



HSP – Avoiding a DQ

PEPS Fireside Chats

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Professional Engineering Procurement Services

Procuring the most qualified consultants to deliver effective transportation solutions for Texas.

July 7, 2023



1

- The HSP Quick Checklist

2

- The Four Methods or Options

3

- Most Frequent DQ Causes

4

- Resources

5

- Questions

HSP Quick Checklist

Using the HSP Quick Checklist to Assist in Completing the HSP



The HSP Quick Checklist is an aid to identify the areas of the HSP that need to be completed for each of the four good faith effort methods.



Rev. 2/17

HUB Subcontracting Plan (HSP) QUICK CHECKLIST

While this HSP Quick Checklist is being provided to merely assist you in readily identifying the sections of the HSP form that you will need to complete, it is very important that you adhere to the instructions in the HSP form and instructions provided by the contracting agency.

- ▶ If you will be awarding all of the subcontracting work you have to offer under the contract to only Texas certified HUB vendors, complete:
 - Section 1 - Respondent and Requestion Information
 - Section 2 a. - Yes, I will be subcontracting portions of the contract.
 - Section 2 b. - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors.
 - Section 2 c. - Yes
 - Section 4 - Affirmation
 - GFE Method A (Attachment A) - Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.
- ▶ If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you do not have a continuous contract^{*} in place for more than five (5) years meets or exceeds the HUB Goal the contracting agency identified in the "Agency Special Instructions/Additional Requirements", complete:
 - Section 1 - Respondent and Requestion Information
 - Section 2 a. - Yes, I will be subcontracting portions of the contract.
 - Section 2 b. - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors.
 - Section 2 c. - No
 - Section 2 d. - Yes
 - Section 4 - Affirmation
 - GFE Method A (Attachment A) - Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.
- ▶ If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors or only to Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you do not have a continuous contract^{*} in place for more than five (5) years does not meet or exceed the HUB Goal the contracting agency identified in the "Agency Special Instructions/Additional Requirements", complete:
 - Section 1 - Respondent and Requestion Information
 - Section 2 a. - Yes, I will be subcontracting portions of the contract.
 - Section 2 b. - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors.
 - Section 2 c. - No
 - Section 2 d. - No
 - Section 4 - Affirmation
 - GFE Method B (Attachment B) - Complete an Attachment B for each of the subcontracting opportunities you listed in Section 2 b.
- ▶ If you will not be subcontracting any portion of the contract and will be fulfilling the entire contract with your own resources (i.e., employees, supplies, materials and/or equipment), complete:
 - Section 1 - Respondent and Requestion Information
 - Section 2 a. - No, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources.
 - Section 3 - Self Performing Justification
 - Section 4 - Affirmation

^{*}**Continuous Contract:** Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or services, to include under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into "new" contracts.

Four Good Faith Effort Methods



1. Subcontract work to only Texas certified HUB vendors – complete GFE Method A (Attachment A)
2. Subcontract work to Texas certified HUB vendors and Non-HUB vendors, with which you do not have a continuous contract in place for more than 5 years, and meets or exceeds the HUB goal – complete GFE Method A (Attachment A)
3. Subcontract work to Texas certified HUB vendors and Non-HUB vendors, with which you do not have a continuous contract in place for more than 5 years, and does not meet or exceed the HUB goal – complete GFE Method B (Attachment B)
4. Fulfill the contract with your own resources (i.e., employees, supplies, materials and/or equipment).



1. Subcontracting to HUBs only
2. Subcontract to HUB vendors and Non-HUB vendors and meets or exceeds the HUB goal Subcontract work
3. Subcontract to HUB vendors and Non-HUB vendors and does not meet or exceed the HUB goal
4. Self performing



➤ **If you will be awarding all of the subcontracting work you have to offer under the contract to only Texas certified HUB vendors, complete:**

- Section 1 - Respondent and Requisition Information
- Section 2 a. - Yes, I will be subcontracting portions of the contract.
- Section 2 b. - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors.
- Section 2 c. - Yes
- Section 4 - Affirmation
- GFE Method A (Attachment A) - Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.



► If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you do not have a continuous contract in place for more than five (5) years meets or exceeds the HUB Goal the contracting agency identified in the “Agency Special Instructions/Additional Requirements”, complete:

- Section 1 - Respondent and Requisition Information
- Section 2 a. - Yes, I will be subcontracting portions of the contract.
- Section 2 b. - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors.
- Section 2 c. - No
- Section 2 d. - Yes
- Section 4 - Affirmation
- GFE Method A (Attachment A) - Complete an Attachment A for each of the subcontracting opportunities you listed in Section 2 b.



➤ If you will be subcontracting any portion of the contract to Texas certified HUB vendors and Non-HUB vendors or only to Non-HUB vendors, and the aggregate percentage of all the subcontracting work you will be awarding to the Texas certified HUB vendors with which you **do not** have a **continuous contract** in place for more than five (5) years **does not meet or exceed** the HUB Goal the contracting agency identified in the “Agency Special Instructions/Additional Requirements”, complete:

- Section 1 - Respondent and Requisition Information
- Section 2 a. - Yes, I will be subcontracting portions of the contract.
- Section 2 b. - List all the portions of work you will subcontract, and indicate the percentage of the contract you expect to award to Texas certified HUB vendors and Non-HUB vendors.
- Section 2 c. - No
- Section 2 d. - No
- Section 4 - Affirmation
- GFE Method B (Attachment B) - Complete an Attachment B for each of the subcontracting opportunities you listed in Section 2 b.



➤ **If you will not be subcontracting any portion of the contract and will be fulfilling the entire contract with your own resources (i.e., employees, supplies, materials and/or equipment), complete:**

- Section 1 - Respondent and Requisition Information
- Section 2 a. - No, I will not be subcontracting any portion of the contract, and I will be fulfilling the entire contract with my own resources.
- Section 3 - Self Performing Justification
- Section 4 - Affirmation

