

A U S T I N C I T Y C O U N C I L
AGENDA



Thursday, December 14, 2006

+ Back Print

Item(s) from Council
RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 47

Subject: Approve an ordinance modifying the name of the Minority-Owned and Women-Owned Business Enterprise Advisory Committee to the Minority-Owned and Women-Owned Business Enterprise and Small Business Advisory Committee

Sponsor: Council Member Jennifer Kim

Co-Sponsor1: Council Member Sheryl Cole

Co-Sponsor2: Council Member Mike Martinez

Additional Backup Material

(click to open)

Ordinance

For More Information: Belinda Roberts

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 2-1, 2-9A, 2-9B, 2-9C, AND 2-9D OF THE CITY CODE TO CHANGE THE NAME OF THE MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISE ADVISORY COMMITTEE TO THE MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISE AND SMALL BUSINESS ADVISORY COMMITTEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 2-1 (*Boards and Commissions*) of the City Code is amended to amend the title of Article 38 to read:

ARTICLE 38. MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISE AND SMALL BUSINESS ENTERPRISE PROCUREMENT PROGRAM ADVISORY COMMITTEE.

PART 2. Section 2-1-381 (*Establishment; Members*) of the City Code is amended to read:

§ 2-1-381 ESTABLISHMENT; MEMBERS.

- (A) MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE shall mean the committee appointed by the city council to perform those functions provided for in Chapter 2-9 (*Minority-Owned and Women-Owned Business Enterprise Procurement Program*). The committee shall consist of two owners of certified WBE/MBE businesses; three representatives of the minority and women's chambers of commerce; two non-certified contractors; two representatives of trade associations; and two representatives from professional organizations. It is the intent of the city council that the membership of the MBE/WBE and Small Business Advisory Committee have the widest representation of businesses in Austin.
- (B) Each member of the MBE/WBE and Small Business Advisory Committee is appointed by the city council to serve a two-year staggered term. The terms of one MBE/WBE member, two chamber members, one member each from the non-certified contractors, trade associations and professional organizations, shall expire on March 1 of even-numbered years, and the terms of the other members appointed by the city council shall expire on March 1 of odd-numbered years. Each member of the MBE/WBE and Small Business

1 Advisory Committee is subject to Chapter 2-7 (*Ethics and Financial*
2 *Disclosure*).

3 (C) When performing review functions as described in Sections 2-9-17 (*Procedure*
4 *for Protesting Denial of Certification of Recertification or Opposing*
5 *Decertification as an MBE or WBE*) and 2-9-18 (*Procedure for Challenging*
6 *Certification as an MBE or WBE*), members of the MBE/WBE and Small
7 Business Advisory Committee shall recuse themselves from participation in a
8 vote or decision when the party before the committee perform the same or
9 similar work and compete with each other in the public or private marketplace.

10 (D) The MBE/WBE and Small Business Advisory Committee shall:

- 11 (1) review the city manager's report, as described in Sections 2-9A-18
12 (*Program Review*), 2-9B-18 (*Program Review*), 2-9C-18 (*Program*
13 *Review*), and 2-9D-18 (*Program Review*); and
- 14 (2) recommend changes to the City Code provisions, adopted rules and
15 regulations, and program operations.

16 **PART 3.** Section 2-9A-4(29) (*Definitions*) of the City Code is amended to read:

- 17 (29) MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.
18 The committee appointed by the city council to serve those functions
19 described in Section 2-9A-13 (*MBE/WBE and Small Business*
20 *Advisory Committee*). It is composed as set forth in Section 2-1-381
21 (*Establishment; Members*) of the Code.

