



City of Cambridge

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(Calendar Item No. 19)

COUNCILLOR GRAHAM

IN CITY COUNCIL

~~April 30, 1984~~
May 7, 1984

- WHEREAS: It is the policy and intent of this City Council to promote and facilitate the fullest possible participation by all citizens in the resources provided by the city; and
- WHEREAS: Minority business enterprises frequently face inordinate problems in achieving viable economic status; and
- WHEREAS: Minority business enterprises are underrepresented among the enterprises doing business with city government; and
- WHEREAS: Municipal government, as one of the largest corporations, public or private, has a special responsibility to ensure that all available services, programs and resources are put to the best use; now therefore be it
- RESOLVED: That the City of Cambridge do hereby issue this Order as a necessary step to guarantee the fullest participation by minority businesses in the economy of the City of Cambridge and the opportunities created through city government activities.

MOTION TO TABLE FAILED. PLACED ON FILE UNDER RULE NINETEEN.
COUNCILLOR GRAHAM TO RE-SUBMIT ORDER FOR MEETING OF 5/14/84.

ARTICLE I

Policy and Standards

- 1.1. It is the policy of the City of Cambridge to encourage the greatest possible participation of minority business enterprises (MBEs) in the award of all city contracts including contracts for supplies and equipment, services and construction.
- 1.2. Each assistant city manager, agency, department, board and commission (agency, department board and commission hereinafter referred to as "Agency or Agencies") is hereby directed to achieve the award of at least ten percent of the total dollar value of construction contracts let by it in each fiscal year to MBEs, and at least five percent of the total dollar value of contracts for supplies and equipment and contracts for services let by it in each fiscal year to MBEs. The five percent shall be achieved by the awarding of at least five percent of the total value of contracts let in each of the categories mentioned namely, contracts for supplies and equipment, and services. Provided that no later than January 1, 1985, and semi-annually thereafter, the city manager shall determine, based on experience under this Order, to what extent the requirements regarding supplies and equipment and services should be adjusted upward until a ten percent requirement is reached.
- 1.3. Each department and agency of the city is strongly encouraged to adopt a policy, similar to this Order, for MBE participation in the award of total dollar value of contracts let in each fiscal year.

ARTICLE II

Minority Business Enterprise Procurement Plan

- 2.1. MBE Procurement Plans shall be developed and implemented by each department and agency. Assistance in developing a plan can be obtained from the State Office of Minority Business Assistance ("SOMBA").
- 2.2. Each department and agency shall designate a highly placed person, who shall report directly to the department head and who shall be responsible for coordinating the development and implementation of the MBE Procurement Plan within the department and all agencies under its control.
- 2.3. Each agency shall designate a highly placed person, who shall report to the chief executive, and who shall be responsible for coordinating the development and implementation of the MBE Procurement Plan within its respective agency.

- 2.4 Each department head shall submit its MBE Procurement Plan for approval to the City Manager for all agencies under its control within sixty days from the date of this Order and include said plans as part of its annual budget submission each year thereafter.
- 2.5 Each plan shall include, but not limited to, the following:
- (a) By category (supplies and equipment, services and construction), a statement of the estimated total procurement dollars to be spent during the current fiscal year, the amount spent with MBEs during the previous fiscal year, the amount projected to be spent with MBEs during the current fiscal year, and the amount projected to be spent with MBEs during the next fiscal year.
 - (b) A description of the methods, procedures and programs to be implemented in order to meet the objective. The program initiatives may include:
 - 1. targeting some bid invitations to MBEs,
 - 2. promoting joint ventures between MBEs and non-MBEs,
 - 3. requiring prime contractors to subcontract a minimum amount of work on projects to MBEs,
 - 4. designating MBEs as preferred vendors when submitting requests to the purchasing department,
 - 5. dividing large contracts into smaller units to afford opportunities for MBEs, where legally permissible.
 - (c) A plan for requiring each contractor for supplies and equipment, services and construction, with contracts in amounts of \$50,000 or more, to submit to the contracting agency an affirmative action plan that includes the purchase of supplies, equipment and services from MBEs as well as its employment objectives.
- 2.6 The plan shall identify all other business related resources available within each department and agency, including, but not limited to, financing programs, block grants and technical assistance. In addition, the plan shall explain the method to be utilized to increase MBE access to these resources.
- 2.7 The plan shall build upon existing MBE programs.
- 2.8 Each department head and the respective chief executive of each agency shall be responsible for enforcing, implementing, coordinating, and insuring compliance with this Order.

