

ORDINANCE No. 185897

*Establish exemptions for the Prime Contractor Development Program (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Plan, adopted by Resolution 36918, includes a Framework for Equity to guide plan implementation and improve City operational and business practices, support actions that promote accountability, close disparity gaps and increase community engagement in civic activities.
2. The City of Portland Disparity Study Report, adopted by Resolution 36868, reviewed among other things, the City's public contracting methods for construction contracts to determine whether these processes were affected by race or gender discrimination. Additionally, the 2009 Disparity Study found there was evidence of disparities in the utilization of minority and women as prime contractors on City construction contracts
3. The Disparity Study Report directed a number of recommendations to the City, including the need to continue a program similar to the City's Sheltered Market Program which would provide prime contracting opportunities for state certified developing firms to work directly with the City.
4. The new Prime Contractor Development Program was described in the Social Equity Contracting Strategy, adopted by Resolution 36944, which is incorporated herein by reference. This new program is intended to achieve lower prices, establish economic growth in the Portland community and remedy the findings found in the Disparity Study Report.
5. ORS 279A.100 provides that the State Public Contracting Code may not be construed to prohibit the City from engaging in public contracting practices designed to promote affirmative action goals, policies or programs. ORS 279C.010 provides that public construction contracting is subject to ORS 279A. Therefore, the City's public construction contracting may adopt the Prime Contractor Development Program.

NOW, THEREFORE, the Council directs:

- a. City Public Improvement contracts between the State of Oregon's intermediate procurement maximum of \$100,000 and \$350,000 are hereby directed towards competitive bidding with the Prime Contractor Development Program.

Section 2. The Council declares that an emergency exists because the City has been without a program since October 1, 2011 and the need to foster competition within the minority, women and emerging small business community is immense. Therefore, this ordinance shall be in force and effect from and after its passage by the Council.

185897

Passed by the Council: FEB 20 2013

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Mayor Charlie Hales

Prepared by: Christine Moody

Date Prepared: February 13, 2013

185897

Agenda No. **ORDINANCE NO. 185897**
Title

*Establish Exemptions for the Prime Contractor Development Program (Ordinance)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>FEB 15 2013</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OMF/Bureau of Internal Business Service CAO: Jack D. Graham <i>[Signature]</i> Bureau Head: Bryant M. Enge <i>[Signature]</i></p>	<p>ACTION TAKEN:</p>
<p>Prepared by: Christine Moody:ms <i>[Signature]</i> Date Prepared: 2/13/2013</p>	
<p>Financial Impact & Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date 2/20/2013</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman _____	
4. Novick	4. Novick ✓	
Hales	Hales ✓	