

**CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL**

COUNCIL BILL NO. O-19-88 **ENACTMENT NO.** O-2020-007

SPONSORED BY: Diane G. Gibson

1 **ORDINANCE**
2 **AMENDING CITY’S PURCHASING ORDINANCE 5-5-31 RELATING TO PAY**
3 **EQUITY REPORTING AND REQUIREMENTS FOR THE GENDER PAY EQUITY**
4 **PREFERENCE FOR CITY PROCUREMENTS.**
5 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
6 **ALBUQUERQUE:**

7 **SECTION 1. Section 5-5-31, ROA 1994, is hereby amended as follows:**
8 **“§ 5-5-31 PAY EQUITY REPORTING FORM AND PAY EQUITY**
9 **PREFERENCE.**

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10 **(A) Reporting Form. The City requires that all responses to requests for**
11 **bids or requests for proposals include a completed City of Albuquerque Pay**
12 **Equity Reporting Form. The Form calculates the deviation between salaries for**
13 **men and women and is designed to encourage compliance with the New**
14 **Mexico State Fair Pay for Women Act and federal gender pay equity laws. The**
15 **Central Purchasing Office or the CIP Official shall review all responses to bids**
16 **and proposals to determine whether the Form is included. Any response that**
17 **does not include a completed Form shall be deemed nonresponsive unless**
18 **the Form is submitted within 24 hours of the response deadline. The Central**
19 **Purchasing Office and the CIP Official may allow the respondent to submit a**
20 **revised Pay Equity Reporting Form should, in their sole opinion, the originally**
21 **submitted Form require a technical change.**

22 **(B) Pay Equity Preference. Prior to making a recommendation of award,**
23 **the Central Purchasing Office or CIP Official shall apply a 5% pay equity**
24 **preference to the amount bid or to the total score of any business that**
25 **includes with its response a valid Form.**

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1 (1) **Pay Equity Business.** A business is eligible for a pay
2 equity preference if it maintains an overall deviation and position-specific
3 deviations between the salaries paid to men and the salaries paid to women
4 for comparable positions at the percentages provided by Administrative
5 Instruction. The Chief Administrative Officer may annually adjust the average
6 and position-specific deviations contained in this article by issuing an
7 Administrative Instruction and a notification to City Council. For purposes of
8 this section, comparable positions are those listed in the Job Classification
9 Guide 2019 (or as may be updated and amended from time to time) published
10 by the federal Equal Employment Opportunity Commission.

11 (2) **Certification.** The City shall certify any business that
12 demonstrates that it has satisfied the requirements of subsection (1) above as
13 a Pay Equity Business. The certification process shall be as provided by
14 Administrative Instruction. Certificates shall be valid for one year from the
15 date of issuance. The City will continue to honor existing certificates until
16 their dates of expiration.

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

19 (D) **Rules and Regulations.** The Mayor or his designated representative
20 shall enforce this section and may prescribe reasonable rules and regulations
21 to carry out the intent and purpose of this section.”

22 **SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
23 clause, word or phrase of this Ordinance is for any reason held to be invalid
24 or unenforceable by any court of competent jurisdiction, such decision shall
25 not affect the validity of the remaining provisions of this Ordinance. The
26 Council hereby declares that it would have passed this Ordinance and each
27 section, paragraph, sentence, clause, word or phrase thereof irrespective of
28 any provision being declared unconstitutional or otherwise invalid.

29 **SECTION 3. COMPILATION.** SECTION 1 of this Ordinance shall be
30 incorporated in and made part of the Revised Ordinances of Albuquerque,
31 New Mexico, 1994.

32 **SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect five days
33 after publication by title and general summary.

1 PASSED AND ADOPTED THIS 19th DAY OF February, 2020
2 BY A VOTE OF: 8 FOR 0 AGAINST.

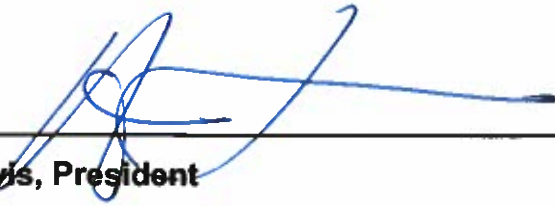
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8 Patrick Davis, President
9 City Council

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APPROVED THIS 4 DAY OF March, 2020

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Bill No. O-19-88

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21 Timothy M. Keller, Mayor
22 City of Albuquerque

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ATTEST:

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30 Ethan Watson, Acting City Clerk

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