

## CPS ENERGY SUBCONTRACTING DOCUMENTS

It is the policy of CPS Energy to ensure that small, service-disabled veteran-owned small businesses, HUBZone small businesses, minority and woman owned businesses have the maximum practicable opportunity to participate as contractors and suppliers. It is CPS Energy's policy to assist these businesses to overcome barriers that may have, in the past, kept them from full and equal participation in the mainstream of the American Business Enterprise System.

In response to its belief of equality of opportunity, CPS Energy has extended the concept of equal opportunity and affirmative action to include efforts toward increasing the amount of business conducted with small, service-disabled veteran-owned small businesses, HUBZone small businesses, minority and woman owned businesses.

A policy and formal program have been created for this purpose, and all CPS Energy employees involved with the program are responsible and accountable for the attainment of these goals and objectives.

### IMPORTANT PLEASE READ

Contractors classified by CPS Energy as a **large** business will be required to furnish the subcontracting when their awarded contract is expected to meet or exceed \$550,000 (\$1,000,000 for Construction). Failure to provide these documents may result in the award being cancelled.

Subcontracting opportunities exist when **any** part of the services to be performed or goods to be provided entail the use of any other business other than the business contracted to perform the work directly with CPS Energy.

Contractors are asked to contact Supplier Diversity Office at (210) 353-2808 for assistance in determining when subcontracting opportunities may or may not exist and completing any of the attached documents.

Company Name: \_\_\_\_\_  
CPS ENERGY Purchase Order (PO) No. \_\_\_\_\_

**THIS DOCUMENT MUST BE COMPLETED  
AND RETURNED AT THE TIME OF AWARD**

**Please complete the following questions and sign the reverse side of this document and submit when your bid or proposal is awarded.**

1. \_\_\_\_\_ A contractor is submitting a plan

2. \_\_\_\_\_ A contractor is a small business, so no plan is required. To qualify as a small business, a contractor must be classified as a small business by CPS Energy. If a contractor is a small business, a contractor must place a check mark before one of the two following statements.

\_\_\_\_\_ A contractor has previously been classified as a small business by CPS Energy.

\_\_\_\_\_ A contractor is enclosing a completed CPS Energy questionnaire certifying that it is a small business.

3. \_\_\_\_\_ This contract does not offer subcontracting possibilities, so no plan is required. A contractor must state below the specific reasons why the contract does not offer subcontracting possibilities:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The format of a **Subcontracting Plan for both Large and Small, Service-Disabled Veteran-Owned Small Businesses, HUBZone Small Businesses, Non-Minority, Minority and Woman Owned Businesses**, which meets all the CPS Energy requirements, is attached. CPS Energy encourages contractors to utilize this plan.

Contractors submitting a **Subcontracting Plan for both Large and Small, Service-Disabled Veteran-Owned Small Businesses, HUBZone Small Businesses, Non-Minority, Minority and Woman Owned Businesses** must also prepare and submit either Summary Subcontract Report Standard Form 294 or 295 semi-annually or annually respectively to CPS Energy and the General Services Administration, upon request (see Section F., page 4) at the commencement of the contract. Copies of these forms will be provided at the time they are due.

Standard Form 295 is required to be submitted if the contractor sells or otherwise provides "**commercial products**" to CPS Energy. Standard Form 294 is required to be submitted by all other contractors.

"**Commercial products**" are products or services sold

1. in substantial quantities
2. to the general public and/or industry
3. at established catalog prices or at established market prices.

**1. Sold in substantial quantities.** Products are considered to be "**sold in substantial quantities**" only when the quantities regularly sold are sufficient to constitute a real commercial market. Thus, models, samples, prototypes, experimental units, and products specially made only for CPS Energy (i.e., to CPS Energy specifications) do not meet this requirement. For services to be considered "**sold in substantial quantities**," they must be customarily provided by the contractor, using personnel regularly employed and equipment (if any is necessary) regularly maintained solely or principally to provide the services.

