

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Purchasing & Strategic Sourcing
AGENDA DATE: September 29, 2020
CONTACT PERSON/PHONE: Bruce D. Collins, Purchasing Director (915) 212-1181
DISTRICT(S) AFFECTED: All
STRATEGIC GOAL 6: **Set the Standard for Sound Governance and Fiscal Management**

SUBJECT:

A resolution requesting that the City Manager be authorized to sign a Memorandum of Understanding by and between the City of El Paso and the Southwest Minority Supplier Development Council for the parties to cooperate and collaborate to improve the local business support system for minority or disadvantaged entrepreneurs and business owners.

BACKGROUND / DISCUSSION:

The City and the Southwest Minority Supplier Development Council will enter into a Memorandum of Understanding to achieve the goals of the Living Cities' City Accelerator Inclusive Procurement Program and to provide technical resources to businesses within the City's ecosystem.

The City Accelerator, an initiative of Living Cities funded by the Citi Foundation, aims to help speed the adoption of leading local government innovations. Over the years, the Accelerator has engaged with city cohorts over 12-18 months to advance innovative efforts focused closing the racial wealth gap.

The City of El Paso was awarded \$50,000 in grant funding to develop a comprehensive plan and strategic initiatives focused on inclusive procurement to be used to improve local business support system for minority, woman, veteran and disadvantaged entrepreneurs and business owners.

PRIOR COUNCIL ACTION:

February 5, 2019 City Accelerator 5 Partner Memorandums of Understanding

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: _____


Bruce D. Collins – Director of Purchasing & Strategic Sourcing

**COUNCIL PROJECT FORM
(MOU)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR** agenda for the Council Meeting of **September 29, 2020**

STRATEGIC GOAL 6: Set the Standard for Sound Governance and Fiscal Management

The linkage to the Strategic Plan is subsection 6.8 Support Transparent and Inclusive Government. The execution of this Memorandum of Understanding will support the delivery of technical assistance and resources to businesses within our ecosystem.

Discussion and action that the City Manager be authorized to sign a Memorandum of Understanding by and between the City of El Paso and the Southwest Minority Supplier Development Council for the parties to cooperate and collaborate to improve the local business support system for minority or disadvantaged entrepreneurs and business owners.

RESOLUTION

WHEREAS, the City of El Paso was awarded a grant from “City Accelerator,” an initiative of the philanthropic organization, “Living Cities”; and

WHEREAS, the purpose of the grant is to improve the local business support system for minority or disadvantaged entrepreneurs and business owners; and

WHEREAS, the City understands that the success of a local business support system requires cooperation and collaboration between multiple community organizations; and

WHEREAS, the City desires to cooperate and collaborate with the Southwest Minority Supplier Development Council, as well as other organizations, to build a strong local business support system; and

WHEREAS, the Southwest Minority Supplier Development Council desires to participate with the City in the collaborative “City Accelerator” Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Memorandum of Understanding by and between the City of El Paso and the Southwest Minority Supplier Development Council for the parties to cooperate and collaborate to improve the local business support system for minority or disadvantaged entrepreneurs and business owners.

APPROVED this ____ day of _____ 2020.

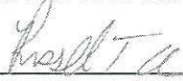
CITY OF EL PASO:

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Bruce D. Collins, Director
Purchasing & Strategic Sourcing Department

**MEMORANDUM OF UNDERSTANDING
BETWEEN CITY OF EL PASO AND SOUTHWEST MINORITY
SUPPLIER DEVELOPMENT COUNCIL**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into by and between the CITY OF EL PASO, a home rule municipal corporation (the “City”), and the SOUTHWEST MINORITY SUPPLIER DEVELOPMENT COUNCIL, a private, non-profit membership organization (collectively, the “Parties”):

WHEREAS, the City meets the CREO Communities of Excellence mission through its role in the business community as a convener, collaborator, and portal;

WHEREAS, the City fits the Communities of Excellence Framework by ensuring El Paso’s access to high quality resources and opportunities;

WHEREAS, the City serves as a model for community collaboration to deliver high impact results;

WHEREAS, the Purchasing & Strategic Sourcing Department (the “Purchasing Department” or the “Department”) is a department of the City;

WHEREAS, the Department has received a grant from Living Cities’ City Accelerator Program focused on inclusive procurement to be used to improve local business support system for minority, woman, veteran or disadvantaged entrepreneurs and business owners;

WHEREAS, the City desires to partner with other local entities, including the Southwest Minority Supplier Development Council, to achieve the goals of the Living Cities’ City Accelerator Inclusive Procurement Program;

WHEREAS, the Southwest Minority Supplier Development Council, desires to partner with the City and to achieve the goals of the Living Cities’ City Accelerator Inclusive Procurement Program and to provide technical resources to businesses within the City’s ecosystem.

NOW, THEREFORE, the City and the Southwest Minority Supplier Development Council agree as follows:

1. Parties. This MOU is entered into by and between the City and the Southwest Minority Supplier Development Council. The Parties understand and recognize that the City will be entering into agreements substantially similar to this MOU with other partnering organizations to achieve the goals of the Living Cities’ City Accelerator Inclusive Procurement Program and to provide technical resources to the businesses within El Paso’s ecosystem. However, the Southwest Minority Supplier Development Council shall not assume any responsibilities or liabilities to any third party or other partnering organizations as a result of such agreements. The Southwest Minority Supplier Development Council responsibilities and liabilities are limited to those provided herein. Additionally each party is responsible for the cost

18-1007-2309.001/PL#966740

related to its participation in this Agreement.

2. **Purpose.** The purpose of this MOU is to establish the Parties' responsibilities in collaborating and achieving the goals of the Living Cities' City Accelerator Inclusive Procurement Program and to provide technical resources to the businesses within the El Paso ecosystem.

