



Trinity River Vision Authority

Fair Opportunities Purchasing/Contracting Policy

1.0 PURPOSE

The Trinity River Vision Authority (TRVA) will strive to ensure that all businesses, regardless of size, economic, social or ethnic status have an equal opportunity to participate in TRVA's procurement processes. TRVA is committed to promoting full and equal opportunity for all businesses to supply the goods and services needed to support the mission and operations of TRVA, and seeks to encourage the use of certified historically underutilized businesses (diverse businesses) through the use of race ethnic and gender neutral means.

It is the policy of TRVA to involve certified diverse businesses as feasible in TRVA's procurement of goods, equipment, services and construction projects while maintaining competition, competitive prices and quality of work standards. TRVA affirms the good faith efforts of firms who recognize and practice similar business standards.

2.0 NOMENCLATURE

TRVA will refer to businesses that are minority-owned, women-owned, socially disadvantaged, economically disadvantaged, small, service-disabled, and/or historically underutilized as "diverse businesses."

TRVA will refer to suppliers, vendors, contractors, consultants, and other companies engaged or retained to provide outside services of any nature as "contractors." Similar companies engaged by such contractors will be called "sub-contractors."

3.0 DEPARTMENTS AFFECTED

All departments engaging or retaining contractors will use good-faith efforts to reach out to diverse businesses.

Employees involved in the solicitation, selection, evaluation, or approval of all such contractors share the responsibility for TRVA's practice stated in this policy.

4.0 DIVERSE CONTRACTING POLICY

It is the policy of TRVA to demonstrate a good- faith effort to provide for meaningful participation by diverse businesses in performance of TRVA contracting and subcontracting procedures.

TRVA, its contractors, their subcontractors and suppliers as well as all vendors of goods, equipment and services, shall not discriminate on the basis of race, color, creed, gender, age, religion, national origin, citizenship, mental or physical disability, veteran's status or political affiliation in the award and/or performance of contracts. All vendors, suppliers, professionals and contractors doing business or anticipating doing business with TRVA shall support, encourage and implement affirmative steps toward a common goal of establishing equal opportunity for all citizens and businesses. Such good-faith efforts include the following:

- A. Identify opportunities for diverse business involvement and encourage businesses to qualify for and submit offers on TRVA requirements for goods and services.
- B. Divide the work to be contracted into smaller portions where technically and economically feasible.
- C. Make plans and specifications for prospective work available to diverse businesses in sufficient time for review.
- D. Ensure that diverse businesses are aware of opportunities to participate in TRVA purchases and contracts. Actively and affirmatively solicit offers for contracts from diverse businesses, including circulation of solicitations to affiliated associations when possible.
- E. TRVA will use and recognize the State of Texas (Texas Unified Certification Program and all participating entities), City of Fort Worth, Tarrant County and Federal Government certifications in conjunction with the implementation of this policy. Of those aforementioned recognized certifications, TRVA reserves the right to review the certification status of any vendor applying to do business with TRVA. This review will be accomplished to determine the validity and authenticity of the vendor's certification as a diverse business.

- F. Use the services of, and cooperate with, those organizations providing technical assistance and training in connection with diverse business participation.
- G. Encourage the formation of joint ventures, partnerships or other similar arrangements among contractors where appropriate.
- H. Ensure that provision is made to provide payments on a timely basis as specified in individual project RFPs.
- I. Evaluate projects, in excess of \$50,000, in the planning phase to determine opportunities to set specific diverse-business goals. The project goal shall be reasonable, expressed as a percentage of total contract, and shall be based on the following considerations:
 - Specific sub-contracting opportunities required to complete the project
 - Availability of diverse businesses in the identified areas needed
- J. Provide potential contractors a copy of TRVA's *Fair Opportunities Purchasing/Contracting Policy*. Clearly communicate that TRVA expects all contractors to demonstrate good faith in actively soliciting diverse-business sub-contracting opportunities and following the TRVA outreach policies.
- K. The intentional misrepresentation of facts by a firm or bidder may result in the barring of receipt of bids and or quotations from the firm or bidder for a specified period of time which may be determined on a case by case basis.
Any person, firm, corporation or partnership which intentionally misrepresents its diverse business status may be subject to civil penalty in a district court.

NOTE: Nothing in this policy shall be construed to require TRVA to award a contract other than in a manner that complies with all applicable law and, in the board's judgment, will be most advantageous to the TRVA and result in the best and most economical completion of the TRVA's proposed plants, improvements, facilities, works, equipment, and appliances. Provided however, in cases of tie bids from responsible bidders, awards will be made according to the following principals:

- a) In cases of tie bids for service contracts, local business shall be awarded contracts over non-local businesses. In cases of tie bids for service contracts between (i) two or more local businesses or (ii) two or more non-local businesses, TRVA may consider all factors that will be most advantageous to TRVA, including the impact on the ability of TRVA to comply with and promote the policies contained herein.
- b) In cases of tie bids for procurement contracts, local businesses shall be awarded contracts over non-local businesses.

- c) If the foregoing principals do not resolve cases of tie bids, a coin flip (or series of coin flips) in the presence of the Board of Directors of TRVA shall be utilized to determine the award of the contract.
- d) As used hereinabove, a “local business” shall mean a business that (i) maintains its principal office within the county where the majority of contract activities will be performed or delivered; or (ii) more than 50% of the business is owned by individual residents residing within the county where the majority of contract activities will be performed or delivered.

5.0 Reporting Procedures

All contractors are to report sub-contracting activities with diverse businesses with each invoice submitted for payment, during the life of their contract. Verified certifications are to accompany documentation, along with percentage of total contract as well as specific dollar amount spent through diverse businesses. TRVA reserves the right to conduct a third party audit of all reports prepared by awardees.

The Executive Director shall maintain responsibility for tracking and monitoring diverse business participation and shall train and advise all departments of TRVA’s Fair Opportunities Purchasing/Contracting Policy.

The department issuing the contract shall maintain responsibility for verifying all certifications with the appropriate certifying agency and for establishing expectations with contractors.

6.0 Review of Policy

The Executive Director for TRVA shall present a report quarterly to the board of directors for the TRVA with a detailed recap of all diverse business contracts and sub-contracts, including the number, types, and value of contracts awarded to diverse businesses in the reporting period.

This policy shall be reviewed by the board of directors no less than every five years and amended or ratified as appropriate. The Materials Manager at TRVA shall be responsible for placing the review on the agenda and offering suggestions for updating and improving the policy.