22 **PART 4.** Section 2-9A-10 (*Duties of Department of Small and Minority Business*
23 *Resources*) of the City Code is amended to read:

24 **§ 2-9A-10 DUTIES OF DEPARTMENT OF SMALL AND MINORITY BUSINESS**
25 **RESOURCES.**

26 The Minority-Owned and Women-Owned Business Enterprise Procurement
27 Program with respect to Construction shall be administered and executed by a
28 Department of Small and Minority Business Resources, whose Director shall report to the
29 City Manager. The Director has final administrative authority over the operations of the
30 Program. The duties and function of the Department of Small and Minority Business
31 Resources shall include the following:

- 32 (1) Formulating, proposing and adopting rules and regulations for the
33 further development, implementation and monitoring of the Program,

1 in accordance with the process established in Section 2-9A-6
2 (*Adoption of Rules*).

- 3 (2) Assuring that MBEs and WBEs are informed of City contracting
4 opportunities.
- 5 (3) Providing information and assistance to MBEs, WBEs, and DBEs
6 relating to City procurement practices and procedures and Bid
7 specifications, requirements and prerequisites.
- 8 (4) Certifying businesses as MBEs, WBEs, and DBEs, maintaining
9 certification records, and ensuring that all City departments have an
10 up-to-date certification register.
- 11 (5) Reviewing Contractors achievement of the Goals or documentation of
12 Good Faith Efforts made to comply with the participation Goals for
13 Contracts, and rendering decisions on whether Good Faith Efforts
14 have been sufficient.
- 15 (6) Working with User Departments to monitor Contracts to ensure
16 prompt payments to MBEs, WBEs, and DBEs and compliance with
17 participation Goals and commitments.
- 18 (7) Establishing project participation Goals and/or Subgoals in
19 accordance with Section 2-9A-19 (*Establishment of MBE/WBE*
20 *Participation Levels for Individual Contracts in Construction*).
- 21 (8) Receiving, reviewing, and acting upon complaints and suggestions
22 concerning the Program, and reporting violations of this chapter when
23 such violations occur as provided in Section 2-9A-25 (*Sanctions*).
- 24 (9) Providing staff support and reports to the MBE/WBE and Small
25 Business Advisory Committee and forwarding its recommendations to
26 the City Manager, city council and City departments to further the
27 policies and objectives of the Program.
- 28 (10) Reporting the availability of MBEs, WBEs, and DBEs certified by the
29 City to perform Contracts for the City.

30 **PART 5.** Section 2-9A-13 (*MBE/WBE Advisory Committee*) of the City Code is
31 amended to read:

1 **§ 2-9A-13 MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.**

2 The MBE/WBE and Small Business Advisory Committee shall perform those
3 functions as set forth in Chapter [~~Section~~] 2-1, Article 38 of the Code.

4 **PART 6.** Section 2-9B-4(29) (*Definitions*) of the City Code is amended to read:

- 5 (29) **MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.**
6 The committee appointed by the city council to serve those functions
7 described in Section 2-9B-13 (*MBE/WBE and Small Business*
8 *Advisory Committee*). It is composed as set forth in Section 2-1-381
9 (*Establishment; Members*) of the Code.

10 **PART 7.** Section 2-9B-10 (*Duties of Department of Small and Minority Business*
11 *Resources*) of the City Code is amended to read:

12 **§ 2-9B-10 DUTIES OF DEPARTMENT OF SMALL AND MINORITY BUSINESS**
13 **RESOURCES.**

14 The Minority-Owned and Women-Owned Business Enterprise Procurement
15 Program with respect to Construction shall be administered and executed by a
16 Department of Small and Minority Business Resources, whose Director shall report to the
17 City Manager. The Director has final administrative authority over the operations of the
18 Program. The duties and function of the Department of Small and Minority Business
19 Resources shall include the following:

- 20 (1) Formulating, proposing and adopting rules and regulations for the
21 further development, implementation and monitoring of the Program,
22 in accordance with the process established in Section 2-9B-6
23 (*Adoption of Rules*).
- 24 (2) Assuring that MBEs and WBEs are informed of City contracting
25 opportunities.
- 26 (3) Providing information and assistance to MBEs, WBEs, and DBEs
27 relating to City procurement practices and procedures and Bid
28 specifications, requirements and prerequisites.
- 29 (4) Certifying businesses as MBEs, WBEs, and DBEs, maintaining
30 certification records, and ensuring that all City departments have an
31 up-to-date certification register.

