

## Attachment H Frequently Asked Questions

### Exhibits in Excel – HUB & DBE

**Do I have to process a Supplemental Agreement to delete and replace Attachment H with the November 2022 updated version?**

If processing a supplemental agreement (SA) or supplemental work authorization (SWA), and the Attachment H Exhibits are being revised, delete and replace the forms with the current version. Do not initiate a SA for the sole purpose of updating the Attachment H Exhibits.

### Self-Performance – HUB & DBE

**What is Self-Performance for a HUB?**

For a state funded contract, with a HUB goal, self-performance is when the prime provider is completing 100% of the work on the contract with their own resources (employees, supplies, materials and/or equipment.) No subproviders will be utilized.

**What is Self-Performance for a DBE?**

For a federally funded contract, self-performance is when the prime provider is a certified DBE provider and the percentage of work they are performing is counted towards the contract DBE goal. For the percentage of work to be eligible to count towards the contract goal, the prime provider must be certified in the North American Industry Classification System (NAICS) Work Codes that align with the TxDOT Precertified Work Categories they are performing on the contract. The prime provider may also have DBE subproviders on the contract.

### SA to Add Funds – HUB & DBE

**I am processing a SA to add funds to my contract. Do I need to update the H-1 or the HSP?**

Yes, if the additional funds change the commitment percentage for the subproviders or changes the list of subproviders. Delete and replace Exhibit H-1 or Exhibit HSP for this contract while processing the SA.

If it is a state-funded contract with a HUB goal, the prime provider must also complete HUB Subcontracting Plan (HSP) Change Request form 2580 and submit to the TxDOT contract manager. The contract manager reviews the HSP and signs form 2580 and submits to the Civil Rights Division at [CIV\\_HUB@txdot.gov](mailto:CIV_HUB@txdot.gov) for their review and approval signature. This must be followed up with a SA to the contract to delete and replace Exhibit HSP.

## SWA to Add Funds – HUB & DBE

**I am processing a SWA to add money to the WA, but the funds are not going to the HUB or DBE subproviders. Do I need to update the Exhibit H-2?**

No. Only update Exhibit H-2 if the total committed dollar amount for the HUB or DBE subprovider has changed. If the SWA to change funds does not affect any HUB or DBE subprovider, do not include an Exhibit H-2.

## Exhibit H-2 for Prime – HUB & DBE

**If the Prime Provider is a certified HUB or DBE provider, do they need an Exhibit H-2?**

No, Exhibit H-2 is the TxDOT Subprovider Commitment Agreement.

## Exhibit H-2 for Subproviders – HUB & DBE

**Do I need an Exhibit H-2 for every subprovider on the WA?**

Exhibit H-2 is intended to show the commitment agreement between the prime provider and each HUB or DBE subprovider on the WA. Each HUB or DBE subprovider will have their own Exhibit H-2. An Exhibit H-2 is not required for non-HUB or non-DBE subproviders.

## Exhibit H-2 if No Subproviders – HUB & DBE

**If I am processing a new WA, do I need an Exhibit H-2 if there are no HUB or DBE subproviders on the WA?**

Yes. Enter “N/A” in the subprovider name field. The reason for this is so all parties, from the reviewers in Contract Services Division to the prime provider, know that it was not inadvertently overlooked, but that it is not applicable to this WA.

## Name Change – HUB & DBE

While a Global Name Change agreement can be used for a prime provider name change, it cannot be used for subproviders because they can be on multiple contracts and each contract’s HSP or H-1 will need to be updated.

**A HUB subprovider on my contract has changed their name. Do I need to update Exhibit HSP and/or Exhibit H-2?**

Yes. The prime provider must update the HSP and complete form 2580 HUB Subcontracting Plan (HSP) Change Request Form. Once completed, the signed documents are submitted to the Contract Manager for review. The contract manager reviews the HSP and signs form 2580 and submits to [CIV\\_Hub@txdot.gov](mailto:CIV_Hub@txdot.gov) for their review and approval signature.

Once approved, a SA must be executed to delete and replace Exhibit HSP (along with other attachments effected by the name change). If the subprovider is on an existing WA, a SWA must be executed to delete and replace Exhibit H-2. In the subprovider name field on Exhibit H-2, enter the new name followed by a note of the previous name. Example: ABC Engineers, Inc. (formerly XYZ Engineering Corp.)

**A DBE subprovider on my contract has changed their name. Do I need to update Exhibit H-1 and/or Exhibit H-2?**

Yes. The prime provider must submit an updated Exhibit H-1 and a SA must be executed to delete and replace Exhibit H-1. In the subprovider name field on Exhibit H-1, enter the new name followed by a note of the previous name. Example: ABC Engineers, Inc. (acquired XYZ Engineering Corp.). For their work to count towards the DBE goal, enter 'Yes' in the DBE column.

