

O.2015-019

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

Jon 5/11/15

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. C/S O-15-47 Amending The City's Purchasing Ordinance, Sections 5-5-11 Relating To Capital Project Purchases And 5-5-31 Relating To Pay Equity Reporting To Provide For A 5% Preference For Companies That Have Gender Pay Equity (Gibson, Peña, Winter), which was passed at the Council meeting of May 4, 2015, by a vote of 8 FOR AND 0 AGAINST.

Excused: Benton

In accordance with the provisions of the City Charter, your action is respectfully requested.

**JKZ:mh
Attachment**

RECEIVED
ALBUQUERQUE CITY CLERK

2015 MAY 21 PM 1:43

CITY of ALBUQUERQUE TWENTY FIRST COUNCIL

COUNCIL BILL NO. C/S O-15-47 ENACTMENT NO. O-2015-019

SPONSORED BY: Diane Gibson, Klarissa Peña, Brad Winter

ORDINANCE

AMENDING THE CITY'S PURCHASING ORDINANCE, SECTIONS 5-5-11 RELATING TO CAPITAL PROJECT PURCHASES AND 5-5-31 RELATING TO PAY EQUITY REPORTING TO PROVIDE FOR A 5% PREFERENCE FOR COMPANIES THAT HAVE GENDER PAY EQUITY.

WHEREAS, equal pay between men and women is a national concern, affecting families and society in general; and

WHEREAS, it is the policy of the City of Albuquerque to identify and combat pay inequity between women and men; and

WHEREAS, the City of Albuquerque maintains pay equity in employee salaries; and

WHEREAS, the City Council has previously, through a City Ordinance, required that all competitive bids and sealed proposals include Pay Equity Reporting; and

WHEREAS, the City should be a leader in combating compensation discrimination and ending pay inequality; and

WHEREAS, the providing a preference prior to contract award will further the goal of pay equity; and

WHEREAS, the City Council desires to provide a Pay Equity business preference to City purchases and to Capital Projects, Sealed Bids and Proposals.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. ROA 1994 Section 5-5-11, "Capital Projects" is amended as follow:

"§ 5-5-11 CAPITAL PROJECTS.

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1 (A) Unless otherwise agreed to by the Central Purchasing Office
2 and CIP, the purchase of goods, services and construction for capital projects
3 not procured through the Central Purchasing Office, shall be procured
4 through CIP, in accordance with the "Regulation Governing the Award and
5 Rejection of Bids/Offers and Debarment of Contractors for Public Works
6 Projects of the City of Albuquerque", effective July 25, 2008, or as hereafter
7 amended.

8 (B) Goods, services and construction projects procured through
9 CIP must comply with the reporting and preference requirements of Section 5-
10 5-31 of the Public Purchases Ordinance, except when the preference creates a
11 conflict with federal laws relating to federally funded contracts.

12 (C) The Mayor may promulgate additional or revised rules and
13 regulations regarding the solicitation of offers for capital projects and the
14 award or rejection of offers therefor, including but not limited to establishing
15 procedures for the solicitation and consideration of offers, award or rejection
16 of offers, determining the responsibility of offerors, and such other matters as
17 the Mayor deems desirable for the efficient administration of capital projects.

18 (D) It is the policy of the city to require local participation in
19 capital projects where possible. Major construction projects which can
20 reasonably be expected to exceed \$5,000,000 in cost may require that a market
21 analysis be conducted to determine the percentage of local participation to be
22 required for the project. This determination of the need for a market analysis
23 and the appropriate local participation requirement shall be made on a case by
24 case basis by the user with advice from the city's legal department as needed.

25 (E) The purchase of goods, services or construction for capital
26 projects for the city shall not occur as part of a contract originally procured as
27 a concession contract or entered into as a lease unless the following applies:

28 (1) The capital project is included in the original
29 competitive solicitation for the concession contract or lease; or

30 (2) A city contractor is unable to complete a capital project,
31 which was awarded to that city contractor through a competitive bid process,
32 which will cause damage or harm to the concessionaire or lessee and the
33 concessionaire or lessee can quickly complete the project as determined in

1 writing by the CIP Official; or

2 (3) The purchase meets the requirements of an emergency
3 purchase as set out in this article.

4 (F) Any and all rules and regulations adopted or promulgated
5 under this provision shall be consistent with and subject to the provisions of
6 this article, and in the event of a conflict between such rules and regulations
7 and this article, this article shall control.

8 SECTION 2. ROA 1994 Section 5-5-31, "Pay Equity Reporting Form" is
9 amended as follows:

10 "§ 5-5-31 PAY EQUITY REPORTING FORM AND PAY EQUITY
11 PREFERENCE.

12 (A) Reporting Form. All competitive sealed bids and competitive
13 sealed proposals shall require that responses include a completed City of
14 Albuquerque Pay Equity Reporting Form to determine the deviation between
15 salaries for men and women and to encourage compliance with the New
16 Mexico State Fair Pay for Women Act. The Central Purchasing Office and the
17 CIP Official shall require that bids and proposals include the Form. Any
18 response that does not include a completed form shall be deemed
19 nonresponsive. The Central Purchasing Office and the CIP Official may allow
20 for a revised Pay Equity Reporting Form to be submitted by the respondent
21 should, in their sole opinion, the originally submitted form require a technical
22 change.

23 (B) Pay Equity Preference. Prior to making a recommendation of
24 award, the Central Purchasing Office or CIP Official shall apply a 5% pay
25 equity preference to the amount bid or to the request for proposal of all offers
26 submitted by any business who at the time of submission of its bid or request
27 for proposal holds a valid Pay Equity Business Certificate issued by the City's
28 Office of Diversity and Human Rights.

