



Ordinance No. 2016-062

City of Minneapolis

File No. 16-00109

By Glidden, Quincy, and Warsame

Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 17.60 contained in Chapter 17, Finance Department, be amended to read as follows:

17.60. - Duties of finance officer.

The finance officer:

- (a) Shall oversee all functions of the finance department.
- (b) Shall serve as treasurer to all city boards and commissions but shall not be a member of any city board or commission.
- (c) The finance officer may, with the consent of the city council, appoint an assistant finance officer who shall assist in the duties of the office and act as finance officer in the absence of the finance officer.
- (d) Shall assume all of the powers and duties that an assistant coordinator of finance and management would have and shall assume all of the powers and duties of the finance officer set forth in the City Charter or applicable laws of the State of Minnesota and such additional powers and duties as may be delegated to the finance officer by the city coordinator or the city council.
- (e) Shall assure that all administrative duties are performed as are set forth in Chapter 16 of this Code.
- (f) Shall sign all bonds, orders, certificates or other evidences of indebtedness of the city, or any of its boards, before any such bond, order, certificate or other evidence of indebtedness shall be valid.
- (g) Shall sign all bond documents and documents conveying city interest in real estate. ~~The city council may delegate by resolution the power to make and execute contracts on behalf of the city to certain persons or to certain position titles within the city. The delegated authority to make and execute contracts on behalf of the city shall only be for contracts of a limited dollar amount and a limited term as approved by the city council. All contracts made under the authority of this shall section shall be in a written form approved by the city attorney. The finance officer shall sign all city contracts except for those contracts of limited amount and limited terms delegated by the city council to be signed by a particular designee. The finance officer may designate up to two (2) persons regularly employed in the office to sign city contracts on behalf of the finance officer. The designees shall have the same authority to sign city contracts as the finance officer, except for bond and real estate conveyancing documents. The finance officer shall also keep all records of all city contract documents, including the authority to enter into a contract and any other records deemed necessary. The finance officer also may establish those administrative procedures necessary for the management of city contracts.~~

(h) Shall sign all city contracts, and shall sign park board contracts as required in section 18.100, except under the following circumstances:

(1) The finance officer may designate up to two (2) persons regularly employed in the office to sign city contracts, and park board contracts under section 18.100, on behalf of the finance officer. The designees shall have the same authority to sign city contracts, and park board contracts under section 18.100, as the finance officer, except for city bond and city real estate conveyancing documents.

(2) The city council may, by adopting a resolution, approve the use of a city form contract that is:

a. Pre-approved by the city attorney; and

b. Consistent with the policies and procedures established, maintained, and modified from time to time by the city attorney and the finance officer. The policies and procedures must indicate the terms and conditions, and justifications for the city attorney to make non-material changes to any pre-approved form contracts adopted by resolution.

The city resolution must specify the title or position of those authorized to sign the form contract and the circumstances when the form contract may be used. A separate resolution for a city form contract may be adopted for professional, technical, and service contracts that are anticipated to be less than or equal to one hundred thousand dollars (\$100,000.00).

(i) Shall keep all records of all city contract documents, including the authority to enter into a contract and any other records deemed necessary. The finance officer also may establish those administrative procedures necessary for the management of city contracts.

~~(h)~~ (j) Shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account in such manner as directed by the city council.

~~(i)~~ (k) Shall control public lands and buildings owned or leased by the city for municipal operations under the jurisdiction of the city council and shall take such measures for the proper maintenance and protection of public lands and buildings as in the judgment of the finance officer may be necessary. The finance officer shall also purchase or sell public lands and buildings subject to the approval of the city council. All leases of public property must involve adequate consideration to reimburse the city for property expenses. This subsection shall not apply to purchases, sales or leases for development purposes, or to those certain public lands and buildings that the city coordinator and city engineer determine are more appropriately maintained and controlled by a separate city official.