Top Disqualification Reasons Regarding the HSP

The Top HSP Disqualification Reasons



1 Did not submit the current HSP

2

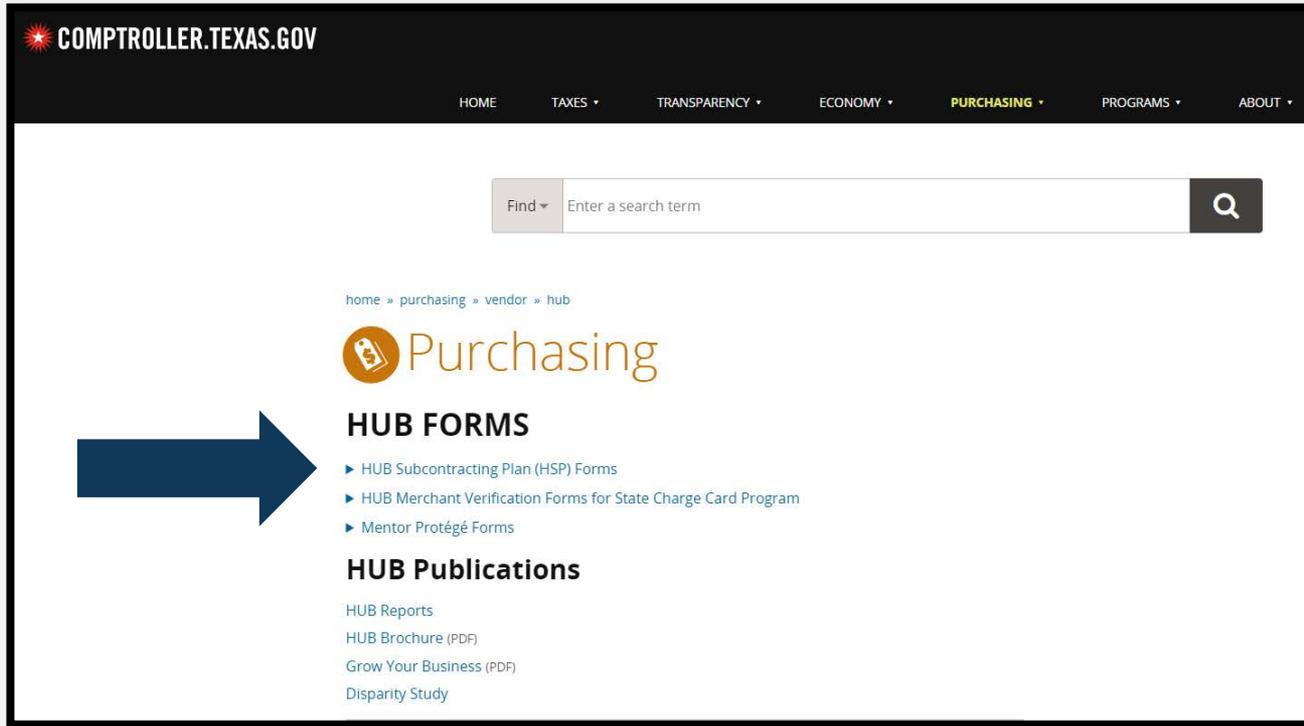
3

4

5

6

Use the most current HSP form located on the Texas Comptroller's webpage



The screenshot shows the Texas Comptroller's website with the following elements:

- Header: **COMPTROLLER.TEXAS.GOV**
- Navigation: HOME, TAXES, TRANSPARENCY, ECONOMY, **PURCHASING**, PROGRAMS, ABOUT
- Search: Find [Enter a search term] [Q]
- Breadcrumbs: home » purchasing » vendor » hub
- Section: **Purchasing**
- Section: **HUB FORMS**
- List:
 - ▶ HUB Subcontracting Plan (HSP) Forms
 - ▶ HUB Merchant Verification Forms for State Charge Card Program
 - ▶ Mentor Protégé Forms
- Section: **HUB Publications**
- List:
 - HUB Reports
 - HUB Brochure (PDF)
 - Grow Your Business (PDF)
 - Disparity Study

A large blue arrow points from the left towards the 'HUB FORMS' section.

<https://comptroller.texas.gov/purchasing/vendor/hub/forms.php>

The Top HSP Disqualification Reasons



1

Did not submit the current HSP

2

Did not sign the HSP

3

4

5

6



An unsigned HSP form will be considered non-responsive

Sign Here

SECTION 4: AFFIRMATION

As evidenced by my signature below, I affirm that I am an authorized representative of the respondent listed in SECTION 1, and that the information and supporting documentation submitted with the HSP is true and correct. Respondent understands and agrees that, if awarded any portion of the requisition:

- The respondent will provide notice as soon as practical to all the subcontractors (HUBs and Non-HUBs) of their selection as a subcontractor for the awarded contract. The notice must specify at a minimum the contracting agency's name and its point of contact for the contract, the contract award number, the subcontracting opportunity they (the subcontractor) will perform, the approximate dollar value of the subcontracting opportunity and the expected percentage of the total contract that the subcontracting opportunity represents. A copy of the notice required by this section must also be provided to the contracting agency's point of contact for the contract no later than ten (10) working days after the contract is awarded.
- The respondent must submit monthly compliance reports (Prime Contractor Progress Assessment Report – PAR) to the contracting agency, verifying its compliance with the HSP, including the use of and expenditures made to its subcontractors (HUBs and Non-HUBs). (The PAR is available at <https://www.comptroller.texas.gov/purchasing/docs/hub-forms/ProgressAssessmentReportForm.xls>).
- The respondent must seek approval from the contracting agency prior to making any modifications to its HSP, including the hiring of additional or different subcontractors and the termination of a subcontractor the respondent identified in its HSP. If the HSP is modified without the contracting agency's prior approval, respondent may be subject to any and all enforcement remedies available under the contract or otherwise available by law, up to and including debarment from all state contracting.
- The respondent must, upon request, allow the contracting agency to perform on-site reviews of the company's headquarters and/or work-site where services are being performed and must provide documentation regarding staffing and other resources.