ARTICLE III

Economic Development

- 3.1 It will be the responsibility of the City Manager in consultation with the assistant city manager and department heads to develop a comprehensive MBE program for the City of Cambridge.
- 3.2 All economic and business development policies, legislation and programs which are promulgated by any city governmental body shall include provisions which promote and foster MBE participation.

ARTICLE IV

Responsibilities of the City Manager

- 4.1 The City Manager shall be responsible for investigating all instance of non-compliance with approved MBE Procurement Plans. If it is determined, after investigation, that any department head or agency is in non-compliance, the City Manager is empowered to take any action deemed appropriate to ensure compliance, including, but not limited to, allotment controls and prior approval of all contracts.
- 4.2 There shall be appointed within the City Manager's office a full-time Special Assistant to the City Manager who, with appropriate staff, shall be responsible, on behalf of the City Manager, for ensuring compliance with this Order, monitoring MBE development in the City of Cambridge and performing such other related duties as may be assigned by the City Manager.
- 4.3 The Special Assistant shall prepare quarterly reports and a report at the end of each fiscal year, which shall be submitted to the City Manager, delineating the performance of the City relative to MBEs. The reports shall include, but are not limited to the following:
 - (a) The number of MBEs certified.
 - (b) The total dollar amount spent with MBEs by each executive office and agency.
- 4.4 The City Manager shall develop with the comptroller a policy and system for timely payments to vendors.
- 4.5 The City Manager shall develop a management information system for the purpose of streamlining the report requirements under this Order.

- 4.6 The City Manager after consultation with the post oversight committee, shall promulgate such rules and regulations as he/she deems necessary to effect an orderly implementation and to fulfill the purpose and intent of this Order.

ARTICLE V

Certification

- 5.1 Each department and agency may certify minority business enterprises, consistent with the rules and regulation promulgated by SOMBA. If an initial determination is made by a department head or agency that a business is a minority business, such determination shall be referred to SOMBA for its approval and certification. SOMBA shall have thirty days from the date of referral to approve or disapprove said business. If SOMBA shall fail to act within thirty days from the date of referral, said business shall be deemed certified as a minority business and entitled to certification for the contract in question only. Once SOMBA certifies a business as a minority business, absent a subsequent determination by SOMBA or any department or agency, its certification is effective for all department offices and agencies.

ARTICLE VI

Minority Business Enterprise Oversight Committee

- 6.1 The City Manager shall appoint a Minority Enterprise Oversight Committee, not to exceed fifteen members, which shall assist the City Manager in the development and implementation of this Order.

ARTICLE VII

Definitions

- 7.1 For the purpose of this Order, the following definitions shall apply:

"Minority" means a person with permanent residence in the United States who is Black, Western Hemisphere Hispanic, Asian, Native American or Cape Verdean.

"Minority business" any individual, business organization or non-profit corporation which is certified as a minority business by SOMBA or any department or agency, consistent with Article V of this Order.

"Services" professional and non-professional services rendered by non-employees.

ARTICLE VIII

- 9.1 Nothing in this Order is intended to nullify any city law or federal or state program which is now in existence.

F-1519

C. Graham re: that this order be a step toward guaranteeing the fullest participation by minority businesses in the economy of Cambridge & opportunitiss created through City government activities.

5/7/84

C. Graham - MIT 110
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In City Council,

April 30, 1984

4/30/84

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Councilor
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