Section 2. That Section 18.100 contained in Chapter 18, Purchasing, be amended to read as follows:

18.100. - Bidded contracts.

Contracts for the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property shall be drawn by the city attorney, except contracts for the park board, which shall be drawn by the attorney for the park board. These contracts shall be signed by the city finance officer or ~~the finance officer's designee pursuant to administrative guidelines adopted by the finance department~~ a designee as allowed under section 17.60. Board contracts shall be signed by the president of the board and the city finance officer or the city finance officer's designee. Board contracts shall be signed by the president of the board. Board contracts shall also be signed by the city finance officer or a designee as allowed under section 17.60. Contracts shall be accompanied by a performance bond and a payment bond of the contractor to the city or the board making the contract for the full amount of the contract price or some other amount determined by the finance officer that is reasonable and necessary for the protection of the city. The

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city finance officer or the city finance officer's designee shall sign the bonds. Copies of all contracts shall be kept by the finance department and copies shall be sent by the finance department to the appropriate city departments or boards.

Section 3. That section 18.105 contained in Chapter 18, Purchasing, be amended to read as follows:

18.105. - Other contracts.

All ~~other~~ contracts not regulated by section 18.100, including but not limited to ~~contracts for professional services,~~ professional, technical, and service contracts, leases, joint powers agreements, maintenance agreements, real estate sales, loan agreements, purchases or leases, intergovernmental agreements, or any other contracts shall be in written form approved by the city attorney. ~~Contracts for professional services made and executed in a dollar amount less than or equal to fifty thousand dollars (\$50,000.00) shall be in written form approved by the city attorney and consistent with the policies and procedures of the finance department or other directives of the city's finance officer.~~ Performance bonds and payment bonds ~~will~~ may be required for these contracts at the discretion of the city's finance officer.

Section 4. That section 18.120 contained in Chapter 18, Purchasing, be amended to read as follows:

18.120. - Competitive bids required.

The purchasing agent, whenever it is practicable, and when it is in accordance with other provisions of this code, shall obtain competitive bids upon all purchases not advertised for in the official newspaper.

Section 5. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 18A to read as follows:

CHAPTER 18A. TARGET MARKET PROGRAM

18A.10. Findings; Purpose. This chapter is enacted as a race-neutral and gender-neutral program to increase competition and to stimulate the local economy by providing economic opportunities in city contracting for small businesses in the city's marketplace. The city council of the City of Minneapolis finds that there is a need to encourage the expansion of small businesses in the city's marketplace to increase the tax base, to provide new employment opportunities, to alleviate or prevent economic blight and deterioration, to stimulate economic development, and to assist in the implementation of the comprehensive plan for the city. The city council further finds that the health, safety and general welfare and the preservation of the quality of life of the residents of the city and the city's marketplace are dependent on the preservation and expansion of small businesses in the city's marketplace. The city council is acting in all respects for the benefit of the citizens of the city and the city's marketplace to serve a public purpose in improving and otherwise promoting their health, welfare and prosperity.

18A.20. Policy. This program is intended to provide a race-neutral and gender-neutral tool to expand opportunities for, and develop the capacity of, small and local businesses so that all segments of the community may participate in city contracts. This program will allow small businesses to compete against other small businesses.

18A.30. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section, except where the context clearly indicates that a different meaning is intended.

Approved small business enterprise means a small business enterprise that is approved under this chapter.

Chief financial officer means the City's Finance Officer or his/her designee.

Commercially useful function means a function performed by a business that is responsible for the execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. Acting as a conduit to transfer funds to another business does not constitute a commercially useful function unless it is done as a normal business practice of a particular industry.

Contract means an agreement entered into by the city or the park and recreation board: (1) for the purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property; or (2) for professional, technical or other personal services. Contract does not include agreements for private development or redevelopment of land or contracts making awards of grants or loans for development purposes.

General industry category means a class of contracts identified by the chief financial officer.

Marketplace means the geographical area of the Minnesota counties of Anoka, Benton, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Stearns, Washington, and Wright.

Principal place of business means the primary physical location at which or from which a business performs, is maintained, or operates.

Small business enterprise ("SBE") means a business that meets all of the following criteria:

(1) *Size standards.* Does not exceed the United States Small Business Administration ("SBA") size standards under the North American Industry Classification System ("NAICS") code provided in Title 13, Chapter I, Part 121 of the Code of Federal Regulations.

(2) *Principal place of business.* Has its principal place of business located within the marketplace at the time of the request for quotation or response.

(3) *Independently owned and controlled.* Is independently owned and controlled. Whether the business is independently owned and controlled is indicated by the absence of control or influence of a non-SBE. The business must be free of such items as shared personnel, facilities, equipment, financial, or other resources with a non-SBE. Processing multiple SBEs under one business name with shared management, personnel, facilities, equipment, financial, or other resources is prohibited.

(4) *For-profit.* Is a for-profit business.

(5) *Commercially useful function.* Performs a commercially useful function.

(6) *Average annual gross receipts.* Has had average annual gross receipts over the business's previous three fiscal years that does not exceed the amount specified in the general industry category chart, as required under section 18A.50(c), for the general industry category for which the business is providing a quotation or response. If the business has been in business for less than three years, the annual gross receipts will be averaged over the period of time that the business has been in business.

18A.40. Target Market Program Contracting.

- (a) Contracts that are not anticipated to exceed one hundred thousand dollars (\$100,000) may be set aside for only approved small business enterprises.
- (b) Nothing in this chapter shall limit the city's right to reject all quotations or responses in the sole discretion of the city, including but not limited to, in the event that all quotations or responses received exceed the city's projected costs for a particular contract, or if an emergency necessitates the immediate hiring of a person or a business that is not an approved small business enterprise.

18A.50. Administration.

- (a) The chief financial officer shall administer the Target Market Program.
- (b) The chief financial officer may:
 - (1) Create processes, procedures and forms to implement the provisions of this chapter.
 - (2) Recommend the unbundling of contracts.
 - (3) Provide informational and training resources to approved small business enterprises.
- (c) The chief financial officer shall create a general industry category chart.
 - (1) The chart must include, at a minimum, the general industry categories identified by the chief financial officer and a maximum dollar amount for each general industry category.
 - (2) When identifying the general industry categories, the chief financial officer may consider factors such as the types of contracts awarded by the City or awarded by other governmental entities in the Marketplace or in areas near the Marketplace.
 - (3) On at least an annual basis, the chief financial officer must:
 - a. Review the general industry category chart;
 - b. Consider whether any revisions will be made to the general industry category chart;
 - c. Publish, with the city council, a revised general industry category chart or a statement that no changes will be made to the general industry category chart.
 - (4) The general industry category chart must be effective on January 1st of each year and must be posted on the City's designated internet site(s) or portal(s) or be available to the public through other readily available means.

18A.60. Procedures for maintenance of list of Small Business Enterprises.

The chief financial officer must establish procedures for:

- (1) The approval of a business as an approved small business enterprise.
- (2) The establishment and maintenance of a list of approved small business enterprises.
- (3) The removal of a business from the list of approved small business enterprises.

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(4) The rights of businesses when approval is denied or the business is removed from the list of approved small business enterprises.

18A.70. Administrative determinations; notice; effect on existing contracts.

(a) *Administrative determination of denial or removal.* If there is reasonable cause to determine that: (1) a business has not complied with the procedures for small business enterprises; or (2) a business does not meet all of the criteria of a small business enterprise, the business may be denied small business enterprise approval or may be removed from the list of approved small business enterprises, whichever is applicable.

(b) *Notification of determination of denial or removal.* The business must be notified, in writing, of the determination of denial or removal, the basis for the determination, and the manner for requesting an administrative hearing review.

(c) *Effect of removal from list on existing contracts.* If a business is removed from the list of approved small business enterprises, removal from the list does not automatically discharge the business from its obligations under any existing contracts with the city.

18A.80. Administrative Hearing Review. A business that has been notified, in writing, that it has been denied small business enterprise approval, or has been removed from the list of approved small business enterprises, may file, within 15 days of the date of the written notification of denial or removal, a request for an administrative hearing review.

Within twenty (20) days after the business has filed a request for an administrative hearing review, the chief financial officer must initiate an administrative hearing review by requesting an assignment of a hearing officer. Within twenty (20) days of receiving a report of the hearing officer, or at a later date if there is good cause for an extension of time, the chief financial officer must make a final determination on the denial or removal. The final determination must be in writing, must provide the reasons for the final determination, and must be promptly provided to the business.

18A.90. Judicial review. An aggrieved party may obtain judicial review of the final determination by petitioning the Minnesota Court of Appeals for a writ of certiorari pursuant to Minnesota Statutes, Section 606.01.

18A.100. Complaints. The chief financial officer may create a complaint process to allow protests of a business's status as an SBE.

18A.110. City departments. All departments of the city and the park and recreation board shall share in the responsibility for accomplishing the goals and objectives of this chapter. Each city department and the park and recreation board shall designate one (1) employee of the respective department or board to act as a liaison to assist in carrying out the provisions of this chapter.

18A.120. Reporting. The chief financial officer shall report annually to the city council regarding the implementation of this chapter.

18A.130. Severability. If any provision of this chapter is held invalid by any court, the invalidity of such provision shall not affect any of the remaining provisions of this chapter.

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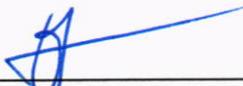
18A.140. Effective date and expiration of chapter 18A.

This chapter of the Minneapolis Code of Ordinances, Chapter 18A, shall be effective January 1, 2017. Absent other action by the city council based on an analysis of its continuing need, this chapter shall cease to be effective on January 1, 2023.

Notice: 1/29/2016 Intro. & 1st Reading: 2/12/2016; 9/23/2016 Committee: COW
Public Hearing: 9/21/2016 2nd Reading & Passage: 9/23/2016 Publication: OCT 01 2016

RECORD OF COUNCIL VOTE				
MEMBER	AYE	NAY	ABSTAIN	ABSENT
REICH	X			
GORDON	X			
FREY	X			
B. JOHNSON	X			
YANG	X			
WARSAME	X			
GOODMAN	X			
GLIDDEN	X			
CANO	X			
BENDER	X			
QUINCY	X			
A. JOHNSON	X			
PALMISANO	X			
DATE:	SEP 23 2015			

APPROVED VETOED


MAYOR HODGES
SEP 28 2016
DATE

Certified an official action of the City Council

ATTEST:


CITY CLERK

Presented to the Mayor:	SEP 23 2015	Received from the Mayor:	SEP 29 2016
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Ordinance No. 2016-063

City of Minneapolis

File No. 16-00109

By Glidden, Quincy, and Warsame

Amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances relating to Civil Rights: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 139.50 of the above-entitled ordinance be amended to read as follows:

139.50. - Provisions required in contracts with city.

(a) *Required contract clauses.* Unless exempted by the director, all City of Minneapolis contracts shall include the following provisions, specifically or by reference:

During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, age (forty (40) to seventy (70)), marital status, or status with regard to public assistance. The contractor will take affirmative action to ensure that all employment practices are free of such discrimination. Such employment practices include but are not limited to the following: Hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Minneapolis Department of Civil Rights ("MDCR") setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that it is an equal opportunity or affirmative action employer.
- (3) The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the MDCR, advising the labor union or workers' representative of the contractor's commitments under section 139.50 of the Minneapolis Code of Ordinances, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Title 7 of the Minneapolis Code of Ordinances, and with all rules and regulations issued by the director of the MDCR ("director") or the Minneapolis Commission on Civil Rights.
- (5) The contractor will furnish and cause each of its subcontractors to furnish all information and reports by section 139.50 of the Minneapolis Code of Ordinances, and by the rules and regulations of the director or of the commission, and will permit access to its books, records and accounts by the

director, the director's agent, or the commission, for purposes of investigation to ascertain compliance with the rules, regulations and provisions of Title 7.