_____	_____	_____	_____
Signature	Printed Name	Title	Date (mm/dd/yyyy)

Reminder:

- If you responded "Yes" to SECTION 2, Items c or d, you must complete an "HSP Good Faith Effort - Method A (Attachment A)" for each of the subcontracting opportunities you listed in SECTION 2, Item b.
- If you responded "No" SECTION 2, Items c and d, you must complete an "HSP Good Faith Effort - Method B (Attachment B)" for each of the subcontracting opportunities you listed in SECTION 2, Item b.

The Top HSP Disqualification Reasons



1

Did not submit the current HSP

2

Did not sign the HSP

3

Listed a firm that is not or is no longer a HUB firm

4

5

6

Check the HUB Status of the Subprovider Firm



Always check to see if the HUB firm is listed in the Centralized Master Bidders List (CMBL) – HUB Directory:

The screenshot displays the 'Search For Vendors' page on the Texas Comptroller of Public Accounts website. The page features a search bar at the top with the text 'Search For Vendors' and a magnifying glass icon. Below the search bar, there is a 'Please Fill out a Survey' link. The main content area is divided into two sections: 'Related Links' on the left and 'Centralized Master Bidders List - HUB Directory Search' on the right. The 'Related Links' section includes links for 'CMBL/HUB Directory Search Tips', 'Register For CMBL - HUB', 'HUB Mentor Protege Agreement Listing', 'System for Award Management (EPLS)', 'Debarred Vendors List', and 'Vendor Performance Report Search'. The 'Centralized Master Bidders List - HUB Directory Search' section contains a description of the CMBL and a search interface. The search interface includes a 'SEARCH FOR' section with radio buttons for 'CMBL Only', 'HUBs Only', 'HUBs On CMBL', and 'All Vendors'. The 'All Vendors' option is selected. Below the search options, there is an 'Expand All' button and a list of search options: 'SINGLE VENDOR SEARCH', 'MULTIPLE VENDOR SEARCH', 'BUSINESS CATEGORY / VENDOR LOCATION SEARCH', 'SELECT FIELDS FOR OUTPUT', and 'OUTPUT OPTIONS'. At the bottom of the page, there is a 'Search' button and a 'Reset' button.

<https://mycpa.cpa.state.tx.us/tpasscmbllsearch/tpasscmbllsearch.do>



- Make sure the subprovider firm you intend to team with is truly a HUB firm and is listed on the CMBL HUB Directory. If they are not listed they are not a HUB.
- Do not assume that a firm that has been a HUB is still a HUB. They could have:
 - graduated from the program
 - failed to recertify in a timely manner, or
 - been acquired by another firm



If the submittal fails to meet an assigned HUB goal **and** fails to demonstrate a good faith effort, then the proposal is considered non-responsive.

If the goal will not be met the provider needs to complete the form following Method 3, which includes the completion of the Attachment B.

When a firm loses its HUB status they are no longer a HUB and don't count towards the good faith effort in meeting the procurement goal.

The Top HSP Disqualification Reasons



1

Did not submit the current HSP

2

Did not sign the HSP

3

Listed a firm that is not or is no longer a HUB firm

4

Submitted an incomplete HSP

5

6

Ensure that the form is complete



NOTE: Responses that do not include a completed HSP shall be rejected pursuant to Texas Government Code §2161.252(b).

Make sure to complete the form and use the HSP Quick Checklist as a guide

HUB Subcontracting Plan (HSP) Rev. 2017

In accordance with Texas Gov't Code §2161.252, the contracting agency has determined that subcontracting opportunities are probable under this contract. Therefore, all respondents, including State of Texas certified Historically Underutilized Businesses (HUBs) must complete and submit this State of Texas HUB Subcontracting Plan (HSP) with their response to the bid requisition (solicitation).

NOTE: Responses that do not include a completed HSP shall be rejected pursuant to Texas Gov't Code §2161.252(b).

The HUB Program promotes equal business opportunities for economically disadvantaged persons to contract with the State of Texas in accordance with the goals specified in the 2009 State of Texas Disparity Study. The statewide HUB goals defined in 34 Texas Administrative Code (TAC) §20.284 are:

- 11.2 percent for heavy construction other than building contracts.
- 21.1 percent for all building construction, including general contractors and operative builders' contracts.
- 32.9 percent for all special trade construction contracts.
- 23.7 percent for professional services contracts.
- 26.0 percent for all other services contracts, and
- 21.1 percent for commodities contracts.

-- Agency Special Instructions/Additional Requirements --

In accordance with 34 TAC §20.285(d)(1)(D)(ii), a respondent (prime contractor) may demonstrate good faith effort to utilize Texas certified HUBs for its subcontracting opportunities if the total value of the respondent's subcontracts with Texas certified HUBs meets or exceeds the statewide HUB goal or the agency specific HUB goal, whichever is higher. When a respondent uses this method to demonstrate good faith effort, the respondent must identify the HUBs with which it will subcontract. If using existing contracts with Texas certified HUBs to satisfy this requirement, only the aggregate percentage of the contracts expected to be subcontracted to HUBs with which the respondent does not have a contractual contract in place for more than five (5) years shall qualify for meeting the HUB goal. This limitation is designed to encourage vendor rotation as recommended by the 2009 Texas Disparity Study.

SECTION 4 RESPONDENT AND REQUISITION INFORMATION

a. Respondent (Company) Name: _____ State of Texas VID #: _____
Point of Contact: _____ Phone #: _____
E-mail Address: _____ Fax #: _____

b. Is your company a State of Texas certified HUB? - Yes - No

c. Requisition #: _____ Bid Open Date: _____ (mm/dd/yyyy)

1

Complete the form correctly



Math is a think!
 $2 + 2 = 5$

Checking the math is important. A mistake may result in not meeting the HUB procurement goal.

Rev. 2/17

Enter your company's name here: _____ Requisition #: _____

SECTION 2 RESPONDENT'S SUBCONTRACTING INTENTIONS (CONTINUATION SHEET)

This page can be used as a continuation sheet to the HSP Form's page 2, Section 2, Item b. Continue listing the portions of work (subcontracting opportunities) you will subcontract. Also, based on the total value of the contract, identify the percentages of the contract you expect to award to Texas certified HUBs, and the percentage of the contract you expect to award to vendors that are not a Texas certified HUB (i.e., Non-HUB).

Item #	Subcontracting Opportunity Description	HUBs		Non-HUBs
		Percentage of the contract expected to be subcontracted to HUBs with which you <u>do not</u> have a "continuous contract" in place for more than five (5) years.	Percentage of the contract expected to be subcontracted to HUBs with which you have a "continuous contract" in place for more than five (5) years.	Percentage of the contract expected to be subcontracted to non-HUBs.
16		%	%	%
17		%	%	%
18		%	%	%
19		%	%	%
20		%	%	%
21		%	%	%
22		%	%	%
23		%	%	%
24		%	%	%
25		%	%	%
26		%	%	%
27		%	%	%
28		%	%	%
29		%	%	%
30		%	%	%
31		%	%	%
32		%	%	%
33		%	%	%
34		%	%	%
35		%	%	%
36		%	%	%
37		%	%	%
38		%	%	%
39		%	%	%
40		%	%	%
41		%	%	%
42		%	%	%
43		%	%	%
Aggregate percentages of the contract expected to be subcontracted:		%	%	%

