

City Council – Action Request Form

Date: December 12, 2017

To: The City Manager

From: Evan Raleigh, Director of Business Inclusion and Advancement

Council Action Requested:

Adoption of a Resolution Approving a Progressive Discipline Policy for Contractors Failing to Make a “Good Faith Effort” to Satisfy Their Contractual M/WBE Participation Goals

Strategic Focus Area: Economic Vitality and Diversity

Strategic Objective: N/A

Strategic Plan Action Item: No

Key Work Item: No



Summary of Information:

Section 2-3 of the City Code authorizes the city manager to disqualify contractors from bidding on construction and repair contracts for a variety of reasons, one of which is a contractor’s failure to make a “good faith effort” to satisfy their contractual M/WBE participation goals on formal construction projects. Formal construction projects are defined as those in which the anticipated cost exceeds \$300,000. There have been several recent instances in which general contractors working on formal construction projects have failed to achieve their contractually-obligated M/WBE goals and have subsequently been deemed, after review by the M/WBE Citizen’s Advisory Council (CAC), not to have made a good faith effort to achieve those goals. In order to ensure consistency in the manner in which remedial actions are applied to contractors in these instances, staff has developed a progressive discipline policy. This policy has been reviewed and approved by the CAC and is recommended to the Mayor and City Council for adoption. The attached exhibit provides an overview of the proposed remedial action schedule.

Committee Action:

Committee	<u>CD/H/GG 12/12/17</u>	Action	<u>Approval</u>
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For	<u>Unanimous</u>	Against	<u></u>
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Remarks: