



City of Arlington, Texas

LOCAL & MWBE POLICY

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**LOCAL & MWBE POLICY
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CITY OF ARLINGTON LOCAL AND MWBE POLICY

1.0 GOVERNING AUTHORITY

The primary governing authority for the City of Arlington's Local and Minority/Woman-Owned Business Enterprise (MWBE) Policy shall be in accordance with applicable state and local government codes and federal requirements where required. The Mayor and Council shall routinely review the Local and MWBE Policy and the City's resolution shall record any changes made to the policy.

2.0 PURPOSE AND SCOPE

It is in the best interest of the City of Arlington to stimulate the growth of Local and Minority/Woman Owned Business Enterprise (MWBE) businesses by encouraging full participation in all phases of City procurement opportunities. Therefore, it is the City of Arlington's policy to equitably and conscientiously include Local and MWBE businesses in the City's procurement process for all basic goods and services, construction, and professional services. The City will ensure that Local and MWBE businesses are provided timely and comprehensive information about procurement opportunities and are provided an equal opportunity to compete for all City procurements.

The City of Arlington reaffirms that it will not, nor will its contractors, discriminate on the basis of race, color, religion, national origin, or gender in the award and performance of contracts. The City also states that nothing herein shall be construed to authorize or require expenditure of funds for goods and services, construction, and professional services apart from normal and statutory purchasing processes.

3.0 OBJECTIVES

All City departments have the shared responsibility to support and adhere to policy requirements involving the procurement of goods and services, professional services, and construction/engineering. Additionally, competitive and applicable non-competitive procurements, including cooperatives, interlocal agreements, and those made via procurement card, should follow the Local and MWBE Policy.

4.0 LOCAL AND MWBE POLICY COORDINATION AND ADMINISTRATION

The MWBE Coordinator is the primary administrator of the Local and MWBE Policy. The general duties of the MWBE Coordinator are summarized below:

1. Administer the City's *Local and MWBE Policy*, as well as standards and procedures established by the City Council;
2. Provide listings of Local and MWBE businesses using the City's in-house Supplier Portal and other resources for City departments and businesses seeking prime and/or subcontracting opportunities;
3. Verify and maintain the certification status of minority- and woman-owned businesses registered with the City;
4. Work with departments through reviews of solicitation and proposal processes identify potential barriers and eliminate obstacles that would hinder Local and MWBE businesses from equal participation on City contracts;
5. Monitor and report the progress of Local and MWBE business growth and

demographics from the City's Supplier Portal;

6. Attend pre-bid/proposal conferences, as available, to emphasize the City's *Local and MWBE Policy* to potential bidders;
7. Review City contracts to verify MWBE subcontracting participation on the MWBE participation to verify that MWBE participation as reported by the prime contractor;
8. Encourage and promote joint ventures, partnering, mentor-protégé, and teaming arrangements that include local and MWBE businesses to enhance innovative approaches to increase local and MWBE participation;
9. Promote partnerships with local chambers and business assistance organizations that support the local and MWBE business communities;
10. Coordinate and conduct conferences to familiarize the Local and MWBE business community with the City's solicitation and procurement processes;
11. Assist departments in providing post solicitation and event debriefings designed to help unsuccessful participants improve their responses for future solicitations;
12. Work with staff and consultants to identify subcontracting opportunities prior to any solicitations;
13. Serve as an ex-officio officer on selection/evaluation committees to ensure compliance with the City's *Local and MWBE Policy*; and
14. Prepare and present periodic reports to the City Council on the progress of the Supplier Portal along with the Local & MWBE participation.

5.0 MWBE CERTIFICATION

To ensure the integrity of the Local & MWBE policy, the City will recognize MWBE companies that have received one or more certifications from the following organizations: North Central Texas Regional Certification Agency (NCTRCA), State of Texas Historically Underutilized Business (HUB), Texas Department of Transportation (TxDOT), DFW Minority Supplier Development Council (MSDC), and Woman's Business Council Southwest. The City reserves the right to review, accept, or reject any certification from agencies not listed.

6.0 MWBE PARTICIPATION

City of Arlington has established an MWBE participation good-faith effort goal of 25% on applicable City procurements to include construction and professional services. Solicitations shall require the vendor to list any/all subcontracting activities and demonstrate an acceptable good faith effort toward achievement of the MWBE participation as determined by the City. Upon contract approval by the City Council, the vendor will provide timely payment documentation to demonstrate their commitment to meeting the MWBE subcontracting goal.

Only certified MWBE firms as defined in Section 5.0 may be counted toward the City's goals. Although the City strongly recommends and encourages MWBE firms to obtain certification for accurate tracking, certification is not required in order for a firm to participate in the City's contracting and purchasing activities.

7.0 COMPETITIVE PROCUREMENT REQUIREMENTS

7.1 Quotes/Informal Solicitations (\$3,000 - \$50,000)

Pursuant to Texas Local Government Code Chapter 252.0215 Solicitations for an expenditure of more than \$3,000 but less than \$50,000, shall contact at least two Historically Underutilized Businesses (HUBs) on a rotating basis and document the attempt to obtain responses from these businesses. If the list fails to identify a disadvantaged business in the county in which the City is situated, the City must document, in accordance with State requirements.

7.2 Formal Solicitations (\$50,000 or greater)

Except where otherwise exempted by applicable State law, purchases totaling greater than \$50,000 require a formal solicitation process (sealed bids, sealed proposals, requests for offer, and other competitive processes as identified). Formal solicitations will identify the requirement and for any prime contractor to provide a subcontracting plan that complies with the good faith effort requirement of this policy and its goals.

The MWBE Coordinator will serve as an active partner with City departments to ensure that competitive bidding practices are engaging the Local and MWBE communities in accordance this policy.

7.3 Cooperative Purchases

Cooperative purchases are regularly processed through the City's Purchasing Division. The City requires all departments to consider, where feasible and available, local and MWBE suppliers when using the cooperative purchasing option, to include:

- Interlocal Agreement Purchases
- State Contract Purchases
- Joint Purchases

7.4 Professional Services & Consultants

All City departments, when soliciting professional services, shall make a good faith effort to identify local businesses and certified MWBE businesses and provide opportunity to submit qualifications to strive toward MWBE participation goal of 25%. The stated participation shall in no way preclude an MWBE firm to be considered as a prime contractor. City departments shall encourage potential proposers to utilize local and certified MWBE businesses for potential subcontracting opportunities, where feasible.

7.5 Other Procurement Options

The City utilizes other procurement options such as the following:

- Best Value Procurement
- Sole/Single Source Agreements
- Emergency Procurements
- Specified Sourcing Options

Local and MWBE participation requirements will not be precluded when using the above options. Where feasible, contractors will be required to make a good faith effort to identify and include minority-owned and woman-owned businesses for subcontracting opportunities.

8.0 DEFINITIONS

Certified Minority/Woman-Owned Business Enterprise (MWBE) Includes businesses that meet the certification requirements of an authorized certification agency as recognized by the City of Arlington, to include the state of Texas' Historically Underutilized Business (HUB) certification.

Historically Underutilized Business (HUB) certification is defined as a certified business that is at least 51% owned, operated, and controlled by the qualifying groups which include Asian Pacific Americans, Black Americans, Hispanic Americans, Native Americans and American Women.

Businesses include firms, corporations, sole proprietorships, vendors, suppliers, contractors, subcontractors, professionals and other similar references.

Local Business is defined as the headquarters or primary executive or administrative office of the business; or an established office, plant, store, warehouse, or other facility where the majority of the business' operations and transactions are conducted and located within the City of Arlington. This is verified through the business' signed affirmation of location and a State of Texas or Tarrant County tax document verifying location.

Best Value Procurement Best Value is a procurement process that enables the City to consider key factors other than the lowest responsible bid in the competitive bid process. Factors that may be considered include the price, offeror's experience and reputation, the quality of the offeror's goods or services, the impact on the ability to comply with laws and rules related to contracting with historically underutilized businesses and non-profit organizations employing persons with disabilities, and any other relevant factor specifically listed in the request for bids, proposals, or qualifications.