3. **Term and Termination of MOU.** The effective date of this MOU is the date of the signature last affixed to this MOU. The MOU shall remain in full force and effect for 12 months. The term will automatically renew for consecutive 12 month periods unless terminated by either party. This MOU may be terminated, without cause, by either party upon a 30-day written notice, which notice shall be delivered by hand or by certified mail to the address listed below.

4. **Responsibilities of City.** In connection with this MOU, the City will:

- Share information about organization's services to individuals requesting the Minority Business Enterprise Certification (MBE) or entrepreneurial assistance.
- Assist the Southwest Minority Supplier Development Council in marketing all
- services to Minority Business Enterprises and potential corporate members.
- Maintain and protect the confidentiality of information as required by law, including the Texas Public Information Act that may be shared by the Southwest Minority Supplier Development Council, including any small business/entrepreneur or worker/participant information that the City may receive in its role under this MOU.
- Provide a hyperlink to partner's website on the following City department's websites:
 - Purchasing & Strategic Sourcing
 - Economic & International Development
 - Accelerate EP
- Send city representatives to relevant in-person & virtual events, workshops, and trainings hosted by SMSDC
- Promote relevant SMSDC's events, workshops and trainings to the City's supplier database
- Send SMSDC notifications of City of El Paso bid opportunities (PurMail)

5. **Responsibilities of Southwest Minority Supplier Development Council.** In connection with this MOU, the Southwest Minority Supplier Development Council will:

- Provide MBE Certification assistance to individuals referred to the Southwest Minority Supplier Development Council.
- Invite city representatives to events, workshops and trainings hosted by Southwest Minority Supplier Development Council.
- Provide a hyperlink from partner's website to the following City department websites:
 - Purchasing & Strategic Sourcing
 - Economic & International Development
 - Accelerate EP

- Work with the City in the development of a business toolkit. Within this toolkit, business owners will be able to view technical resources that will assist them to build and sustain their business.
- Share and disseminate City of El Paso information focused on businesses to include surveys and general event information.
- Work with the City of El Paso on reports and studies focused on local businesses to include potential El Paso availability and disparity study.
- Support in marketing the City Accelerator project on Inclusive Procurement to its network partners and small businesses/entrepreneurs.
- Host business workshops, informational sessions and trainings focused on certification and procurement topics.
- Send one or more representatives to the City's Racial Equity Training.
- Assist the City in future Minority, Women, and Veteran Business Enterprise initiatives, to include certification program efforts by the City.
- Partner will be an active participant in the City Accelerator Inclusive Procurement Cohort in El Paso, Texas, which is aimed at identifying and developing the infrastructure needed to establish a business certification program.

6. **Notices.**

With respect to any notice required, permitted, or with respect to this MOU, such notice shall be deemed received three (3) days after deposit of such notice in the United States Certified Mail, return receipt requested, postage pre-paid, addressed to the proper party at:

CITY: City of El Paso
Purchasing and Strategic Sourcing Department
300 N. Campbell Dr.
El Paso, Texas 79901

APPLICANT: Southwest Minority Supplier Development Council
912 US Highway 183 South Ste. 205
Austin, Texas 78610

7. **General Provisions**

A. Amendments. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the Parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by both Parties.

B. Successors and Assigns. Neither party may assign, sublet, or transfer its interest or obligations in this Agreement without the written consent of the other.

C. Governing Law. This Agreement is governed by Texas law.

D. Venue. This Agreement is entered in the City and County of El Paso, Texas. Venue 18-1007-2309.001/PL#966740

for any dispute pertaining this Agreement is in El Paso County, Texas.

E. Third Party Beneficiary Rights. The Parties do not intend to create in any other individual or entity the status of a third party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the Parties to this MOU. The provisions of this MOU are intended only to assist the Parties in determining and performing their obligations under this MOU. The Parties intend and expressly agree that only parties signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action in regards to this MOU.

F. No Joint Enterprise. This Agreement does not create any joint enterprise between the Parties.

G. Independent Contractors. The City and the Southwest Minority Supplier Development Council are independent legal entities. Nothing in this Agreement creates the relationship of employer and employee, principal and agent, or any relationship other than that of independent parties contracting with each other solely for the purpose of carrying out the terms of this Agreement. Neither the City nor the Southwest Minority Supplier Development Council nor any of their respective agents or employees has control or the right to control the activities of the other Party in carrying out the terms of this Agreement. Both Parties agree that neither Party has, nor will attempt to assert, authority to make commitments for or to bind the other Party to any obligation other than the obligations described in this Agreement.

H. Entirety of Agreement. This MOU, represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

IN WITNESS WHEREOF, the Parties have executed this MOU on this _____ day of _____, 2020.


CITY OF EL PASO:

Tomás González
City Manager

ATTEST:

Laura Prine
City Clerk

APPROVED AS TO FORM:



Russell Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Bruce D. Collins, Director
Purchasing & Strategic Sourcing Department

(Signatures continue on following page)

**SOUTHWEST MINORITY SUPPLIER
DEVELOPMENT COUNCIL:**

By: Karen Box

Name: KAREN BOX

Title: President / CEO

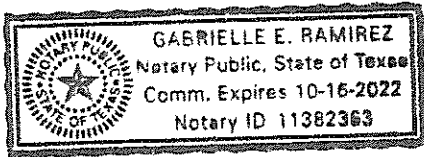
ACKNOWLEDGEMENT

STATE OF TEXAS

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§
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COUNTY OF EL PASO

This instrument was acknowledged before me on the 16th day of September
2020, by Karen Box, President & CEO (title) of the Southwest
Minority Supplier Development Council on behalf of said council.



[Signature]
Notary Public, State of Texas

My Commission Expires:

October 16, 2022