



**Responsible Officer:** Director  
**Responsible Office:** Finance and Accounting  
Services Team/Contracting and Procurement  
Services

## **EQUITY IN PUBLIC CONTRACTING POLICY**

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### **I. Policy Statement**

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It is the policy of Portland State University (“University”) to provide equity and inclusion in its public contracting programs. All qualified businesses shall have equal access to University contracts and purchases.

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### **II. Reason for Policy/Purpose**

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The purpose of this policy is to ensure equity and fairness in the contracting and purchasing activities administered by the University. Reasons for a policy on equity in public contracting include:

- Historically, small businesses, including women and minority owned firms, have not received the contract opportunities that larger firms have received.
- Small businesses make up a large part of the Portland metropolitan business community, provide local jobs, and are a vital part of the regional economy.
- A level playing field is necessary to ensure all businesses receive an equal opportunity to earn University contracts, including minority-owned, woman-owned, and emerging small businesses.
- A formal policy is needed to properly convey the University’s commitment to equity, inclusion and diversity in its public contracting processes.

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### **III. Applicability**

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This policy applies to all schools, colleges, programs and administrative units of the University.

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### **IV. Definitions**

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All capitalized terms in this policy have the meanings set forth in the University procurement and contracting policies unless the context requires otherwise or except as stated in this policy. Capitalized terms not defined in the University procurement and contracting policies have the meanings set forth below.

**Aspirational Goal:** A non-binding utilization rate the University may include in its solicitation documents, which will indicate to interested bidders and proposers that the University seeks to achieve a level of MWESB participation on a designated contract or project. The aspirational goal may be articulated in terms overall or a percentage of dollar amounts or number of subcontractors awarded contracts for the contract or project.

**MWESB:** A small business that has been historically underutilized, including Minority Business Enterprises, Women Business Enterprises, Emerging Small Businesses, Disadvantaged Business Enterprises, firms that self-certify as a minority-owned business, woman-owned business, or an emerging small business, and firms with a comparable certification by another state or entity with substantially similar procedures to the State of Oregon.

**Office of Contracting and Procurement Services (CAPS):** Serves as the central procurement authority for the University under the authority of the Vice President of Finance and Administration. CAPS supports all University schools, colleges, programs and administrative units with the procurement of goods and services they require.

**University Department:** A school, college, program or administrative unit of the University.

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## V. Policy

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1. **Direct Procurement.** The University shall promote the use of MWESBs for Direct Procurements to the maximum extent practical. CAPS shall promote such purchases through the following means, or other means as deemed necessary and appropriate.
  - 1.1 Encourage all University Departments to consider the use of MWESBs when possible (via web site, departmental meetings, ongoing procurement consultation, etc.).
  - 1.2 Provide a list of qualified MWESBs by commodity area on CAPS web site, as well as a link to the State of Oregon MWESB database.
  - 1.3 Include training on this policy in all contracting and procurement training.
  - 1.4 Establish online procurement tools that promote the use of MWESBs to all University Departments.
2. **Informal Procurement.** The University shall promote the use of MWESBs for Informal Procurements to the maximum extent practical. CAPS shall promote such purchases through the following means, or other means as deemed necessary and appropriate.
  - 2.1 Include MWESBs and MWESB organizations, such as professional associations and chambers, on solicitation distribution lists.

- 2.2 When informal quotes are obtained, a minimum of two contacts shall be made with MWESBs if qualified MWESBs can be identified.
  - 2.3 If qualified MWESBs are not available, then such information must be noted in the procurement file.
  - 2.4 Assist University Departments in locating qualified MWESBs for their procurements.
  - 2.5 When an RFP is used in the procurement, a minimum of 15 percent of the available points of the selection criteria shall be allotted to diversity and equity. CAPS shall provide procedures on how this criterion is evaluated, which may include factors such as certification of the proposers, details regarding past performance in their use of MWESBs, demonstrated commitment to equity and inclusion in their business practices, and the proposed utilization of MWESBs in the resulting contract.
  - 2.6 When an RFP is used in the procurement, include a statement in all solicitations regarding the University's Equity in Public Contracting Policy and the University's intent to provide maximum opportunities to MWESBs.
  - 2.7 CAPS shall establish on-call contracts for use by University Departments that represent a broad and diverse range of contractors for Informal Procurements.
  - 2.8 Package of project work to make it attractive to small businesses where the University in its sole discretion determines this is feasible.
  - 2.9 Consider modifying insurance and bonding requirements to maximize competition.
- 3. Formal Procurement.** The University shall promote the use of MWESBs for Formal Procurements. CAPS shall promote such purchases through the following means, or other means as deemed necessary and appropriate.
- 3.1 Include MWESBs and MWESB organizations, such as professional associations and chambers, on solicitation distribution lists.
  - 3.2 Include a statement in all solicitations regarding the University's Equity in Public Contracting Policy and the University's intent to provide maximum opportunities to MWESBs.
  - 3.3 Include diversity and equity in the evaluation criteria for all formal RFP solicitations, which shall be allotted a minimum of 15 percent of available points. CAPS shall provide procedures on how this criterion is evaluated, which may include certification of the proposers, past performance in their use of MWESBs, demonstrated commitment to equity and inclusion in their business practices, and the proposed utilization of MWESBs in the resulting contract.

