

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 2-9A, 2-9B, 2-9C AND 2-9D EXTENDING THE MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISE PROCUREMENT PROGRAM AND REVISING THE SUNSET DATE.

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

PART 1. The Council finds:

- (A) City procurement has a substantial impact on the economy of the Austin area due to the number and size of contracts entered into for the purchase of goods and services.
- (B) Over the years the City has hired consultants to study and conduct an analysis of the availability of minority-owned and women owned businesses, including statistical studies and gathering anecdotal evidence regarding the presence of disparities in the City's marketplace.
- (C) The City has adopted ordinances, rules and policies to provide equal opportunities to contractors and suppliers to redress discrimination found in the City's marketplace and in public contracting against minority-owned and women-owned business enterprises and has adopted a comprehensive procurement program addressing each separate aspect of City spending to include construction, professional services, non-professional services and commodities (the "Program").
- (D) The Program adopted by the City has been narrowly tailored to remedy the documented discrimination, and includes race-neutral and gender-neutral options.
- (E) The City's ordinances for the Program contain a sunset date of December 31, 2013 to ensure the Council regularly reviews the Program to verify its necessity and remains tailored to the specific conditions found in the marketplace.
- (F) The City has executed an agreement with National Economic Research Associates, Inc. (NERA) to conduct a disparity study to determine and provide evidence to the City of continued discrimination in the marketplace and the necessity of the Program.
- (G) NERA's review and analysis will extend beyond the sunset date in the current ordinance and may lead to further ordinance amendments of the Program in the future.

1 (H)In order for the Council to conduct a thorough review and analysis of the Program,
2 the Council finds it is necessary to allow NERA to complete its review and extend
3 the Program until such time as a final report can be submitted to the Council
4 including recommendations on any changes to the Program.
5

6 **PART 2.** City Code Section 2-9A-26 is amended to read:
7

8 **§ 2-9A-26 SUNSET PROVISION.**
9

10 This chapter of the Code expires at the close of business December 31, 2015 [2013],
11 unless prior to that date the city council votes to reauthorize the Program.
12

13 **PART 3.** City Code Section 2-9B-26 is amended to read:
14

15 **§ 2-9B-26 SUNSET PROVISION.**
16

17 This chapter of the Code expires at the close of business December 31, 2015 [2013],
18 unless prior to that date the city council votes to reauthorize the Program.
19

20 **PART 4.** City Code Section 2-9C-26 is amended to read:
21

22 **§ 2-9C-26 SUNSET PROVISION.**
23

24 This chapter of the Code expires at the close of business December 31, 2015 [2013],
25 unless prior to that date the city council votes to reauthorize the Program.
26

27 **PART 5.** City Code Section 2-9D-26 is amended to read:
28

29 **§ 2-9D-26 SUNSET PROVISION.**
30

31 This chapter of the Code expires at the close of business December 31, 2015 [2013],
32 unless prior to that date the city council votes to reauthorize the Program.
33

34 **PART 6.** This ordinance takes effect on _____, 2013.

35 **PASSED AND APPROVED**

1
2
3
4
5
6
7
8
9
10
11

_____, 2013

§
§
§

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

Draft