



Tarrant Regional Water District

Fair Opportunities Purchasing/Contracting Policy

1.0 PURPOSE

The Tarrant Regional Water District (TRWD) will strive to ensure that all businesses, regardless of size, economic, social or ethnic status have an equal opportunity to participate in TRWD's procurement processes. TRWD 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 TRWD, 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 TRWD to involve certified diverse businesses as feasible in TRWD's procurement of goods, equipment, services and construction projects while maintaining competition, competitive prices and quality of work standards. TRWD affirms the good faith efforts of firms who recognize and practice similar business standards.

2.0 NOMENCLATURE

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

TRWD 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 TRWD's practice stated in this policy.

4.0 DIVERSE CONTRACTING POLICY

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

TRWD, 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 TRWD 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 TRWD 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 TRWD purchases and contracts. Actively and affirmatively solicit offers for contracts from diverse businesses, including circulation of solicitations to affiliated associations when possible.
- E. TRWD 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, TRWD reserves the right to review the certification status of any vendor applying to do business with TRWD. 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 \$25,000, 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 TRWD's *Fair Opportunities Purchasing/Contracting Policy*. Clearly communicate that TRWD expects all contractors to demonstrate good faith in actively soliciting diverse-business sub-contracting opportunities and following the TRWD 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 TRWD to award a contract other than in a manner that will be most advantageous to the district and result in the best and most economical completion of the district's proposed plants, improvements, facilities, works, equipment, and appliances. In case of a tie bid, when applicable, award will be made to diverse business.

5.0 Reporting Procedures

All contractors are to report sub-contracting activities with diverse businesses quarterly 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. TRWD reserves the right to conduct a third party audit of all reports prepared by awardees.

The Materials Manager shall maintain responsibility for tracking and monitoring diverse business participation and shall train and advise all departments of TRWD'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 materials manager for TRWD shall present a report quarterly to the board of directors for the TRWD 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 TRWD shall be responsible for placing the review on the agenda and offering suggestions for updating and improving the policy.