(6) The contractor shall take action to afford Minority-Owned Business Enterprises and Women-Owned Business Enterprises, as defined in chapter 423, full and fair opportunities to compete on this contract and resulting subcontracts. This provision is not intended to limit in any manner the right of a contractor to enter into a contract with a subcontractor whose status as a Minority-Owned Business Enterprise or Women-Owned Business Enterprise has not been determined by the MDCR. Any non-compliance of the provisions of chapter 423, or of any rules or regulations promulgated by the MDCR pursuant to chapter 423, may result in the penalties outlined in chapter 423.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or provisions of Title 7, this contract may be canceled, terminated or suspended, in whole or in part, and the contractor may be declared ineligible by the Minneapolis City Council for further city contracts in addition to other remedies as provided in Title 7. In addition, the contractor shall be liable for any costs or expenses incurred by the City of Minneapolis in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the city under this contract and for administrative costs incurred in seeking compliance. The city shall have the right to specific performance of this contract. Further, in the event there is probable cause to believe the contractor is in noncompliance with the nondiscrimination clauses of this contract or with any applicable rules or regulations, the city shall withhold up to fifteen (15) percent of said contract amount until such time as the contractor is found to be in compliance or in the event that withholding a portion of the contract amount is not a feasible alternative, then liquidated damages of five hundred dollars (\$500.00) per day for each day that the director shall determine that there is probable cause to believe that the contractor is in noncompliance with this section shall be imposed, or is otherwise adjudicated to be in compliance.

(b) *Noncompliance.* When the director or the director's designee shall have probable cause to believe that the contractor is not in compliance with any provision of subsection (a) paragraphs (1) through (7) or with the implementing rules, regulations, provisions or plans thereto, the director or the director's designee shall notify the city department administering said contract and shall engage the contractor and the administering department in conciliation and persuasion to try to eliminate the acts or practices giving rise to such belief.

Should conciliation and persuasion fail to eliminate the noncompliant acts or practices, the director or the director's designee shall either request a hearing before the city council on the subject matter of the noncompliance or file a director's charge and refer said charge to the commission demanding that a hearing panel of the commission be convened to hear the charge.

(1) *Hearing before city council.*

a. The president may refer the matter in conformance with council procedures to the appropriate standing committee, no later than its second next regular meeting, for public hearing on the alleged noncompliance and the committee shall report its findings to the council. The council may take final action including final imposition of sanctions under subsection (a)(7), direction to the director to obtain compliance or any other action it deems just and proper.

b. Should the director or the director's designee have probable cause to believe that the contractor remains in noncompliance, the director shall file a director's charge and refer said charge to the commission demanding that a hearing panel of the commission be convened to hear the complaint. The hearing panel shall be convened as set forth in 139.50(b)(2).

(2) *Hearing before a panel of the commission.*

- a. The hearing on the director's charge shall be held within thirty (30) days of notification of the matter for hearing. The city attorney shall represent the director before the commission.
- b. The chairperson of the commission on civil rights shall appoint a three-person panel, one (1) of whom shall be an attorney, who shall also be chairperson of the panel.

The panel shall hold a public hearing on the director's charge and shall receive evidence pursuant to the provisions of Minnesota Statutes Section 14.60. The hearing panel shall make findings with respect to the contract, ordinance provisions, affirmative action plan or women and minority business enterprise plan. The hearing panel shall order final action including final imposition of sanctions under subsection (a)(7) of this section.

c. Whenever, in the director's judgment a public hearing pursuant to subsection (b)(2) will take longer than two (2) full days to complete, the director shall certify such fact to the commission and the chairpersons of the commission shall appoint a person who is a lawyer and who may or may not be a member of the commission to conduct the public hearing. In such cases, the hearing examiner shall have the same duties, obligations and powers as a hearing panel.

