

A POLICY RESOLUTION

approving a Minority and/or Woman Owned Business Program Plan for the City of Columbia.

WHEREAS, the City of Columbia, Missouri Strategic Plan – 2016-2019, adopted on September 8, 2015, recognizes the need to enhance disadvantaged business enterprise opportunities (hereinafter “DBE”); and

WHEREAS, a minority owned business enterprise is defined as a business that is fifty-one percent (51%) owned and controlled by one or more (in combination) persons of the following ethnic minority classifications: African American, Hispanic American, Native American and Asian American (hereinafter “MBE”); and

WHEREAS, a woman owned business enterprise is defined as a business that is fifty-one percent (51%) owned and controlled by a woman (hereinafter “WBE”); and

WHEREAS, the City Council is committed to the City’s established policy of equal opportunity and nondiscrimination in procurement and supports economic advancement for all of its citizens; and

WHEREAS, the City Council reaffirms the City’s policy of encouraging the participation of MBE’s/WBE’s/DBE’s in City procurement activities; and

WHEREAS, the City Council supports the City’s efforts to continue to ensure that procurement opportunities are available to all persons regardless of race, color, religion, sex, age, national origin, ancestry, marital status, disability, sexual orientation or gender identity; and

WHEREAS, the City Council’s establishment of goals for MBE/WBE/DBE participation in City contracts will convey the importance of ensuring equal opportunities in City expenditures and procurement activities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI:

SECTION 1. The City Council desires to increase MBE/WBE/DBE participation in City contracts and hereby resolves that the City shall aim for the goals set forth in the “City of Columbia Supplier Diversity Program Plan” (hereinafter “the Plan”), attached hereto as “Exhibit A,” and such goals are proposed to be achieved pursuant to the procedures and policies as set forth in the Plan.

SECTION 2. In attempting to meet the goals of the Plan, the City shall fully comply with state and federal laws, including both the equal protection component of the due process clause of the Fifth Amendment to the United States Constitution and the provisions of the Missouri Revised Statutes – Chapter 37, which means that although the City may and should take all steps necessary to facilitate and help ensure the participation of MBE's/WBE's/DBE's in the City's procurement processes, no preference or set-aside is intended by this action to be given to any MBE/WBE/DBE when determining which bidder or potential contractor shall receive a City contract.

SECTION 3. The goals set forth in the Plan shall apply to all expenditures of City funds for which there is competition by businesses, but shall not be required for the following expenditures:

- (1) Debt services;
- (2) Utilities or other goods or services for which a single business or corporation has a legal monopoly;
- (3) Salaries and fringe benefits;
- (4) Documented sole-source procurements; and
- (5) Real estate purchases, leases, or rentals.

SECTION 4. Special emphasis shall be placed on increasing MBE/WBE/DBE business expenditures in the areas of construction, architectural and engineering services, professional services, and acquisition of goods and supplies.

SECTION 5. Any business that has been certified by the Missouri Office of Equal Opportunity or the Missouri Department of Transportation as an MBE/WBE, pursuant to Missouri's Small, Women and Minority Owned Business Procurement Initiative, shall be considered an MBE/WBE for purposes of this resolution.

SECTION 6. The City Manager, or the Manager's designee, shall report the City's progress with respect to the goals set forth in the Plan to the purchasing and procurement oversight committee on at least a quarterly basis, and shall provide progress reports to the City Council on no less than a semiannual basis. Such reports shall include a breakdown of awards and expenditures for both capital improvement programs and non-capital expenditures. These reports shall form the basis for an annual evaluation to be presented to the City Council of the City's progress toward meeting the goals of MBE/WBE/DBE participation in City procurement activities.

SECTION 7. The City Manager shall ensure that department directors and all other officers and employees with delegated procurement authority are made aware of this policy resolution and the expectations and requirements of the City Council as stated herein and in the attached Plan.

ADOPTED this _____ day of _____, 2016.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor