

**ORDINANCE No. 187030 As Amended**

Establish the Commission on Equitable Contracting and Purchasing to increase utilization of minorities and women-owned businesses in City contracting, and increase inclusion of minorities and women in the workforce on City-funded projects (Ordinance)

The City of Portland ordains:

Section 1: The Council finds:

1. There is historically significant underutilization of minorities and women-owned business as City vendors, relative to their availability in the relevant market and their capacity to supply the City's needs.
2. The City of Portland (City) has taken several actions to promote equal opportunity in contracting for all persons and to eradicate the barriers that have impaired access by minorities and women-owned business enterprises to City contracting opportunities.
3. The City adopted the Social Equity Contracting Initiative in 2012 which strengthened the City's commitment to equal opportunity in contracting for all persons. It is crucial that the City take active measures to ensure that these provisions are effectively implemented.
4. It is of significant public importance that the City conducts critical, systematic, and comprehensive reviews of its data to remove the barriers that have impaired access by minorities and women-owned business enterprises to City contracting opportunities and inclusion of minorities and women in the construction workforce.
5. An ongoing collaborative city/community external review should be tailored to increasing the participation of minorities and women-owned businesses in City contracting and increasing inclusion of minorities and women in the workforce of contractors awarded a contract to perform work on City-funded projects;

NOW, THEREFORE, the Council directs:

A. Commission on Equitable Contracting and Purchasing

1. There is hereby established the Commission that shall exist to provide guidance for and advice to the Council.
2. The Mayor may nominate up to seven (7) voting members of the Commission, subject to approval of the commissioners' appointments by the Council. The members of the Commission shall include minorities and women contractors, stakeholders with experience in diversity contracting, inclusion practices and workforce diversity programs.

3. Vacancies shall be filled by the Mayor, and the Mayor may appoint additional voting and non-voting members to the Commission as necessary. Members of the Commission shall serve at the pleasure of the Mayor.
4. The Mayor will appoint each commissioner to serve on the Commission to serve a two (2) year term. At the expiration of the Commissioner's term, he/she may be re-appointed if the Mayor desires.
5. The Mayor shall designate a City employee to Chair the Commission.
6. A majority of the total members of the Commission who have been appointed shall constitute a quorum, and all recommendations of the Commission shall require approval of a majority of its total members.
7. The Commission shall attempt to engage and solicit the input of a broad and diverse range of groups, organizations and individuals.

#### B. Commission Duties and Purpose

1. The Commission shall review City wide reports and data, as well as data and information produced by agencies and collected by the Chief Procurement Officer regarding contracting practices, and minorities and women in the workforce of contractors awarded a contract to perform work on City-funded projects.
2. The Commission shall review minorities and women-business contracts with the City to ascertain if businesses are independently owned and controlled in both substance and form by minorities or women owners.
3. The Commission shall seek guidance from various stakeholders: including principals of minorities and women-owned businesses who are City contractors or subcontractors who have been unsuccessful in bidding for City contracts; and principals of businesses who are City contractors or subcontractors who have been challenged to increase minorities and women in the workforce of contractors awarded a contract to perform work on City-funded projects.
4. The Commission shall monitor utilization data of minorities and women-owned businesses in City contracting and data concerning minorities and women in the workforce on City projects for the purpose of identifying trends and recommend to the Council appropriate actions.
5. The Commission shall advise the Council which City efforts are most directly related to increasing minorities and women on City contracts, increasing minorities and women in the workforce on City projects, and demonstrate effective outcomes beneficial to minorities and to women.
6. The Commission shall work with the Council to identify opportunities for collaboration with other relevant entities in efforts to broaden project opportunities across the region.
7. The Chair shall notify stakeholders of the purposes of the Commission, the opportunities for stakeholder participation, the methods and schedule for such participation.
8. The Commission review and recommendations shall address existing barriers to minority and women-owned businesses participation in City contracting

opportunities and minorities and women in the workforce of contractors awarded a contract to perform work on City-funded projects, including but not limited to:

- i. Commitment from agency leadership to meeting minority and women owned businesses goals in contracting;
  - ii. Access to information;
  - iii. Specificity in contracts regarding minorities and women-owned businesses participation;
  - iv. Assistance and supportive services programs; and
  - v. Consistent and frequent monitoring and compliance.
9. The Commission shall submit periodic reports at least annually on utilization to the Council, including data on City spending and contract awards to minorities and women owned-business and data on minorities and women in the construction workforce on City-funded projects.
  10. In collaboration with other community-based organizations host a minorities and women-owned business summit designed to solicit direct community feedback and reporting about the effectiveness of the City's policies, processes and programs to increase minorities and women owned business in City contracting and to increase minorities and women in the construction workforce on City funded projects.
  11. The Chair shall present a status report of Commission work to the Fair Contracting Forum on a regular basis.

#### C. City Responsibilities

1. Every agency of the City shall provide to the Commission every assistance and cooperation, which may be necessary or desirable to fulfill the purposes of this Ordinance.
2. Staff support necessary for the conduct of the Commission work shall be furnished by appropriate agencies as directed by the Mayor's Office
3. City agencies will be responsible for submitting procurement plans and recording the actual utilization.
4. The Mayor's Office shall serve as a liaison between the Commission and agencies to facilitate the exchange of data and information.
5. Provide resources for successful implementation and ongoing operations.

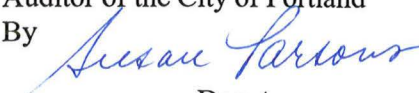
Passed by the Council:

FEB 25 2015

Commissioner: Mayor Charlie Hales  
Prepared by: Bryant Enge:tharris  
Date Prepared: January 5, 2015

**Mary Hull Caballero**  
Auditor of the City of Portland

By

  
Deputy

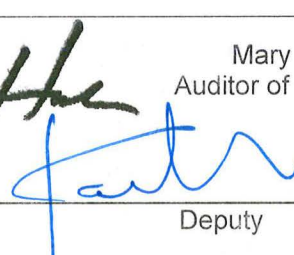
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Agenda No. **187030** **As Amended**  
**ORDINANCE NO.**  
 Title

**Establish the Commission on Equitable Contracting and Purchasing to increase utilization of minorities and women-owned businesses in City contracting and in the workforce on City-funded projects (Ordinance)**

*increase inclusion of minorities and women*

<p><b>INTRODUCED BY</b>          Commissioner/Auditor:          Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u><b>FEB 13 2015</b></u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</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;">Mary Hull Caballero          Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: OMF Bureau of Internal Business Services          CAO: Fred Miller <i>Fred Miller</i>          Bureau Head: Bryant M. Enge <i>BME</i></p> <p>Prepared by: Bryant Enge, tharris          Date Prepared: February 12, 2015</p> <p>Financial Impact &amp; Public Involvement Statement          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><b>City Auditor Office Approval:</b>          required for Code Ordinances</p> <p><b>City Attorney Approval:</b>          required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date <b>February 18, 2015</b></p>	<p><b>ACTION TAKEN:</b></p> <p style="text-align: center;"><b>As Amended</b></p> <p><b>FEB 18 2015 PASSED TO SECOND READING FEB 25 2015 9:30 A.M.</b></p>

<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/></p> <p>Start time: <u>9:30</u></p> <p>Total amount of time needed: <u>30 minutes</u>          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p>Total amount of time needed:          (for presentation, testimony and discussion)</p>

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	✓	