(c) *Subcontracts.* The contractor will include the provisions of subsection (a) paragraphs (1) through (7) in every subcontract or purchase order, specifically or by reference, unless exempted by rules, regulations or orders of the director or the commission, issued pursuant to chapter 141 of this title, so that such provisions will be binding upon each subcontractor or vendor.

(d) *Written affirmative action plan.* Neither the City of Minneapolis nor the Minneapolis Community Development Agency shall enter into contracts or amend any contract resulting in a cumulative contract award in excess of ~~fifty thousand dollars (\$50,000.00)~~ one hundred thousand dollars (\$100,000.00) with any bidder or prospective contractor until a written affirmative action plan has been approved by the director or the director's designee and until the department has conducted a pre-award compliance review.

Neither the City of Minneapolis nor the Minneapolis Community Development Agency shall ~~not~~ close on any development contract until a written affirmative action plan from the recipient of assistance and any prospective contractor with a contract in excess of ~~fifty thousand dollars (\$50,000.00)~~ one hundred thousand dollars (\$100,000.00) has been approved by the director or the director's designee and until the department has conducted a pre-award compliance review.

The director or director's designated city staff shall, in a pre-award compliance review, examine evidence of the past performance of the entity under review regarding compliance with the provisions of subsection (a) of this section which should include, but not be limited to the following factors: The record of the entity under review regarding observance of the City of Minneapolis contract compliance rules and regulations, the books, records, payrolls and other relevant documents including a list, separated by construction project or work site of all protected-class employees who worked for the entity under review during the period to be reviewed; documentary evidence of the implementation of each of the affirmative action standards set forth in the specifications and evidence demonstrating whether or not the entity under review has complied with subsection (a)(1) of this section or similar equal employment opportunity clause in contracts with any other governmental body or any other entity. The director or director's designated city staff shall have thirty (30) days after receiving notice of the proposed contract to complete the pre-award compliance review and approve or disapprove the affirmative action plan.

(e) *Jurisdiction.* With regard to development contracts the jurisdiction of the city under this section shall extend for a period of three (3) years from the date of the development contract or until such longer period as may be stated in the development contract and shall include jurisdiction over owner-occupants of any project financed pursuant thereto.

Section 2. That Section 139.80 of the above-entitled ordinance be and is hereby repealed:

139.80. Affirmative action requirements in regard to professional or technical services.

~~Prior to its solicitation of requests for proposals for professional or technical services, and where requests for proposals have not been solicited, prior to entering into any contract or agreement to provide professional or technical services, the person authorized to request such professional or technical services shall meet with the women and minority business enterprise liaison officer and confer as to whether reasonable opportunities exist for businesses owned and controlled by women or minorities to participate in the performance of such contracts or agreements. No contract or agreement to provide such professional or technical services shall be approved until the person authorized to request such professional or technical service and the women and minority business enterprise liaison officer shall certify that a meeting was held pursuant to this section.~~

~~All bid notices, documents and specifications used for solicitation of requests for proposals for professional or technical services shall include the following language: The City of Minneapolis hereby notifies all bidders that businesses owned and controlled by women or minorities shall be afforded the maximum feasible opportunity to submit bids and/or proposals and that all bidders shall comply with the City of Minneapolis women and minority business enterprise affirmative action plan. Failure to do so shall render a bid or proposal nonresponsive.~~

Notice: N/A Intro. & 1st Reading: 9/23/2016 Committee: N/A
Public Hearing: 9/21/2016 2nd Reading & Passage: 9/23/2016 Publication: OCT 01 2016

