

**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 procurement 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 performing 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 remedies.
- (E) The City's ordinances for the Program contained a sunset date of December 31, 2013, to ensure that the Council regularly reviewed the Program to verify its necessity and to ensure that it remained narrowly tailored to the specific conditions in the marketplace. The Council approved Ordinance No. 20131121-038 to extend the Program's sunset date to December 31, 2015 to allow for completion of a new disparity study.
- (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 December 31, 2015 sunset date in the current ordinance and may lead to further ordinance amendments of the Program in the future.

(H) In order for the Council to conduct a thorough review and analysis of the Program, the Council finds that it is necessary to extend the program to allow NERA to complete its review and so that a final report can be submitted to the Council including recommendations on any changes to the Program.

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

**§ 2-9A-26 SUNSET PROVISION.**

This chapter of the Code expires at the close of business December 31, 2016 [2015], unless prior to that date the city council votes to reauthorize the Program.

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

**§ 2-9B-26 SUNSET PROVISION.**

This chapter of the Code expires at the close of business December 31, 2016 [2015], unless prior to that date the city council votes to reauthorize the Program.

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

**§ 2-9C-26 SUNSET PROVISION.**

This chapter of the Code expires at the close of business December 31, 2016 [2015], unless prior to that date the city council votes to reauthorize the Program.

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

**§ 2-9D-26 SUNSET PROVISION.**

This chapter of the Code expires at the close of business December 31, 2016 [2015], unless prior to that date the city council votes to reauthorize the Program.

**PART 6.** This ordinance takes effect on \_\_\_\_\_, 2015.

**PASSED AND APPROVED**

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\_\_\_\_\_, 2015

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Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan Jannette S. Goodall  
Interim City Attorney City Clerk