

Offered by Councilors Michelle Wu and Ayanna Pressley



CITY OF BOSTON

IN THE YEAR TWO THOUSAND SEVENTEEN

AN ORDINANCE PROMOTING EQUITY IN CITY OF BOSTON CONTRACTS

WHEREAS: Many departments within the City of Boston contract out for services from private vendors through an open bidding process known as Procurement, and City departments obtain products from private vendors through the Purchasing Department's processes; *and*

WHEREAS: From contracts in food services to construction and snow removal, there are opportunities in a wide range of fields for local, small businesses; *and*

WHEREAS: Local, small businesses give back to communities by hiring locally, sponsoring youth sports and other events, and serving as anchors in their neighborhoods; *and*

WHEREAS, Boston has the worst income inequality of any city in America; *and*

WHEREAS, Discrimination and disparity in City contracts given to minority and women business enterprises persists; *and*

WHEREAS: The City of Boston is focused on creating and building wealth in our neighborhoods; and creating opportunities for small business owners and employees in every neighborhood is essential for addressing income inequality in our city;

NOW THEREFORE,

Be it ordained by the City Council of Boston as follows:

Section 1. The City of Boston Code, Ordinances, Chapter 4, Section 4, "Promoting Minority and Women Owned Business Enterprises in the City of Boston" is hereby amended by striking 4-4.3 and replacing it with the following:

4-4.31 Supplier Diversity Program

The SLBE Office shall establish a supplier diversity program designed and implemented to achieve meaningful participation on the part of MWBEs in all City contracts, including those for supplies and services, construction, public works, and design services.

4-4.32 Affirmative Marketing Policy

- a. The SLBE Office shall seek to identify those minority and women businesses that may benefit from this section, reach them with information and education regarding City contracting needs and policies, and encourage those businesses to participate in all City contracts, including those for supplies and services, construction, public works, and design services.
- b. To the extent not otherwise provided by statute and subject to G.L. c. 7 §§ 38A½-38O (Design Services), whenever any Department of the City announces contracting opportunities for professional services (architecture and engineering) for an amount less than \$25,000.00, the City shall seek proposals from at least one MBE or WBE firm whose professional services (architecture and engineering) qualify as such under the City's most recently conducted Disparity Study.

4-4.33 RFP Policy

Requests for Proposals (“RFP”s) issued by City Departments used in the procurement of supplies and services, or contracting for construction, public works, or design services shall reflect WMBE participation goals and diversity initiatives as laid out in this Chapter, and by the SLBE Office or other Office charged with implementing diversity initiatives within City Procurement and/or Contracting. Evaluation of a proposal submitted in response to a City RFP shall assess, as a key criterion, each proposer’s commitment and approach to meeting City objectives regarding inclusion of minorities, women, and WMBE’s.

Section 2. The City of Boston Code, Ordinances, Chapter 4, Section 4 is hereby amended by inserting the following new subsection after 4-4.4(e):

(f) Pursuant to the supplier diversity program established under 4-4.3(a), the SLBE office shall adopt contractor participation goals and develop appropriate contracting language that provide for and ensure the meaningful participation of MWBEs as contractors.

Section 3. The City of Boston Code, Ordinances, Chapter 4, Section 4 is hereby amended by inserting the following new subsection after 4-4.6(e):

- (f) The SLBE Office shall compile the following information from City Departments and Central Procurement, and prepare quarterly reports which shall include, but not be limited to:
- i. The total dollars expended on procurement contracts to date;
 - ii. The number and type of contracts entered into to date;
 - iii. The number of contracts entered into with minority business enterprises;
 - iv. The number of contracts entered into with women business enterprises;
 - v. The dollar value of contracts entered into with minority business enterprises; and
 - vi. The dollar value of contracts entered into with women business enterprises.

Said reports shall be submitted to the Mayor and the City Council. The City shall post each quarterly report on its website.

Section 4.

The provisions of this section are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

Section 5.

The provisions of this ordinance shall be effective immediately upon passage.

Filed in Council: October 18, 2017