

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED TO ESTABLISH A SMALL BUSINESS PROGRAM FOR PROCUREMENT OF GOODS, SERVICES, AND CONSTRUCTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fort Worth City Council (“City Council”) recognizes the importance of ensuring government contracting opportunities are accessible to a range of qualified businesses, including small businesses that operate within Fort Worth’s local economy; and

WHEREAS, small businesses are vital to the City’s economic growth, job creation, and community prosperity and well-being; and

WHEREAS, the City acknowledges that small businesses often face barriers to obtaining government contracts due to limited capacity, capital, and institutional familiarity with government procurement processes; and

WHEREAS, the City Council desires to establish a small business program for procurement of goods, services, and construction to provide a bid preference to eligible small businesses, as defined herein, and establish small business utilization goals for contracts; and

WHEREAS, the small business program is intended to foster competition, promote local economic development, expand the supplier base, and ensure that small businesses have a fair opportunity to compete for City of Fort Worth contracts; and

WHEREAS, the City Council finds that the adoption of the small business program under this ordinance will foster economic growth by reducing the barriers for small businesses to obtain contract opportunities with the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

Chapter 21 of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to read as follows:

CHAPTER 21: SMALL BUSINESS PROGRAM FOR PROCUREMENT OF GOODS, SERVICES, AND CONSTRUCTION

§ 21-1 PURPOSE

The purpose of this chapter is to foster competition, expand the supplier base, and promote and encourage the participation of small business firms in the City's contracting opportunities.

§ 21-2 DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section.

Principal Place of Business. A facility that is fully operational and has sufficient equipment, supplies and personnel to provide the product or service of the business in question to clients without significant reliance on the resources of another entity or affiliate, or of an auxiliary facility. A location utilized solely as a post office box, mail drop or telephone message center or any combination thereof, without no other substantial function, shall not be construed as a principal place of business.

Small Business. A business entity that is located in Tarrant, Wise, Johnson, Parker or Denton County and that holds certification as a small business from an organization approved by the City Manager.

§ 21-3 CITY MANAGER AUTHORITY

The City Manager shall implement and enforce this chapter and may establish such rules, regulations, or procedures, not inconsistent with this chapter, other City ordinances, and state and federal laws or regulations, as the City Manager determines are necessary to discharge any duty under or to effect the purpose of this chapter.

§ 21-4 SMALL BUSINESS PREFERENCE

- (a) For procurements for contracts of \$100,000.00 or less, each Small Business that has a principal place of business within the corporate limits of the City and submits a bid will be evaluated as though its bid price were 5% less than the amount bid, and will be scored based on that preference. The City will award the contract to the lowest responsible bidder after preference adjustments.
- (b) The awarded contract will be in the amount actually bid and not based upon any deduction used for evaluation purposes.

§ 21-5 SMALL BUSINESS GOALS

- (a) For contracts over \$100,000.00, the City Manager shall set a goal for the percent of work to be performed by Small Businesses, except as otherwise provided in this chapter.
- (b) The Small Business goal may be met by:

- (1) Self-performance by a small business; or
- (2) Documentation demonstrating the use of small business contractors.
- (c) This section does not apply to contracts which the City determines there are insufficient subcontracting opportunities available.

§ 21-6 TAX ABATEMENT AGREEMENTS; CHAPTER 380 GRANT AGREEMENTS

Small Business requirements for tax abatement agreements and Chapter 380 grant agreements shall be made in accordance with the Tax Abatement Policy and Chapter 380 Grant Agreement Policy as adopted or approved by the Fort Worth City Council.

§ 21-7 EXCEPTIONS

This chapter does not apply to:

- (a) Contracts exempt from competitive procurement under Section 252.022 of the Texas Local Government Code;
- (b) Professional services subject to procurement under Chapter 2254 of the Texas Government Code;
- (c) Community facilities agreements, infrastructure construction agreements, and any other similar agreements relating to the construction of public infrastructure or a public building by a developer if the City's participation in the agreement is less than \$1,000,000.00;
- (d) Emergency contracts; or
- (e) Contracts in which, due to the use of state or federal funding, the state or federal government establishes participation requirements related to the types of businesses performing work under the contract.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 4.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 5.

This ordinance shall be effective on September 1, 2025.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Jessika J. Williams
Assistant City Attorney

Jannette Goodall
City Secretary

ADOPTED: _____