

METRO
EQUITY IN CONTRACTING
Procurement Administrative Rules

SUBJECT:	Procurement Administrative Rules, Requirements, and Process for Equity in Contracting
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PURPOSE:	To adopt administrative rules to advance and promote fair opportunities and equitable public contracting.
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DEPARTMENT RESPONSIBLE:	Finance Department Procurement
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DEPARTMENTS AFFECTED:	All Metro Departments
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DATE:	July 16, 2026
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I. **POLICY STATEMENT**

Metro is committed to providing fair access to Metro contracting opportunities and contracting with equitably aware businesses. These Equity in Contracting Administrative Rules (these “Rules”) are intended to foster an environment where disadvantaged and small businesses in Oregon can fairly compete for Metro public contracting opportunities, thereby enhancing and strengthening the local, regional, and state economy.

II. **DEFINITIONS**

- A. **COBID Certified Business** - A business certified by the Business Oregon’s Certification Office for Business Inclusion and Diversity.
- B. **Department** - A Metro Department or any unit or staff within a Department that has responsibilities for procuring public contracts.
- C. **Electronic Procurement System** - The online procurement solicitation system utilized by Metro to issue procurement and contracting opportunities and information.
- D. **Procurement Officer** - The Metro Director of Finances and Regulatory Services, or the Procurement Manager as his/her delegate.

III. **PROGRAM ADMINISTRATION**

The Procurement Officer is responsible for administering and implementing these Rules on behalf of the Chief Operating Officer. The Procurement Officer shall advise all potential contractors that the State of Oregon, Certification Office for Business Inclusion and Diversity is the sole public agency that may certify enterprises and businesses as COBID Certified Businesses.

IV. **GENERAL PROGRAM ACTIVITIES**

The Procurement Officer shall engage in the following activities with the goal of increasing Metro business with small and disadvantaged businesses, including COBID Certified Businesses:

- A. **Outreach** - Engage in additional outreach procedures, including electronic notices of public contract solicitations, newsletters, attending regularly-scheduled contractor orientation programs, open houses, and participation in local and regional outreach opportunities for disadvantaged and small businesses.
- B. **Technical Assistance** - Provide technical assistance and information to interested third parties on feasible options for contract requirements, including bonding, insurance, certification, and other Metro procurement processes.
- C. **Internal Education** - Provide periodic training and continuing education to Departments to ensure awareness of Metro’s goal to advance and promote fair opportunities in public contracting.

V. SOLICITATION AND SCORING REQUIREMENTS FOR PUBLIC CONTRACTS OTHER THAN PUBLIC IMPROVEMENTS

- A. **Small Procurements** - For small procurements (\$25,000 and under), Departments are encouraged to review the COBID Certified Business directory for firms in the category of work being solicited before awarding the contract.
- B. **Intermediate Procurements** - For intermediate procurements (exceeding \$25,000 but not exceeding \$250,000), before soliciting any bids or proposals Departments are required to obtain from the Procurement Officer a list of COBID Certified Businesses that work in the category of work being solicited. Departments may elect to advertise the intermediate contracting opportunity broadly on Metro's Electronic Procurement System.
- C. **Formal Procurements** - For formal procurements (over \$250,000), Departments are required to broadly advertise the competitive contracting opportunity on Metro's Electronic Procurement System. In addition, all formal procurements shall also be advertised in at least one small business, community-focused publication.
- D. **Proposal Scoring** - For Formal Procurements for goods and services or personal services procured by competitive Proposals, up to 15% of the total available scoring points will be based on the following criteria: equal opportunity and access in subcontracting, supportive employment practices, community involvement. The Chief Operating Officer may adjust this percentage if deemed appropriate given the nature and complexity of the services being procured, or if otherwise in Metro's best interest.
- E. **Exceptions to Requirements** - The solicitation and scoring requirements set forth in this Section V are not applicable to emergency procurements, sole source procurements, any other special procurements that allow for direct award of a contract without competitive solicitation.

