and data-sharing agreements, as necessary for the development of this CVR, in a manner that promotes integration with other registrations. The CVR shall contain links to such other mandatory on-line business registration systems, business-licensing applications, and business ownership status Certification applications that are not directly integrated with the CVR, as deemed appropriate by the City.

3. Solicitation Specification Review

Each Formal Solicitation issued by the City shall be referred to the Small Business Office (SBO) and the Director of Finance or the Director of Transportation and Capital Improvements (TCI) in advance of publication to determine whether it contains any specifications that may unnecessarily restrict competition or adversely impact the ability of S/M/WBE firms to respond or participate as Subcontractors. If such objectionable specifications are identified through this review process, the Director of Finance or the Director of TCI, the Director or designee of EDD, and the contracting officer for the Originating Department shall seek consensus in developing an acceptable modification to the specification. In the event consensus cannot be reached, the City Manager or designee shall make a final determination regarding the proposed modifications to the specification.

4. Respondent De-briefings

For any contract in which the City has undertaken a Formal Solicitation and subsequent evaluation of responses in accordance with a "Best Value Contracting" method of procurement, the Director of the department issuing the solicitation, or of the department on whose behalf the solicitation was issued, or their designees, shall provide a de-briefing to any non-recommended Respondent, upon request. At a minimum, debriefings shall include disclosures of scoring criteria and scores from the evaluation panel responsible for making the selection for each response that was evaluated. To the extent possible, the de-briefing should also identify for each non-recommended Respondent those areas where its submittal was as not as competitive as others, with an explanation as to why.

D. Industry-Specific Affirmative Procurement Initiatives

The GSC shall be established by the City Manager or designee in accordance with this Ordinance and shall have the responsibility of evaluating categories of Informal Solicitations and each prospective Formal Solicitation document in advance of posting an advertisement to the public to determine which of the following APIs it should apply to a given contract within a particular industry:

1. Race – Neutral Construction Programs

The GSC shall consider the application of one or more of the following Race-Neutral APIs for each Formal Solicitation for a City Construction contract:

a. SBE Prime Contract Program

The City may establish an SBE Prime Contractor capacity-building initiative to enhance long-term competition and to provide the City with its "Best Value" on Construction projects using alternative construction delivery methods of contracting in accordance with Texas Local Government Code,

Chapter 271. Under this program, the City may allocate up to 20% of weighted selection criteria in favor of the selection of a Respondent that is a certified SBE firm. An SBE Prime Contractor that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-SBE firm. In determining whether the SBE Prime Contract Program should be applied to a particular contract, the GSC shall consider: a) the relative availability of SBEs, with a preference for at least three SBEs that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the SBEs in the specific Industry Categories.

b. ESBE Prime Contract Program

The City may establish an Emerging Small Business Enterprise (ESBE) Prime Contract capacity-building initiative to enhance long-term competition and to provide the City with its "Best Value" on Construction projects using alternative construction delivery methods of contracting in accordance with Texas Local Government Code, Chapter 271. Under this program, the City may allocate up to 20% of weighted selection criteria in favor of the selection of a Respondent that is a certified ESBE. An ESBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-ESBE firm. In determining whether a particular contract is eligible for this program, the GSC shall consider: a) the relative availability of ESBEs, with a preference for at least three ESBEs that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of ESBEs in the specific Industry Categories.

c. SBE Joint Venture Program

For Construction contracts for which the City will undertake a "Best Value Contracting" method of procurement and subsequent evaluation of proposals, the GSC may, on a contract-by-contract basis, apply an Evaluation Preference for SBE joint venture partners equal to up to 20% of the total Points assigned for purposes of evaluating and ranking prospective proposals. The allocation of Points for SBE Joint Venture firms shall be as follows:

- i. 20% of total Points for joint ventures wherein the SBE joint venture partner is performing 50% or greater of the overall contract value that is not subcontracted;
- ii. 15% of total Points for joint ventures wherein the SBE joint venture partner is performing from 40% up to 49% of the overall contract value that is not subcontracted;
- iii. 10% of total Points for joint ventures wherein the SBE joint venture partner is performing from 25% up to 39 % of the overall contract value that is not subcontracted;
- iv. 5% of total Points for joint ventures wherein the SBE joint venture partner is performing from 10% up to 24% of the overall contract value that is not subcontracted; and
- v. 0% of total Points for joint ventures wherein the SBE joint venture partner is performing less than 10% of the overall contract value that is not subcontracted.

A factor to be considered by the GSC in selecting this API shall include the relative availability of SBEs, with a preference for at least three SBEs that are likely to serve as an SBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions on the specific contract.

A prospective joint venture Respondent on such a City Construction contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the SBE joint venture partner that will participate on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of the services to be provided by the SBE joint venture partner; and
- iii. A description of the work that each SBE joint venture partner shall be responsible for performing under the terms of the joint venture agreement.

d. SBE Subcontracting Program

The GSC may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to eligible SBEs. Factors to be considered by the GSC in making this determination shall include the relative availability of SBE firms to perform Commercially Useful Functions on the specific contract.

A prospective Respondent, to a City solicitation for which price and scope are defined, shall submit at the time as required in the solicitation such documentation as required by the City that provides:

- i. The name(s) of the SBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of subcontracting services to be provided by each SBE;
- iii. A description of the work that each SBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

A prospective Respondent on a City solicitation for which Respondents are not initially evaluated based on price or for which the project scope is not predefined, shall submit as required in the solicitation such documentation as required by the City to affirm its intent to meet the subcontracting requirements indicated in the solicitation. Failure of a Respondent to commit as required in the solicitation to satisfying the SBE subcontracting goal shall render its response non-Responsive.

During the price proposal negotiation phase, Respondents shall be required to submit:

- i. Subcontractor(s) it intends to use on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of subcontracting services to be provided by each SBE;
- iii. A description of the work that each SBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate form(s) and documentation at the time as required in the

solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination of a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SBEs;
- ii. Whether subcontracting would be inappropriate and/or not provide a “Commercially Useful Function” under the scope of the contract; and
- iii. Whether there are no certified SBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the SBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified SBE firm, then the Prime Contractor is allowed to self-perform up to the entire SBE subcontracting goal amount with its own forces. To the extent that the certified SBE Prime Contractor does not self-perform a portion of the SBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified SBE Prime Contractors may be suspended at the discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the SBE subcontracting goal by a certified SBEBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for SBE participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of contract, grounds for termination of that contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated SBE Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated SBE with one or more other certified SBE Subcontractors and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including SBE Subcontractors. The Originating Department shall audit the reported payments to SBE and non-SBE Subcontractors to ensure that the Prime Contractor’s reported subcontract participation is accurate. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the “Prompt Payment Act”), and such clauses shall mandate that in the event of a Prime Contractor’s non-compliance regarding such payments, the Prime Contractor shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

e. HUBZone Program

The City may establish a HUBZone Prime Contractor capacity-building initiative to enhance long-term competition, to better utilize local firms and residents from the SAMSA HUBZone, and to thereby provide the City with its “Best-Value Contracting” on Construction projects using alternative construction delivery methods of contracting in accordance with Texas Local Government Code, Chapter 271. In such contracts, the GSC may reserve up to 20% of evaluation criteria Points for those firms that are certified HUBZone prime Respondents. An SBE Prime Contractor that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-SBE firm. In determining whether a particular contract is eligible for the HUBZone Program, the GSC shall consider:

- i. The relative availability of HUBZone firms, with a preference for at least three HUBZone firms that are likely to bid as a Prime Contractor for the contract ; and
- ii. The degree of underutilization of HUBZone firms in the specific Industry Categories.

For any Construction contract, the GSC may, on a contract-by-contract basis, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to certified HUBZone firms. Factors to be considered by the GSC in making this determination shall include:

- i. The relative availability of HUBZone firms to perform Commercially Useful Functions on the specific contract; and
- ii. The degree of underutilization of HUBZone firms in the specific Industry Categories.

A prospective Respondent to a City solicitation, for which price and scope are defined, shall submit at the time as required in the solicitation such documentation as required by the City that provides:

- i. The name(s) of the HUBZone Subcontractor(s) it intends to use on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of subcontracting services to be provided by each HUBZone Subcontractor;
- iii. A description of the work that each HUBZone Subcontractor shall perform; and
- iv. Documentation confirming the HUBZone’s Subcontractor commitment to perform the work.

A prospective Respondent to a City solicitation, for which Respondents are not initially evaluated based on price or for which the project scope is not predefined, shall submit at the time as required in the solicitation such documentation as required by the City to affirm its intent to meet the subcontracting requirements indicated in the solicitation. Failure of a Respondent to commit as required in the solicitation to satisfying the HUBZone subcontracting goal shall render its response non-Responsive.

During the price proposal negotiation phase, Respondents shall be required to submit:

- i. The names of Subcontractor(s) it intends to use on the project;

- ii. The percentage of prime contract dollars and the absolute dollar value of subcontracting services to be provided by each HUBZone Subcontractor;
- iii. A description of the work that each HUBZone Subcontractor shall perform; and
- iv. Documentation confirming the HUBZone's Subcontractor commitment to perform the work.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate form(s) and documentation at the time as required in the solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination of a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SBEs;
- ii. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
- iii. Whether there are no certified SBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the HUBZone subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified HUBZone firm, then the Prime Contractor is allowed to self-perform up to the entire HUBZone subcontracting goal amount with its own forces. To the extent that the certified HUBZone Prime Contractor does not self-perform a portion of the HUBZone subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified HUBZone Prime Contractors may be suspended at the discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the HUBZone subcontracting goal by a certified HUBZone Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for HUBZone participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of contract, grounds for termination of that contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

With the exception of certified HUBZone Prime Contractors that are self-performing a portion or all of a subcontracting goal, in the absence of a waiver granted by the SBO, the failure of a Prime Contractor to attain a subcontracting goal for HUBZone participation in the performance of its contract shall be a material breach of contract, shall be grounds for termination of the contract with the City, and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated HUBZone Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated HUBZone Subcontractor(s) with one or more other certified HUBZone Subcontractor(s) and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including HUBZone Subcontractors. The Originating Department shall audit the reported payments to HUBZone and non-HUBZone Subcontractors to ensure that the Prime Contractors' reported subcontract participation is accurate. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the "Prompt Payment Act"), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

f. Bonding Assistance Program

- i. The Bonding Assistance Program provides technical assistance to SBEs to build or repair their credit to become bondable. The EDD Director or designee has discretion to modify the Bonding Assistance Program as necessary to better serve the needs of SBEs...

g. Mentor-Protégé Program

- i. The Mentor-Protégé Program provides technical assistance to SBEs to build their capacity whereby SBEs are paired with a mentor who provides the SBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program if efficiencies are identified.

2. Race-Conscious Construction Programs

The GSC shall consider establishment of an overall M/WBE Annual Aspirational Goal in accordance with subsection 'a' below and, in addition, shall review each prospective City Construction Formal Solicitation in advance of its public release and advertisement, and shall make a determination whether to apply any of the other Race-Conscious APIs to those Construction solicitations based upon the following criteria:

- i. Whether the most recent data on M/WBE utilization in the absence of Race-Conscious APIs indicate that Construction contracts of this type have exhibited significant disparities in the utilization of M/WBE Subcontractors and/or M/WBE Prime Contractors;
- ii. Whether race- and/or gender-neutral remedies alone are likely to fully eliminate any such disparities in the utilization of M/WBE Subcontractors and/or M/WBE Prime Contractors based upon past contract Award and Payment data;
- iii. Whether a particular API is the least burdensome available remedy to non-M/WBE

Respondents that is narrowly-tailored and that can effectively eliminate the disparities in the utilization of M/WBEs in Construction contracts; and

- iv. Whether the particular API is appropriate for the specific type of Construction contract being procured. Whenever the GSC uses its discretion to apply any of the following Race-Conscious APIs to Construction solicitations, it shall provide an explanation in the solicitation documents of its reasons for doing so based upon its determinations pursuant to these criteria. In making such determinations, the GSC may also take into consideration the experiences of other jurisdictions within the City's Relevant Marketplace for Construction services.

a. M/WBE Annual Aspirational Goals

For each fiscal year, the GSC may establish a non-mandatory annual aspirational percentage goal for overall M/WBE prime and subcontract participation on City Construction contracts.

This Annual Aspirational Goal for M/WBE participation in City Construction contracts (prime and subcontract dollars combined) has initially been established at 44% based upon the combined M/WBE availability by industry in accordance with the City's 2015 Disparity Study Update findings.

This Annual Aspirational Goal is to be reviewed on an annual basis for potential adjustment by the GSC based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study Update findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. Any adjusted Annual Aspirational Goals in this industry should not exceed 53%, which reflects NERA's Expected Availability as measured in the 2015 Disparity Study

Annual Aspirational Goals are not to be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure the overall effectiveness of the S/M/WBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to this Policy.

Annual Aspirational Goals may be stated only in those City solicitations that do not contain contract-specific M/WBE goals and when provided, shall be advisory only, and must also be accompanied by the full definition of the term as stated in this Ordinance.

b. M/WBE Prime Contract Program

The City may establish an M/WBE Prime Contractor capacity-building initiative to enhance long-term competition and to provide the City with its "Best Value" on Construction projects using alternative construction delivery methods of contracting in accordance with Texas Local Government Code, Chapter 271. Under this program, the City may allocate up to 20% of weighted selection criteria in favor of the selection of a Respondent that is a certified M/WBE firm. An M/WBE Prime Contractor that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-M/WBE firm. In determining whether the M/WBE Prime Contract Program should be applied to a particular contract, the GSC shall consider: a) the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the M/WBEs in the specific Industry Categories.

c. M/WBE Joint Venture Program

For Construction contracts for which the City will undertake a “Best Value Contracting” method of procurement and subsequent evaluation of proposals, the GSC may, on a contract-by-contract basis, apply an Evaluation Preference for M/WBE joint venture partners equal to up to 20% of the total Points assigned for purposes of evaluating and ranking prospective proposals. The allocation of Points for M/WBE Joint Venture Incentives shall be as follows:

- i. 20% of total Points for joint ventures wherein the M/WBE joint venture partner is performing 50% or greater of the overall contract value that is not subcontracted;
- ii. 15% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 40% up to 49% of the overall contract value that is not subcontracted;
- iii. 10% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 25% up to 39 % of the overall contract value that is not subcontracted;
- iv. 5% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 10% up to 24% of the overall contract value that is not subcontracted; and
- v. 0% of total Points for joint ventures wherein the M/WBE joint venture partner is performing less than 10% of the overall contract value that is not subcontracted.

A factor to be considered by the GSC in selecting this API shall include the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to serve as an M/WBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions on the specific contract.

A prospective joint venture Respondent on such a City Construction contract shall submit within its proposal such documentation as required by the City that includes, but is not limited to:

- i. The name of the M/WBE joint venture partner that will participate on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of the services to be provided by the M/WBE joint venture partner; and
- iii. A description of the work that each M/WBE joint venture partner shall be responsible for performing under the terms of the joint venture agreement.

d. M/WBE Subcontracting Program

The GSC may, on a contract-by-contract basis, at its discretion, require that a predetermined percentage of a specific Construction contract, up to 40%, be subcontracted to eligible M/WBEs. Factors to be considered by the GSC in making this determination shall include the relative availability of M/WBE firms to perform Commercially Useful Functions on the specific contract.

A prospective Respondent on a City solicitation, for which price and scope are defined, shall submit at the time as required in the solicitation such documentation as required by the City that provides:

- i. The name(s) of the M/WBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of subcontracting services to be provided by each M/WBE;
- iii. A description of the work that each M/WBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

A prospective Respondent to a City solicitation, for which Respondents are not initially evaluated based on price or for which project scope is not predefined, shall submit at the time as required in the solicitation such documentation as required by the City to affirm its intent to meet the subcontracting requirements indicated in the solicitation. In the absence of a waiver granted by the SBO, failure of a Respondent to commit as required in the solicitation to satisfying the M/WBE subcontracting goal shall render its response non-Responsive.

During the price proposal negotiation phase, Respondents shall be required to submit:

- i. The name(s) of the M/WBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of subcontracting services to be provided by each M/WBE; and
- iii. A description of the work that each M/WBE Subcontractor shall perform.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate form(s) and documentation at the time as required in the solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination on a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available M/WBEs;
- ii. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
- iii. Whether there are no certified M/WBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the M/WBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified M/WBE firm, then the Prime Contractor is allowed to self-perform up to the entire M/WBE subcontracting goal amount with its own forces. To the extent that the certified M/WBE Prime Contractor does not self-perform a portion of the M/WBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified M/WBE Prime Contractors may be suspended at the

discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the M/WBE subcontracting goal by a certified M/WBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for M/WBE participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of contract, grounds for termination of that contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

With the exception of certified M/WBE Prime Contractors that are self-performing a portion or all of a subcontracting goal, in the absence of a waiver granted by the SBO, failure of a Prime Contractor to attain a subcontracting goal for M/WBE participation in the performance of its contract shall be considered a material breach of contract, shall be grounds for termination of that contract with the City, and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated M/WBE Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated M/WBE Subcontractor(s) with one or more other certified M/WBE Subcontractor(s) and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including M/WBE Subcontractors. The Originating Department shall audit the reported payments to M/WBE and non-M/WBE Subcontractor to ensure that the Prime Contractors' reported subcontract participation is accurate. Absent a waiver from the SBO, a Prime Contractor's failure to reach the required level of M/WBE subcontracting shall be considered a material breach of contract. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the "Prompt Payment Act"), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

e. Segmented M/WBE Goals

The GSC may establish Segmented M/WBE Goals within the Annual Aspirational Goal based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. The GSC may also establish S/M/WBE Subcontracting Goals on an individual City contract wherein an overall combined M/WBE goal is accompanied by subsets of one or more smaller goals that specifically target the participation of a particular segment of Minority Group Member segments or the WBE segment based upon relative availability. Such segmented goals shall specifically target the participation of a particular segment of business enterprises owned and Controlled by WBEs or certain Minority Group Members (e.g., African-Americans or Hispanic-

Americans) based upon relative availability and significantly greater patterns of underutilization and disparity within an industry as compared to other gender and Minority Group Member categories of M/WBEs. The application of Segmented M/WBE Goals is intended to ensure that those segments of M/WBEs that have been most significantly and persistently underutilized receive a fair measure of remedial assistance. Segmented M/WBE Goals shall operate in the manner as the M/WBE Subcontracting Program set out in Section III.D.2.d of this ordinance.

f. Mentor-Protégé Program

- i. The Mentor-Protégé Program provides technical assistance to M/WBEs to build their capacity whereby M/WBEs are paired with a mentor who provides the M/WBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program if efficiencies are identified.

g. Bonding Assistance Program

The Bonding Assistance Program provides technical assistance to M/WBEs to build or repair their credit to become bondable. The EDD Director or designee has discretion to modify the Bonding Assistance Program when necessary to better serve the needs of M/WBEs.

h. Emerging M/WBE Prime Contract Program

The City may establish an Emerging M/WBE Prime Contractor capacity-building initiative to enhance long-term competition and to provide the City with its “Best Value” on Construction projects using alternative construction delivery methods of contracting in accordance with Texas Local Government Code, Chapter 271. Under this Emerging M/WBE Prime Contract Program, the City may allocate up to 20% of weighted selection criteria in favor of the selection of a Respondent that is a certified Emerging M/WBE firm. An Emerging M/WBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-M/WBE firm. In determining whether a particular contract is eligible for the Emerging M/WBE Prime Contract Program, the GSC shall consider: a) the relative availability of Emerging M/WBEs with the preference of at least three Emerging M/WBE firms that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the Emerging M/WBE in the specific Industry Categories.

3. Race – Neutral Architectural & Engineering (A&E) Programs

The GSC shall consider the application of one or more of the following Race-Neutral APIs for each City Architectural & Engineering (A&E) contract:

a. SBE Prime Contract Program

The GSC may apply this API to Formal Solicitations on City A&E contracts that are issued pursuant to a method of procurement under Chapter 2254 of the Texas Local Government Code wherein criteria other than price such as demonstrated competence and qualifications are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences for SBE prime Respondents equal up to 20% of the total Points assigned for the evaluation, scoring and ranking of A&E responses submitted by those certified SBE A&E firms.

An SBE that is awarded a prime contract under this program may not subcontract more than 49% of

the contract value to a non-SBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: (a) the relative availability of SBEs, with the preference of at least three SBEs that are likely to bid as a Prime Contractor for the contract; and (b) the degree of underutilization of the SBEs in the specific Industry Categories.

b. ESBE Prime Contract Program

The GSC may apply this API to Formal Solicitations that are issued pursuant to a method of procurement under Chapter 2254 of the Texas Local Government Code wherein criteria other than price such as demonstrated competence and qualifications are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences for ESBE prime Respondents equal up to 20% of the total Points assigned for the evaluation, scoring and ranking of A&E responses submitted by those certified ESBE A&E firms.

An ESBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-ESBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: a) the relative availability of ESBEs, with the preference of at least three ESBEs that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the ESBEs in the specific Industry Categories.

c. SBE Joint Venture Program

For A&E contracts for which the City will undertake a “Best Value Contracting” method of procurement and subsequent evaluation of proposals, the GSC may, on a contract-by-contract basis, apply an Evaluation Preference for SBE joint venture partners equal to up to 20% of the total Points assigned for purposes of evaluating and ranking prospective proposals. The allocation of Points for SBE Joint Venture Incentives shall be as follows:

- i. 20% of total Points for joint ventures wherein the SBE joint venture partner is performing 50% or greater of the overall contract value that is not subcontracted;
- ii. 15% of total Points for joint ventures wherein the SBE joint venture partner is performing from 40% up to 49% of the overall contract value that is not subcontracted;
- iii. 10% of total Points for joint ventures wherein the SBE joint venture partner is performing from 25% up to 39 % of the overall contract value that is not subcontracted;
- iv. 5% of total Points for joint ventures wherein the SBE joint venture partner is performing from 10% up to 24% of the overall contract value that is not subcontracted; and
- v. 0% of total Points for joint ventures wherein the SBE joint venture partner is performing less than 10% of the overall contract value that is not subcontracted.

A factor to be considered by the GSC in selecting this API shall include the relative availability of SBEs, with the preference of at least three SBEs that are likely to serve as an SBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions on the specific contract.

A prospective joint venture Respondent on such a City A&E contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the SBE joint venture partner that will participate on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of the services to be provided by the SBE joint venture partner; and
- iii. A description of the work that each SBE joint venture partner shall be responsible for performing under the terms of the joint venture agreement.

d. SBE Subcontracting Program

The GSC may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to eligible SBEs. Factors to be considered by the GSC in making this determination shall include the relative availability of SBE firms to perform Commercially Useful Functions on the specific contract.

A prospective Respondent on a City solicitation shall submit at the time as required in the solicitation such documentation as required by the City to affirm its intent to meet the subcontracting requirements indicated in the solicitation. In the absence of a waiver granted by the SBO, failure of a Respondent to commit as required in the solicitation to satisfying the SBE subcontracting goal shall render its response non-Responsive.

During the price proposal negotiation phase, Respondents will be required to submit:

- i. The name(s) of the SBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of subcontracting services to be provided by each SBE;
- iii. A description of the work that each SBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

Failure of a Respondent to satisfy the SBE subcontracting requirement shall cause the City to formally terminate negotiations and move to the next-most-qualified Respondent.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate forms(s) and documentation at the time as required in the solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination on a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SBEs;

- ii. Whether subcontracting would be inappropriate and/or not provide a “Commercially Useful Function” under the scope of the contract; and
- iii. Whether there are no certified SBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the SBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified SBE firm, then the Prime Contractor is allowed to self-perform up to the entire SBE subcontracting goal amount with its own forces. To the extent that the certified SBE Prime Contractor does not self-perform a portion of the SBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified SBE Prime Contractors may be suspended at the discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the SBE subcontracting goal by a certified SBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for SBE participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of contract, grounds for termination of that contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated SBE Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated SBE Subcontractors with one or more other certified SBE Subcontractors and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including SBE Subcontractors. The Originating Department shall audit the reported payments to SBE and non-SBE Subcontractors to ensure that the Prime Contractor’s reported subcontract participation is accurate. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the “Prompt Payment Act”), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

e. Mentor-Protégé Program

The Mentor-Protégé Program provides technical assistance to SBEs to build their capacity whereby SBEs are paired with a mentor who provides the SBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program if efficiencies are identified.

4. Race-Conscious Architectural & Engineering (A&E) Programs

The GSC shall consider establishment of an overall M/WBE Annual Aspirational Goal in accordance with subsection 'a' below and, in addition, shall review each prospective City Formal Solicitation for A&E services in advance of its public release and advertisement and shall make a determination whether to apply the other Race-Conscious API to those A&E services Formal Solicitation documents based upon the following criteria:

- i. Whether the most recent data on M/WBE utilization in the absence of Race-Conscious APIs indicate that A&E contracts of this type have exhibited significant disparities in the utilization of M/WBE Subcontractor and/or M/WBE Prime Contractors;
- ii. Whether race- and/or gender-neutral remedies alone are likely to fully eliminate any such disparities in the utilization of M/WBE Subcontractor and/or M/WBE Prime Contractors based upon past contract Award and Payment data;
- iii. Whether a particular API is the least burdensome available remedy to non-M/WBE Respondents that is narrowly-tailored and that can effectively eliminate the disparities in the utilization of M/WBEs in A&E contracts; and
- iv. Whether the particular API is appropriate for the specific type of A&E contract being solicited. Whenever the GSC uses its discretion to apply any of the following Race-Conscious APIs to A&E contracts, it shall provide an explanation in the solicitation documents of its reasons for doing so based upon its determinations pursuant to these criteria. In making such determinations, the GSC may also take into consideration the experiences of other jurisdictions within the City's Relevant Marketplace for A&E services.

a. Annual Aspirational M/WBE Goals

For each fiscal year, the GSC may establish a non-mandatory annual aspirational percentage goal for overall M/WBE prime and subcontract participation on City A&E contracts.

The Annual Aspirational Goal for M/WBE participation in the City A&E contracts has initially been established at 31% based upon the combined M/WBE availability by industry in accordance with the City's 2015 Disparity Study Update findings.

This Annual Aspirational Goal is to be reviewed on an annual basis for potential adjustment by the GSC based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study Update findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. Any adjusted Annual Aspirational Goals in this industry should not exceed 36%, which reflects NERA's Expected Availability as measured in the 2015 Disparity Study.

Annual Aspirational Goals are not to be routinely applied to individual contracts or solicitation documents, but are intended to serve as a benchmark against which to measure the overall effectiveness of the S/M/WBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to this Policy.

Annual Aspirational Goals may be stated only in those City solicitations that do not contain contract-specific M/WBE goals and, when provided, shall be advisory only and must also be accompanied by the full definition of the term as stated in this Ordinance.

b. M/WBE Prime Contract Program

The GSC may apply this API to Formal Solicitations on City A&E contracts that are issued pursuant to a method of procurement under Chapter 2254 of the Texas Local Government Code wherein criteria other than price, such as demonstrated competence and qualifications, are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of A&E responses submitted by those certified M/WBE A&E firms.

An M/WBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-M/WBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: (a) the relative availability of M/WBEs, with a preference for at least three M/WBEs that are likely to bid as a Prime Contractor for the contract; and (b) the degree of underutilization of the M/WBEs in the specific Industry Categories.

c. Emerging M/WBE Prime Contract Program

The GSC may apply this API to Formal Solicitations that are issued pursuant to a method of procurement under Chapter 2254 of the Texas Local Government Code wherein criteria other than price such as demonstrated competence and qualifications are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences for Emerging M/WBE prime Respondents equal up to 20% of the total Points assigned for the evaluation, scoring and ranking of A&E responses submitted by those certified Emerging M/WBE A&E firms.

An Emerging M/WBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-Emerging M/WBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: a) the relative availability of Emerging M/WBEs, with the preference of at least three Emerging M/WBES that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the Emerging M/WBEs in the specific Industry Categories.

d. M/WBE Joint Venture Program

For A&E contracts for which the City will undertake a “Best Value Contracting” method of procurement and subsequent evaluation of proposals, the GSC may, on a contract-by-contract basis, apply an Evaluation Preference for M/WBE joint venture partners equal to up to 20% of the total Points assigned for purposes of evaluating and ranking prospective proposals. The allocation of Points for M/WBE Joint Venture Incentives shall be as follows:

- i. 20% of total Points for joint ventures wherein the M/WBE joint venture partner is performing 50% or greater of the overall contract value that is not subcontracted;
- ii. 15% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 40% up to 49% of the overall contract value that is not subcontracted;

- iii. 10% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 25% up to 39 % of the overall contract value that is not subcontracted;
- iv. 5% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 10% up to 24% of the overall contract value that is not subcontracted; and
- v. 0% of total Points for joint ventures wherein the M/WBE joint venture partner is performing less than 10% of the overall contract value that is not subcontracted.

A factor to be considered by the GSC in selecting this API shall include the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to serve as an M/WBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions on the specific contract.

A prospective joint venture Respondent on such a City A&E contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the M/WBE joint venture partner that will participate on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of the services to be provided by the M/WBE joint venture partner; and
- iii. A description of the work that each M/WBE joint venture partner shall be responsible for performing under the terms of the joint venture agreement.

e. M/WBE Subcontracting Program

The GSC may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to eligible M/WBEs. Factors to be considered by the GSC in making this determination shall include the relative availability of M/WBE firms to perform Commercially Useful Functions on the specific contract.

A prospective Respondent on a City solicitation shall submit at the time as required in the solicitation such documentation as required by the City to affirm its intent to meet the subcontracting requirements indicated in the solicitation. In the absence of a waiver granted by the SBO, failure of a Respondent to commit as required in the solicitation to satisfying the M/WBE subcontracting goal shall render its response non-Responsive.

During the price proposal negotiation phase, Respondents will be required to submit:

- i. The name(s) of the M/WBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of subcontracting services to be provided by each M/WBE;
- iii. A description of the work that each M/WBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

Failure of a Respondent to satisfy the M/WBE subcontracting requirement shall cause the City to formally terminate negotiations and move to the next-most-qualified Respondent.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate forms(s) and documentation at the time as required in the solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination on a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available M/WBEs;
- ii. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
- iii. Whether there are no certified M/WBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the M/WBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified M/WBE firm, then the Prime Contractor is allowed to self-perform up to the entire M/WBE subcontracting goal amount with its own forces. To the extent that the certified M/WBE Prime Contractor does not self-perform a portion of the M/WBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified M/WBE Prime Contractors may be suspended at the discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the M/WBE subcontracting goal by a certified M/WBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for M/WBE participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of contract, grounds for termination of that contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated M/WBE Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated M/WBE Subcontractors with one or more other certified M/WBE Subcontractors and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors,

including M/WBE Subcontractors. The Originating Department shall audit the reported payments to M/WBE and non-M/WBE Subcontractors to ensure that the Prime Contractor's reported subcontract participation is accurate. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the "Prompt Payment Act"), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

f. Segmented M/WBE Goals

The GSC may establish Segmented M/WBE Goals within the Annual Aspirational Goal based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. The GSC may also establish M/WBE Subcontracting Goals on an individual City contract wherein an overall combined M/WBE goal is accompanied by subsets of one or more smaller goals that specifically target the participation of a particular segment of Minority Group Member segments or the WBE segment based upon relative availability. Such segmented goals shall specifically target the participation of a particular segment of business enterprises owned and Controlled by WBEs or certain Minority Group Members (e.g., African-Americans or Hispanic-Americans) based upon relative availability and significantly greater patterns of underutilization and disparity within an industry as compared to other gender and Minority Group Member categories of M/WBEs. The application of Segmented M/WBE Goals is intended to ensure that those segments of M/WBEs that have been most significantly and persistently underutilized receive a fair measure of remedial assistance. Segmented M/WBE Goals shall operate in the manner as the M/WBE Subcontracting Program set out in Section III.D.4.e of this ordinance.

g. Mentor-Protégé Program

The Mentor-Protégé Program provides technical assistance to M/WBEs to build their capacity whereby M/WBEs are paired with a mentor who provides the M/WBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program if efficiencies are identified.

5. Race-Neutral Professional Services Programs

The GSC shall consider the application of one or more of the following Race-Neutral APIs for each City Professional Services solicitation:

a. SBE Subcontracting Program

The GSC may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific Professional Services contract, up to 40%, be subcontracted to eligible and qualified SBEs. A factor to be considered by the GSC in making this determination shall include the relative availability of SBE firms to perform Commercially Useful Functions on the specific contract. A Respondent on such a City solicitation shall submit as required in the solicitation such documentation as required by the City that provides:

- i. The name(s) of the SBE Subcontractor(s) it intends to use on the project;

- ii. The percentage of Prime Contract dollars and the absolute dollar value of subcontracting services to be provided by each SBE;
- iii. A description of the work that each SBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate form(s) and documentation at the time as required in the solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination of a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SBEs;
- ii. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
- iii. Whether there are no certified SBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the SBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified SBE firm, then the Prime Contractor is allowed to self-perform up to the entire SBE subcontracting goal amount with its own forces. To the extent that the certified SBE Prime Contractor does not self-perform a portion of the SBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified SBE Prime Contractors may be suspended at the discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the SBE subcontracting goal by a certified SBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for SBE participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of contract, grounds for termination of that contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated SBE Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated SBE Subcontractors with one or more other certified SBE Subcontractors and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including SBE Subcontractors. The Originating Department shall audit the reported payments to SBE and non-SBE Subcontractors to ensure that the Prime Contractor's reported subcontract participation is accurate. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the "Prompt Payment Act"), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

b. SBE Joint Venture Program

For Professional Services contracts for which the City will undertake a "Best Value Contracting" method of procurement and subsequent evaluation of proposals, the GSC may, on a contract-by-contract basis, apply an Evaluation Preference for SBE joint venture partners equal to up to 20% of the total Points assigned for purposes of evaluating and ranking prospective proposals. The allocation of Points for SBE Joint Venture Incentives shall be as follows:

- i. 20% of total Points for joint ventures wherein the SBE joint venture partner is performing 50% or greater of the overall contract value that is not subcontracted;
- ii. 15% of total Points for joint ventures wherein the SBE joint venture partner is performing from 40% up to 49% of the overall contract value that is not subcontracted;
- iii. 10% of total Points for joint ventures wherein the SBE joint venture partner is performing from 25% up to 39 % of the overall contract value that is not subcontracted;
- iv. 5% of total Points for joint ventures wherein the SBE joint venture partner is performing from 10% up to 24% of the overall contract value that is not subcontracted; and
- v. 0% of total Points for joint ventures wherein the SBE joint venture partner is performing less than 10% of the overall contract value that is not subcontracted.

A factor to be considered by the GSC in selecting this API shall include the relative availability of SBEs, with the preference of at least three SBEs that are likely to serve as an SBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions on the specific contract.

A prospective joint venture Respondent on such a City Professional Services contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the SBE joint venture partner that will participate on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of the services to be provided by the SBE joint venture partner; and

- iii. A description of the work that each SBE joint venture partner shall be responsible for performing under the terms of the joint venture agreement.

c. ESBE Prime Contract Program

The GSC may apply this API to Formal Solicitations that are issued pursuant to a “Best Value” method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of Professional Services proposals submitted by those certified ESBE Professional Services firms.

An ESBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-ESBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: (a) the relative availability of ESBEs, with the preference of at least three ESBEs that are likely to bid as a Prime Contractor for the contract; and (b) the degree of underutilization of the ESBEs in the specific Industry Categories.

d. SBE Prime Contract Program

The GSC may apply this API to Formal Solicitations on City Professional Services contracts that are issued pursuant to a method of procurement under Chapter 2254 of the Texas Local Government Code wherein criteria other than price such as demonstrated competence and qualifications are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences for SBE prime Respondents equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of professional services responses submitted by those certified SBE firms.

An SBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-SBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: (a) the relative availability of SBEs, with the preference of at least three SBEs that are likely to bid as a Prime Contractor for the contract; and (b) the degree of underutilization of the SBEs in the specific Industry Categories.

e. Bonding Assistance Program

The Bonding Assistance Program provides technical assistance to SBEs to build or repair their credit to become bondable. The EDD Director or designee has discretion to modify the Bonding Assistance Program if efficiencies are identified.

f. Mentor-Protégé Program

The Mentor-Protégé Program provides technical assistance to SBEs to build their capacity whereby SBEs are paired with a mentor who provides the SBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program if efficiencies are identified.

6. Race-Conscious Professional Services Programs

The GSC shall consider establishment of an overall M/WBE Annual Aspirational Goal in accordance

with subsection 'a' below and, in addition, shall review each prospective City Professional Services Formal Solicitation in advance of its public release and advertisement, and shall make a determination whether to apply any of the other Race-Conscious APIs to those Professional Services solicitation documents based upon the following criteria:

- i. Whether the most recent data on M/WBE utilization in the absence of Race-Conscious APIs indicates that Professional Services contracts of this type have exhibited significant disparities in the utilization of M/WBE Subcontractors and/or M/WBE Prime Contractors;
- ii. Whether race- and/or gender-neutral remedies alone are likely to fully eliminate any such disparities in the utilization of M/WBE Subcontractor and/or M/WBE Prime Contractors based upon past contract award and payment data;
- iii. Whether a particular API is the least burdensome available remedy to non-M/WBE Respondents that is narrowly-tailored and that can effectively eliminate the disparities in the utilization of M/WBEs in Professional Service contracts of this type; and
- iv. Whether the particular API is appropriate for the specific type of Professional Services contract being solicited. Whenever the GSC uses its discretion to apply any of the following Race-Conscious APIs to Professional Services contracts, it shall provide an explanation in the solicitation documents of its reasons for doing so based upon its determinations pursuant to these criteria. In making such determinations, the GSC may also take into consideration the experiences of other jurisdictions within the City's Relevant Marketplace for Professional Services.

a. M/WBE Annual Aspirational Goals

For each fiscal year, the GSC may establish a non-mandatory annual aspirational percentage goal for overall M/WBE prime and subcontract participation on City Professional Services contracts.

The Annual Aspirational Goal for M/WBE participation in City Professional Services contracts has initially been established at 40% based upon the combined M/WBE availability by industry in accordance with its 2015 Disparity Study Update findings.

This Annual Aspirational Goal is to be reviewed on an annual basis for potential adjustment by the GSC based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study Update findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. Any adjusted Annual Aspirational Goals in this industry should not exceed 55%, which reflects NERA's Expected Availability as measured in the 2015 Disparity Study.

Annual Aspirational Goals are not to be routinely applied to individual contracts, but are intended to serve as a benchmark against which to measure the overall effectiveness of the S/M/WBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to this Policy.

Annual Aspirational Goals may be stated only in those City solicitations that do not contain contract-specific M/WBE goals and, when provided, shall be advisory only and must also be accompanied by the full definition of the term as stated in this Ordinance.

b. M/WBE Subcontracting Program

The GSC may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific Professional Services contract, up to 40%, be subcontracted to eligible M/WBEs. A factor to be considered by the GSC in making this determination shall include the relative availability of M/WBE firms to perform Commercially Useful Functions on the specific contract. A prospective Respondent on such a City contract shall submit as required in the solicitation such documentation as required by the City that provides:

- i. The name(s) of the M/WBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of subcontracting services to be provided by each M/WBE;
- iii. A description of the work that each M/WBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate form(s) and documentation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination on a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available M/WBEs;
- ii. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
- iii. Whether there are no certified M/WBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the M/WBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified M/WBE firm, then the Prime Contractor is allowed to self-perform up to the entire M/WBE subcontracting goal amount with its own forces. To the extent that the certified M/WBE Prime Contractor does not self-perform a portion of the M/WBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified M/WBE Prime Contractors may be suspended at the discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the M/WBE subcontracting goal by a certified M/WBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for M/WBE participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of contract, grounds for

termination of that contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A successful Respondent is required to notify and obtain prior written approval from the SBO in advance of any reduction in M/WBE subcontract scope unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated M/WBE Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated M/WBE Subcontractor(s) with one or more other certified M/WBE Subcontractor(s) and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including M/WBE Subcontractors. The Originating Department shall audit the reported payments to M/WBE and non-M/WBE Subcontractor to ensure that the Prime Contractors' reported subcontract participation is accurate. Absent a waiver from the SBO, a Prime Contractor's failure to reach the required level of M/WBE subcontracting shall be considered a material breach of contract. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the "Prompt Payment Act"), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

c. M/WBE Joint Venture Program

For Professional Services contracts the GSC may, at its discretion and on a contract-by-contract basis, apply an Evaluation Preference for M/WBE joint venture partners equal to up to 20% of the total Points assigned for purposes of evaluating and ranking prospective proposals. The allocation of Points for M/WBE Joint Venture Incentives shall be as follows:

- i. 20% of total Points for joint ventures wherein the M/WBE joint venture partner is performing 50% or greater of the overall contract value that is not subcontracted;
- ii. 15% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 40% up to 49% of the overall contract value that is not subcontracted;
- iii. 10% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 25% up to 39% of the overall contract value that is not subcontracted;
- iv. 5% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 10% up to 24% of the overall contract value that is not subcontracted; and
- v. 0% of total Points for joint ventures wherein the M/WBE joint venture partner is performing less than 10% of the overall contract value that is not subcontracted.

A factor to be considered by the GSC in selecting this API shall include the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to serve as an M/WBE joint

venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions on the specific contract.

A prospective joint venture Respondent on such a City Professional Services contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the M/WBE joint venture partner that will participate on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of the services to be provided by the M/WBE joint venture partner; and
- iii. A description of the work that each M/WBE joint venture partner shall be responsible for performing under the terms of the joint venture agreement.

d. M/WBE Prime Contract Program

The GSC may apply this API to Formal Solicitations for City Professional Services solicitations that are issued pursuant to a "Best Value" method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of Professional Services proposals submitted by those certified M/WBE Professional Services firms.

An M/WBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-M/WBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: (a) the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to bid as a Prime Contractor for the contract; and (b) the degree of underutilization of the M/WBEs in the specific Industry Categories.

e. Emerging M/WBE Prime Contract Program

The GSC may apply this API to Formal Solicitations that are issued pursuant to a method of procurement under Chapter 2254 of the Texas Local Government Code wherein criteria other than price such as demonstrated competence and qualifications are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences for Emerging M/WBE prime Respondents equal up to 20% of the total Points assigned for the evaluation, scoring and ranking of A&E responses submitted by those certified Emerging M/WBE A&E firms.

An Emerging M/WBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-Emerging M/WBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: a) the relative availability of Emerging M/WBEs, with the preference of at least three Emerging M/WBEs that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the Emerging M/WBEs in the specific Industry Categories.

f. Mentor-Protégé Program

The Mentor-Protégé Program provides technical assistance to M/WBEs to build their capacity whereby M/WBEs are paired with a mentor who provides the M/WBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program if efficiencies are identified.

g. Segmented M/WBE Goals

The GSC may establish Segmented M/WBE Goals within the Annual Aspirational Goal based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. The GSC may also establish M/WBE Subcontracting Goals on an individual City contract wherein an overall combined M/WBE goal is accompanied by subsets of one or more smaller goals that specifically target the participation of a particular segment of Minority Group Member segments or the WBE segment based upon relative availability. Such segmented goals shall specifically target the participation of a particular segment of business enterprises owned and Controlled by WBEs or certain Minority Group Members (e.g., African-Americans or Hispanic-Americans) based upon relative availability and significantly greater patterns of underutilization and disparity within an industry as compared to other gender and Minority Group Member categories of M/WBEs. The application of Segmented M/WBE Goals is intended to ensure that those segments of M/WBEs that have been most significantly and persistently underutilized receive a fair measure of remedial assistance. Segmented M/WBE Goals shall operate in the manner as the M/WBE Subcontracting Program set out in Section III.D.6.b of this ordinance.

h. Bonding Assistance Program

The Bonding Assistance Program provides technical assistance to M/WBEs to build or repair their credit to become bondable. The EDD Director or designee has discretion to modify the Bonding Assistance Program as necessary to better serve the needs of M/WBEs.

7. Race-Neutral Other Services Programs

The GSC shall consider the application of one or more of the following Race-Neutral APIs for each City "Other Services" (nonprofessional services) contract:

a. SBE Prime Contract Program

The GSC may apply this API to Formal Solicitations on City Other Services contracts that are issued pursuant to a "Best Value" method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of Other Services proposals submitted by those certified SBE Other Services firms.

An SBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-SBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: (a) the relative availability of SBEs, with the preference of at least three SBES that are likely to bid as a Prime Contractor for the contract; and (b) the degree of underutilization of

the SBEs in the specific Industry Categories.

b. ESBE Prime Contract Program

The GSC may apply this API to Formal Solicitations that are issued pursuant to a “Best Value” method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of Other Services proposals submitted by those certified ESBE Other Services firms.

An ESBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-ESBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: a) the relative availability of ESBEs, with the preference of at least three ESBEs that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the ESBEs in the specific Industry Categories.

c. Mentor-Protégé Program

The Mentor-Protégé Program provides technical assistance to SBEs to build their capacity whereby SBEs are paired with a mentor who provides the SBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program if efficiencies are identified.

d. SBE Joint Venture Incentives

The GSC may, on a contract-by-contract basis, when allowable by law, apply the following Joint Venture Incentives for joint venture Respondents wherein SBE joint venture partners are responsible for supplying no less than 40% of the total value of the contract that is not subcontracted:

- i. The extension of additional option years for any requirements supply contract wherein the SBE joint venture partner has successfully delivered no less than 40% of the value that is not subcontracted of the joint venture supply contract during the contract’s initial year, provided that the initial solicitation provided for possible extensions;
- ii. Accelerated payment of invoices by the City (i.e., electronic funds transfers).

A factor to be considered by the GSC in selecting this API shall include the relative availability of SBEs, with the preference of at least three SBEs that are likely to serve as an SBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions as suppliers on the specific contract.

A prospective SBE joint venture Respondent on such a City Other Services contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the SBE joint venture partner that will participate on the contract;
- ii. The percentage of Prime Contract dollars and the absolute dollar value of the services to be provided by the SBE joint venture partner; and

- iii. A description of the work and responsibilities that each joint venture partner shall perform under the terms of its joint venture agreement.

e. SBE Joint Venture Program

For Other Services contracts for which the City will undertake a “Best Value Contracting” method of procurement and subsequent evaluation of proposals, the GSC may, on a contract-by-contract basis, apply an Evaluation Preference for SBE joint venture partners equal to up to 20% of the total Points assigned for purposes of evaluating and ranking prospective proposals. The allocation of Points for SBE Joint Venture Incentives shall be as follows:

- i. 20% of total Points for joint ventures wherein the SBE joint venture partner is performing 50% or greater of the overall contract value that is not subcontracted;
- ii. 15% of total Points for joint ventures wherein the SBE joint venture partner is performing from 40% up to 49% of the overall contract value that is not subcontracted;
- iii. 10% of total Points for joint ventures wherein the SBE joint venture partner is performing from 25% up to 39 % of the overall contract value that is not subcontracted;
- iv. 5% of total Points for joint ventures wherein the SBE joint venture partner is performing from 10% up to 24% of the overall contract value that is not subcontracted; and
- v. 0% of total Points for joint ventures wherein the SBE joint venture partner is performing less than 10% of the overall contract value that is not subcontracted.

A factor to be considered by the GSC in selecting this API shall include the relative availability of SBEs, with the preference of at least three SBEs that are likely to serve as an SBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions on the specific contract.

A prospective joint venture Respondent on such a City A&E contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the SBE joint venture partner that will participate on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of the services to be provided by the SBE joint venture partner; and
- iii. A description of the work that each SBE joint venture partner shall be responsible for performing under the terms of the joint venture agreement.

f. SBE Subcontracting Program

The GSC may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific Other Services contract, up to 40%, be subcontracted to eligible and qualified SBEs. A factor to be considered by the GSC in making this determination shall include the relative availability of SBE firms to perform Commercially Useful Functions on the specific contract. A

Respondent on such a City solicitation shall submit as required in the solicitation such documentation as required by the City that provides:

- i. The name(s) of the SBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of Prime Contract dollars and the absolute dollar value of subcontracting services to be provided by each SBE;
- iii. A description of the work that each SBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate form(s) and documentation at the time as required in the solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination of a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SBES;
- ii. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
- iii. Whether there are no certified SBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the SBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified SBE firm, then the Prime Contractor is allowed to self-perform up to the entire SBE subcontracting goal amount with its own forces. To the extent that the certified SBE Prime Contractor does not self-perform a portion of the SBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified SBE Prime Contractors may be suspended at the discretion of the Director of the EDD Director or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the SBE subcontracting goal by a certified SBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for SBE participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of the contract, grounds for termination of the contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated SBE Subcontractor. However, under such

circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated SBE Subcontractors with one or more other certified SBE Subcontractors and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including SBE Subcontractors. The Originating Department shall audit the reported payments to SBE and non-SBE Subcontractors to ensure that the Prime Contractor's reported subcontract participation is accurate. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the "Prompt Payment Act"), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance its contract with the City or by law.

g. Bonding Assistance Program

The Bonding Assistance Program provides technical assistance to SBEs to build or repair their credit to become bondable. The EDD Director or designee has discretion to modify the Bonding Assistance Program as necessary to better serve the needs of SBEs.

8. Race-Conscious Other Services Programs

The GSC shall consider establishment of an overall M/WBE Annual Aspirational Goal in accordance with subsection 'a' below and, in addition, shall review each prospective City Other Services (i.e., non-Professional Services) contract solicitation document in advance of its public release and advertisement, and shall make a determination whether to apply any of the other Race-Conscious APIs to those Other Services solicitation documents based upon the following criteria:

- i. Whether the most recent data on M/WBE utilization in the absence of Race-Conscious APIs indicate that Other Services contracts of this type have exhibited significant disparities in the utilization of M/WBE Subcontractors and/or M/WBE Prime Contractors;
- ii. Whether race- and/or gender-neutral remedies alone are likely to fully eliminate any such disparities in the utilization of M/WBE Subcontractors and/or M/WBE Prime Contractors based upon past contract award and payment data;
- iii. Whether a particular API is the least burdensome available remedy to non-M/WBE Respondents that is narrowly-tailored and that can effectively eliminate the disparities in the utilization of M/WBEs in Other Services contracts; and
- iv. Whether the particular API is appropriate for the specific type of Other Services contracts being solicited. Whenever the GSC uses its discretion to apply any of the following Race-Conscious APIs to "Other Services" contracts, it shall provide an explanation in the solicitation documents of its reasons for doing so based upon its determinations pursuant to these criteria. In making such determinations, the GSC may also take into consideration the experiences of other jurisdictions within the City's Relevant Marketplace for Other Services.

a. M/WBE Annual Aspirational Goals

For each fiscal year, the GSC may establish a non-mandatory annual aspirational percentage goal for overall M/WBE Prime Contract participation on the City Other Services contracts.

The Annual Aspirational Goal for M/WBE participation in the City Other Services contracts has initially been established at 55% based upon the combined M/WBE availability by industry in accordance with its 2015 Disparity Study Update findings.

This Annual Aspirational Goal is to be reviewed on an annual basis for potential adjustment by the GSC based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study Update findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. Any adjusted Annual Aspirational Goals in this industry should not exceed 76%, which reflects NERA's Expected Availability as measured in the 2015 Disparity Study.

Annual Aspirational Goals are not to be routinely applied to individual contracts or solicitation documents, but are intended to serve as a benchmark against which to measure the overall effectiveness of the S/M/WBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to this Policy.

Annual Aspirational Goals may be stated only in those City solicitations that do not contain contract-specific M/WBE goals and, when provided, shall be advisory only and must also be accompanied by the full definition of the term as stated in this Ordinance.

b. M/WBE Prime Contract Program

The GSC may apply this API to Formal Solicitations for City Other Services solicitations that are issued pursuant to a "Best Value" method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of Professional Services proposals submitted by those certified M/WBE Professional Services firms.

An M/WBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-M/WBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: (a) the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to bid as a Prime Contractor for the contract; and (b) the degree of underutilization of the M/WBEs in the specific Industry Categories.

c. Emerging M/WBE Prime Contract Program

The GSC may apply this API to Formal Solicitations that are issued pursuant to a "Best Value" method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of Other Services proposals submitted by those certified Emerging M/WBE Other Services firms.

An Emerging M/WBE that is awarded a prime contract under this program may not subcontract more

than 49% of the contract value to a non-Emerging M/WBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: a) the relative availability of Emerging M/WBEs, with the preference of at least three Emerging M/WBEs that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the Emerging M/WBEs in the specific Industry Categories.

d. M/WBE Joint Venture Program

For Other Services contracts for which the City will undertake a “Best Value Contracting” method of procurement and subsequent evaluation of proposals, the GSC may, on a contract-by-contract basis, apply an Evaluation Preference for M/WBE joint venture partners equal to up to 20% of the total Points assigned for purposes of evaluating and ranking prospective proposals. The allocation of Points for M/WBE Joint Venture Incentives shall be as follows:

- i. 20% of total Points for joint ventures wherein the M/WBE joint venture partner is performing 50% or greater of the overall contract value that is not subcontracted;
- ii. 15% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 40% up to 49% of the overall contract value that is not subcontracted;
- iii. 10% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 25% up to 39 % of the overall contract value that is not subcontracted;
- iv. 5% of total Points for joint ventures wherein the M/WBE joint venture partner is performing from 10% up to 24% of the overall contract value that is not subcontracted; and
- v. 0% of total Points for joint ventures wherein the M/WBE joint venture partner is performing less than 10% of the overall contract value that is not subcontracted.

A factor to be considered by the GSC in selecting this API shall include the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to serve as an M/WBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions on the specific contract.

A prospective joint venture Respondent on such a City Other Services contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the M/WBE joint venture partner that will participate on the project;
- ii. The percentage of prime contract dollars and the absolute dollar value of the services to be provided by the M/WBE joint venture partner; and
- iii. A description of the work that each M/WBE joint venture partner shall be responsible for performing under the terms of the joint venture agreement.

e. M/WBE Joint Venture Incentives

The GSC may, on a contract-by-contract basis, when allowable by law, apply the following Joint Venture Incentives for joint venture Respondents wherein M/WBE joint venture partners are responsible for supplying no less than 40% of the total value of the contract that is not subcontracted:

- i. The extension of additional option years for any requirements supply contract wherein the M/WBE joint venture partner has successfully delivered no less than 40% of the value that is not subcontracted of the joint venture supply contract during the contract's initial year, provided that the initial solicitation provided for possible extensions;
- ii. Accelerated payment of invoices by the City (i.e., electronic funds transfers).

A factor to be considered by the GSC in selecting this API shall include the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to serve as an M/WBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions as suppliers on the specific contract.

A prospective M/WBE joint venture Respondent on such a City Other Services contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the M/WBE joint venture partner that will participate on the contract;
- ii. The percentage of Prime Contract dollars and the absolute dollar value of the services to be provided by the M/WBE joint venture partner; and
- iii. A description of the work and responsibilities that each joint venture partner shall perform under the terms of its joint venture agreement.

f. M/WBE Subcontracting Program

The GSC may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific Other Services contract, up to 40%, be subcontracted to eligible and qualified M/WBEs. A factor to be considered by the GSC in making this determination shall include the relative availability of M/WBE firms to perform Commercially Useful Functions on the specific contract. A Respondent on such a City solicitation shall submit as required in the solicitation such documentation as required by the City that provides:

- i. The name(s) of the M/WBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of Prime Contract dollars and the absolute dollar value of subcontracting services to be provided by each M/WBE;
- iii. A description of the work that each M/WBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate form(s) and documentation at the time as required in the solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination of a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available M/WBEs;
- ii. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
- iii. Whether there are no certified M/WBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the M/WBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified M/WBE firm, then the Prime Contractor is allowed to self-perform up to the entire M/WBE subcontracting goal amount with its own forces. To the extent that the certified M/WBE Prime Contractor does not self-perform a portion of the M/WBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified M/WBE Prime Contractors may be suspended at the discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the M/WBE subcontracting goal by a certified M/WBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for M/WBE participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of contract, grounds for termination of that contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated M/WBE Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated M/WBE Subcontractors with one or more other certified M/WBE Subcontractors and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including M/WBE Subcontractors. The Originating Department shall audit the reported payments to M/WBE and non-M/WBE Subcontractors to ensure that the Prime Contractor's reported subcontract participation is accurate. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the

“Prompt Payment Act”), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

g. Segmented M/WBE Goals

The GSC may establish Segmented M/WBE Goals within the Annual Aspirational Goal based upon the M/WBE availability by industry in accordance with the City’s 2015 Disparity Study findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. The GSC may also establish M/WBE Subcontracting Goals on an individual City contract wherein an overall combined M/WBE goal is accompanied by subsets of one or more smaller goals that specifically target the participation of a particular segment of Minority Group Member segments or the WBE segment based upon relative availability. Such segmented goals shall specifically target the participation of a particular segment of business enterprises owned and Controlled by WBEs or certain Minority Group Members (e.g., African-Americans or Hispanic-Americans) based upon relative availability and significantly greater patterns of underutilization and disparity within an industry as compared to other gender and Minority Group Member categories of M/WBEs. The application of Segmented M/WBE Goals is intended to ensure that those segments of M/WBEs that have been most significantly and persistently underutilized receive a fair measure of remedial assistance. Segmented M/WBE Goals shall operate in the manner as the M/WBE Subcontracting Program set out in Section III.D.8.f of this ordinance.

h. Mentor-Protégé Program

The Mentor-Protégé Program provides technical assistance to M/WBEs to build their capacity whereby M/WBEs are paired with a mentor who provides the M/WBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program as necessary to better serve the needs of M/WBEs.

i. Bonding Assistance Program

The Bonding Assistance Program provides technical assistance to M/WBEs to build or repair their credit to become bondable. The EDD Director or designee has discretion to modify the Bonding Assistance Program as necessary to better serve the needs of M/WBEs.

9. Race-Neutral Goods and Supplies Programs

The GSC shall consider the application of one or more of the following Race-Neutral APIs for each City “Goods & Supplies” contracts:

a. Mentor-Protégé Program

- i. The Mentor-Protégé Program provides technical assistance to SBEs to build their capacity whereby SBEs are paired with a mentor who provides the SBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program if efficiencies are identified.

b. Bonding Assistance Program

The Bonding Assistance Program provides technical assistance to SBEs to build or repair their credit to become bondable. The EDD Director or designee has discretion to modify the Bonding Assistance Program as necessary to better serve the needs of SBEs.

c. SBE Prime Contract Program

The GSC may apply this API to Formal Solicitations on City Goods & Supplies contracts that are issued pursuant to a "Best Value" method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of Goods & Supplies proposals submitted by those certified SBE Goods & Supplies firms.

An SBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-SBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: (a) the relative availability of SBEs, with the preference of at least three SBEs that are likely to bid as a Prime Contractor for the contract; and (b) the degree of underutilization of the SBEs in the specific Industry Categories.

d. ESBE Prime Contract Program

The GSC may apply this API to Formal Solicitations that are issued pursuant to a "Best Value" method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of Goods & Supplies proposals submitted by those certified ESBE Goods & Supplies firms.

An ESBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-ESBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: a) the relative availability of ESBEs, with the preference of at least three ESBEs that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the ESBEs in the specific Industry Categories.

e. SBE Joint Venture Incentives

The GSC may, on a contract-by-contract basis, when allowable by law, apply the following Joint Venture Incentives for joint venture Respondents wherein SBE joint venture partners are responsible for supplying no less than 40% of the total value of the contract that is not subcontracted:

- i. The extension of additional option years for any requirements supply contract wherein the SBE joint venture partner has successfully delivered no less than 40% of the value of the joint venture supply contract that is not subcontracted during the contract's initial year, provided that the initial solicitation provided for possible extensions;
- ii. Accelerated payment of invoices by the City (i.e., electronic funds transfers).

