



## Legislation Text

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**File #:** 20-1615, **Version:** 1

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** September 23, 2020

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Business Diversity

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize **(1)** amendments to the Business Inclusion and Development Plan; and **(2)** renaming the Business Inclusion and Development Plan to the Business Inclusion and Development Policy - Financing: No cost consideration to the City

### **BACKGROUND**

The City Council established the initial Good Faith Effort (GFE) Plan in 1984. In 2004, after conducting an Availability and Disparity (A&D) Study, the City Council authorized renewal and adoption of the GFE Plan.

On August 20, 2008, City Council was briefed on the GFE Plan and made the following recommended amendments to the plan:

- change name from GFE Plan to the Business Inclusion and Development (BID) Plan to reflect both inclusion and developing Minority and Women-Owned Business Enterprise (M/WBE) firms
- grant evaluation points to encourage meaningful inclusion of M/WBE firms in response to the evaluation of proposals including best value bids estimated to be in excess of \$250,000.00
- encourage bidders and proposers on City projects to create Joint Ventures, when feasible, to increase capacity and build stronger and larger M/WBE firms in the market

BID Plan will continue the Council mandated goal-based policy requiring awardees of City contracts to comply with the provisions of the BID Plan to utilize M/WBE firms for sub-contracting opportunities. The BID Plan is applicable to all contracts for the purchase of goods or services over \$50,000.00 with special emphasis on those contracts with first tier sub-contracting opportunities.

On August 22, 2008, City Council authorized (1) amendments to the GFE Plan; and (2) renaming the GFE Plan to the BID Plan.

On September 26, 2018, the City commissioned an A&D Study to determine if there were any disparities between the utilization of M/WBEs compared to the availability of M/WBEs in the marketplace who are ready, willing, and able to perform work. The study was executed to determine if a legally justified need exists for the continuation of a M/WBE program in accordance with the guidelines set forth by the Supreme Court and relevant subsequent cases.

On August 5, 2020, City Council was briefed on the A&D Study findings, proposed M/WBE goals, and recommended amendments to the City's BID Plan. The current BID participation goals listed below will be changed:

- Construction: 25.00%
- Architectural & Engineering: 25.66%
- Other Professional Services: 36.30%
- Other Services: 23.80%
- Goods: 18.00%

New Business Inclusion and Development (BID) participation goals are listed below:

- Construction: 32.00%
- Architecture & Engineering: 34.00%
- Professional Services: 38.00%
- Other Services: N/A
- Goods: 32.00%

Business and Workforce Inclusion (BWI) division of the Office of Economic Development will continually review processes and procedures to ensure the effective administration of the BID Plan. Specifically, BWI is strengthening the program by:

- reviewing specifications for large contracts prior to the issuance of a request for proposal or request for a bid to determine and/or identify unbundling opportunities to increase M/WBE participation
- reviewing project specifications for opportunities to remove barriers and restrictive language
- tracking and monitoring payments to prime contractors from the City and payments from prime contractors to subcontractors with emphasis on prompt payment as outlined in Government Code Section 2251.022
- performing regular site visits based on project type, award amount or stakeholder concerns to ensure compliance with BID Policy
- monitoring compliance of prime contractors and subcontractors and recommend measures to deal with prime and sub-contractors deemed to be non-compliant with BID Policy criteria
- developing an owner-controlled insurance policy owned by the City of Dallas
- maintaining a public sector group to provide recommendations on industry best practices focusing on new programs, small business resources, and contracting opportunities that have historically been overlooked

- providing education and assistance services related to starting, maintaining, and growing a business through the Broadening Urban Investment to Leverage Dallas (B.U.I.L.D.) ecosystem
- conducting internal and external trainings for all project managers, industry and advocacy groups about: Business Inclusion and Development Plan and documentation, contract compliance, change order process, M/WBE participation evaluation, and accountability standards

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Governmental and Minority Affairs Committee was briefed on the GFE Program on March 2, 2004;

City Council was briefed on the GFE Program on March 3, 2004;

On March 24, 2004, City Council authorized renewal of the GFE Program and adoption of the GFE Plan by Resolution No. 04-1033;

City Council was briefed on the GFE Plan on December 5, 2007;

City Council was briefed on the GFE Plan and on recommended amendments to the GFE Plan on August 20, 2008;

The Government Performance and Financial Management Committee was briefed on the Business Inclusion and Development (BID) Plan on January 18, 2018;

On November 8, 2017, City Council established a sunset date of September 30, 2020 for the existing M/WBE goals by Resolution No. 17-1734;

City Council was briefed on the A&D Study findings, proposed M/WBE goals, and recommended amendments to the City's BID Plan on August 5, 2020.

### **FISCAL INFORMATION**

No cost consideration to the City.