- 1 (5) Reviewing Contractors achievement of the Goals or documentation of
2 Good Faith Efforts made to comply with the participation Goals for
3 Contracts, and rendering decisions on whether Good Faith Efforts
4 have been sufficient.
- 5 (6) Working with User Departments to monitor Contracts to ensure
6 prompt payments to MBEs, WBEs, and DBEs and compliance with
7 participation Goals and commitments.
- 8 (7) Establishing project participation Goals and/or Subgoals in
9 accordance with Section 2-9B-19 (*Establishment of MBE/WBE*
10 *Participation Levels for Individual Contracts in Construction*).
- 11 (8) Receiving, reviewing, and acting upon complaints and suggestions
12 concerning the Program, and reporting violations of this chapter when
13 such violations occur as provided in Section 2-9B-25 (*Sanctions*).
- 14 (9) Providing staff support and reports to the MBE/WBE and Small
15 Business Advisory Committee and forwarding its recommendations to
16 the City Manager, city council and City departments to further the
17 policies and objectives of the Program.
- 18 (10) Reporting the availability of MBEs, WBEs, and DBEs certified by the
19 City to perform Contracts for the City.

20 **PART 8.** Section 2-9B-13 (*MBE/WBE Advisory Committee*) of the City Code is
21 amended to read:

22 **§ 2-9B-13 MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.**

23 The MBE/WBE and Small Business Advisory Committee shall perform those
24 functions as set forth in Chapter [~~Section~~] 2-1, Article 38 of the Code.

25 **PART 9.** Section 2-9C-4(29) (*Definitions*) of the City Code is amended to read:

- 26 (29) MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.
27 The committee appointed by the city council to serve those functions
28 described in Section 2-9C-13 (*MBE/WBE and Small Business*
29 *Advisory Committee*). It is composed as set forth in Section 2-1-381
30 (*Establishment; Members*) of the Code.

31 **PART 10.** Section 2-9C-10 (*Duties of Department of Small and Minority Business*
32 *Resources*) of the City Code is amended to read:

1 **§ 2-9C-10 DUTIES OF DEPARTMENT OF SMALL AND MINORITY BUSINESS**
2 **RESOURCES.**

3 The Minority-Owned and Women-Owned Business Enterprise Procurement
4 Program with respect to Construction shall be administered and executed by a
5 Department of Small and Minority Business Resources, whose Director shall report to the
6 City Manager. The Director has final administrative authority over the operations of the
7 Program. The duties and function of the Department of Small and Minority Business
8 Resources shall include the following:

- 9 (1) Formulating, proposing and adopting rules and regulations for the
10 further development, implementation and monitoring of the Program,
11 in accordance with the process established in Section 2-9C-6
12 *(Adoption of Rules)*.
- 13 (2) Assuring that MBEs and WBEs are informed of City contracting
14 opportunities.
- 15 (3) Providing information and assistance to MBEs, WBEs, and DBEs
16 relating to City procurement practices and procedures and Bid
17 specifications, requirements and prerequisites.
- 18 (4) Certifying businesses as MBEs, WBEs, and DBEs, maintaining
19 certification records, and ensuring that all City departments have an
20 up-to-date certification register.
- 21 (5) Reviewing Contractors achievement of the Goals or documentation of
22 Good Faith Efforts made to comply with the participation Goals for
23 Contracts, and rendering decisions on whether Good Faith Efforts
24 have been sufficient.
- 25 (6) Working with User Departments to monitor Contracts to ensure
26 prompt payments to MBEs, WBEs, and DBEs and compliance with
27 participation Goals and commitments.
- 28 (7) Establishing project participation Goals and/or Subgoals in
29 accordance with Section 2-9C-19 *(Establishment of MBE/WBE*
30 *Participation Levels for Individual Contracts in Construction)*.
- 31 (8) Receiving, reviewing, and acting upon complaints and suggestions
32 concerning the Program, and reporting violations of this chapter when
33 such violations occur as provided in Section 2-9C-25 *(Sanctions)*.