A factor to be considered by the GSC in selecting this API shall include the relative availability of SBEs, with the preference of at least three SBEs that are likely to serve as an SBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions as suppliers on the specific contract.

A prospective SBE joint venture Respondent on such a City Goods & Supplies contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the SBE joint venture partner that will participate on the contract;
- ii. The percentage of Prime Contract dollars and the absolute dollar value of the services to be provided by the SBE joint venture partner; and
- iii. A description of the work and responsibilities that each joint venture partner shall perform under the terms of its joint venture agreement.

f. SBE Subcontracting Program

The GSC may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific Other Services contract, up to 40%, be subcontracted to eligible and qualified SBEs. A factor to be considered by the GSC in making this determination shall include the relative availability of SBE firms to perform Commercially Useful Functions on the specific contract. A Respondent on such a City solicitation shall submit as required in the solicitation such documentation as required by the City that provides:

- i. The name(s) of the SBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of Prime Contract dollars and the absolute dollar value of subcontracting services to be provided by each SBE;
- iii. A description of the work that each SBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate form(s) and documentation at the time as required in the solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination of a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SBEs;
- ii. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
- iii. Whether there are no certified SBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the SBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified SBE firm, then the Prime Contractor is allowed to self-perform up to the entire SBE subcontracting goal amount with its own forces. To the extent that the certified SBE Prime Contractor does not self-perform a portion of the SBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified SBE Prime Contractors may be suspended at the discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the SBE subcontracting goal by a certified SBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for SBE participation in the performance of its contract or otherwise comply with the provisions of this API shall be considered a material breach of contract, grounds for termination of that contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated SBE Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated SBE Subcontractors with one or more other certified SBE Subcontractors and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including SBE Subcontractors. The Originating Department shall audit the reported payments to SBE and non-SBE Subcontractors to ensure that the Prime Contractor's reported subcontract participation is accurate. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the "Prompt Payment Act"), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

10. Race-Conscious Goods & Supplies Programs

The GSC shall consider establishment of an overall M/WBE Annual Aspirational Goal in accordance with subsection 'a' below and, in addition, shall review each prospective Formal Solicitation for City Goods & Supplies contract solicitation document in advance of its public release and advertisement, and shall make a determination whether to apply the other Race-Conscious API to those Goods & Supplies solicitation documents based upon the following criteria:

- i. Whether the most recent data on M/WBE utilization in the absence of Race-Conscious APIs indicate that Goods & Supplies contracts of this type have exhibited significant disparities in the utilization of M/WBE Subcontractors and/or M/WBE Prime Contractors;

- ii. Whether race- and/or gender-neutral remedies alone are likely to fully eliminate any such disparities in the utilization of M/WBE Subcontractors and/or M/WBE Prime Contractors based upon past contract award and payment data;
- iii. Whether a particular API is the least burdensome available remedy to non-M/WBE Respondents that is narrowly-tailored and that can effectively eliminate the disparities in the utilization of M/WBEs in Goods & Supplies contracts; and
- iv. Whether the particular API is appropriate for the specific type of Goods & Supplies contract being solicited. Whenever the GSC uses its discretion to apply any of the following Race-Conscious APIs to "Goods & Supplies" contracts, it shall provide an explanation in the solicitation documents of its reasons for doing so based upon its determinations pursuant to these criteria. In making such determinations, the GSC may also take into consideration the experiences of other jurisdictions within the City's Relevant Marketplace for Goods & Supplies.

a. Annual M/WBE Aspirational Goals

For each fiscal year, the GSC may establish a non-mandatory industry-specific annual aspirational percentage goal for overall M/WBE prime contract and subcontract participation on the City Goods & Supplies contracts as follows:

The Annual Aspirational Goal for M/WBE participation in the City "Goods & Supplies" contracts has initially been established at 42% based upon the combined M/WBE availability by industry in accordance with its 2015 Disparity Study Update findings.

This Annual Aspirational Goal is to be reviewed on an annual basis for potential adjustment by the GSC based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study Update findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. Any adjusted Annual Aspirational Goals in this industry should not exceed 59%, which reflects NERA's Expected Availability as measured in the 2015 Disparity Study.

Annual Aspirational Goals are not to be routinely applied to individual contracts or solicitation documents, but are intended to serve as a benchmark against which to measure the overall effectiveness of the S/M/WBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to this Policy.

Annual Aspirational Goals may be stated only in those City contract solicitation specifications that do not contain contract-specific M/WBE goals and, when provided, shall be advisory only and must also be accompanied by the full definition of the term as stated in this Ordinance.

b. M/WBE Prime Contract Program

The GSC may apply this API to Formal Solicitations on City Goods & Supplies contracts that are issued pursuant to a "Best Value" method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the

evaluation, scoring and ranking of Goods & Supplies proposals submitted by those certified M/WBE Goods & Supplies firms.

An M/WBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-M/WBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: (a) the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to bid as a Prime Contractor for the contract; and (b) the degree of underutilization of the M/WBEs in the specific Industry Categories.

c. Emerging M/WBE Prime Contract Program

The GSC may apply this API to Formal Solicitations that are issued pursuant to a "Best Value" method of procurement wherein criteria other than price are factored into the selection process. Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign Point preferences equal to up to 20% of the total Points assigned for the evaluation, scoring and ranking of Goods & Supplies proposals submitted by those certified EM/WBE Goods & Supplies firms.

An EM/WBE that is awarded a prime contract under this program may not subcontract more than 49% of the contract value to a non-EM/WBE firm. In determining whether a particular contract is eligible for this Program, the GSC shall consider: a) the relative availability of EM/WBEs, with the preference of at least three EM/WBEs that are likely to bid as a Prime Contractor for the contract; and b) the degree of underutilization of the EM/WBEs in the specific Industry Categories.

d. M/WBE Joint Venture Incentives

The GSC may, on a contract-by-contract basis, when allowable by law, apply the following Joint Venture Incentives for joint venture Respondents wherein M/WBE joint venture partners are responsible for supplying no less than 40% of the total value of the contract that is not subcontracted:

- i. The extension of additional option years for any requirements supply contract wherein the M/WBE joint venture partner has successfully delivered no less than 40% of the value of the joint venture supply contract that is not subcontracted during the contract's initial year, provided that the initial solicitation provided for possible extensions;
- ii. Accelerated payment of invoices by the City (i.e., electronic funds transfers).

A factor to be considered by the GSC in selecting this API shall include the relative availability of M/WBEs, with the preference of at least three M/WBEs that are likely to serve as an M/WBE joint venture partner as a Prime Contractor for the contract, who will perform Commercially Useful Functions as suppliers on the specific contract.

A prospective M/WBE joint venture Respondent on such a City Goods & Supplies contract shall submit as required in the solicitation such documentation as required by the City that includes, but is not limited to:

- i. The name of the M/WBE joint venture partner that will participate on the contract;
- ii. The percentage of Prime Contract dollars and the absolute dollar value of the services to be provided by the M/WBE joint venture partner; and

- iii. A description of the work and responsibilities that each joint venture partner shall perform under the terms of its joint venture agreement.

c. M/WBE Subcontracting Program

The GSC may, at its discretion and on a contract-by-contract basis, require that a predetermined percentage of a specific Other Services contract, up to 40%, be subcontracted to eligible and qualified M/WBEs. A factor to be considered by the GSC in making this determination shall include the relative availability of M/WBE firms to perform Commercially Useful Functions on the specific contract. A Respondent on such a City solicitation shall submit as required in the solicitation such documentation as required by the City that provides:

- i. The name(s) of the M/WBE Subcontractor(s) it intends to use on the project;
- ii. The percentage of Prime Contract dollars and the absolute dollar value of subcontracting services to be provided by each M/WBE;
- iii. A description of the work that each M/WBE Subcontractor shall perform; and
- iv. Documentation confirming the Subcontractor's commitment to perform the work.

A Respondent may request a full or partial waiver of this mandatory subcontracting requirement for good cause by submitting the appropriate form(s) and documentation at the time as required in the solicitation. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the Respondent and careful review by the SBO. The SBO shall base its determination of a waiver request on criteria such as, but not limited to:

- i. Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available M/WBEs;
- ii. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
- iii. Whether there are no certified M/WBE firms that are qualified and available to provide the goods or services required.

In the absence of a waiver granted by the SBO, failure of a Prime Contractor to commit as required in the solicitation to satisfying the M/WBE subcontracting goal shall render its response non-Responsive. Provided, however, that on any prime contract valued under \$10 million, if the Prime Contractor is a certified M/WBE firm, then the Prime Contractor is allowed to self-perform up to the entire M/WBE subcontracting goal amount with its own forces. To the extent that the certified M/WBE Prime Contractor does not self-perform a portion of the M/WBE subcontracting goal, it shall be responsible for complying with all other requirements of this API for that portion of work that is subcontracted. This self-performance option for certified M/WBE Prime Contractors may be suspended at the discretion of the Director of the EDD or designee in the event it determines that the adverse cumulative effect of the use of this self-performance option upon subcontractor opportunities is too great.

In the absence of a waiver granted by the SBO, or the self-performance of a portion or all of the M/WBE subcontracting goal by a certified M/WBE Prime Contractor, the failure of a Prime Contractor to attain a subcontracting goal for M/WBE participation in the performance of its contract shall be considered a material breach of the contract, shall be grounds for termination of the contract with the City and shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

A Prime Contractor is required to notify and obtain prior written approval from the SBO in advance of any reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a City-mandated change order or contract amendment, or the City has mandated the de-Certification, suspension, graduation or termination of a designated M/WBE Subcontractor. However, under such circumstances, the Prime Contractor shall undertake Good Faith Efforts to replace the de-certified, suspended, graduated or terminated M/WBE Subcontractors with one or more other certified M/WBE Subcontractors and shall submit a waiver request to the SBO in the event such Good Faith Efforts are unsuccessful.

Upon award of the prime contract to a Respondent, the Prime Contractor shall be required to submit accurate progress payment information with each invoice regarding each of its Subcontractors, including M/WBE Subcontractors. The Originating Department shall audit the reported payments to M/WBE and non-M/WBE Subcontractors to ensure that the Prime Contractor's reported subcontract participation is accurate. City contracts with Prime Contractors shall include clauses requiring Prime Contractors to pay Subcontractors in compliance with Chapter 2251, Texas Government Code (the "Prompt Payment Act"), and such clauses shall mandate that in the event of Prime Contractor non-compliance regarding such payments, shall be subject to any penalties and sanctions available under the terms of the SBEDA Ordinance, its contract with the City or by law.

f. Segmented M/WBE Goals

The GSC may establish Segmented M/WBE Goals within the Annual Aspirational Goal based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. The GSC may also establish M/WBE Subcontracting Goals on an individual City contract wherein an overall combined M/WBE goal is accompanied by subsets of one or more smaller goals that specifically target the participation of a particular segment of Minority Group Member segments or the WBE segment based upon relative availability. Such segmented goals shall specifically target the participation of a particular segment of business enterprises owned and Controlled by WBEs or certain Minority Group Members (e.g., African-Americans or Hispanic-Americans) based upon relative availability and significantly greater patterns of underutilization and disparity within an industry as compared to other gender and Minority Group Member categories of M/WBEs. The application of Segmented M/WBE Goals is intended to ensure that those segments of M/WBEs that have been most significantly and persistently underutilized receive a fair measure of remedial assistance. Segmented M/WBE Goals shall operate in the manner as the M/WBE Subcontracting Program set out in Section III.D.10.e of this ordinance.

g. Minority Distributorship Development Program

The GSC may apply this API to any solicitation and subsequent award for Goods & Supplies contracts that have a base term with contract extensions for the City's purchase of goods or supplies when each of the following conditions has been met:

- i. Manufacturers often sell such goods or supplies to the City indirectly through authorized distributorships or authorized dealers;
- ii. One or more such manufacturers indirectly competing for such City supply requirements contracts have no such authorized distributorships or authorized dealers that are also certified as M/WBE firms, and available to sell such goods and supplies to the City;
- iii. At least one manufacturer of such goods and supplies has established, or has agreed to establish, an authorized distributorship or authorized dealer that is certified as an M/WBE, and through which the manufacturer has agreed to sell the goods or supplies to the City for the duration of the contract, including all of the contract's option years;
- iv. The SBO has examined the terms of the authorized distributorship or authorized dealer agreement entered into between the manufacturer and its certified M/WBE authorized distributorship or authorized dealer and determined that such terms are non-discriminatory in that the certified M/WBE's agreement is no different from that of non-M/WBE authorized distributorships and authorized dealers for the manufacturer regarding such matters as scope of geographical territory allocation, scope of potential public and private sector customers, scope of product line, price lists for goods and supplies, volume discounts in pricing, rebates, credit terms, delivery terms, marketing and technical support from manufacturer, and any other material terms that may affect the competitive viability of the authorized distributorship or authorized dealer.

Provided the manufacturer and its certified M/WBE authorized distributorship or authorized dealer meets conditions iii. and iv. above, and provided further that the certified M/WBE authorized distributorship or authorized dealer has won a bid for the supply of such Goods & Supplies to the City, under this API, the City may extend the length of the supply contract by additional option years without rebidding the contract, and/or the City may accelerate payment of invoices. The SBO and Originating Department shall carefully monitor the contract to ensure that the certified M/WBE authorized distributorship or authorized dealer is performing a commercially useful function under the contract, and that it is being treated in accordance with the terms of its agreement with the manufacturer. This assessment shall be made by the SBO prior to the City's exercise of any option year on the supply contract. In the event the SBO determines that these conditions have not been met, the City shall decline to exercise the next option year on the supply contract and shall instead re-bid the contract.

h. Mentor-Protégé Program

The Mentor-Protégé Program provides technical assistance to M/WBEs to build their capacity whereby M/WBEs are paired with a mentor who provides the M/WBE business knowledge to further grow their business. The EDD Director or designee has discretion to modify the Mentor-Protégé Program as necessary to better serve the needs of M/WBEs.

i. Bonding Assistance Program

The Bonding Assistance Program provides technical assistance to M/WBEs to build or repair their credit to become bondable. The EDD Director or designee has discretion to modify the Bonding Assistance Program as necessary to better serve the M/WBEs.

E. S/M/WBE Program Administration

1. Small Business Office Duties and Responsibilities

The SBO will be administered and managed by the EDD Director or designee. The Director of EDD or designee shall attend all City Council agenda meetings to address any S/M/WBE issues. The SBO shall be responsible for the overall administration of the City's S/M/WBE Program. At a minimum, the SBO shall:

- a. Report to the City and the public, based on available data, on at least an annual basis as to the City's progress toward satisfying the S/M/WBE Program purposes and policy objectives.
- b. Formulate, establish, distribute and implement additional forms, rules and procedures for S/M/WBE Program waivers, improvements and adjustments to the goal-setting methodologies and other Program features;
- c. Have advance substantive input in a contract specification review process consistent with this Ordinance to ensure that contract solicitation specifications are not unnecessarily restrictive and unduly burdensome to S/M/WBE firms;
- d. Receive and analyze external and internal information, including statistical data and anecdotal testimony regarding the barriers encountered by S/M/WBE firms in attempting to obtain contract opportunities at the City, and the relative effectiveness of various APIs in addressing those barriers;
- e. Monitor and support the implementation of the S/M/WBE Program and propose modifications to appropriate City officials as necessary to fully achieve the purpose and objectives of the Policy;
- f. Provide public education and advocacy internally and externally regarding the purposes and objectives of the S/M/WBE Program;
- g. Develop, maintain and distribute directories of certified SBEs, ESBEs and M/WBEs;
- h. Provide seminars and technical assistance to S/M/WBE firms to enhance their ability to effectively compete for City contracts;
- i. Investigate alleged violations of this Ordinance and provide written recommendations to appropriate authorities for remedial action and imposition of sanctions and penalties when necessary;

- j. Determine Prime Contractor compliance with S/M/WBE Program requirements prior to contract award presentation to City Council and prior to Originating Department release of final retainage;
- k. Oversee the maintenance of an accurate contract performance reporting system; and
- l. Provide staff support for the SBAC and the GSC.