*Continuous Contract: Any existing written agreement (including any renewals that are exercised) between a prime contractor and a HUB vendor, where the HUB vendor provides the prime contractor with goods or service under the same contract for a specified period of time. The frequency the HUB vendor is utilized or paid during the term of the contract is not relevant to whether the contract is considered continuous. Two or more contracts that run concurrently or overlap one another for different periods of time are considered by CPA to be individual contracts rather than renewals or extensions to the original contract. In such situations the prime contractor and HUB vendor are entering (have entered) into "new" contracts.

HSP – SECTION 2
(Continuation Sheet)

The Top HSP Disqualification Reasons



1

Did not submit the current HSP

2

Did not sign the HSP

3

Listed a firm that is not or is no longer a HUB firm

4

Submitted an incomplete HSP

5

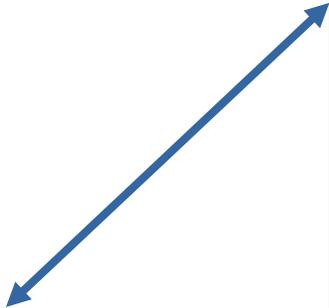
Did not submit Attachments A or B correctly

6

Complete the Attachment B form



The same applies for Attachment B. Complete an attachment for each opportunity.



HSP Good Faith Effort - Method B (Attachment B) Rev. 2017

Enter your company's name here: _____ Requisition #: _____

IMPORTANT: If you responded "No" to SECTION 2, Items c and d of the completed HSP form, you must submit a completed "HSP Good Faith Effort - Method B (Attachment B)" for each of the subcontracting opportunities you listed in SECTION 2, Item b of the completed HSP form. You may photo-copy this page or download the form at <https://www.comptroller.texas.gov/purchasing/docs/hub-forms/hub-sbcont-plan-gfe-achm-b.pdf>.

SECTION B-1: SUBCONTRACTING OPPORTUNITY
Enter the item number and description of the subcontracting opportunity you listed in SECTION 2, Item b, of the completed HSP form for which you are completing the attachment.

Item Number: _____ Description: _____

SECTION B-2: MENTOR PROTEGE PROGRAM
If respondent is participating as a Mentor in a State of Texas Mentor Protege Program, submitting to Protege (Protege must be a State of Texas certified HUB) as a subcontractor to perform the subcontracting opportunity listed in SECTION B-1, certifies a good faith effort to subcontract with a Texas certified HUB towards that specific portion of work.

Check the appropriate box (Yes or No) that indicates whether you will be subcontracting the portion of work you listed in SECTION B-1 to your Protege.

- Yes (If Yes, continue to SECTION B-4.)
 - No / Not Applicable (If No or Not Applicable, continue to SECTION B-3 and SECTION B-4.)

SECTION B-3: NOTIFICATION OF SUBCONTRACTING OPPORTUNITY
When completing this section you MUST comply with items a, b, c and d, thereby demonstrating your Good Faith Effort of having notified Texas certified HUBs and trade organizations or development centers about the subcontracting opportunity you listed in SECTION B-1. Your notice should include the scope of work, information regarding the location to review plans and specifications, bonding and insurance requirements, required qualifications, and identify a contact person. When sending notice of your subcontracting opportunity, you are encouraged to use the attached HUB Subcontracting Opportunity Notice form, which is also available online at <https://www.comptroller.texas.gov/purchasing/docs/hub-forms/hub-sbcont-plan-gfe-achm-b.pdf>.

