



City of Chicago



O2020-5161

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 10/7/2020

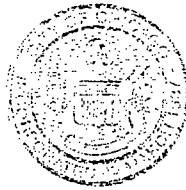
Sponsor(s): Lightfoot (Mayor)

Type: Ordinance

Title: Temporary extension of minority-owned, and women-owned business enterprise construction programs to September 30, 2021 to complete review of data collection and efficacy of program

Committee(s) Assignment: Committee on Contracting Oversight and Equity

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OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

October 7, 2020

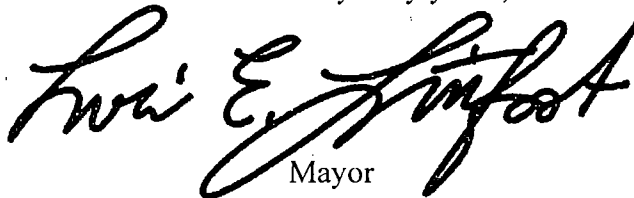
TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Corporation Counsel and the Chief Procurement Officer, I transmit herewith an ordinance extending the minority-owned business enterprises and women-owned business enterprises construction programs to September 30, 2021.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,


Mayor

ORDINANCE

WHEREAS, the City of Chicago (the "City") is a home rule unit of local government as defined in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City, through its Department of Procurement Services, (the "Department") is responsible for the contracting of goods and services for the City; and

WHEREAS, pursuant to Section 2-92-650, *et seq.*, (the "Ordinance") of the Municipal Code of Chicago ("Code"), the Department has established a Minority-and Women-owned business enterprise construction procurement program (the "M.B.E./W.B.E. program"); and

WHEREAS, the Ordinance, as amended, provides in pertinent part that the Ordinance "shall expire on December 31, 2020, unless the city finds that its remedial purposes have not been fully achieved and there is a compelling interest in continuing narrowly tailored remedies to redress discrimination against M.B.E.s or W.B.E.s so that the city will not function as a passive participant in a discriminatory marketplace"; and

WHEREAS, in order to determine whether it is appropriate to allow the Ordinance to expire or instead to continue the narrowly tailored remedies contained therein, a comprehensive review of the relevant data is warranted; and

WHEREAS, the City has retained the noted disparity study expert, Colette Holt, of Colette Holt & Associates ("Colette Holt"), to carry out such a comprehensive review; and

WHEREAS, the comprehensive review undertaken by Colette Holt was begun in 2020 and is not yet complete; and

WHEREAS, Colette Holt requires additional time to complete the comprehensive review of the relevant data thoroughly; and

WHEREAS, as part of her review, Colette Holt is exploring anecdotal evidence of possible discrimination against minorities and women through the use of focus groups, review of utilization and availability data and stakeholder meetings; and

WHEREAS, Colette Holt has also been retained to conduct a review of the personal net worth and business size standards of the Ordinance to determine whether or not they should be adjusted; and

WHEREAS, Colette Holt will provide a detailed report of her conclusions to the City, along with recommendations based on her findings as to whether or not the M.B.E./W.B.E. program should continue and whether or not the personal net worth and business size should be adjusted ("the Final Report"); and

WHEREAS, it is advisable and appropriate to incorporate the conclusions and recommendations of the Final Report into law, and to temporarily maintain the status quo until that time; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Article VI of Chapter 2-92 of the Municipal Code of Chicago is hereby extended until September 30, 2021 to allow for completion of the comprehensive review of the relevant data begun in 2020 and production of a final report to the City advising as to whether that Article should be permitted to expire, should continue in effect, and/or whether any of its provisions should be revised to better serve the purposes for which it was originally enacted. The temporary extension provided for in this Section shall supersede any earlier termination provisions contained in that Article.

SECTION 2. This ordinance shall be in full force and effect from the date of its passage and approval.