2. Goal Setting Committee

The Goal Setting Committee (GSC) is to be appointed and chaired by the City Manager or designee from the Executive Team. The GSC shall include, at a minimum, the EDD Director or designee, the Director of Finance or the Director of TCI (or their designees), the Director or designee of the City Originating Department whose contract(s) are under consideration by the GSC (if the Originating Department is neither Finance nor TCI,) all without duplication of designees, and two citizens appointed by City Council who are eligible to vote during the goal setting committee on contracts valued at \$3,000,000 and above. The terms of the citizen members appointed by City Council shall be for one year, without limit. The City Council may remove a citizen member at any time for cause or without cause. The City Manager or designee may also appoint two ex-officio members of the SBAC to serve on any GSC purely in an advisory and non-voting capacity. Said ex-officio members shall be required to adhere to all confidentiality and conflict of interest disclosure requirements imposed on voting members. At the City Manager's discretion, one or more GSCs may be appointed to serve in this capacity. The GSC establishes S/M/WBE Program goals (e.g., Annual Aspirational Goals and contract-by-contract subcontracting goals, and determining which M/WBE segments are eligible for Segmented Subcontracting Goals annually) based upon Industry Categories, vendor availability, project-specific characteristics, and M/WBE utilization. The GSC also makes determinations about which APIs are to be applied to specific contracts based upon various criteria.

At a minimum, the GSC **shall**:

- a. Meet as often as it deems necessary to accomplish its duties as outlined in this Ordinance, but not less than once monthly;
- b. Formulate, recommend to the City Manager or designee and implement additional rules and procedures for S/M/WBE Program goal-setting and other aspects of its duties in selecting and applying specific APIs to City solicitations and contracts in an efficient and effective manner; and
- c. Monitor and support the implementation of the S/M/WBE Program.

3. Annual Aspirational Goals

The GSC shall establish non-mandatory annual aspirational percentage goals for overall M/WBE prime and subcontract participation for each major category of contracting at the City. Annual Aspirational Goals are to be established each fiscal year for Construction, Architecture & Engineering, Professional Services, Other Services and Goods & Supplies contracts. These Annual Aspirational Goals for M/WBE participation in the City contracts shall be established in each of these categories

based upon the combined M/WBE availability by industry in accordance with its related factual predicate. These Annual Aspirational Goals are to be adjusted hereafter by the City on an annual basis based upon based upon the M/WBE availability by industry in accordance with the City's 2015 Disparity Study findings, along with relative M/WBE availability data to be collected by the City through its CVR system, and the utilization of M/WBEs. However, such adjustments in the Annual Aspirational Goal are not to exceed the collective M/WBE Expected Availability for award dollar weights for that industry as determined in the 2015 Disparity Study. Annual Aspirational Goals are not to be routinely applied to individual contracts, but are intended to serve as a benchmark against which to measure the overall effectiveness of the S/M/WBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to this Policy.

For each fiscal year, the GSC may establish a non-mandatory industry-specific annual aspirational percentage goal for overall M/WBE prime contract and subcontract participation on the City contracts as follows:

The Annual Aspirational Goal for M/WBE participation in the City "Construction" contracts has initially been established at 44% based upon the combined M/WBE availability by its industry in accordance with its 2015 Disparity Study Update findings.

The Annual Aspirational Goal for M/WBE participation in the City "Architectural & Engineering" contracts has initially been established at 31% based upon the combined M/WBE availability by industry in accordance with its 2015 Disparity Study Update findings.

The Annual Aspirational Goal for M/WBE participation in the City "Professional Services" contracts has initially been established at 40% based upon the combined M/WBE availability by industry in accordance with its 2015 Disparity Study Update findings.

The Annual Aspirational Goal for M/WBE participation in the City "Other Services" contracts has initially been established at 55% based upon the combined M/WBE availability by industry in accordance with its 2015 Disparity Study Update findings.

The Annual Aspirational Goal for M/WBE participation in the City "Goods & Supplies" contracts has initially been established at 42% based upon the combined M/WBE availability by industry in accordance with its 2015 Disparity Study Update findings.

Annual Aspirational Goals are not to be routinely applied to individual contracts or solicitation documents, but are intended to serve as a benchmark against which to measure the overall effectiveness of the S/M/WBE Program on an annual basis, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to this Policy.

Annual Aspirational Goals may be stated only in those City contract solicitation specifications that do not contain contract-specific M/WBE goals and, when provided, shall be advisory only and must also be accompanied by the full definition of the term as stated in this Ordinance.

4. Contract-by-Contract Subcontracting Goal-Setting

All subcontracting goals authorized under this Ordinance are intended to be established by the GSC and implemented only on a contract-by-contract basis. It is intended that such goal-setting will be based

upon careful analysis of the availability of Commercially Useful subcontracting opportunities within a given contract and the relative availability of S/M/WBE firms to perform required tasks on such subcontract opportunities. Such contract-by-contract goal-setting shall be based upon reasonably reliable Respondent and Subcontractor availability data.

5. Periodic Review of Factual Predicate

Beginning no later than December 31, 2020, five years after City Council's adoption of the 2015 Disparity Study, the City shall issue a Request For Proposals to undertake a comprehensive update of the full disparity study, and upon completion of each disparity study, present disparity study results to the City, and following City review and a public comment period regarding those study findings and recommendations, the City shall consider any proposed modifications to, or sunset of, this Ordinance. As part of this review process, the City Manager or designee shall make, or recommend to City Council as appropriate, modifications to the procedures or substantive provisions of this Ordinance, and submit any necessary draft legislation to the City Council for adoption as appropriate to effectuate the continuation, modification or termination of the SBE and M/WBE Programs.

6. Certification

Certification of all SBE, ESBE, M/WBE, and Emerging M/WBE firms shall be the responsibility of the SBO. The SBO shall be responsible for developing, issuing and reviewing all SBE, ESBE, M/WBE and Emerging M/WBE Certification and re-Certification forms and applications in a manner that is consistent with the standards, definitions and intent established by this Ordinance. The SBO shall also maintain an automated and up-to-date registry of all certified SBE, ESBE, M/WBE and Emerging M/WBE firms that are readily available to the general public, as well as City personnel.

- (a) In executing its responsibility in connection with these Certifications, the SBO may contract with a regional Certification agency/organization for the purpose of issuing Certifications in a manner that is consistent with the standards established under this Ordinance.
- (b) A firm eligible for Certification(s) under this S/M/WBE Program shall be an Independently Owned and Operated business. The ownership and Control by Minority Group Members or Women shall be real and substantial, and shall be indicated by customary incidents of ownership as demonstrated by an examination of the substance, rather than the form, of ownership and operating arrangements. In determining whether a potential firm is an Independently Owned and Operated business, the certifying agency considers all relevant factors including, but not limited to:
 - i) The date the business was established;
 - ii) The adequacy of its resources for the work of the contract; and
 - iii) The degree to which financial, equipment leasing, supplier and other relationships with non-minority businesses vary from industry practice.
- (c) The Minority Group Member or women owners must possess and exercise the power to direct the management and policies of the firm and to make day-to-day decisions, as well as any decisions on matters of management policy, and operations. The firm shall

not be subject to any formal or informal restrictions which limit the customary discretion of the Minority Group Member or women owners. There shall be no restrictions by partnership agreements, charter requirements, operating agreements or other arrangements which prevent the Minority Group Member or women owners from making business decisions of the firm without the cooperation or vote of any owner that is not minority or female.

- (d) Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as an M/WBE. Certification as SBE, ESBE, M/WBE and Emerging M/WBE firms will be in accordance with the definitions established in Section III.B of this Ordinance.
- (e) A claim of minority status as a Minority Group Member must be directly related to the applicant's parents' status. Neither birthplace nor marriage has any bearing on minority status of the Certification applicant. All Minority Group and women owners of certified firms must be Individuals that are lawfully residing in, or are citizens of, the United States or its territories.
- (f) A firm seeking Certification or re-Certification status under this Ordinance shall cooperate fully with the City in supplying additional information and in facilitating a site visit of the enterprise which may be requested in order to make a determination. Failure or refusal to cooperate shall result in denial or repeal of Certification.
- (g) Proof of Certification by another certifying entity may be accepted by the City in lieu of the City's own Certification process if the certifying entity adheres to the same or similar policies and standards as those established by the City. To the extent the City's factual predicate for its S/M/WBE Program requires, under applicable law, a narrower definition of M/WBE firm categories (e.g., due to ethnicity / gender of ownership or relevant geographic market considerations), the City shall limit the categories of M/WBE firms certified by other jurisdictions that shall be eligible for participation in the City's S/M/WBE Program as necessary to ensure that the Race-Conscious remedial relief provided by the City's Program remains appropriately narrowly-tailored.
- (h) Before accepting another jurisdiction's S/M/WBE Certification program, the SBO shall examine the definitions, standards and Certification practices of the program to ensure that it adheres to established City Certification guidelines.
- (i) If the owners of the business who are not Minority Group Members or women are disproportionately responsible for the operation of the firm, the firm is not Controlled by minorities and/or women and may not be considered an M/WBE within the meaning of this Ordinance. Where the actual management of the business is contracted out to Individuals other than the owner, those persons who have the ultimate power to hire and fire the managers may, for the purposes of this Ordinance, be considered as Controlling the business.
- (j) All securities that constitute ownership or Control of a corporation for purposes of establishing it as an M/WBE under this Ordinance shall be held directly by Minority Group Members or women. Securities held in trust, or by any guardian for a minor, may not be considered as held by Minority Group Members or women in determining the

ownership or Control of a corporation.

- (k) The contributions of capital or expertise by the Minority Group Member or women owners to acquire their interests in the business shall be real and substantial. Examples of insufficient capital contributions include:
 - i) A promise to contribute capital;
 - ii) A note payable to the business or its owners who are not socially and economically disadvantaged, Minority Group Members or Women; and
 - iii) Contributions in labor or expertise that result solely in employee compensation, without participation in business profits as an owner.
- (l) Special consideration of the following additional circumstances in determining eligibility:
 - i) Newly-formed businesses and businesses whose ownership or Control has changed since the date of the advertisement of the contract shall be closely scrutinized to determine the reasons for the timing of the formation of, or change in, the businesses;
 - ii) A previous or continuing employer–employee relationship between or among present owners shall be carefully reviewed to ensure that the employee–owner has management responsibilities and capabilities discussed in this Ordinance; and
 - iii) Any relationship between an M/WBE and a business that is not an M/WBE, but that has an interest in the M/WBE, shall be carefully reviewed to determine if the interest of the non-minority business conflicts with the ownership and Control requirements of this Ordinance.
 - iv) Once certified, an SBE, ESBE, M/WBE and/or Emerging M/WBE firm shall update its status biennially by submitting a Certification affidavit. If ownership or Control of the firm has changed, the SBE, ESBE, M/WBE and/or Emerging M/WBE firm shall submit a new Certification affidavit to the SBO, or its contracted Certification agency within thirty (30) days of the change.
 - v) The certifying entity will notify applicants of staff's determinations on Certification and re-Certification status.
- (m) Once denied Certification, a firm may not re-apply for Certification until the time indicated in the Certification entity's policy.
- (n) A firm shall be de-certified when it no longer meets the eligibility requirements for Certification, and such de-certified firms shall not be eligible to re-apply for
- (o) Certification except in accordance with the graduation and suspension provisions of this Ordinance.

- (p) Complaints regarding the Certification status of a firm shall be forwarded to the SBO for investigation of any possible violations of this Ordinance.

7. Graduation and Suspension

The SBO shall graduate, suspend or terminate an SBE, ESBE, M/WBE or Emerging M/WBE firm from the S/M/WBE Program established by this Ordinance if, under Program guidelines, the firm no longer is eligible for the Program's assistance or qualifies for its remedial benefits. The SBO shall be responsible for monitoring and conducting periodic reviews of the size, City contract participation levels and conduct of all certified SBE, ESBE, M/WBE and Emerging M/WBE firms to determine when they should be graduated, suspended or terminated from the respective programs in a manner consistent with the standards, definitions and intent established by this Ordinance. The SBO shall also ensure that its directory of certified SBE, ESBE, M/WBE and Emerging M/WBE firms accurately and timely reflects the graduation, suspension or termination of certified firms. In making the determination required by this paragraph, the SBO shall, to the extent practicable, adhere to the following guidelines:

- (a) SBE, ESBE, M/WBE and Emerging M/WBE firms shall be graduated from participation under the S/M/WBE Program's APIs when the firms are no longer eligible based upon the Certification standards and definitions set forth in this Ordinance.
- (b) Certified SBE or M/WBE firms shall be graduated from the S/M/WBE Program when re-Certification documents reflect that the SBE or M/WBE firm's annual revenues or number of employees exceed the U.S. Small Business Administration size standards for the relevant Industry Category.
- (c) Certified SBE or M/WBE firms shall be temporarily suspended from participation under any APIs for the remainder of any calendar year in which the firm has cumulatively received more than \$15 million in City contract or resulting subcontract payments. Provided the suspended firm has not exceeded the size standards and still meets other Certification requirements for an SBE or M/WBE, such firms may resume participation in race-and gender-neutral and conscious APIs the following calendar year.
- (d) ESBE and Emerging M/WBE firms shall be permanently graduated from the ESBE and Emerging S/M/WBE Programs upon submission of re-Certification documents that reflect the firm's annual revenues or number of employees have exceeded 25% of the SBA's small business size standards for annual revenues or number of employees for the relevant Industry Category in each of two consecutive years.
- (e) SBE or M/WBE firms shall be graduated from the S/M/WBE Program upon whichever of the following events occurs first:
- i) The SBE or M/WBE firm cumulatively receives \$15 million in City prime contract and subcontract payments in each of two consecutive calendar years; or
 - ii) Upon submission of re-Certification documents that reflect the firm's annual revenues or number of employees have exceeded the SBA's small business size standards for annual revenues or number of employees for the Relevant Industry in each of two consecutive

years.

Provided, however, that graduated SBE or M/WBE firms shall be eligible to apply for SBE or M/WBE re-Certification following the expiration of the two-year period immediately following graduation. Such application for SBE or M/WBE re-Certification shall only be granted on condition that the graduated SBE or M/WBE firm presents documentation as required by the SBO that establishes that the SBE or M/WBE firm's annual revenues and number of employees have fallen below the SBA's small business size standards for the Relevant Industry for two consecutive years of the post-graduation period.

