



City of Pflugerville

Minutes - Final

Equity Commission

Monday, October 25, 2021

6:30 PM

100 E Main Street Suite 500, Pflugerville, TX

Regular Meeting

Equity Commission Members:

James Matlock - Chair

Shawn Douglas - Vice-Chair

Elizabeth Guillory-Medina

Daisy Delgado Castillo

Virginia Rogers

Pat Epstein

Elizabeth Montoya

1. Call to Order

Chair Matlock called the meeting to order at 6:46 p.m. In attendance: James Matlock, Chair; Elizabeth Montoya, Daisy Delgado Castillo, Secretary; Virginia Rogers.

Others in attendance: Melissa Moore, Finance Director; Bryan Gray, Purchasing Manager; Trey Fletcher, Deputy City Manager; Jennifer Griswold, Library Director

2. Citizen Communication

In accordance with the Texas Attorney General's Opinion, any public comment that is made on

an item that is not on the published final agenda will only be heard by the Equity Commission.

No formal action, discussion, deliberation, or comment will be made.

None

3. Approval of Minutes

- 3A. [2021-1128](#) Approval of the October 11, 2021 minutes
Jennifer Griswold, Library Director

Chair Matlock called for approval of the minutes. Ms. Rogers moved that the minutes be approved, Ms. Castillo seconded. Minutes approved as written.

4. Discuss and Consider Action

4A. [2021-1129](#)

Presentation from City Staff regarding Procurement and Equity Efforts

Melissa Moore, Finance Director

Bryan Gray, Purchasing Manager

Ms. Montoya motioned for staff to give the Commission a draft recommendation that they could consider and send to the city council as a possible amendment to the purchasing policy.

Ms. Rogers seconded; motion passed.

Finance Director Melissa Moore and Purchasing Manager Bryan Gray joined the meeting with the Commission. Mr. Gray spoke to the questions asked by the Equity Commission. These questions include 1) What is the process for selecting a contractor/consultant? 2) What is the process for verifying Small Minority Business compliance? 3) Does the City have a vendor database? 4) What is the method of advertising projects? 5) How do contractor/ consultants register to do business with the City? 6) Does the City collect data on Small and Minority Business opportunities by race/gender?

Regarding question 1) What is the process of selecting a contractor or consultant? Mr. Gray stated that according to Chapter 252 Texas Constitution and Statutes Local Government Code, purchases between \$3,000 and \$50,000 must have 3 “proposals”, with 2 of those being Historically Underutilized Businesses (HUB), anything above that amount must be formal solicitations. There are three methods for formal solicitations, Request for Proposal (RFP), Request for Bids (RFB), and Request for Qualifications (RFQ). Since they are formal requests as required by state law, they must be advertised. They are advertised in the paper and Bidnet (<https://www.bidnet.com/>)the city website, CiviCast.

Mr. Gray spoke about how the RFB is formally advertised and solicited, typically they take the lowest responsible bidder. The “best method” for RFB considers price. An RFP looks at qualifications, what they have done in the past for other cities, what their experience is, etc. an RFQ is for consultants, engineers, architects, and the City cannot ask about price, just qualifications. They are selected and presented to City Council for approval. If approved, the contract is then negotiated with staff and presented to City Council for consideration.

Ms. Rogers asked why price could not be asked in an RFQ. Mr. Gray said it is state law. Ms. Rogers said she understands that, but if two are relatively close together how is a decision reached. Mr. Gray stated that it is usually resolved based on budget and cost once the contract negotiations begin. If no agreement can be reached, or if the price is too high, then it goes to the next highest ranked submitter..

Chair Matlock said his concern is how can we exceed the expectations of the state regarding minority businesses. The minimum required by the state is not enough.

Mr. Gray said the proposer must make a good faith effort to use HUBs as subcontractors. Ms. Rogers asked about the POs under \$50,000. Mr. Gray said they use the State Comptroller Centralized Master Bidders List (CMBL). He stated you can be a HUB on the list, but in order to be certified they must fill

out an application (free). Mr. Gray stated that if they are using CMBL he is confident they are meeting the expectations. Chair Matlock said his concern is that that list is out of date.

Councilperson Metayor said that this is one of the things that the council has spoken about. "Are we just doing the bare minimum." He further stated that something they see over again in the surveys is that equity and diversity are important values to the city and if they can set the benchmark to do more, they should. The question is how to show as an example how often these businesses are aware of these opportunities.

Deputy City Manager (DCM) Fletcher said there are two lanes they could get in, but it will be governed by the purchasing policy. One lane of thought is that there is a larger number of people in purchasing, and it comes down to resources to promote opportunities for HUB. The second is going into the mandatory realm. The City is getting more federal funds in the utility projects area and hopefully transportation. The City is in support of HUBs.

Chair Matlock spoke about the various minority associations that the purchasing department can meet with. He stated that he is concerned with the multi-million-dollar contracts that could be sub-contracted to do some of the areas of that project.

Ms. Montoya asked if they city then becomes the general contractor.

Chair Matlock suggest the City do meet and greets where they connect prime contractors with subs. He said they could build an internal database separated by type then send out projects. Chair Matlock said if you put the onus out there, they will do it.

Ms. Montoya asked if the subs would do the documents to be certified at HUBs. She stated she could not imagine how a City could have only 2 purchasing people.

Ms. Moore said the City needs to meet the minimum before we can exceed that.

Ms. Montoya asked where the resources come from.

DCM Fletcher said that's when we start with Chair Matlock's suggestions by drumming up the marketing to HUB businesses.

Ms. Montoya stated that she didn't think that would be a purchasing activity. She asked if it is too early for DCM Fletcher to help the Commission frame a recommendation to the council.

DCM Fletcher said if they would like to go that direction, they could.

Mr. Gray said right now he knows he can send notifications to the local chambers of commerce and AGC / Association of General Contractors

Chair Matlock stated that he understands the staffing shortages, but they could have one annual meeting with projected projects. He asked if there were any numbers on how many minority vendors the City is currently working with.

Mr. Gray answered that they did not have a database.

DCM Fletcher said they would have to audit every project.

Chair Matlock said they are facing an audit now.

Ms. Moore said they have passed all audit requirements.

DCM Fletcher said they are compliant with what we are required to do.

Ms. Rogers said she hears that a lot, but they should go beyond.

DCM Fletcher said that historically it had not been a policy issue.

Ms. Montoya said they could make recommendations.

Ms. Moore cautioned the Commission not to lose sight of or minimize what is required. There are a lot of rules and regulations.

Mr. Gray said in the past two weeks, the few purchase orders that he has seen indicate the departments have done more than what they were required. He feels like staff are doing more than the bare minimum.

Chair Matlock said he understand, and he thinks Mr. Gray is an honorable man, but the Commission needs proof. He further stated that when you talk about the minimum there are a lot of holes in the statement and there are a lot of cities that go above and beyond the minimum and Pflugerville needs to do more. The state and federal standards are not enough by a long shot.

Ms. Montoya stated that she is not prepared to say it is not enough, but we are where we are and just because there isn't the metrics or software yet to measure it, doesn't mean it is not happening. She stated she has a lot of experience, in this area and it is possible that they are doing better than what is required.

Chair Matlock said if you don't have data, you don't have proof.

DCM Fletcher said they do not have it aggregated.

Chair Matlock said regarding the CMBL database on a \$30,000 to \$50,000 solicitation, you could have reached out several times and gotten no response because the list isn't updated, yet you have met the minimum recommendation.

Ms. Rogers said the Equity Commission should go to those minority contractors and make sure they are signed up with the comptroller and that they are keeping the information updated. Chair Matlock said it is difficult because the Commission doesn't know what projects are coming up but the City does. He then asked if there were any other questions.

Secretary. Castillo asked Ms. Montoya about her suggestion, could it lead the Commission to presenting a proposition to the city council to change something.

Ms. Montoya said for the Commission to do that, does it require reading and understanding the policy because of the nuance it is difficult to understand. She further stated that the City takes direction from the City Council. What the commission could do, is ask how can we help you? Ms. Montoya said the Council needs to ask the question because they are looking for quasi direction from the Commission.

Chair Matlock said what he was hoping was that the finance would present their purchasing policy.

Ms. Griswold said she will send it out.

Chair Matlock stated he wanted to go through the policy.

Ms. Montoya motioned for staff to give the Commission a draft recommendation that they could consider and send to the city council as a possible amendment to the purchasing policy.

Ms. Rogers seconded; motion passed.

Chair Matlock asked about due diligence to ensure staff is following the guidelines for small and minority businesses.

Mr. Gray said he is working on a checklist for that, and one that would go out to the departments on what they need to do to get a PO issued.

Ms. Moore said a lot of that information is in the purchasing policy.

Chair Matlock asked what the steps within the RFQ are, RFP, etc.

Mr. Gray said one of his goals is to get that laid out.

Ms. Montoya said the best thing to do is get a sole source, and that will speed things up. It's cheaper and more reliable. She asked if they had software that does demand planning.

DCM Fletcher said they are not buying large quantities of materials.

Chair Matlock asked if there was a registration process with the City.

Mr. Gray said no, they recommend they go to Bidnet and CiviCast and sign up there.

Ms. Rogers said the one thing that was not on there and had not heard, and that was regarding local businesses. She asked if there was preferential treatment, or efforts to get someone from Pflugerville.

DCM Fletcher said there was nothing, currently.

Chair Matlock said there was no policy, but they can specify on a contract.

DCM Fletcher said there is no local purchasing component.

Chair Matlock asked if there were any more questions. He thanked Ms. Montoya for her suggestion and thanked the finance department for coming and welcomed them to Pflugerville.

4B. [2021-1130](#)

Pillars: Education follow-up discussion to identify and review additional data, and goals under this pillar and add specific, measurable and attainable initiatives.

James Matlock, Chair

Chair Matlock motioned they table the pillar discussion.

Ms. Rogers said they aren't voting on Education Pillar.

Chair Matlock asked if she was making a motion.

Ms. Rogers said yes.

Ms. Montoya seconded; motion passed.

Tabled

4C. [2021-1134](#)

Discuss and consider changing the meeting day/time and or frequency.

James Matlock, Chair

Chair Matlock discussed a conversation with one Commission member who cannot make Monday meetings. He asked Ms. Griswold to send out a poll on constraints meeting constraints and availability.

DCM Fletcher suggested a doodle poll.

Secretary Castillo asked why they were considering moving the meeting day and/or time.

Chair Matlock said he reached out to Dr Medina, and she was only available on Thursdays. He said wanted to reach out to the Commission to see if there was an opportunity to move the meeting. He asked for a recommendation for a google poll or a motion to keep things as they are.

Ms. Montoya said there was no need to make a motion if there is no change.

Chair Matlock said there is no change then.

5. Adjourn

8:26 pm

Respectfully submitted,

Jennifer Coffey Griswold
Library Director

Approved as submitted on November 8, 2021