



## Post-Award Deviation Request



As set forth in the City of Houston Code of Ordinances, Chapter 15, Section 15-85, after execution of a contract, the Prime contractor shall comply with the approved participation plan, unless it has received approval from the Office of Business Opportunity (OBO) to deviate from the submitted plan. Below is a list of the types of deviation requests with explanations of what a Prime contractor needs to follow and document when submitting the deviation request. ***This process applies to all non-federally funded City contracts unless expressly stated otherwise by contract documents.***

### **Removal and Reduction in Participation**

I) The Prime contractor must give notice of removal or substantial reduction (more than 50%) in participation to the affected MWSDBE, with a copy sent to OBO stating the request to remove or reduce and the specific reason(s). The Prime contractor must demonstrate a good cause to justify the addition, removal, or reduction. Good cause includes, but is not limited to:

- The affected MWSDBE fails or refuses to execute a written subcontracting agreement with reasonable terms.
- The affected MWSDBE fails or refuses to perform the work of its subcontract or fails to perform its work in a way that is acceptable to the contracting department.
- The affected MWSDBE becomes bankrupt, insolvent or exhibits credit unworthiness.
- The affected MWSDBE is ineligible to work on projects because of sanction or debarment proceedings or applicable state law.
- The affected MWSDBE voluntarily withdraws from the project and provides written notice of its withdrawal.
- The affected MWSDBE is ineligible to receive credit for the type of work required.
- Other documented good causes not listed above compel the removal of the affected MWSDBE.

II) The Prime contractor must give the affected MWSDBE five (5) business days to respond to the written notice of removal or reduction or request that it will be closed & no further action will be taken.

III) The Prime must provide OBO with a copy of the notice to the affected MWSDBE along with any objections, a completed Deviation Request form, and an updated MWSDBE Utilization Schedule.

***OBO or its designee will contact the affected MWSDBE to confirm their consent or objection to the removal or reduction.***

***The affected MWSDBE must provide a written response consenting to the addition, removal, or reduction, or a detailed written response objecting to the removal or reduction.***

### **Addition**

The Prime contractor must submit a completed Deviation Request form when adding an MWSDBE for goal credit to the approved MWSDBE participation plan. The Prime contractor must also submit an updated MWSDBE Utilization Schedule upon request. ***SBEs cannot be added for goal credit on professional services and goods and services contracts.*** If Tier I & II, III, & IV subcontractors are certified can be added for additional goal credit, if MWSBE Certified firm has non-certified as Tier I & II, III, & IV will in turn reduce goal credit upon Commercially Useful Function (CUF) Audit.

### **SRF Projects**

Prime contractors submitting deviation requests for SRF (state revolving funds) projects must complete this document as well as provide an accompanying letter stating the reason for the addition, removal or substantial reduction of a subcontractor(s).

### **Notification of Final Determination**

The Prime contractor will be notified of the final determination via letter signed by the OBO Director or designee. If the determination is to approve the addition, removal, or substantial reduction of participation of a goal credit MWSDBE firm, the appropriate adjustments will be made to the project in the contract management system. Within 14 business days of the date of OBO's approval letter to add an MWSDBE for goal credit, the Prime must provide OBO with a copy of an executed subcontracting agreement with the new MWSDBE.



City of Houston  
Office of Business Opportunity  
DEVIATION REQUEST



To: The Office of Business Opportunity (OBO) Director
Date:
Prime Contractor:
Project Description:
Contract Number:
OBO Compliance Officer:
City Of Houston Contract Project Manager:

Submitted By (Name and Title):		
Company Mailing Address:		
City:	State:	Zip code:
Contact Phone Number:		

The City of Houston’s Pay or Play (POP) program requires that City of Houston contractors either contribute prescribed amounts to the Contractors Responsibility Fund (CRF) for their uninsured employees (PAY) or provide their employees a minimum level of healthcare benefits (PLAY). The Office of Business Opportunity oversees the administration of POP in partnership with each department's POP Liaison. For more information or assistance please contact your contracting departments POP Liaison by clicking <https://www.houstontx.gov/obo/popforms.html>.

Name of Firm(s) Requested to Add *(a copy of the executed agreement must be provided to OBO within 14 days of approval of the deviation request).*

Name of Firm Requested to Add	Certification	NAICS Code	POP Status	Start Date	Estimated Dollar Value
	Choose an item.		Choose an item.		
	Choose an item.		Choose an item.		
	Choose an item.		Choose an item.		
	Choose an item.		Choose an item.		

Name of Firm(s) Requested to Reduce/Remove

Name of Firm Requested to Remove	Certification	NAICS Code	Start Date	Estimated Dollar Value
	Choose an item.			
	Choose an item.			
	Choose an item.			

If applicable, list subcontractors below that will be used as a supplier or manufacturer on this contract *(no more than 50% of the MWSDBE goal can be met using suppliers).*

Name of Firm	Supplier or Manufacturer
	Choose an item.
	Choose an item.

Summarize why you are requesting a change to your MWSDBE participation plan and whether it will affect other goal credit participants assigned on this project.


Please upload/attach the five-day removal or reduction notification to the affected MWSDBE.

Signature:  
Email to: [OBOcontractcompliance@houstontx.gov](mailto:OBOcontractcompliance@houstontx.gov)