29 (1) Pay Equity Business. For the purposes of this section, a
30 pay equity business is any business that maintains a deviation of 10% or less
31 between the salaries paid to men and the salaries paid to women for
32 comparable positions, as reported in the Pay Equity Reporting form required
33 to be submitted by each offeror as prescribed under Section 5-5-31(A) of this

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1 Article. For purposes of this section, comparable positions are those listed in
2 the Job Classification Guide 2010 (or as may be updated and amended from
3 time to time) published by the federal Equal Employment Opportunity
4 Commission.

5 (2) Certification. The City Office of Diversity and Human
6 Rights shall issue a Pay Equity Business Certificate to any business satisfying
7 the requirements of subsection 1 above. Certificates shall be valid for a
8 duration of one year from the date of issuance.

9 (C) Limitation. The total amount of all preferences, including the pay
10 equity preference, is limited by subsection 5-5-17(E).

11 (D) Rules and Regulations. The Mayor or his designated
12 representative, the Director of the Office of Diversity and Human Rights, or its
13 successor agency, shall enforce this Section. The Office of Diversity and
14 Human Rights may prescribe reasonable rules and regulations to carry out the
15 intent and purpose of this section.”

16 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
17 clause, word or phrase of this ordinance is for any reason held to be invalid or
18 unenforceable by any court of competent jurisdiction, such decision shall not
19 affect the validity of the remaining provisions of this ordinance. The Council
20 hereby declares that it would have passed this ordinance and each section,
21 paragraph, sentence, clause, word or phrase thereof irrespective of any
22 provision being declared unconstitutional or otherwise invalid.

23 SECTION 4. COMPILATION. The ordinance amendment prescribed by
24 SECTIONS 1 and 2 shall amend, be incorporated in and made part of the
25 Revised Ordinances of Albuquerque, New Mexico, 1994.

26 SECTION 5. EFFECTIVE DATE. This ordinance shall take effect on July 1,
27 2015, and only after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 4th DAY OF May, 2015
2 BY A VOTE OF: 8 FOR 0 AGAINST.

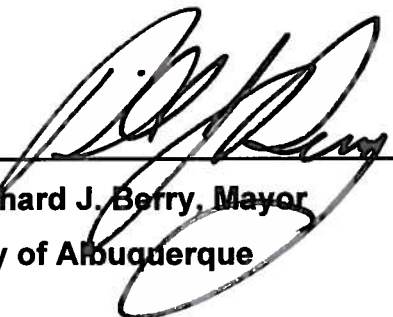
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4 Excused: Benton

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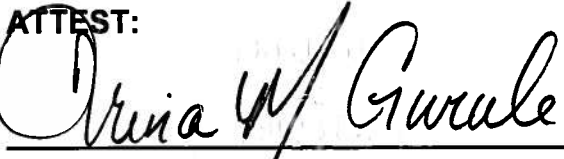
8 _____
9 Rey Garduño, President
10 City Council

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12 APPROVED THIS 21 DAY OF MAY, 2015

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17 Bill No. C/S O-15-47

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20 _____
21 Richard J. Berry, Mayor
22 City of Albuquerque

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26 ATTEST:
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29 Trina M. Gurule, Acting City Clerk

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Health City Sun

AFFIDAVIT OF PUBLICATION

State of New Mexico)
) ss
County of Bernalillo)

**CITY of ALBUQUERQUE
TWENTY FIRST COUNCIL**

**COUNCIL BILL NO. C/S O-15-
47**

**ENACTMENT NO. O-2015-019
SPONSORED BY: Diane
Gibson, Klarissa Peña, Brad
Winter**

ORDINANCE


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PURCHASES AND 5-5-31
RELATING TO PAY EQUITY
REPORTING TO PROVIDE
FOR A 5% PREFERENCE
FOR COMPANIES THAT
HAVE GENDER PAY EQUITY.
HCS Pub. June 5, 2015

David Rivord, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.


Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 5th day of June, 2015, and the last publication being in the issue of the 5th day of June, 2015.

Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.


David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 5th day of June, 2015.


Notary Public

My Commission Expires 2/18/2019



Office Address: 6300 Montano, NW, 2nd floor
Mailing Address: P.O. Box 67560, Albuquerque, NM 87193
Phone: 505-242-3010/Fax: 505-842-5464

Health City Sun

AFFIDAVIT OF PUBLICATION

CIUDAD de ALBUQUERQUE
VIGÉSIMO PRIMER CONCEJO
PROYECTO DE LEY
MUNICIPAL NÚM. C/S O-15-47
PROMULGACIÓN NÚM.
O-2015-019
PATROCINADO POR: Diane
Gibson, Klarissa Peña, Brad
Winter
ORDENANZA
PARA ENMENDAR LA
ORDENANZA MUNICIPAL DE
COMPRAS, SECCIÓN 5-5-11,
RELATIVA A COMPRAS PARA
PROYECTOS CAPITALES, Y
SECCIÓN 5-5-31, RELATIVA
AL INFORME DE IGUALDAD
DE REMUNERACIÓN, CON
EL FIN DE PROPORCIONAR
UNA PREFERENCIA DEL 5%
A AQUELLAS EMPRESAS
QUE APLICAN LA IGUALDAD
DE REMUNERACIÓN POR
RAZÓN DE GÉNERO.
HCS Pub. June 5, 2015


State of New Mexico)
) ss
County of Bernalillo)

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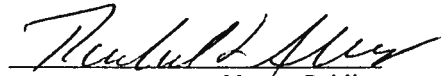
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