- 1 (9) Providing staff support and reports to the MBE/WBE and Small
2 Business Advisory Committee and forwarding its recommendations to
3 the City Manager, city council and City departments to further the
4 policies and objectives of the Program.
- 5 (10) Reporting the availability of MBEs, WBEs, and DBEs certified by the
6 City to perform Contracts for the City.

7 **PART 11.** Section 2-9C-13 (*MBE/WBE Advisory Committee*) of the City Code is
8 amended to read:

9 **§ 2-9C-13 MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.**

10 The MBE/WBE and Small Business Advisory Committee shall perform those
11 functions as set forth in Chapter [~~Section~~] 2-1, Article 38 of the Code.

12 **PART 12.** Section 2-9D-4(30) (*Definitions*) of the City Code is amended to read:

- 13 (30) **MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.**
14 The committee appointed by the city council to serve those functions
15 described in Section 2-9D-13 (*MBE/WBE and Small Business*
16 *Advisory Committee*). It is composed as set forth in Section 2-1-381
17 (*Establishment; Members*) of the Code.

18 **PART 13.** Section 2-9D-10 (*Duties of Department of Small and Minority Business*
19 *Resources*) of the City Code is amended to read:

20 **§ 2-9D-10 DUTIES OF DEPARTMENT OF SMALL AND MINORITY BUSINESS**
21 **RESOURCES.**

22 The Minority-Owned and Women-Owned Business Enterprise Procurement
23 Program with respect to Construction shall be administered and executed by a
24 Department of Small and Minority Business Resources, whose Director shall report to the
25 City Manager. The Director has final administrative authority over the operations of the
26 Program. The duties and function of the Department of Small and Minority Business
27 Resources shall include the following:

- 28 (1) Formulating, proposing and adopting rules and regulations for the
29 further development, implementation and monitoring of the Program,
30 in accordance with the process established in Section 2-9D-6
31 (*Adoption of Rules*).
- 32 (2) Assuring that MBEs and WBEs are informed of City contracting
33 opportunities.

- (3) Providing information and assistance to MBEs, WBEs, and DBEs relating to City procurement practices and procedures and Bid specifications, requirements and prerequisites.
- (4) Certifying businesses as MBEs, WBEs, and DBEs, maintaining certification records, and ensuring that all City departments have an up-to-date certification register.
- (5) Reviewing Contractors achievement of the Goals or documentation of Good Faith Efforts made to comply with the participation Goals for Contracts, and rendering decisions on whether Good Faith Efforts have been sufficient.
- (6) Working with User Departments to monitor Contracts to ensure prompt payments to MBEs, WBEs, and DBEs and compliance with participation Goals and commitments.
- (7) Establishing project participation Goals and/or Subgoals in accordance with Section 2-9D-19 (*Establishment of MBE/WBE Participation Levels for Individual Contracts in Construction*).
- (8) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program, and reporting violations of this chapter when such violations occur as provided in Section 2-9D-25 (*Sanctions*).
- (9) Providing staff support and reports to the MBE/WBE and Small Business Advisory Committee and forwarding its recommendations to the City Manager, city council and City departments to further the policies and objectives of the Program.
- (10) Reporting the availability of MBEs, WBEs, and DBEs certified by the City to perform Contracts for the City.

PART 14. Section 2-9D-13 (*MBE/WBE Advisory Committee*) of the City Code is amended to read:

§ 2-9D-13 MBE/WBE AND SMALL BUSINESS ADVISORY COMMITTEE.

The MBE/WBE and Small Business Advisory Committee shall perform those functions as set forth in Chapter [~~Section~~] 2-1, Article 38 of the Code.

1 **PART 15.** This ordinance takes effect on _____, 2006.

2 **PASSED AND APPROVED**

3
4
5
6 _____, 2006

§
§
§

Will Wynn
Mayor

7
8
9
10
11 **APPROVED:** _____
12 David Allan Smith
13 City Attorney
14

ATTEST: _____
Shirley A. Gentry
City Clerk