

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 14-0345

Introduced by: The Council President
At the request of: The Administration (Minority and Women’s Business Opportunity Office)
Introduced and read first time: March 24, 2014
Assigned to: Taxation, Finance and Economic Development Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 23, 2014

AN ORDINANCE CONCERNING

Minority and Women’s Business Program – Reauthorization – Modifications

FOR the purpose of reauthorizing and continuing the Minority and Women’s Business Program; repealing the requirement that at least 2 MBEs or WBEs must be available for a goal in order to apply that goal to a contract; authorizing a certified MBE or WBE, acting as a prime contractor, to count towards the applicable MBE or WBE goal a certain percentage of the work to be performed with its own forces; requiring the Minority and Women’s Business Opportunity Office to consult with the Mayor’s Office of Minority and Women’s Business Development Office before approving certain substitutions; providing for the automatic termination of this Ordinance; providing for a special effective date; and generally relating to minority and women’s business enterprises.

BY repealing and reordaining, with amendments
Article 5 - Finance, Property, and Procurement
Section(s) 28-6 and 28-63(a)
Baltimore City Code
(Edition 2000)

BY repealing
Article 5 - Finance, Property, and Procurement
Section(s) 28-22(b)
Baltimore City Code
(Edition 2000)

BY adding
Article 5- Finance, Property, and Procurement
Section(s) 28-31(d)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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Baltimore City Code

Article 5. Finance, Property, and Procurement

Subtitle 28. Minority and Women’s Business Enterprises

§ 28-6. Automatic termination.

This subtitle automatically expires on [April 30, 2014] APRIL 30, 2019, unless the City Council, after causing an appropriate study to be undertaken, conducting public hearings, and hearing testimonial evidence, finds that the purposes identified in this subtitle have not yet been achieved, in which case this subtitle may be extended for 5 more years.

§ 28-22. Considerations.

[(b) *Minimum availability.*

For a goal to be applicable to a contract, at least 2 MBEs or WBEs must be available for that goal.]

§ 28-31. In general.

(D) CREDIT FOR SELF PERFORMANCE.

(1) SUBJECT TO LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION, A CERTIFIED MBE OR WBE THAT HAS BEEN AWARDED A CONTRACT AS A PRIME CONTRACTOR MAY COUNT UP TO 50% OF THE DOLLAR VALUE OF THE WORK IT INTENDS TO PERFORM WITH ITS OWN FORCES TOWARDS THE APPLICABLE MBE OR WBE GOAL.

(2) THE AMOUNT OF THE CREDIT MAY NOT EXCEED THE MBE’S OR WBE’S AVAILABLE WORK CAPACITY CALCULATED IN ACCORDANCE WITH THE CONTRACTOR PREQUALIFICATION RULES ESTABLISHED BY THE BOARD OF ESTIMATES.

§ 28-63. Contractor’s post-award request.

(a) Effort to substitute required.

(1) If, after award of a contract, the contractor is unable to meet any contract goal by utilizing the certified business enterprises specified at bid opening, the contractor must seek a substitute certified business enterprise to fulfill its commitment.

(2) [The substitution must be approved by the Office] THE OFFICE MAY APPROVE THE SUBSTITUTION ONLY AFTER CONSULTING WITH THE MAYOR’S OFFICE OF MINORITY AND WOMEN’S BUSINESS DEVELOPMENT OFFICE.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
2 enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City