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# 190781

Ordinance

## Authorize Chief Procurement Officer to conduct a competitive solicitation process for a disparity study and award a contract not to exceed \$1 million over five years

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (City) is committed to equity in contracting and increasing economic opportunities through inclusive contracting practices.
2. On June 17, 2020, the Council approved Resolution 37492, adopting the City's Core Values of Anti-racism, Equity, Transparency, Communication, Collaboration, and Fiscal Responsibility.
3. Through social equity in contracting programs the City encourages fair and equitable contracting for firms owned by Black, Indigenous, and people of color and women- owned firms.
4. Social equity in contracting programs currently in place include: Community Opportunities and Enhancement Program (COEP); Community Benefits Agreement (CBA) and Community Equity and Inclusion Plan (CEIP); Diversity Equity and Inclusion Plan (DEIP), Prime Contractor Development Program (PCDP); Subcontractor Equity Plan (SEP); Workforce Training & Hiring Program (WTHP); Good Faith Efforts (GFE); and the Minority Evaluator Program, (MEP).
5. In 1995, the City and (the) Portland Development Commission (PDC) (now Prosper Portland), took part in the Oregon Regional Consortium Disparity Study that examined public construction contracting methods. The 1995 Oregon Regional Consortium Disparity Study concluded that minority and women-owned businesses were underutilized at the prime-contracting level. The 1995 Oregon Regional Consortium Disparity Study also made a series of recommendations that resulted in the City's adoption of a Fair Contracting and Employment Strategy.
6. In April 2009, a Request for Proposals (RFP) was issued to update the 1995 Oregon Regional Consortium Disparity Study, and a contract was awarded to BBC Research & Consulting to perform a disparity study for the City and PDC.
7. In August 2009, Council approved Ordinance No. 183122 which authorized a contract with BBC Research & Consulting in the amount of \$831,000 (reference City of Portland Contract No. 30000815) to provide

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[Management and Finance](#);  
[Revenue and Financial Services](#)

Contact

**Theresa Green**

Inclusive Contracting Manager

✉ [theresa.green@portlandoregon.gov](mailto:theresa.green@portlandoregon.gov)

📞 [503-823-6837](tel:503-823-6837)

**Biko Taylor**

Chief Procurement Officer

✉ [biko.taylor@portlandoregon.gov](mailto:biko.taylor@portlandoregon.gov)

📞 [503-823-1095](tel:503-823-1095)

Requested Agenda Type

Regular

an in-depth review of the City's and PDC's fair contracting practices, called the 2009 Disparity Study.

8. On January 6, 2010, Council approved Ordinance No. 183432 which authorized an Intergovernmental Agreement with the Portland Development Commission for the funding and administration of the 2009 Disparity Study.
9. The BBC Research & Consulting study team began the assignment in the fall of 2009. Research was conducted on procurement and contracting procedures and Minority, Women and Emerging Small Business (M/W/ESB) programs, utilization, availability, and disparities, examining a five-year contracting period from July 1, 2004 – June 30, 2009
10. BBC Research & Consulting presented a draft report to the City and PDC in January 2011. The City accepted and published the City of Portland Disparity Study Final Report in June 2011.
11. Over a decade has passed since the 2009 Disparity Study was published. It behooves Council to authorize the Chief Procurement Officer to procure disparity study for the City that includes the analysis of current contracting data, and the City's existing social equity in contracting programs.
12. A new disparity study is needed to support the City's ongoing work of eradicating systemic barriers that over many years have created deep economic inequities for firms owned by Black, Indigenous, and People of Color, and women-owned firms.

NOW, THEREFORE, the Council directs:

- A. That the Chief Procurement Officer is authorized to conduct a competitive solicitation process in accordance with Portland City Code (PCC) for a disparity study, and subsequently to negotiate, award and execute a contract in accordance with PCC 5.33.040, in an amount not to exceed \$1,000,000, provided the contract has been approved as to form by the City Attorney's Office.
- B. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to Bureau of Revenue and Financial Services when demand is presented and approved by the proper authorities.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
April 20, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

 [Impact Statement](#) (24.94 Kb)

## Budget Office Financial Impact Analysis

The contract is estimated to not exceed \$1.0 million over five years. The cost estimate is at a high confidence level. Procurement Services currently does not have any funding allocated for this effort. If Council approves the legislation, Procurement would be directed to award and execute a contract which CBO understands it does not currently have funding to support, which will force the bureau to reduce other expenditures or require the Council to prioritize resources to support the effort in an upcoming budget process. Procurement intends to request funds for the new study during the FY 2022-23 Fall BMP process. It is important to note that there may not be funds available to support this initiative in that process.

## Agenda Items

### 275 Regular Agenda in [April 13-14, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading April 20, 2022 at 9:30 a.m.

### 304 Regular Agenda in [April 20-21, 2022 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea