

## Dallas Housing Authority Procurement Policy

### Section I. Introduction

The Housing Authority of the City of Dallas, Texas (DHA) has cause to procure an assortment of goods, services, and construction. In the procurement of said goods, services, and construction, the DHA adopts this Statement of Procurement Policy (Policy) and agrees to comply with the United States Department of Housing and Urban Development's (HUD's) Annual Contributions Contract (ACC); with the procurement standards of 2 C.F.R. 225 et seq.; applicable State of Texas laws (including, but not limited to, the Texas Local Government Code Chapters 271 and 392); generally with non-regulatory guidance from HUD's Handbook 7460.8 "Procurement Handbook for Public Housing Agencies and Indian Housing Authorities" and, with all applicable Federal, State, and local laws and regulations regarding the procurement of goods, services, and construction by a housing authority, as such may be amended from time to time. In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the new or revised law or regulation shall, to the extent inconsistent with the Policy, automatically supersede the Policy. A HUD letter dated March 12, 2019 has authorized the non-federal entities (e.g. PHAs) to amend its micro-purchase threshold without waiting for changes to Federal Acquisition Regulations (FAR) or the Uniform Guidance under 2 CFR Part 200.

### Section II. General Provisions

#### A. Purpose

The purpose of this Policy is: to provide for the fair and equitable treatment of all persons or firms involved in purchasing; to assure that goods, services, and construction are procured efficiently, effectively, and at the most favorable prices available to the DHA; to promote competition in contracting; to provide safeguards for maintaining a procurement system of quality and integrity; and to assure that DHA's purchasing actions are in full compliance with applicable Federal, State, and local laws and regulations, as such may be amended from time to time.

## B. Application

This Policy applies to all procurement of goods, services, and construction by the DHA beginning with the effective date of this Policy. It shall apply to every expenditure of funds by DHA for public purchasing, irrespective of the source of funds, including contracts that do not involve an obligation of funds (such as concession contracts); however, nothing in this Policy shall prevent the DHA from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law. The term "procurement," as used in this Policy, includes contracts and modifications (including change orders) for services or construction, as well as the purchase, lease, or rental of goods and equipment.

## C. Public Access to Procurement Information

Procurement information shall be a matter of public record to the extent provided in the Public Information Act (Section 552.001 et seq. of the Texas Government Code – formerly known as the Texas Open Records Act) and shall be available to the public as provided in that statute, as such may be amended from time to time.

## Section III. Procurement Authority and Administration

A. All procurement transactions shall be administered by the Contracting Officer, who shall be the President/Chief Executive Officer (CEO) or other person he/she has designated in writing. The President/CEO shall issue operational procedures to implement this Policy, which shall be based on HUD Handbook 7460.8.

B. The President/CEO or his/her designee shall ensure that:

1. Procurement requirements are subject to an annual planning process to assure necessary, efficient and economical purchasing.
2. Contracts and modifications are in writing, clearly specifying the desired goods, services, or construction, and are supported by sufficient documentation regarding the history of the procurement, including as a minimum the method of procurement chosen, the selection of the contract type, the rationale for selecting or rejecting

offers, and the basis for the contract price.

3. For procurement other than petty cash, micro purchases and small purchases, public notice is given of each upcoming procurement at least 14 full days before the responses are due; a minimum of 14 full days is provided for preparation and submission of bids or proposals; and notice of contract award is made available to the public.
  4. Solicitation procedures are conducted in full compliance with Federal standards stated in 2 C.F.R. 225, or State and local laws that are more stringent, provided they are consistent with 2 C.F.R. 225.
  5. An independent cost estimate is prepared before solicitation issuance and is appropriately safeguarded for each procurement above the small purchase limitations, and a cost or price analysis is conducted of the responses received for all procurements except petty cash and micro purchases.
  6. Contract award is made to the responsive and responsible bidder offering the lowest price (for sealed bid contracts) or contract award is made to the offeror whose proposal offers the greatest value to the DHA, considering price, technical, and other factors as specified in the solicitation (for contracts awarded based on competitive proposals); unsuccessful firms are notified within ten days after contract award.
  7. There are sufficient unencumbered funds available to cover the anticipated cost of each procurement before contract award or modification (including change orders), work is inspected before payment, and payment is made promptly for contract work performed and accepted.
  8. The DHA complies with applicable HUD review requirements, as provided in the operational procedures supplementing this Policy.
- C. Assistance To Small And Minority Owned Firms, Women's Business Enterprises and Historically Underutilized Business Firms

DHA shall make a good faith effort to award a minimum of thirty (30) percent of all contracts to small and minority-owned firms, women's business enterprises and historically underutilized business firms. To accomplish this goal DHA will take all necessary affirmative steps to ensure that minority firms, women's business enterprises, and historically underutilized business firms are used when possible. Such steps shall include, but shall not be limited to:

- (a) placing qualified historically underutilized businesses and minority businesses and women's business enterprises on solicitation lists, assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources,
- (b) dividing total requirements when economically feasible, into smaller tasks or quantities to permit maximum participation by such businesses;
- (c) establishing delivery schedules, when the requirement permits, that encourage participation by such businesses using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce;
- (d) requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed hereinabove; and,
- (e) using the State of Texas historically underutilized business directory.

D. Resident-Owned Businesses

In an effort to enhance economic opportunities available to public housing residents, solicitation/competition may be limited to Resident-owned businesses as set forth in 24 CFR Part 963 et seq.

E. Section 3

All of DHA's procurement transactions shall be conducted in full compliance with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), the purpose of which is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible and consistent with Federal, State and local laws and regulations, be directed to low- and very low-income persons.

F. Approval by Board of Commissioners

This Policy and any later changes shall be submitted to the Board of Commissioners for approval. The Board appoints and delegates procurement authority to the President/CEO who may designate such other staff as he/she may deem appropriate to serve as his/her designee; and, is responsible for ensuring that any procurement policies adopted are appropriate for the DHA.