If the subprovider is on an existing WA, a SWA must be executed to delete and replace the Exhibit H-2. In the subprovider name field on Exhibit H-2, enter the new name followed by a note of the previous name. Example: ABC Engineers, Inc. (acquired XYZ Engineering Corp.).

### **Firm Acquisition – HUB & DBE**

**A HUB subprovider on my contract has been acquired by a non-HUB provider. Do I need to update Exhibit HSP and/or Exhibit H-2?**

Yes. The prime provider must update the HSP and complete form 2580 HUB Subcontracting Plan (HSP) Change Request Form. The HSP should keep the historical information on the HSP to capture the percentage completed by the original firm and add the firm information. Once completed, the signed documents are submitted to the Contract Manager for review. The contract manager reviews the HSP and signs form 2580 and submits to [CIV\\_Hub@txdot.gov](mailto:CIV_Hub@txdot.gov) for their review and approval signature.

Once approved, a SA must be executed to delete and replace Exhibit HSP. If the subprovider is on an existing WA, a SWA must be executed to delete Exhibit H-2 for the subprovider that was acquired. (and other exhibits effected by the acquisition).

**Only** the goal percentage completed by the HUB subprovider **prior to** the acquisition is counted towards the contract goal.

**A DBE subprovider on my contract has been acquired by a non-DBE provider. Do I need to update Exhibit H-1 and/or Exhibit H-2?**

Yes. The prime provider must submit an updated Exhibit H-1 and a SA must be executed to delete and replace Exhibit H-1. In the subprovider name field on Exhibit H-1, enter the new name followed by a note of the previous name. Example: ABC Engineers, Inc. (acquired XYZ Engineering Corp.). For their work to count towards the DBE goal, enter 'Yes' in the DBE column.

If the subprovider is on an existing WA, a SWA must be executed to delete and replace the Exhibit H-2. In the subprovider name field on Exhibit H-2, enter the new name followed by a note of the previous name. Example: ABC Engineers, Inc. (acquired XYZ Engineering Corp.).

The DBE subprovider will continue to be counted towards the DBE goal throughout the life of the contract.

## Loss of Status – HUB & DBE

### **If a HUB subprovider's certification has expired, do I continue to count the percentage for the subprovider toward the contract goal?**

The percentage for the HUB subprovider may be counted through the remainder of the fiscal year only. If the subprovider intends to recertify before the end of the fiscal year, no further action is needed.

However, if they fail to recertify in time, or do not intend to recertify, or they have graduated from the HUB program, the prime provider may move the work that was planned for the HUB subprovider to another certified HUB subprovider already on the contract, or they should try to find another certified HUB subprovider to add to the contract. If the prime provider cannot find another certified HUB subprovider, the documentation of their good faith effort is the same as it is during the procurement process.

Exhibit-HSP and form 2580, HUB Subcontracting Plan (HSP) Change Request must be updated by the prime provider and submitted to the TxDOT contract manager. The contract manager reviews the HSP and signs form 2580 and submits to [CIV\\_Hub@txdot.gov](mailto:CIV_Hub@txdot.gov) for their review and approval signature.

Once approved, a SA must be executed to delete and replace Exhibit-HSP.

### **If a DBE subprovider is decertified, do I continue to count the percentage for the subprovider toward the contract goal?**

Yes. If a certified DBE business becomes decertified after contract execution, they will continue to be counted towards the DBE goal throughout the life of the contract for services they perform in the work category and the NAICS code for which they were originally certified.

If the decertification is due to any reason other than merger or acquisition, the prime will not need to submit any updated exhibits or process any forms. The prime will continue processing invoices and record payments for the now decertified DBE the same as when they were a certified DBE.

## Subprovider Termination or Substitution – DBE Only

### **A prime provider terminates or substitutes a DBE provider. Do I need to update Exhibit H-1 and/or Exhibit H-2?**

Yes. The DBE Termination Request Form 4010 is required when a provider seeks to terminate a DBE, in whole or in part, that is being used for DBE goal credit on a federally-assisted project. If the DBE termination is approved, the provider will have seven days to submit the DBE Substitution Request Form 4011 or provide evidence of their Good Faith Effort (GFE). If the DBE substitution or GFE is approved, the prime provider must submit an updated Exhibit H-1 and a SA must be executed. If any WAs are impacted an updated Exhibit H-2 must be submitted and a SWA must be executed.