

RESOLUTION NO.: R-2016-079

Repealing Resolution No.: 1986-010 Establishing a minority and female business enterprise program and Adopting a Commercial Non-Discrimination and Columbia Disadvantaged Business Enterprise (CDBE) Utilization Policy into the City of Columbia Procurement Regulations

WHEREAS, the Mayor and City Council by Resolution No.: R-1986-010 enacted on June 5, 1986 established a Minority and Female Business Enterprise Program; and,

WHEREAS, the City of Columbia ("City") is determined to establish and firmly enforce a clear policy against discrimination in City-related business on the basis of race, gender, religion, national origin, ethnicity, sexual orientation, age, or disability. Additionally, the City shall establish a policy not to engage in City-related business with firms that discriminate in their solicitation, selection, or treatment of vendors, suppliers, contractors, subcontractors, or business customers; and,

WHEREAS, the South Carolina General Assembly has declared that business firms owned and operated by minority persons have been historically restricted from full participation in the free enterprise system to a degree disproportionate to other businesses, and that it is in the State's best interest to assist minority-owned businesses to develop fully as a part of the State's policies and programs designed to promote balanced economic and community growth; and,

WHEREAS, the State of South Carolina defines a minority person as one that is socially and economically disadvantaged, and includes women in its definition of socially disadvantaged business enterprises; and,

WHEREAS, the City had a Disparity Study completed in 2006 that found that minority and women owned businesses (MWBEs) were substantially underutilized in prime contracting in a majority of procurements in (1) construction, (2) architecture and engineering consultants, (3) professional services, (4) goods and supplies, and (5) other services; and,

WHEREAS, the 2006 Disparity Study also found that MWBEs were substantially underutilized in subcontracting in a majority of procurements in (1) construction, (2) architecture and engineering consultants, (3) professional services, (4) goods and supplies, and (5) other services; and,

WHEREAS, the City implemented the Subcontracting Outreach Program (SOP) in 2003 as a race and gender neutral method to increase the utilization of MWBE subcontractors. However, the program has not met suggested aspirational goals of the 2006 Disparity Study; and,

WHEREAS, the City implemented a Mentor Protege Program (MPP) 2008 as a race and gender neutral method to increase the utilization of MWBE prime contractors. However, the program has not met the suggested aspirational goals of the 2006 Disparity Study; and,

WHEREAS, the City implemented a Local Business Enterprise Program in 2010 as a race and gender neutral method to show its commitment to utilizing local businesses in the procurement process; and,

WHEREAS, the City has implemented many of the recommendations outlined in the 2006 Disparity Study to increase MWBE utilization including, but not limited to, setting aspirational goals, changing insurance requirements so that smaller firms can be more competitive, requiring prime contractors to make good faith efforts to utilize MWBEs in their fulfillment of City contracts, and providing technical assistance to firms; and,

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WHEREAS, despite the City's extensive efforts to implement race and gender neutral methods to increase MWBEs utilized in city procurement, the City has not met the aspirational goals recommended by the 2006 Disparity Study; and,

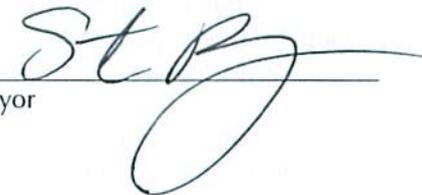
WHEREAS, the City recognizes that it has a particular responsibility to promote participation of local MWBEs in the Columbia-Orangeburg-Newberry Metropolitan Statistical Area in furtherance of the State policy; and,

WHEREAS, the City of Columbia desires to repeal Resolution No.: R-1986-010 and adopt a clearer policy that will ensure that MWBEs are afforded the opportunity to fully participate in the overall procurement process of the City; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and Council of the City of Columbia, South Carolina, this 15th day of November, 2016, that Resolution No.: R-1986-010 is hereby repealed in its entirety and that the attached Commercial Non-Discrimination and Columbia Disadvantaged Business Enterprise (CDBE) Utilization Policy is hereby adopted and incorporated into the City of Columbia Procurement Regulations.

Requested by:

Assistant City Manager Palen



Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 11/15/2016

Final Reading: 11/15/2016