- (f) For SBE or M/WBE firms that are certified by an agency that is recognized by the City, but does not have graduation provisions, the City will periodically audit these SBE and M/WBE firms to ensure that they meet the Certification criteria contained within this Ordinance.

8. Compliance Responsibilities of Small Business Office

- (a) The SBO, along with contracting staff of each City department, shall monitor compliance with these requirements during the term of the contract. If it is determined that there is cause to believe that a Prime Contractor or Subcontractor has failed to comply with any of the requirements of this Ordinance, or with the contract provisions pertaining to S/M/WBE utilization, the EDD Director or designee shall so notify the Originating Department and the contractor. The Director of EDD or designee may require such reports, information and documentation from contractors, Respondents and the head of any City department, division or office as are reasonably necessary to determine compliance with the Ordinance requirements, within fifteen (15) calendar days after the notice of noncompliance. If the requested materials are not received within fifteen (15) calendar days, then a finding of noncompliance is determined and appropriate penalties and sanctions will apply as stated in Section III.E.13 of this Ordinance.
- (b) Joint responsibility by the Director of EDD or designee and the Originating Department or designee shall attempt to resolve the noncompliance with the requirements of this Ordinance, or the contract provisions pertaining to S/M/WBE utilization, within fifteen (15) calendar days. If noncompliance cannot be resolved within the fifteen (15) calendar days, the Director of EDD or designee and the Director of the Originating Department or designee shall submit written recommendations to the City Manager or designee and if the City Manager or designee concurs with the finding, such sanctions as stated in Section III.E.13 of this Ordinance shall be imposed.
- (c) Whenever the Director of EDD or designee finds, after investigation, that an Originating Department has failed to comply with the provisions of this Ordinance or the contract provisions pertaining to S/M/WBE utilization, a written finding specifying the nature of the noncompliance shall be transmitted to the Originating Department and the Director of EDD or designee shall attempt to resolve any noncompliance through conference and conciliation. Should such attempt fail to resolve the noncompliance, the Director of EDD or designee shall transmit a copy of the finding of noncompliance, with a statement that conciliation was attempted and failed, to the City Manager or designee who shall take appropriate action under this Ordinance to secure compliance.
- (d) The Director of EDD or designee, through the City Manager or designee, shall submit a written annual report to the SBAC and City Council on the progress of the City toward the utilization goals established by this Ordinance together with an identification of problems and specific recommendations for improving the City's performance annually.

- (e) The terms of this Ordinance shall apply to all Respondents, as well as S/M/WBEs specified in Section III that receive funds from the City subject to the scope and exclusions in Section 2.
- (f) The EDD Director or designee and Originating Departments shall work closely with the City Attorney's Office to include language in all City contracts that ensures compliance with the S/M/WBE Program. This language should also include a time period for the contractor to correct any and all deficiencies not later than fifteen (15) calendar days after notification of non-compliance.

9. Vendor Responsibilities

To facilitate the SBO completing its responsibilities in administering S/M/WBE Program elements, a vendor shall:

- (a) Permit the SBO to inspect any relevant matter, including records and the jobsite, and to interview Subcontractors and workers (field compliance).
- (b) If performing a City Construction contract, ensure that all Subcontractors are paid any undisputed amount to which the Subcontractor is entitled within 10 calendar days of receiving a progress or final payment from the City and otherwise comply with City's contract terms and conditions which sets forth the obligations of the Prime Contractor and Subcontractors and the remedies for delinquency or nonpayment of undisputed amounts.
- (c) Notify the City in writing of any changes to their utilization and/or subcontracting plan. All changes (substitution and/or termination) must be approved in advance and in writing by the SBO.
- (d) Amendment for unforeseen circumstances: If at any time after submission of a solicitation response and before execution of a contract, the apparent successful Respondent determines that a certified SBE or M/WBE listed on the participation schedule has become or will become unavailable, then the apparent successful Respondent shall immediately notify the SBO. Any desired change in the SBE or M/WBE participation schedule shall be approved in advance by the SBO and shall indicate the Prime Contractor's Good Faith Efforts to substitute another certified SBE or M/WBE Subcontractor (as appropriate) to perform the work. Any desired changes (including substitutions or termination and self-performance) must be approved in writing in advance by the SBO.
- (e) Notify the Originating Department and SBO of transfer or assignment of contract with the City.
- (f) Shall retain record of all Subcontractor payments for a minimum of four years following project termination date.

10. Reporting Requirements – Economic Development Director or Designee

The EDD Director or designee shall monitor the implementation of this Ordinance and the progress of the S/M/WBE Program. On an annual basis the EDD Director or designee shall report to the City Council on the implementation and, as data becomes available, progress on achieving the goals and objectives of the S/M/WBE Program, including the achievement of contract participation goals for SBEs and M/WBEs by ethnicity and gender of ownership, by industry, by location and by API. The EDD Director or designee shall also issue a written report on an annual basis that summarizes contract payments to Prime Contractors and all Subcontractors for each of these categories. This written report

should also address stated S/M/WBE Program objectives including, but not limited to, enhancement of competition as reflected in solicitation response activity, growth in availability and business capacity for SBE and M/WBE firms, removal of barriers to SBE and M/WBE contract participation, reduction or elimination of disparities in contract awards and contract payments to M/WBE firms in City contracts. Other specific performance measures by which the success of the S/M/WBE Program might be evaluated (depending upon the availability of data) include: (a) growth in the numbers of SBE and M/WBE firms winning their first contract awards from COSA; (b) growth in the overall SBE and M/WBE Prime Contracting dollar volume; (c) growth in the numbers of SBE and M/WBE firms that are bondable and in the collective bonding capacity of SBE and M/WBE firms; (d) growth in the numbers of SBE and M/WBE firms that successfully graduate from the programs and remain as viable competitors after the passage of two years; (e) growth in the numbers of graduated SBE and M/WBE firms that successfully compete for COSA contracts; (f) growth in the size of the largest COSA contracts won and successfully performed by SBE and M/WBE firms; (g) comparability in the annual growth rates and median sales of SBE firms and M/WBE firms as compared to other firms; and (h) growth in the percentage of contract dollar participation of M/WBE firms in the private sector of the Relevant Marketplace. The written report should also contain any recommendations for modifications, suspension or termination of any portion of this Ordinance, with justifications for each such recommendation.

11. Exceptions and Waivers

- (a) If a Respondent is unable to comply with the API requirements imposed by the GSC under the terms of this Ordinance, such Respondent shall submit, as required in the solicitation, a request for exception at the time as required in the solicitation. The exception request shall include specified documentation which demonstrates a Good Faith Effort to comply with the requirements as described under the selected APIs.
- (b) If, after award of a contract, the contractor is unable to meet the participation requirements for S/M/WBEs specified at response submittal, the contractor must seek substitute S/M/WBEs to fulfill the requirements; the requested substitution must be approved by the Director of EDD or designee and the Originating Department Director or designee. If, after reasonable Good Faith Efforts, the contractor is unable to find a substitute S/M/WBE, a post-award waiver may be requested. The request shall document the reasons for the contractor's inability to meet the goal requirement. In the event the contractor is found not to have performed Good Faith Efforts in its attempt to find a suitable substitute for the initial S/M/WBE proposed utilization, the contract may, in the City's sole discretion, be terminated for material breach. If the City terminates the contract, the City may then award the contract to the next lowest Responsible and Responsive Respondent or, in the alternative, re-solicit the contract with the terminated vendor being disqualified from participation in the re-solicitation.
- (c) Prior to submission of a prospective solicitation to the GSC, and prior to the public release of solicitations, a City Originating Department may request the Director of EDD or designee to waive or modify the application of API requirements for S/M/WBE participation by submitting its reasons in writing. The Director of EDD or designee may grant such a waiver or modification upon determination that:
 - i) The extraordinary and necessary requirements of the contract render application of the APIs infeasible or impractical;

- ii) The nature of the goods or services being procured are excluded from the scope of this Ordinance; or
- iii) Sufficient qualified S/M/WBEs providing the goods or services required by the contract are unavailable in the Relevant Market area of the project despite every reasonable attempt to locate them.

Otherwise, such solicitations shall be forwarded to the GSC for review and possible application of APIs. Any further requests from a City Originating Department for modification of Goal amounts or other APIs as established by the GSC shall be presented to the City Manager or designee, whose decisions on such requests shall be final.

- (d) The GSC may waive the application of APIs to enhance S/M/WBE utilization for a specific contract under the following circumstances:
 - i) Whenever the needed goods or services are available only from a sole source and the prospective contractor is not currently disqualified from doing business with the City, or the procurement is necessary to preserve or protect the health and safety of the City's residents; and
 - ii) The Originating Department certifies to the GSC and City Manager or designee:
 - a) That an emergency exists which requires goods or supplies to be provided with such immediacy that it is unable to comply with the requirements of this Ordinance; and
 - b) That the prospective contractor is an S/M/WBE or, if not, that the prospective contractor will make a Good Faith Effort to utilize S/M/WBEs.

Final approval of all such waivers shall be made by the City Manager or designee.

12. Originating Departments - Duties and Responsibilities

It shall be the responsibility of each Originating Department to ensure that solicitations emanating from the department adhere to the procedures and provisions set forth in this Ordinance.

- (a) The Originating Department Director or designee shall assume primary responsibility for achieving the objectives of this S/M/WBE Program within the Originating Department and shall review, on a continuing basis, all aspects of the Program's operations to assure that the purpose is being achieved.
- (b) Originating Departments shall maintain accurate records for each contract awarded, including unsuccessful Respondents, dollar value, the nature of the goods or services to be provided, the name of the contractor awarded the contract, the efforts it employed to solicit responses from S/M/WBEs, and all subcontracts awarded by the Prime Contractor identifying for each its dollar value, the nature of the goods or services provided and the name of the Subcontractor(s).
- (c) The Originating Department shall take the following actions to ensure that S/M/WBEs have the maximum practicable opportunity to participate on City contracts:

- i) Advertise Formal Solicitations in minority-targeted media before responses are due for specific contracting opportunities for no less than the length of the solicitation period required by state law;
- ii) Post all Formal Solicitations on the City website, for the solicitation period required by state law for the type of procurement, and then direct targeted e-mail alerts containing links to the webpage where such City solicitations are posted. Such e-mail alerts should be directed to all Respondents that have registered with the appropriate commodity/industry codes on the City's CVR system;
- iii) Encourage all prospective Prime Contractor Respondents to City solicitations to post their subcontract opportunities on the City webpage where the solicitation specifications have been posted by the City.
- iv) Send notification before solicitations are due to minority and women trade associations and contractor's associations regarding pending Formal Solicitations in accordance with state law;
- v) Include the Commercial Non-Discrimination Policy statement, compliance language and any materials required by this Ordinance in all contracts and solicitation documents;
- vi) Preview and evaluate all contracting opportunities in an effort to de-bundle the total requirements of a contract into smaller units to promote maximum and reasonable opportunities for S/M/WBE participation, without making separate, sequential or component purchases in violation of state purchasing laws;
- vii) Establish procedures to ensure that all contractors submitting correct invoices are paid within thirty (30) days and that Subcontractor are paid within ten (10) days after the City pays the Prime Contractor;
- viii) Ensure that a City contract is not executed and a Notice to Proceed is not issued until binding agreements between the Prime and subcontracting S/M/WBEs have been executed by all parties and submitted to the Originating Department;
- ix) Ensure that all required statistics and documentation are submitted to the SBO as requested; and
- x) If circumstances prevent the Originating Department from meeting notification requirements contained herein, the Originating Department shall engage in direct and extensive outreach to S/M/WBE associations or other relevant organizations to inform them of the contracting opportunity, unless the circumstances are exigent and an emergency exists that requires immediate action.
- xi) Notify the EDD Director or designee of all change orders and amendments to contracts that are subject to this Ordinance and take necessary steps to ensure that APIs applied to the contract by the GSC are also extended and enforced, to the maximum practical extent, with regard to any modified scope of work under the terms of such change orders and contract amendments.

13. Penalties and Sanctions

- (a) Upon determination and recommendation of sanctions by the City Manager or designee regarding the failure of a contractor, vendor, Respondent or other business representative to comply with any portion of this Ordinance, the non-complying party shall be subject to any or all of the following penalties:
- i) Suspension of contract;
 - ii) Withholding of funds;
 - iii) Rescission of contract based upon a material breach of contract pertaining to S/M/WBE Program compliance;
 - iv) Refusal to accept a response or proposal; and
 - v) Disqualification of a Respondent, contractor or other business from eligibility for providing goods or services to the City for a period not to exceed two years (upon City Council approval).
- (b) It is a violation of this Ordinance to:
- i) Fraudulently obtain, retain or attempt to obtain, retain or aid another in fraudulently obtaining, retaining or attempting to obtain or retain Certification status as an SBE, MBE, WBE, M/WBE, Emerging M/WBE or ESBE for purposes of this Ordinance.
 - ii) Willfully falsify, conceal or cover up by a trick, scheme or device, a material fact or make any false, fictitious or fraudulent statements or representations, or make use of any false writing or document, knowing the same to contain any false, fictitious or fraudulent statement or entry pursuant to the terms of this Ordinance.
 - iii) Willfully obstruct, impede or attempt to obstruct or impede any authorized official or employee who is investigating the qualifications of a business entity which has requested Certification as an S/M/WBE.
 - iv) Fraudulently obtain, attempt to obtain or aid another person fraudulently obtaining or attempting to obtain public monies to which the person is not entitled under the terms of this Ordinance.
 - v) Make false statements to any entity that any other entity is or is not certified as an S/M/WBE for purposes of this Ordinance.
- (c) Any person who violates the provisions of this section shall be subject to the provisions of Section 13 of the Ordinance and to the maximum penalty provided by law.

14. Small Business Advocacy Committee (SBAC)

A citizens' committee, made up of trade groups and members of the general business community, herein referred to as the SBAC has been established to function as an advisory group only and shall:

(a) assist the Director of EDD or designee, the City Manager or designee, and City Council in reviewing the continuing programs for contractors and Subcontractors that promote S/M/WBE participation; (b) coordinate activities and actions with the City Council Economic and Human Development Committee (EHDC) or corresponding committee designated by the Mayor and/or City Council; and (c) make recommendations to the Director of EDD or designee, the City Manager or designee, and City Council concerning modifications of such programs and procedures established pursuant to this Ordinance. The SBAC consists of 11 members appointed to two-year terms by the City Council.

15. S/M/WBE Program Review, Modification and Sunset

Beginning no later than December 31, 2020, five years after City Council's adoption of the 2015 Disparity Study, the City shall issue a Request For Proposals to undertake a comprehensive update of the full disparity study, and upon completion of each disparity study, the Director of EDD or designee shall present the disparity study findings and recommendations to the SBAC and the City Council. Following City review and a public comment period regarding those study findings and recommendations, the City Council shall consider any proposed modifications to, or sunset of, this Ordinance, and shall direct the City Manager or designee to propose modifications to this Ordinance and to submit any necessary draft legislation to the City Council for adoption as appropriate to effectuate the continuation, modification or termination of the SBE and M/WBE Programs. Absent an extension in the enabling legislation for this amended SBEDA Ordinance by the City Council, the provisions of this Ordinance shall be void and may not be enforced after December 31, 2023.

