

RESOLUTION NO. 29-1988

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE ESTABLISHING A MINORITY BUSINESS ENTERPRISE POLICY FOR PUBLIC TRANSPORTATION PROCUREMENTS WHEN UTILIZING U.S. DEPARTMENT OF TRANSPORTATION FUNDS.

WHEREAS, the City Council of the City of Abilene deems it to be in the public interest that small business concerns owned and controlled by socially and economically disadvantaged individuals or by women be utilized to the maximum extent feasible in the City's contracts for construction, professional services, purchases of equipment and supplies and all other services required by the City, for U. S. Department of Transportation assisted projects, pursuant to 49 CRF Part 23 as amended; and,

WHEREAS, the City Council of the City of Abilene deems it to be in the public interest for contractors providing services, materials, or supplies to the City of Abilene to provide employment and subcontracting opportunities to minorities and women to the maximum extent feasible; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

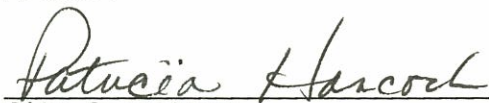
PART 1: That City Council hereby adopts the Policy Statement on Pages 1 through 3 of the Minority Business Enterprise Program attached hereto.

PART 2: That the Mayor is hereby authorized to execute for and on behalf of the City of Abilene said Policy Statement and any amendments thereto.

PART 3: That the City Manager or his designee shall be the Minority Business Enterprise Liaison Officer for the City of Abilene and shall have authority to implement this policy.

ADOPTED this 14th day of July, A.D., 1988.

ATTEST:

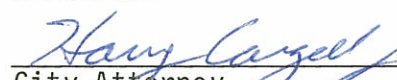


City Secretary



Mayor

APPROVED:



City Attorney

CITY OF ABILENE

MINORITY BUSINESS ENTERPRISE PROGRAM

I. POLICY STATEMENT

It is the policy of the City of Abilene to involve minority businesses, specifically Small and Disadvantaged Businesses (DBEs) and Women-Owned Business (WBEs) to the fullest extent feasible in all phases of its procurement practices, and to provide them equal opportunities to compete for contracts for construction, provisions of professional services, purchases of equipment and supplies, and provision of other services required by the City, pursuant to 49 CFR Part 23 as amended.

To the extent legally practicable, the City of Abilene will insure that all contractors providing services, materials or supplies to the City provide employment opportunities to minorities and females equal to those provided all other groups or individuals. Such contractors will also be expected to take positive steps toward the utilization of DBEs and WBEs to the maximum extent feasible, consistent with sound procurement principles and applicable law.

The City will provide assistance, when requested, to DBEs and WBEs by providing instructions on the preparation of bid specifications, compliance with procurement policy, and fulfillment of general bid requirements. In addition, the City will provide information on job performance requirements, procurement opportunities and prerequisites for bidding on contracts.

The City will encourage joint ventures among DBEs and WBEs and between majority and minority firms bidding for City contracts.

The City will seek and will use its best efforts to insure that DBEs and WBEs are informed of current and future procurement activities through newsletters, including minority organizations as well as through direct contact with minority entrepreneurs.

As evidence of its intent to vigorously pursue the objective of this Minority Business Enterprise Program, the City Manager has designated the Director of Traffic & Transportation as the Minority Business Enterprise liaison Officer for Department of Transportation related projects, who will be assisted by other City of Abilene staff in administering, and implementing the City's Minority Business Enterprise Program.

The City shall make a rebuttable presumption that individuals in the following groups are socially and economically disadvantaged. The City also may determine, on a case-by-case basis, that individuals who are not a member of one of the following groups are socially and economically disadvantaged.

II. DEFINITIONS

For purposes of this policy the following definitions shall apply:

- (a) "Black Americans" which includes persons having origins in any of the Black racial groups of Africa.
- (b) "Hispanic Americans" which includes persons of Mexican, Portuguese, Puerto Rican, Central or South America, or other Spanish culture or origin, regardless of race.
- (c) "Native Americans" which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians.
- (d) "Asian-Pacific Americans" which includes persons whose origins are from Japan, China, Korea, Taiwan, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas.
- (e) "Asian-Indian Americans" which includes persons whose origins are from India, Pakistan, and Bangladesh.

"Women-owned business" (WBE) means a small business concern which (a) is at least 51 percent owned by one or more women, or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women, and (b) whose management and daily business operations are controlled by one or more of the women who own it.

"Small and disadvantaged business" (DBE) means a small business concern which (a) is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals, and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

"Small business concern" means a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

"Socially and economically disadvantaged individuals" means those individuals who are individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act or are in one of the following groups or any other minorities.

To attain these policy objectives, the City of Abilene has adopted this Policy Statement and the attached Minority Business Enterprise Program for all U. S. Department of Transportation assisted contracts.

APPROVED AND ADOPTED this 14 day of July, 1988
by the Abilene City Council.

Dale Ferguson
Mayor

July 14, 1988
Date

Harry Cargill
City Attorney

July 14, 1988
Date