

OFFICE OF THE MAYOR  
TULSA, OKLAHOMA

Executive Order No. 2005- 04

**ORDER AFFIRMING THE CITY OF TULSA'S COMMITMENT TO FAIR  
CONTRACTING FOR THE VISION 2025 PROJECTS**

WHEREAS, it is the desire of the City of Tulsa, as a recipient of a portion of the funding for the development and implementation of approved Vision 2025 projects, to encourage and promote minority business enterprise (MBE) and women-owned business enterprise (WBE) participation in the construction and equipping of those projects; and

WHEREAS, it is the desire of the City of Tulsa to establish accountability for such participation efforts.

By virtue of the power vested in me by Article III, §1.4(J) of the Amended Charter of the City of Tulsa to administer and enforce the terms and conditions of all contracts, it is hereby ordered:

Section 1. Equal Opportunity Participation Objectives. The City's Human Rights Department staff will develop MBE and WBE participation objectives for each Vision 2025-related contract for which MBE and WBE participation can reasonably be expected. Contractors who submit bids for Vision 2025-related contracts with MBE and/or WBE participation objectives are encouraged to submit bids meeting the objectives or documenting their good-faith efforts to do so. The MBE/WBE participation objective can be satisfied by contracts, sub-contracts, purchase orders, joint ventures, and employment.

Section 2. City's Vision 2025 Initiatives. The City commits to make reasonable and good faith efforts to facilitate the involvement of MBE's and WBE's in Vision 2025 projects, subject to its legal bidding and contracting obligations. The City's good faith efforts in this regard will include:

- Create prime contracting opportunities for MBE's, WBE's, and small firms by making smaller-size contracts available;
- Enhance outreach methods and procedures;
- Ensure that contractors comply with pre-award program requirements;
- Establish a mentoring program;
- Establish interagency cooperation for complimentary technical and business assistance services, staff training, reporting standards and contractor training;
- Where legally possible, give a preference in awarding contracts to

contractors who have their principal place of business in the Tulsa Metropolitan area.

Section 3. Good Faith Efforts. Contractors who bid on Vision 2025-related contracts and state they have made a good-faith effort to achieve the MBE and/or WBE participation objectives should expect to have the good faith of their efforts evaluated against the following:

- When seeking bids for supplies or subcontracting work, specifically and timely notify the appropriate list of MBE's and WBE's, and solicit their attendance at pre-bid meetings;
- Select portions of the work to be performed by MBE's and WBE's in order to increase the likelihood that objectives will be achieved;
- Negotiate in good faith with interested MBE's and WBE's;
- Any rejection of a MBE or WBE as unqualified is based on sound reasons and thorough investigation of its capabilities;
- Make efforts to assist interested WBE's and MBE's in meeting requirements regarding bonding, lines of credit, supplies, equipment, etc.
- If waiver of or relief from the participation objectives is requested, meet the requirements for the waiver or request for relief.

Section 4. Monitoring. Contractors who have been awarded bids in which they have agreed to meet MBE or WBE participation objectives shall submit a monthly progress report to the City of Tulsa Human Rights Director. The report shall be designed to include full documentary evidence of the contractor's good-faith efforts to meet the objective.

Section 5. Request for Waiver. Contractors who have been awarded bids in which they have agreed to meet MBE or WBE participation objectives may request a waiver of its participation objectives in advance of a particular phase, component, or subcontract of the project. The application for waiver of all or part of such objective shall be in writing. A waiver request shall state the specific reasons why the waiver is being requested and set forth facts to support a determination that it is impossible or commercially impracticable to achieve the objective. The requests will be approved or denied by the Human Rights Director. Any denial of a waiver shall be accompanied by a written explanation of the reason for the action.

Section 6. Request for Relief. Contractors who have been awarded bids in which they have agreed to meet MBE or WBE participation objectives may request relief from meeting the participation objective after the project (or phase, component, or subcontract) has been completed. The application for relief from all or part of such objective shall be in writing. A request for relief shall include full documentary evidence of the good faith efforts made to meet the MBE/WBE participation objectives together with an explanation of why the request should

be granted. The requests will be approved or denied by the Human Rights Director. Any denial of a waiver shall be accompanied by a written explanation of the reason for the action.

Section 7. Agreement Monitoring and Reporting. The City of Tulsa Human Rights Director or his/her designee will submit a summation of each Contractor's monthly progress report to the Human Rights Commission for its review.

Section 8. Definitions.

- "Business Enterprise" must be at least 51% owned, operated, controlled and managed by a member of a racial minority group or by women, who are United States citizens or lawful permanent residents.
- "Contract" means any written agreement (other than collective bargaining agreements) awarded through a bidding process by the City, the cost of which is paid from the funds belonging to or administered by the City, regardless of the source.
- "Contractor" means any person or business entity that enters into a contract with the City and includes all partners and joint ventures of such persons or business entity.
- "Controlled" means majority owner(s) must possess dominion over management, operation, policy-making decisions, and general direction of the company.
- "Joint Venture" is defined as an association and/or agreement between two or more businesses or individuals sharing an economic interest and proportionate control of the ownership, management, and control of a single business enterprise for the purpose of performing a project.

Section 9. Effective Date. This Order shall be effective for all projects advertised after May 1, 2005.

Dated this 12<sup>th</sup> day of May, 2005.


  
William D. LaFortune, Mayor

ATTEST:

  
City Clerk **DEPUTY.**



APPROVED:

  
Asst City Attorney