
Third Party Resolution

Overview & Compliance Review Process

MBE/WBE Advisory Committee Presentation
Tuesday, December 1, 2015



Third Party Projects

Program History & Background

November 8, 2007 COA passed a resolution requiring all eligible Third-Party Agreements to include language requiring compliance with the standards and principles of the City's MBE/WBE Ordinance. This Resolution was amended in 2011 and approved by Council January 12, 2012.

Eligible Third-Party Agreements include agreements with developer participation, economic development, ground leases, 380 Agreements, and third party agreements negotiated between the City and private entities desiring to develop City-owned property.



Third Party Project

City of Austin's Third Party Resolution (20120112-058)

- Applies to the entire value of the project since inception when the City provides a financial investment to a portion of the project.
- MBE/WBE compliance be addressed and negotiated at earliest stages of negotiation
- Contract terms include compliance with the standards and principles of the City's MBE/WBE ordinance
- Establishes ethnic specific goals for the design and construction when applicable and also includes the purchase of commodities over the City Manager's threshold



Third Party Project

Developer's Requirements:

- Compliance with the MBE/WBE Ordinance
- Compliance Meeting with City Staff and SMBR prior to design and/or construction of project to review requirements
- Submission of an Outreach Program Plan
- Identify subcontracting opportunities
- Contact SMBR for availability lists
- Monthly report submissions to SMBR



Third Party Project Compliance Review

Compliance review consists of the following:

- Determination of changes in contract amount and total amount expended from previous submission
- Review of Project Summary Statement
- Review of Good Faith Effort documentation, if goals are not met
- Review of Progress Assessment Report (similar to a Subk) for Design & Construction



Third Party Projects

- Review of current MBE/WBE participation and goal attainment
- Request clarifications and if applicable resubmission of the report
- Reporting data on the Third Party Project Monthly Report

Note: Reporting frequency is based on the individual contractual agreement.



Third Party Project Supplier Diversity/Commodities & Supplies

Compliance review consists of the following:

- COA request for building permits or site plan applications to assure;
 - Purchases associated with building were not procured
 - On new buildings, establishes occupancy and a reference date for reviewing possible purchases
- Review of expenditure reports & Progress Assessment Report for accuracy and certification status
- Review of solicitation documents requested from availability list provided to perform GFE audit



Third Party Project Supplier Diversity/Commodities & Supplies

- Inspection of invoices to document payment accuracy of the City Manager's spending authority
- Review of list of businesses with contracts for expenditures reported
- Review contracts with suppliers to document payment accuracy of the City Manager's spending authority
- Review of existing list of national suppliers or items under existing contracts to provide a basis for exemption to the City Manager's spending authority



SMBR THIRD PARTY PROJECTS CONTACT

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