VI. SOLICITATION AND SCORING REQUIREMENTS FOR PUBLIC IMPROVEMENT CONTRACTS

- A. **Small Procurements** - For procurements of small public improvement contracts (\$25,000 and under), Departments are encouraged to review the COBID Certified Business directory for firms in the category of work being solicited before directly awarding the contract.
- B. **Intermediate Procurements (Competitive Quotes)** - For intermediate procurement of public improvement contracts based off competitive quotes (exceeding \$25,000 but not exceeding \$100,000), before soliciting any competitive quotes Departments are required to obtain from the Procurement Officer a list of COBID Certified Businesses that work in the category of work being solicited. Departments may elect to advertise the intermediate contracting opportunity broadly on Metro's Electronic Procurement System.
- C. **Formal Procurements** - For formal procurements of public improvement contracts (over \$100,000), Departments are required to advertise the competitive contracting opportunity broadly on Metro's Electronic Procurement System. In addition, all formal procurements of public improvement contracts (over \$100,000) shall also be advertised in at least one small business community-focused publication.
- D. **Proposal Scoring** - For public improvement contracts procured through alternative contracting methods and procured by competitive Proposals, up to 15% of the total

available scoring points will be based on the following criteria: equal opportunity and access in subcontracting, supportive employment practices, community involvement. The Chief Operating Officer may adjust this percentage if deemed appropriate given the nature and complexity of the public improvement project, or if otherwise in Metro's best interest.

- E. **Exceptions to Requirements** - The solicitation and scoring requirements set forth in this Section VI are not applicable to emergency procurements or any other special/alternative procurements that allow for direct award of a public improvement contract without competitive solicitation.

VII. SUBCONTRACTOR EQUITY PROGRAM FOR FORMAL PUBLIC IMPROVEMENTS

The purpose of the Subcontractor Equity Program is to provide fair opportunities for small and disadvantaged businesses to participate in subcontract opportunities created through Metro public improvement contracts.

For competitively bid public improvement contracts that exceed \$100,000, general contractors who intend to subcontract any portion of the project work are required to fulfill the following actions in order to comply with the Subcontractor Equity Program:

- A. Contractor contacts all COBID Certified Businesses who attend the project's presolicitation meeting and who indicated an interest in any subcontracting to solicit bids for subcontracting or material supply opportunities;
- B. Contractor identifies and selects specific economically feasible units of the public improvement contract that COBID Certified Businesses may perform in order to increase the likelihood that COBID certified subcontractors will participate in the public improvement contract;
- C. Contractor provides written notice of the subcontracting opportunities to a reasonable number of specific COBID Certified Businesses in sufficient time to allow such enterprises or businesses to participate effectively;
- D. Contractor follows up on initial solicitations of interest to determine with certainty whether the COBID certified businesses are interested in the subcontracting opportunities;
- E. Contractor provides interested COBID Certified Businesses subcontractors with adequate information about plans, specifications and requirements for subcontracting or material supply work in connection with the public improvement contract;
- F. Contractor negotiates with interested COBID Certified Businesses subcontractors, and does not without justifiable reason reject as unsatisfactory any bids or proposals received;
- G. Contractor advises and assists interested COBID Certified Businesses subcontractors to obtain, when necessary, bonding, lines of credit or insurance that the contracting agency or contractor requires; and
- H. Contractor uses the services of small business community organizations, development groups, and governmental small business assistance offices to recruit COBID Certified Businesses for participation.

For public improvement contracts that exceed \$100,000 but are exempt from competitive bidding and solicited through a competitive proposal process, general contractors who intend to subcontract any portion of the project work are required to fulfill the actions listed above in subsections B-H after the award of the contract when hiring subcontractors for the project.

The Procurement Officer will determine whether the requirements of the Subcontractor Equity Program have been met. If the Subcontractor Equity Program documentation submitted by the offeror fails to substantially comply with the requirements of the solicitation document, the bidder/proposer may be deemed non-responsible.

VIII. EQUITY STRATEGY MEETING

For all formal, competitive procurements (personal services contracts and goods and services contracts over \$250,000; public improvement contracts over \$100,000), the Department project manager must meet with the Procurement Officer prior to releasing a solicitation to discuss activities to create fair access to the contract opportunity for small and disadvantaged firms.