



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Details (With Text)

File #: O2011-4558

Type: Ordinance **Status:** Failed to Pass

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Final action: 7/6/2011

Title: Amendment of Municipal Code Chapter 2-92 by adding new Article VII establishing Procurement Oversight Committee

Sponsors: Burns, William D., Dowell, Pat, Osterman, Harry, Burnett, Jr., Walter, Sawyer, Roderick T., Brookins, Jr., Howard, Pawar, Ameya, Hairston, Leslie A., Graham, Deborah L., Moore, Joseph, Reilly, Brendan, Munoz, Ricardo, Burke, Edward M., Ervin, Jason C.

Indexes: Ch. 92 Dept. of Purchases, Contracts & Supplies

Attachments: 1. O2011-4558.pdf

Date	Ver.	Action By	Action	Result
5/20/2015	1	City Council	Failed to Pass	Fail
7/26/2011	1	Committee on Budget and Government Operations	Held in Committee	
7/6/2011	1	City Council	Re-Referred	
6/22/2011	1	Committee on Finance	Recommended for Re-Referral	Pass
6/8/2011	1	City Council	Referred	

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1, Chapter 2-92 of the Municipal Code of Chicago is hereby amended by adding a new Article VII, section 2-92-800 through and including section 2-92-850, as follows:

Article VII Procurement Oversight Committee

2-92-800 Definitions.

For purpose of this article, the following definitions apply:

"Contract" means a contract, purchase order, or other agreement governing construction, purchase of goods or services, lease or sale of real or personal property, disposal of supplies, services, professional or artistic services, or capital improvements. A "Contract" does not include a delegate agency contract, as that term is defined in section 2-92-420(m), or a collective bargaining agreement.

"Contracting department" means a city department which is authorized to bid, award or let a contract.

"Procurement Oversight Committee" or "Committee" means the committee created pursuant to this ordinance to review proposed contracts.

2-92-810 Establishment.

There is hereby established a committee to be known as the "Procurement Oversight Committee," consisting of members to be appointed by the mayor and city council.

The committee shall have the authority and responsibility to review, comment upon and recommend, consistent with the provisions of this article, all contracts, as provided in section 2-92-830, to ensure that a proposed contract is being awarded to the lowest responsible qualified bidder, or in the appropriate instance, to the highest responsible bidder, depending on whether the city is to expend or to receive money, and that the proposed contract is in compliance with the minority and women-owned business participation provisions of this chapter, or where applicable, 49 CFR, part 23.

2-92-820 Composition and terms.

(a) The committee shall consist of seven members, with four members appointed by the mayor, subject to the approval of city council, and three members appointed by the city council. Each member shall have

demonstrated sufficient business or professional experience in the area of procurement. No member may be an elected official of the city. The mayor shall designate one member to serve as chairman of the committee. (b) Two of the mayor's appointments and two of the city council's appointments shall have a four-year term. Two of the mayor's appointments and one of the city council's appointments shall have a two-year term. Thereafter, the term of each member shall be for four years and until a successor is appointed.

The appointments shall commence on July 1 of the year in which the appointment is made.

Any vacancy due to resignation, death or disability shall be filled within 60 days of such vacancy.

(c) A majority of the members of the committee shall constitute a quorum. The committee shall meet on the call of the chairman or of four of its members.

(d) Members shall receive no compensation.

(e) No committee member shall make or participate in the making of any decision with respect to any matter before the committee in which he has any economic interest or financial interest, as those terms are defined in section 2-156-010, distinguishable from that of the general public.

2-92-830 Review of certain contracts and purchase orders.

(a) For any contract involving amounts in excess of \$500,000.00 that is advertised, awarded or let after the effective date of this ordinance, fifteen days prior to awarding or letting any such contract, the contracting department, either in writing or by electronic means, shall provide to the procurement oversight committee documentation concerning the proposed contract, including all bids associated with the proposed contract and the contracting department's decision on awarding or letting such contract.

(b) The committee shall review the proposed contract information to determine whether the most qualified responsible bidder has been selected based upon the following criteria:

(1) the contract is being awarded or let to the lowest responsible qualified bidder, or in the appropriate instance, to the highest responsible bidder, depending on whether the city is to expend or to receive money; and

(2) the proposed contract is in compliance with the minority and women-owned business participation provisions of this chapter where not otherwise prohibited by federal or state law, or where applicable, 49 CFR, part 23.

(c) Within 14 days after receipt of the proposed contract information, the committee shall make its recommendation to either approve or disapprove the contracting department's decision to award or let the proposed contract. If the committee recommends to disapprove the awarding or letting of the proposed contract, the committee shall set forth its recommendation in writing, including finding of facts relating to the criteria set forth in subsection (b) that constitutes the basis for its decision and shall transmit its recommendation to the city council.

If the committee fails to act within the 14-day review period provided for in this subsection, the decision of the contracting department shall be deemed to be approved.

No contract subject to this section shall be awarded or let until the 14-day review period has expired, unless the contracting department requests in writing that the committee waive the review and the committee grants such waiver.

(d) Within 60 days after the committee issues its recommendation to disapprove the awarding or letting of the proposed contract, the city council may order the contracting department to rebid the proposed contract. If the city council fails to act within the 60-day period, the contracting department may award or let the proposed contract as originally determined by it.

2-92-840 Exemptions.

The provisions of this article do not apply to contracts awarded or let in the case of an emergency affecting the public health or safety so declared by the city council or the mayor. Such contracts may be awarded or let to the extent necessary to address the emergency.

Nothing in this article shall be construed to affect the validity of any contract awarded, let, or advertised prior to the effective date of this ordinance.

2-92-850 Committee Meetings and Reports.

Written minutes of the procurement oversight committee meetings shall be created and made available for public inspection and be posted on the city's website.

The committee shall file a written report semiannually with the city council committee on the budget and government operations.

SECTION 2. Article V of Chapter 2-92 of the Municipal Code of Chicago is hereby amended by adding a new section 2-92-635, as follows:

2-92-635 Executive Officials Disclosure.

(a) For each contract, as that term is defined in section 2-92-800, involving amounts in excess of \$500,000.00, awarded or let after the effective date of this section, the contractor shall submit with its bid a statement the which: (i) discloses the race and gender identification for each executive official; and (ii) indicates whether the executive official is of Hispanic origin, regardless of race.

(b) For purposes of this section the following definition apply:

(1) "Executive official" means a member of the board of directors, the chief executive officer, chief compliance officer, chief information officer, chief knowledge officer, chief operating officer, chief security officer, or chief financial officer.

(2) "Race " means any individual in the following racial groups:

(A) African-Americans or Blacks, which includes persons having origins in , any of the Black racial groups of Africa;

(B) White;

(C) Asian-Americans, which includes persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent;

(D) American Indians or Alaska Native;

(E) some other race.

SECTION 3. This ordinance shall be in full force and shall take effect 120 days after passage and publication.