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## Albuquerque Code of Ordinances

## ARTICLE 6: MINORITY AND WOMEN'S BUSINESS ENTERPRISES

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### § 5-6-1 POLICY.

It is the policy of the city to take affirmative action to assure that a fair share of city purchases of goods and services, including construction work, is made from enterprises owned and controlled by minorities and women. As part of this policy the city undertakes to assure there are no undue or unnecessary requirements imposed by the city that inhibit or prevent purchases of goods and services from business that are otherwise qualified to provide such goods and services. It is further city policy to impose similar affirmative action upon prime contractors providing goods and services to the city with regard to subcontractors involved in such work to assure a fair share of business for minority and women's business enterprises. The Mayor shall implement the policies and procedures set out in this article.

('74 Code, § 5-2-1) (Ord. 15-1984)

### § 5-6-2 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ECONOMICALLY DISADVANTAGED INDIVIDUALS.*** Socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same line of business and competitive market area who are not socially disadvantaged.

***MAYOR.*** The Mayor or designated representative.

**MINORITY.** A person who is a citizen or lawful permanent resident of the United States and who is:

- (1) Hispanic Americans (includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
- (2) Black Americans (includes persons having origins in any of the Black racial groups of Africa);
- (3) Native Americans (includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians);
- (4) Asian-Pacific Americans (includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas);
- (5) Asian-Indian Americans (includes persons whose origins are from India, Pakistan, and Bangladesh);
- (6) Members of other groups, or other individuals, found to be economically and socially disadvantaged by the Small Business Administration under section 8(a) of the Small Business Act, as amended (15 U.S.C. 637(a)).

**MINORITY BUSINESS ENTERPRISE or MBE.** A business which is owned and controlled by one or more minorities or women. For the purposes of this article, owned and controlled means a business:

- (1) Which is at least 51% owned by one or more minorities or women or, in the case of a publicly-owned business, at least 51% of the stock of which is owned by one or more minorities or women; and
- (2) Whose management and daily business operations are controlled by one or more such individuals.

**SOCIALLY DISADVANTAGED INDIVIDUALS.** Those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. The social disadvantage of individuals must stem from circumstances beyond their control.

('74 Code, § 5-2-2) (Ord. 15-1984)

### **§ 5-6-3 INVENTORY AND CLASSIFICATION OF MBEs**

The city shall compile and keep current a listing of all MBEs in the local area with whom the city might do business. MBEs on the list shall be classified by size and types of goods and services offered. The city shall keep cumulative records on city business done with MBEs, broken down by appropriate classifications with comparison to total volumes of similar acquisitions of goods and services by the city.

('74 Code, § 5-2-3) (Ord. 15-1984)

### **§ 5-6-4 TRAINING PROGRAMS.**

The city shall regularly and routinely conduct training sessions and seminars or use other suitable means for informing MBEs and other interested firms of opportunities and procedures for doing business with the city and shall actively solicit information from such firms regarding unnecessary problems, requirements, or barriers involved in doing business with the city that might be ameliorated, such as the inability to obtain bonding, financing, or technical assistance.

('74 Code, § 5-2-4) (Ord. 15-1984)

### **§ 5-6-5 REVIEW AND IMPROVEMENT OF CITY ACQUISITION PROCEDURES.**

The city shall undertake a review of all processes and procedures involved with private firms doing business with the city with particular focus on input derived from MBEs. Based upon these reviews the Mayor shall initiate improvements or recommend for Council approval improvements that would remove barriers to doing business with the city while at the same time protecting the interests of the city and the public.

('74 Code, § 5-2-5) (Ord. 15-1984)

#### **§ 5-6-6 ACTIVE SOLICITATION OF MBEs.**

In addition to following normal processes, the City shall directly solicit bids and offers of goods and services for the city from MBEs to the extent necessary to insure that MBEs are aware of the opportunities for such business and of the city policy as set out in this article.

('74 Code, § 5-2-6) (Ord. 15-1984)

#### **§ 5-6-7 RESPONSIBILITIES OF PRIVATE CONTRACTORS.**

In order for any prime contractor bidding for work with the city or responding to an RFP from the city to be accepted for such work the contractor must give assurances that it has actively encouraged the participation of MBEs in subcontracts needed for such work in furtherance of the policy of this article and regulations in implementation thereof.

('74 Code, § 5-2-7) (Ord. 15-1984)

#### **§ 5-6-8 ANNUAL BUDGET.**

The Mayor shall present for approval by the Council a budget and staffing level needed initially and annually thereafter, for the full and active implementation of this article.

('74 Code, § 5-2-8) (Ord. 15-1984)

#### **§ 5-6-9 REGULATIONS AND PROCEDURES.**

The Mayor shall promulgate regulations and procedures necessary to implement this article.

('74 Code, § 5-2-9) (Ord. 15-1984)

#### **§ 5-6-10 FEDERAL REQUIREMENTS.**

The city will implement and fulfill any Federal requirements applicable to the city with regard to MBEs that might exist in addition to those set out in this article.

('74 Code, § 5-2-10) (Ord. 15-1984)

#### **§ 5-6-11 QUARTERLY REPORT TO COUNCIL.**

The Mayor shall submit quarterly reports to the Council regarding steps taken and progress made in the implementation of this article.

('74 Code, § 5-2-11) (Ord. 15-1984)