- 3.4 Include in all formal procurements for construction an Aspirational Goal of at least 15 percent for the utilization of MWESBs.
  - 3.5 Require Contractors to submit monthly reports on their MWESB utilization on a contract- or project-specific basis.
- 4. Outreach and Training.** The University shall remain active in the MWESB community with its outreach efforts through the following means:
- 4.1 Maintain membership in professional associations and chambers that support MWESBs.
  - 4.2 Participate in and attend trade shows where the University can connect with MWESBs and provide information on upcoming contract opportunities.
  - 4.3 Foster an open door practice at CAPS that welcomes MWESBs interested in doing business with the University.
  - 4.4 Host outreach events on campus that provide a networking forum for MWESBs and University staff.
  - 4.5 Provide information or workshops for MWESBs on how to do business with the University.
  - 4.6 Provide annual training opportunities to PSU staff on equity in contracting and its importance to the University.
- 5. Reporting.** In addition to other required reporting on MWESB utilization, the CAPS shall report annually (after the close of each fiscal year) to the Vice President of Finance and Administration on the following:
- 5.1 Total dollars spent on goods and services and percentage of spend awarded to MWESB Contractors.
  - 5.2 Total dollars spent on Construction-Related Services and percentage of spend awarded to MWESB Contractors and both the prime and sub-contract level.
  - 5.3 Historical trends in MWESB participation by the University.
  - 5.4 Highlight of successes and accomplishments by University on a contract- or project-specific basis (e.g., large construction project with strong MWESB participation).
  - 5.5 Summary of outreach activities performed by the University including workshops, trade shows, and outreach events that involve MWESB contractors.

5.6 Specific program recommendations that CAPS believes will enhance the University's program and increase MWESB opportunities.

**6. Emergencies, Exceptions and Adjustments.** This policy shall not apply to bona fide emergency contracts and purchases that are declared and approved in accordance with University policies, or the purchase of goods or services otherwise exempted from competitive procurement by University policy or statute.

6.1 University Departments are encouraged to consider the following in such cases:

6.1.1 Use of a qualified MWESB for an emergency contract or purchase.

6.1.2 Inclusion of qualified MWESBs on any on-call lists of emergency repair contractors.

6.1.3 A good faith attempt to locate a qualified MWESB to provide a quote for the required goods or services, even if competition is not required.

6.2 The Vice President for Finance and Administration may make adjustments to the recommended levels of MWESB participation and diversity in selection criteria. Such adjustments shall be properly communicated with University staff.

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## VI. Links To Related Policies, Procedures or Information

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[Oregon Revised Statutes 351.070 \(2\)\(c\)](#)

[State of Oregon Office of Minority, Women and Emerging Small Business](#)

[University Procurement and Contracting Policies](#)

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## VII. Contacts

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Direct questions regarding this policy to the Director, Contracting & Procurement, Finance & Administration: (503) 725-3441 / contract@pdx.edu.

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## VIII. Policy Adoption/Revision

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Approved  Date 7/1/14  
PORTLAND STATE UNIVERSITY PRESIDENT

Approved  Date 7/1/14  
PORTLAND STATE UNIVERSITY GENERAL COUNSEL

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## **IX. History/Revision**

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**Adoption Date:** July 1, 2014

**Previous History:** Pursuant to Section 170 Chapter 768 2013 Oregon Laws, effective July 1, 2014, this policy supersedes the Oregon University System Equity Contracting and Purchasing and Data Reporting Procedures Policy adopted by the State Board of Higher Education on July 8, 2011.

**Next Review Date:** July 1, 2019