RECORD OF COUNCIL VOTE				
MEMBER	AYE	NAY	ABSTAIN	ABSENT
REICH	X			
GORDON	X			
FREY	X			
B. JOHNSON	X			
YANG	X			
WARSAME	X			
GOODMAN	X			
GLIDDEN	X			
CANO	X			
BENDER	X			
QUINCY	X			
A. JOHNSON	X			
PALMISANO	X			
DATE:	SEP 23 2016			

APPROVED VETOED


MAYOR HODGES
SEP 28 2016
DATE

Certified an official action of the City Council
ATTEST:

CITY CLERK

Presented to the Mayor: **SEP 23 2016** Received from the Mayor: **SEP 29 2016**

#1.3



Ordinance No. 2016-064

City of Minneapolis

File No. 16-00109

ORDINANCE

By Glidden, Quincy, and Warsame

Amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to Planning and Development: Small and Underutilized Business Enterprise Program.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 423.60 of the above-entitled ordinance be amended to read as follows:

423.60. - Applicability and enforcement, commodities and supplies.

This section applies to any contract for non-construction-related equipment, food, material or any part or combination thereof, in excess of ~~fifty thousand dollars (\$50,000.00)~~ one hundred thousand dollars (\$100,000). The department will set an overall, annual goal for MBE/WBE participation for all anticipated commodity and supply contracts based on the overall availability of minority-owned and women-owned equipment, material and supplies vendors in the city's marketplace. The department may review each contract or agreement to determine if specific goals will be placed based on the scopes of work of the contract; the availability of qualified, ready, willing and able MBEs/WBEs to perform those scopes; the city's progress towards meeting its annual goal; the location of the contract's performance; and any other relevant factors.

If the department places no specific goals on MBEs/WBEs that may have the capability to offer a bid or a proposal, the department may submit a list of MBEs/WBEs, which may have the capability to offer a bid or proposal, to the soliciting department or the park and recreation board. If the city seeks bidders or proposers on a master contract, the department will offer any and all available MBEs/WBEs to the soliciting department or the park and recreation board seeking a master contract so that the soliciting department or the park and recreation board may directly solicit the businesses for inclusion on the master agreement.

The department will monitor participation on projects to ensure MBEs and WBEs are utilized on the bids or proposals as submitted by the bidder or proposer. Any bid or proposal, where there is or has been a material lack of compliance with the requirements of this chapter, shall be deemed to be an unresponsive bid or proposal by the department and such lack of compliance shall be a sufficient basis for the rejection of that bid or proposal by the city.

Every contract covered by this chapter shall be drafted in such a way as to comply with the terms of section 139.50 of the Minneapolis Code of Ordinances, except to the extent that the terms of section 139.50 conflict with the terms of this chapter.

The department shall promulgate such rules, regulations and forms as may be needed to carry out the duties and responsibilities set forth herein. The department shall establish and make readily available to all potential proposers, bidders, contractors and suppliers the rules of compliance with this chapter.

Such rules shall set forth program methods for establishing participation goals, all outreach requirements for prime contractors and developers to eligible WBEs and MBEs, and all other requirements for demonstrating good faith efforts at compliance with the requirements of this chapter and the rules set forth by the department.

Notice: N/A Intro. & 1st Reading: 9/23/2016 Committee: N/A
Public Hearing: 9/21/2016 2nd Reading & Passage: 9/23/2016 Publication: OCT 01 2016

RECORD OF COUNCIL VOTE				
MEMBER	AYE	NAY	ABSTAIN	ABSENT
REICH	X			
GORDON	X			
FREY	X			
B. JOHNSON	X			
YANG	X			
WARSAME	X			
GOODMAN	X			
GLIDDEN	X			
CANO	X			
BENDER	X			
QUINCY	X			
A. JOHNSON	X			
PALMISANO	X			
DATE:	SEP 23 2016			

APPROVED VETOED



 MAYOR HODGES
SEP 28 2016

 DATE

Certified an official action of the City Council
 ATTEST:


 CITY CLERK

Presented to the Mayor:	SEP 23 2016	Received from the Mayor:	SEP 29 2016
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