

Port of Houston Authority
Small Business Development Program Policy and Procedures
Fifth Amendment
March 2019



I. Purpose

This Fifth Amendment to the Port of Houston Authority Small Business Development Program Policy and Procedures (the “Amendment”) amends portions of the “Port of Houston Authority Small Business Development Program Policy and Procedures” (the “Policy and Procedures”) as set out herein.

II. Recitals

- A. The Policy and Procedures (as defined above), the Port Authority’s Small Business Development Program’s guiding document, was issued shortly after the 2001 establishment of the Program. **Section V(G)(2)** of the Amended Policy and Procedures, Fourth Amendment (March, 2013) provides in part as follows:

PHA recognizes certification by the following private agencies and governmental units: Women’s Business Enterprise Alliance, Houston Minority Supplier Development Council, METRO; City of Houston and Small Business Administration 8(a).

- B. At its meeting of March 14, 2019, the Procurement and Small Business Development Task Force approved a motion directing staff to “pursue new and optimized partnerships and take other similar measures to improve its Small Business Development Program.”
- C. Expansion of the current group of five agencies from which the Port Authority accepts certifications (“Partnering Agencies”) to add other Partnering Agencies is a measure expected to improve the Small Business Development Program.
- D. The Port Commission, at its March 26, 2019 meeting, authorized an amendment of the Policy and Procedures to add the South Central Texas Regional Certification Agency, the Texas Comptroller of Public Accounts, and the Texas Department of Transportation as Partnering Agencies.

III. Amendment

In consideration of the above Recitals, the Policy and Procedures is amended as described herein.

- A. **Section V(G)(2)(e) is deleted in its entirety and replaced with the amended Section V(G)(2)(e) set out below:**

“e. To be eligible to participate in the SBDP, a small business must have

certification of its small business status. Certifications may be obtained from public and private agencies that certify small businesses.

An application form will be utilized by PHA to get basic information from small businesses. This application form is attached hereto as **Exhibit A**. The small business must complete this application form and provide it to PHA, accompanied by a copy of the small business's certification or evidence of certification.

PHA does not represent that any particular agency employs the same definition of "small business" as that used by PHA. It is the responsibility of the applicant to choose an agency for certification that uses PHA's definitional criteria for small business.

PHA recognizes certification by the following private agencies and governmental units: **Women's Business Enterprise Alliance, Houston Minority Supplier Development Council, METRO; City of Houston, Small Business Administration 8(a), South Central Regional Certification Agency (SCTRCA), Texas Comptroller of Public Accounts, and Texas Department of Transportation**. PHA has the right to revoke acceptance of a business as a certified or qualifying small business and to conduct certification reviews in accordance with these Procedures. *See infra* Sections V.G.4 and V.G.5.

Once an application is approved by PHA staff, the applicant is considered a SBDP-Certified Small Business.

PHA staff shall deny certification to any applicant that is deemed to be a Pass-Thru Business."

- B. The Policy and Procedures will continue to provide that program applicants must also meet the Port Authority's eligibility requirements for certification.
- C. This Amendment is effective as of March 26, 2019.
- D. Except as provided by this Amendment, the Policies and Procedures remain in full force and effect.

IV. Adoption

By Minute No. 2002-0422-45, the Policy and Procedures was formally adopted. Since the adoption of the April 22, 2002 Policy and Procedures, the following amendments have been made:

Small Business Development Program Policy and Procedures

Fifth Amendment

March, 2019

Page 3

- A. By Minute No. 2005-0228-45, the Port Commission adopted the Amended Policy and Procedures dated December 3, 2004 (First Amendment);
- B. By Minute No. 2007-0327-43, the Port Commission adopted the Amended Policy and Procedures dated February 26, 2007 (Second Amendment);
- C. By Minute No. 2009-0429-30, the Port Commission adopted the Amended Policy and Procedures dated March 31, 2009 (Third Amendment);
- D. By Minute No. 2013-0326-07, the Port Commission adopted the Amended Policy and Procedures dated October 18, 2012 (Fourth Amendment); and
- E. Section V(G)(2)(e) of the Amended Policy and Procedures (Fourth Amendment adopted March 26, 2013) was amended by Port Commission action dated March 26, 2019 in Minute No. 2019-0326-14 (Fifth Amendment).

V. Staff Responsibility.

The Senior Director of Small Business and Education Outreach is responsible for implementation of this Amendment, and is the contact for staff members seeking its interpretation.

VI. Adoption

This Fifth Amendment to the Small Business Development Program Policy and Procedures was adopted by the Port Commission on March 26, 2019, as evidenced by Minute No. 2019-0326-14.

Policy Owner: Small Business and Education Outreach

Policy Version: Fifth Amendment