

CITY OF BALTIMORE
COUNCIL BILL 06-0156R
(Resolution)

Introduced by: Councilmember Holton, President Dixon, Councilmembers Clarke, Young,
Curran, Harris, Mitchell, Welch, D'Adamo, Rawlings Blake, Conaway, Reisinger, Branch
Introduced and adopted: March 20, 2006

A COUNCIL RESOLUTION CONCERNING

**In Support of State Legislation – (Senate Bill 897/House Bill 1486) –
Procurement - Commercial Nondiscrimination**

FOR the purpose of expressing support for this legislation that seeks to establish a “Commercial Nondiscrimination Policy” under State procurement law to ensure that all entities that seek to do business with the State adopt a corporate policy that eliminates the effects of discrimination from business decisions; requesting the Honorable Chairs and Members of the Senate Education, Health, and Environmental Affairs and House Economic Matters Committees to give the legislation a favorable report; urging the Honorable Members of the Baltimore City Delegation to the 2006 session of the Maryland General Assembly to secure passage of a State Commercial Nondiscrimination Policy; and calling upon the Governor to sign the legislation into law.

Recitals

This legislation would establish a “Commercial Nondiscrimination Policy” at the State level to ensure that all competition to fulfill State contracts for goods and services are awarded free from the influence of any preferential treatment, through the achievement of 3 broad objectives:

- Establish a clear policy that the government does not enter into contracts with businesses that discriminate in their solicitation, selection, or treatment of vendors, suppliers, subcontractors, or commercial customers in the public or private sector.
- Establish a formal complaint process and investigation process for alleged violations of the commercial nondiscrimination policy.
- Provide a fair process for hearing evidence, rendering findings, and imposing sanctions for violations of the commercial nondiscrimination policy.

As a result of extensive evidence of race- and gender-based discrimination against minority and women-owned business enterprises, the City Council determined that it was necessary to establish and firmly enforce a clear policy against discrimination in local government business on the basis of race, gender, religion, national origin, ethnicity, sexual orientation, age, or disability, to ensure that the tax dollars collected from its citizens are not used to finance and reward private prejudice on the basis of any form of unlawful discrimination.

Further recognizing that it is in the best interests of the City to enhance competition on City projects, by promoting equal opportunity and full participation of all segments of the community

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 in a marketplace environment that is free from the effects of discrimination, the Mayor and City
2 Council adopted a Commercial Nondiscrimination Policy on February 14, 2006.

3 Through the enactment of its Commercial Nondiscrimination Policy, Baltimore City
4 government provides a formal mechanism for receiving, investigating, and resolving complaints
5 of discrimination filed against businesses that have submitted a bid or proposal for, have been
6 selected to engage in, or are engaged in doing business with the City.

7 Similar legislation is necessary on the State level because existing federal Civil Rights law
8 does not address discrimination on the basis of gender and lacks an effective investigation and
9 enforcement mechanism for the types of discrimination to which it applies. Moreover, there is
10 no existing State statute that addresses discrimination by a contractor or subcontractor on a State
11 procurement contract.

12 The proposed legislation addresses these issues by clearly extending prohibitions against
13 commercial discrimination to other types of suspect classifications, such as gender, age,
14 disability, and national origin, and designates the Office of the Attorney General as the
15 competent investigative entity.

16 By adopting the provisions of Senate Bill 897/House Bill 1486, the State of Maryland will
17 join the citizens of Baltimore in stating to the world that here we have a zero-tolerance policy
18 when it comes to commercial discrimination.

19 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
20 Body supports this legislation that seeks to establish a "Commercial Nondiscrimination Policy"
21 under State procurement law to ensure that all entities that seek to do business with the State
22 adopt a corporate policy that eliminates the effects of discrimination from business decisions;
23 requests the Honorable Chairs and Members of the Senate Education, Health, and Environmental
24 Affairs and House Economic Matters Committees to give the legislation a favorable report; urges
25 the Honorable Members of the Baltimore City Delegation to the 2006 session of the Maryland
26 General Assembly to secure passage of a State Commercial Nondiscrimination Policy; and calls
27 upon the Governor to sign the legislation into law.

28 **AND BE IT FURTHER RESOLVED,** That the Honorable Chairs of the Senate Education, Health,
29 and Environmental Affairs and the House Economic Matters Committees are requested to
30 include the comments contained in this Resolution as part of the respective committee
31 deliberations and as part as the official record.

32 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
33 Mayor, the Honorable Chairs and Members of the Senate Education, Health, and Environmental
34 Affairs and House Economic Matters Committees, the Honorable Members of the Baltimore
35 City Delegation to the 2006 Maryland General Assembly, the Executive Director of the Mayor's
36 Office of State Relations, and the Mayor's Legislative Liaison to the City Council.