



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **March 20, 2018** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **March 21, 2018** in accordance with the applicable provisions of law.

Ordinance No. 2018-54

Establishing Minority and Women Business Enterprise goals and Minority Workforce Participation Goals

WHEREAS, the City of Rochester seeks to encourage the growth and development of Minority and Women Business Enterprises (MWBE) in our local economy, and

WHEREAS, the City seeks to ensure that MWBEs have the opportunity to participate in the many projects the City funds annually, including public works, professional services and purchases of goods and services, and

WHEREAS, the State of New York, pursuant to Executive Law Article 15-A, has established a statewide MWBE goal of 30% of annual expenditures in four categories of contracts: construction, construction consultants, service consultants, and commodities, and

WHEREAS, the City seeks to improve local employment opportunities for City residents to promote the welfare of our citizens, and

WHEREAS, setting workforce participation goals has proven to improve employment opportunities for minorities and women, and

WHEREAS, the City has extensive experience with implementing MWBE goals and minority workforce participation goals through public works contracts, professional services consulting contracts and project labor agreements.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester shall, to the extent practicable, model its MWBE goals pursuant to New York State Executive Law Article 15-A. This ordinance supersedes and replaces all prior MWBE ordinances with these revised goals.

Section 2. The City of Rochester hereby establishes the goal that MWBEs will receive 30% of the total annual contract awards for contracts over \$10,000 for three types of City contracts, along with aggregate minority and women award goals, as stated below:

Contract Type	Aggregate Annual Award	Aggregate Annual Award: Minorities	Aggregate Annual Award: Women
Public Works Construction Projects	30%	20%	10%
Public Works Consultants	30%	15%	15%
Professional Services Consultants	30%	15%	15%

Section 3. The City of Rochester hereby establishes the goal that MWBEs will receive the following percentages of annual contract awards for City commodity (goods and services) contracts, along with aggregate minority and women award goals, effective as stated below:

Contract Type	Aggregate Annual Award	Aggregate Annual Award: Minorities	Aggregate Annual Award: Women
Commodity Contracts after July 1, 2018	10%	5%	5%
Commodity Contracts after July 1, 2019	20%	10%	10%
Commodity Contracts after July 1, 2020	30%	15%	15%

Section 4. A contractor, vendor, or consultant shall be eligible for meeting MWBE goals if it:

- A) Is a state-certified MWBE at the time of the contract award. State certification requires that a business be at least 51% owned and controlled by minorities (M), women (W), or both. Minority shall be defined consistent with state and federal definitions, which is currently a person classified as Black, Hispanic, American Indian or Alaskan Native, and Asian or Pacific Islander; and
- B) The contractor, vendor, or consultant has bona fide offices and operations in the Empire State Development Finger Lakes Region ("Region"), which includes the counties of Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates. State-certified MWBE businesses from outside the Region may be counted if there are insufficient businesses in the Region to perform the specialized work or consulting services required.

Section 5. Aggregate annual goal achievement shall be based on the value of City contracts awarded within the fiscal year to both MWBE prime contractors and subcontractors, and reported for four different contract categories: public works contracts, public works professional consulting contracts, all other professional services consulting contracts, and City contracts for commodities.

Section 6. The MWBE Officer shall be the central review agent for all City contracts and requests for proposals over \$10,000 prior to solicitation, and shall prepare and submit quarterly and annual MWBE utilization reports to the Mayor. The MWBE

Officer shall be authorized to adjust individual contract goals by waivers, or permit the use of state-certified MWBE's from outside the Region, for the following reasons:

- A) Specialty work that cannot reasonably be subcontracted to an MWBE company,
or
- B) Lack of qualified responsive and responsible MWBE companies in the Region that perform the contract work.

Section 7. For professional services consulting contracts, responding companies shall receive additional evaluation weighting points as follows:

Responding Company	Weight Awarded
Prime contractor is an MWBE	10%
Uses 10-20% MWBE Subcontractors	5%
Uses More Than 20% MWBE Subcontractors	10%

Section 8. For City commodity (goods and services) contracts, the City shall permit a 5% price advantage to MWBE bidders for contracts awarded based upon best value.

Section 9. Minority workforce goals shall be incorporated into all City public works and professional services consulting contracts. The goals shall be 20% M and 6.9% W. For professional services consulting contracts, responding companies who demonstrate that they meet or exceed both these goals shall receive additional evaluation weighting points of 10%.

Section 10. The Director of Finance shall be responsible for developing the administrative regulations and procedures for achieving and reporting MWBE goals and minority workforce utilization goals. Departments shall be responsible for administering their contracts to meet the MWBE and minority workforce participation goals specified herein.

Section 11. Ordinance No. 2012-318 governing the procurement of professional services is hereby amended by deleting the section titled "Minority/Women Business Enterprise Goals."

Section 12. MWBE and minority workforce goals specified herein shall be adjusted if required by law or to meet state and federal funding requirements.

Section 13. This ordinance shall take effect July 1, 2018.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Hazel Washington

City Clerk