**2. To the general public or industry.** A product or service is considered to be sold to the general public or industry if there are a significant number of buyers of the product or service other than CPS Energy.

**3. Established catalog and market prices.**

**Established catalog prices** are prices that are recorded in a form regularly maintained by the contractor. This form (a) must be a verifiable and established record, such as a catalog, price list, schedule, or rate tariff; (b) must be published or available for customer inspection; and (c) must state current or last sales prices to the general public.

**Established market prices** are current prices that (a) are established in the course of ordinary and usual trade between buyers and sellers free to bargain; and (b) can be substantiated by data from sources independent from the contractor.

Any questions regarding this aforementioned information please contact Ms. Bonnie Rogers, Assistant of Small Business Operations or Ms. Khanh Nguyen, Purchasing Analyst, for the Supplier Diversity Office at (210) 353-2204 or (210) 353-2808 respectively.

Submitted by: \_\_\_\_\_  
(signature)

\_\_\_\_\_  
(Name and title of person authorized to sign on behalf of the company)

Date: \_\_\_\_\_

CPS ENERGY Purchase Order (PO) No. \_\_\_\_\_

**SUBCONTRACTING PLAN FOR  
BOTH LARGE AND SMALL, SERVICE-DISABLED VETERAN-OWNED  
SMALL BUSINESSES, HUBZONE SMALL BUSINESSES, NON-MINORITY,  
MINORITY AND WOMAN OWNED BUSINESSES**

Submitted by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THE FOLLOWING DOCUMENTS DO NOT NEED TO BE COMPLETED IF THE  
CONTRACTOR HAS DETERMINED NO SUBCONTRACTING  
OPPORTUNITIES EXIST OR IF THE COMPANY IS A SMALL BUSINESS.**

## SUBCONTRACTING PLAN

The following Subcontracting Plan is hereby submitted to CPS Energy, Gas and Electric Utility of San Antonio, Texas 78296, by \_\_\_\_\_ (*Contractor*) in conjunction with CPS Energy's Purchase Order (PO) No. \_\_\_\_\_.

The administrator of this Subcontracting Plan is Mr./Mrs./Ms. (*circle one*)

\_\_\_\_\_ and is responsible for compiling data for the Plan and for the regular reviewing, updating and implementation of this Subcontracting Plan through the duration of this contract.

### A. Estimated subcontracting goals for this contract

	<u>Amount</u>	<u>Percent</u>
1. Total estimated subcontracting for this contract ( <b><i>only that portion of the overall contract that offers subcontracting opportunities</i></b> )	\$ _____	<u>100%</u>

**Estimated subcontracting with the following *large and small* businesses:**

Large Non-Minority Owned	\$ _____	_____
Small Non-Minority Owned	\$ _____	_____
Large Minority Owned	\$ _____	_____
Small Minority Owned	\$ _____	_____
Large Woman Owned	\$ _____	_____
Small Woman Owned	\$ _____	_____
Small Service-Disabled Veteran Owned	\$ _____	_____
HUBZone Small Business	\$ _____	_____

### B. Principal Subcontractors (if known at this time)

1. Name of Subcontractor: \_\_\_\_\_

Address of subcontractor: \_\_\_\_\_

Type of material/service to be provided: \_\_\_\_\_

Non-Minority Owned	Yes	No
Minority Owned	Yes	No
Woman Owned	Yes	No
Service-Disabled Veteran Owned	Yes	No
HUBZone Business	Yes	No
Small Business	Yes	No

Dollars Estimated to be Subcontracted: \_\_\_\_\_

2. Name of Subcontractor: \_\_\_\_\_  
Address of subcontractor: \_\_\_\_\_  
\_\_\_\_\_

Type of material/service to be provided: \_\_\_\_\_

Non-Minority Owned	Yes	No
Minority Owned	Yes	No
Woman Owned	Yes	No
Service-Disabled Veteran Owned	Yes	No
HUBZone Business	Yes	No
Small Business	Yes	No