When supporting documentation (i.e., certified letter, fax, e-mail, demonstrating evidence of your good faith effort to notify the Texas certified HUBs and trade organizations or development centers. Also, be mindful that a working day is considered a normal business day of a state agency, not including weekends, federal or state holidays, or days the agency is declared closed by its executive officer. The notice day the subcontracting opportunity notice is sent/provided to the HUBs and to the trade organizations or development centers is considered to be fully sent and does not count as one of the seven (7) working days.

a. Provide written notification of the subcontracting opportunity you listed in SECTION B-1, to three (3) or more Texas certified HUBs. Unless the contracting agency specified a different time period, you must notify the HUBs at least seven (7) working days to respond to the notice prior to you submitting your bid response to the contracting agency. When searching for Texas certified HUBs and verifying their HUB status, ensure that you use the State of Texas' Certified Master Bidder List (CMBL) - Historically Underutilized Business (HUB) Directory Search located at <http://tproc.csl.state.tx.us/hubsearch/index.jsp>. HUB status code "NA" signifies that the company is a Texas certified HUB.

IMPORTANT: If you responded "No" to SECTION 2, Items c and d of the completed HSP form, you must submit a completed "HSP Good Faith Effort - Method B (Attachment B)" for each of the subcontracting opportunities you listed in SECTION 2, Item b of the completed HSP form. You may photo-copy this page or download the form at <https://www.comptroller.texas.gov/purchasing/docs/hub-forms/hub-sbcont-plan-gfe-achm-b.pdf>.

SECTION B-1: SUBCONTRACTING OPPORTUNITY

Enter the item number and description of the subcontracting opportunity you listed in SECTION 2, Item b, of the completed HSP form for which you are completing the attachment.

Item Number: _____ Description: _____

The Top HSP Disqualification Reasons



1

Did not submit the current HSP

2

Did not sign the HSP

3

Listed a firm that is not or is no longer a HUB firm

4

Submitted an incomplete HSP

5

Did not submit Attachments A or B correctly

6

Completed self-performing incorrectly



When intending to self perform, complete the self performing justification (Section 3) and explain how your firm will complete the contract with its own resources:

Enter your company's name here: <input type="text"/>	Requisition #: <input type="text"/>
--	-------------------------------------

SECTION 3: SELF PERFORMING JUSTIFICATION (If you responded “No” to SECTION 2, Item a, you must complete this SECTION and continue to SECTION 4.) If you responded “No” to SECTION 2, Item a, in the space provided below **explain how** your company will perform the entire contract with its own employees, supplies, materials and/or equipment.

Do not add caveats that indicate otherwise.

Resources



Historically Underutilized Business (HUB) Program

Disadvantaged and Small Business Enterprise Programs

Civil Rights events calendar

Disadvantaged Business Enterprise/Airport Concessions (DBE/ACDBE) ▾

Small Business Enterprise Program

Historically Underutilized Business (HUB) Program

The [Historically Underutilized Business Program](#) was created to promote full and equal procurement opportunities for small, minority- and women-owned businesses. Companies interested in doing business with the state are encouraged to become HUB certified.

This is accomplished by completing an application and submitting it to the [Texas Comptroller of Public Accounts](#). Once approved, the company is considered "certified" and agencies using them on contracts receive credit toward meeting established HUB goals. The HUB Program is a state level program required by law and managed by the CPA.

- [Eligibility Requirements](#)
- [HUB Application](#)
- [HUB Directory](#)
- [Centralized Master Bidders List and HUB Search](#)

Forms

- [CPA HUB Subcontracting Plan and Prime Contractor Assessment Report Forms](#)
- [HSP Progress Compliance Form](#)
- [HSP Change Request Form](#)

Rules and regulations

- [Texas Statutes Government Code, Chapter 2161](#)
- [Texas Administrative Code, Title 34, Part 1 Chapter 20, Subchapter D, Division 1](#)

Training resources

- [HSP Completion Overview](#)

HUB Directory

Link to HSP Form

Presentation on how to complete the HSP

<https://www.txdot.gov/business/disadvantaged-small-business-enterprise/hub.html>

Questions





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