F. Severability Clause

If any section, paragraph, sentence, clause, phrase or word of this S/M/WBE Program Policy, or the application thereof, to any person or circumstance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, invalid or void, such holding shall not affect the remainder of this Policy or the application of any other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

Proposed Amendments to the SBEDA Ordinance

City Council A Session
May 19, 2016



2015 DISPARITY STUDY: KEY POINTS

	2010 Disparity Study	2015 Disparity Study
Percent Paid to M/WBEs	16%	23%
Dollars Paid to M/WBEs	\$156 Million	\$343 Million

- Minority and women-owned businesses make up nearly 43% of all available firms
- Disparities continue in the broader San Antonio marketplace
- Anecdotal evidence supports findings
- Findings recommend program continuation, with potential amendments

TOOLS FOR S/M/WBE PRIMES

- The Prime Contractor Program
- The Joint Venture Program
- The Emerging Contractor Program

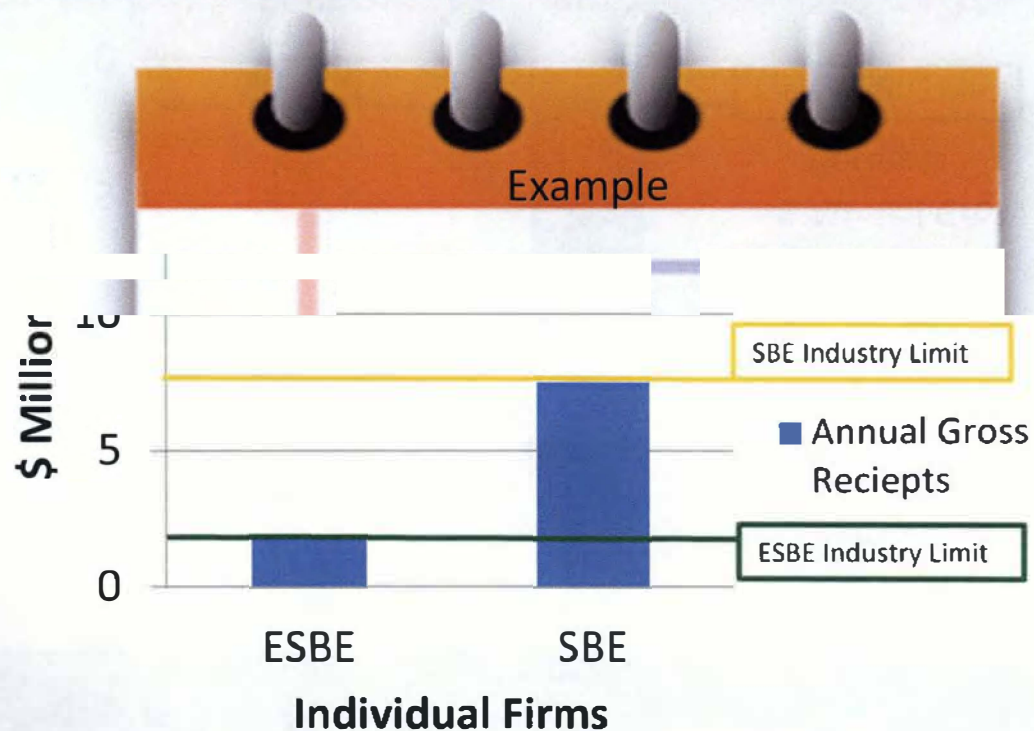
Example

<u>S/M/WBE Prime</u>	Max Pts.	Earned Pts.
- Price	30	25
- Qualifications	30	25
- Proposed Plan	20	20
- SBEDA	20	20
Total Score:	100	90

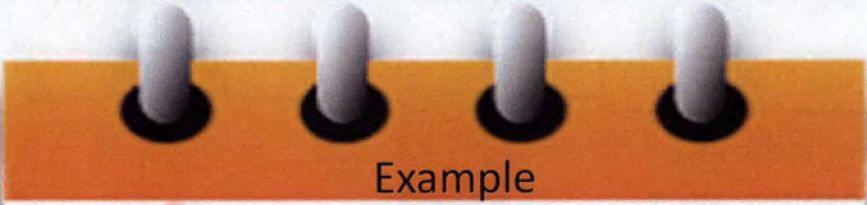
TOOLS FOR S/M/WBE PRIMES

- Defined by SBA

- Provides up to 20 points on "Best Value" solicitation
- Proposing Emerging M/WBEs to be eligible for the points in all industries



TOOLS FOR S/M/WBE PRIMES

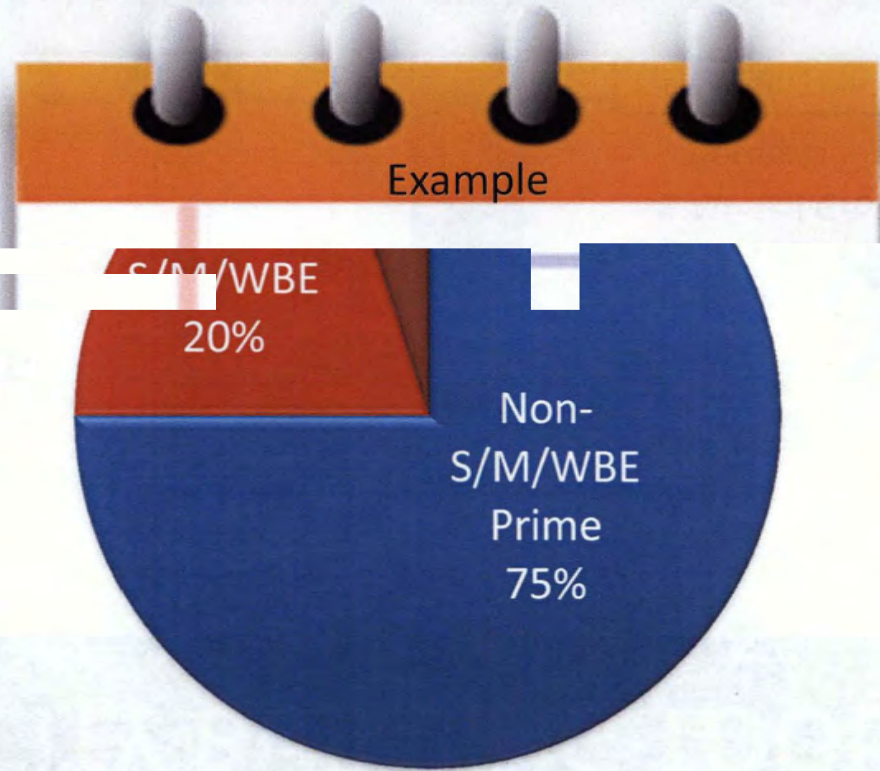


- The Mentor-Protégé Program
- The Distributorship Development Program

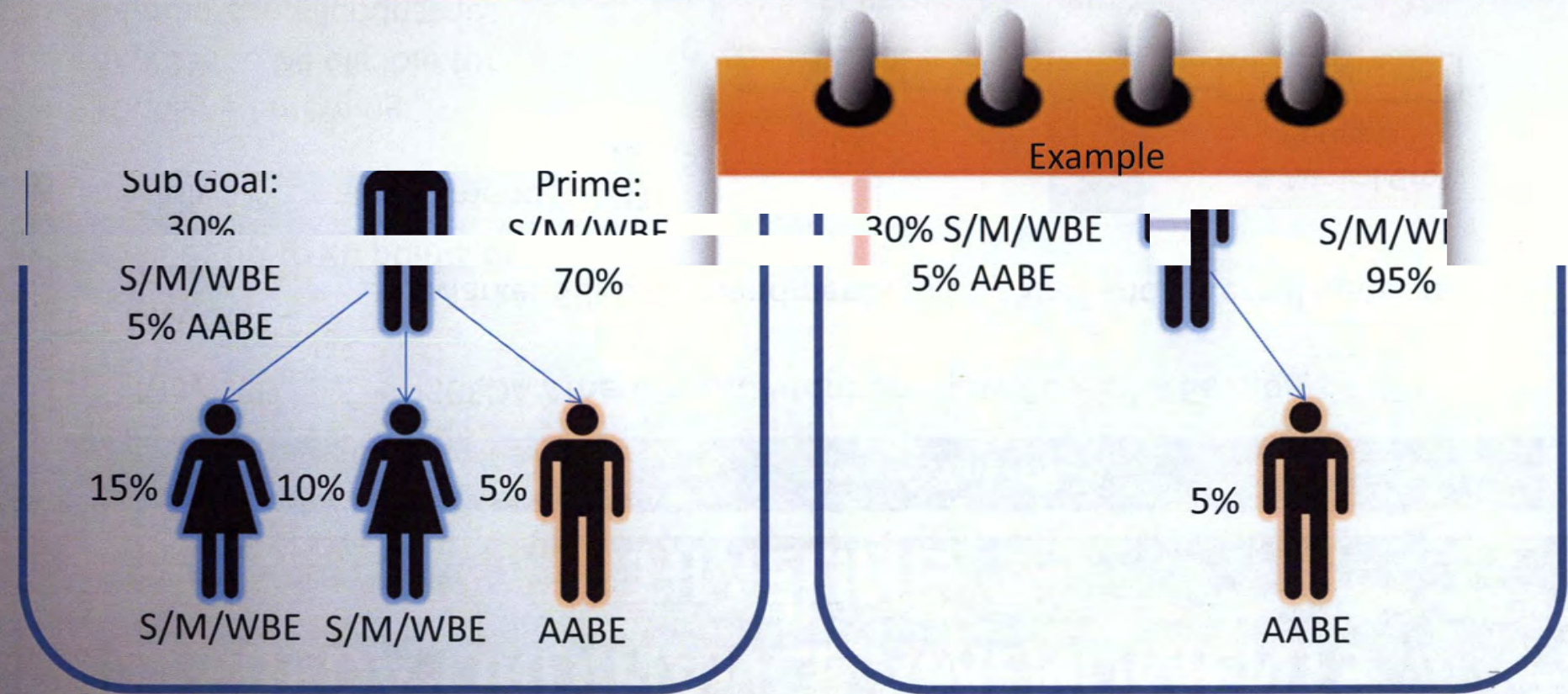


TOOLS FOR S/M/WBE PRIMES

- The Subcontracting Program
- The Segmented Subcontracting Program



TOOLS FOR S/M/WBE PRIMES

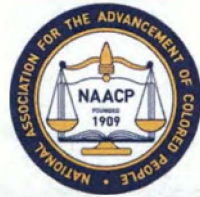


TOOLS FOR S/M/WBE PRIMES



Example

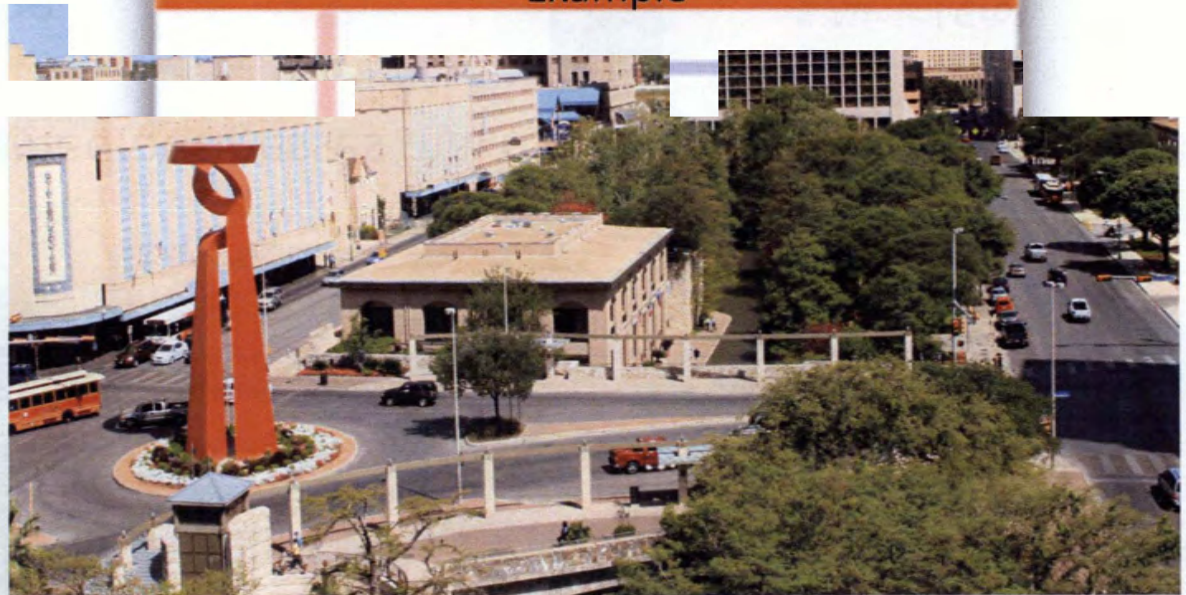
May 20 th - Ongoing	Market SBEDA Amendments to City Staff and External Vendors
July 1 st	<ul style="list-style-type: none"> Amended SBEDA Ordinance Goes Into Effect



TOOLS FOR S/M/WBE PRIMES

Ordinance

Example



City Council A Session
May 19, 2016

TOOLS FOR S/M/WBE PRIMES



Joint Venture Program										
						✓	✓		✓	✓
HUBZone Program	✓									
Subcontracting Program	✓	✓	✓		✓	✓	✓	✓		
Subcontracting - Segmented Program		✓				✓		✓		
Joint Venture Incentives							✓		✓	✓
Distributorship Development Program										
Bonding Assistance Program*	✓	✓					✓	✓	✓	✓
Aspirational Goal	44%		31%		40%		55%		42%	

* Reconvene workgroups to explore efficiencies

City Council Committees

The following paragraphs provide brief descriptions of the City Council Committees that reviewed, provided feedback, and approved the implementation plans for Small Business, Mental Health, Youth, Arts, Seniors, and Non-Profit Social Services.

- **Community Health, Environment and Culture Committee (CHECC)**

Oversees policies, plans, and programs that affect the quality of life of our residents including the protection and enhancement of the natural environment, public health, human services, climate preparedness, solid waste, libraries, and parks. Additionally, the committee oversees activities related to the stewardship of San Antonio's unique artistic, cultural, and historic heritage. This committee was charged with overseeing the implementation plans for Arts, Seniors, and Non-Profit Social Services.

- **Economic and Workforce Development Committee (EWDC)**

Oversees policies, plans and programs related to the vitality of the local economy, including the creation and retention of jobs, attraction of new businesses and private investments, support of small businesses, incentive policies and growth of targeted industries. The committee also reviews all aspects of the City's investments in education, workforce development, and training as well as provides recommendations and policy guidance that further San Antonio's "smart city" goals, such as enhancing cybersecurity, promoting digital inclusion, expanding municipal broadband, and pursuing economic opportunity. This committee was charged with overseeing the implementation plans for Small Business and Youth.

- **Public Safety Committee**

Oversees policies, plans, and programs related to fire protection, emergency management, EMS service delivery, and police and law enforcement. The committee also oversees the progress and implementation of the City's ongoing Police Services Review project and other public safety related plans and policies. This committee was charged with overseeing the implementation plan for Mental Health.



★
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— SAN ANTONIO —
— TEXAS —
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