Dollars Estimated to be Subcontracted: \_\_\_\_\_

3. Name of Subcontractor: \_\_\_\_\_  
Address of subcontractor: \_\_\_\_\_  
\_\_\_\_\_

Type of material/service to be provided: \_\_\_\_\_

Non-Minority Owned	Yes	No
Minority Owned	Yes	No
Woman Owned	Yes	No
Service-Disabled Veteran Owned	Yes	No
HUBZone Business	Yes	No
Small Business	Yes	No

Dollars Estimated to be Subcontracted: \_\_\_\_\_

4. Name of Subcontractor: \_\_\_\_\_  
Address of subcontractor: \_\_\_\_\_  
\_\_\_\_\_

Type of material/service to be provided: \_\_\_\_\_

Non-Minority Owned	Yes	No
Minority Owned	Yes	No
Woman Owned	Yes	No
Service-Disabled Veteran Owned	Yes	No
HUBZone Business	Yes	No
Small Business	Yes	No

Dollars Estimated to be Subcontracted: \_\_\_\_\_

(Please use additional sheets if necessary)

**C. Large and Small, Service-Disabled Veteran-Owned Small Businesses, HUBZone Small Businesses, Non-Minority, Minority and Woman Owned Businesses**

Of the following sources listed to identify small, service-disabled veteran-owned small businesses, HUBZone small businesses, minority and woman owned businesses, only those marked were used in this contract:

- \_\_\_\_\_ Company resource lists
- \_\_\_\_\_ Referrals by other small business firms
- \_\_\_\_\_ CPS Energy, Supplier Diversity Office
- \_\_\_\_\_ Other \_\_\_\_\_

**D. Measures to Promote Equal Opportunities**

In order to ensure that both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses owned and controlled by socially and economically disadvantaged individuals will have an equitable opportunity to compete for subcontracts, the Contractor will:

1. Maintain a program designed to locate capable both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses for current and future subcontracting opportunities.
2. Review company policies and procedures to assure and encourage equitable opportunity to both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses in letting subcontracts.
3. Coordinate inquiries and requests for advice from both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses.
4. Assure that participation of both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses are accurately reported.
5. Review acquisition programs for possible breakout of items suitable for acquisition from both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses.

**E. Company Policy Statement**

The Contractor will provide a competitive opportunity for suppliers - both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses, to qualify for and earn a share of the business current or long-term purchase volume, commensurate with the merits of their offerings and their proven qualifications or demonstrated performance as suppliers.

The Contractor has and will continue to utilize both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses to the greatest extent practicable consistent with efficient performance of all contracts or subcontracts.

**F. Statement of Periodic Reports**

The Contractor will prepare Summary Subcontract Report Standard Form 294 or 295 in accordance with the instructions on the form **and all supporting documentation** and submit same to:

CPS Energy  
Supplier Diversity Office, Mail Drop: 110903  
145 Navarro St.  
P.O. Box 1771  
San Antonio, TX 78296-1771

**G. Records to be Maintained**

The Contractor, in regard to this Subcontracting Plan, will maintain the following records:

1. Small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses source lists, guides and other data identifying both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses contractors and suppliers.
2. Organizations contacted for both large and small, service-disabled veteran-owned small businesses, HUBZone small businesses, non-minority, minority and woman owned businesses sources.
3. On a contract-by-contract basis, records to support award data submitted to CPS Energy, to **include name and address of subcontractor(s)** and General Service Administration upon request.

\*\*\*\*\*

Submitted by: \_\_\_\_\_  
(signature)

\_\_\_\_\_  
Name and title of person authorized to sign on behalf of the company  
Date:\_\_\_\_\_

Accepted by: \_\_\_\_\_  
CPS Energy  
Director, Purchasing, Contracts and Small Business Development  
Date:\_\_\_\_\_