

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 2-92-070 of the Municipal Code of Chicago is hereby amended by inserting the underscored language, as follows:

2-92-070 Definitions.

For purposes of this Article II, the following definitions shall apply:

(Omitted text is unaffected by this ordinance)

"Disadvantaged business enterprise" has the meaning ascribed to the term in Section 2-92-420.

"Key performance indicators" means quantifiable measures of the economic impacts to the City's procurement processes and certification eligible business participation programs, as well as the economic impacts on certification eligible businesses, related to compliance and non-compliance with the City's certification eligible business participation programs, including any waivers granted under the City's certification eligible business participation programs, and all other contracts, redevelopment agreements, or other agreements that contain voluntary commitments to utilize certification eligible businesses or commitments to utilize certification eligible businesses in excess of the applicable goals or commitments under the applicable City certification eligible business participation program. "Key performance indicators" include, but are not limited to, total contract costs, contract values, underutilization metrics, utilization goals or commitments achieved, and the opportunity cost of underutilization, including opportunity costs attributable to the difference between actual utilization rates and the applicable utilization goals or commitments.

"Office of Contracting Equity" means the Office of Contracting Equity within the Department of Procurement Services.

SECTION 2. Section 2-92-090 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

2-92-090 Powers and duties.

(a) The Contracting Equity officer shall have the powers and duties provided in this Chapter to the individual occupying that position.

(b) In addition, the Contracting Equity officer, under the supervision of the Chief Procurement Officer, shall have power to:

(Omitted text is unaffected by this ordinance)

(6) provide reports to the Mayor and the CPO, annually or at such other interval as the Mayor or the CPO may request, regarding the implementation, administration, and progress of the disadvantaged business enterprise program; ~~and~~

(7) provide annual training on the City's certification eligible business participation programs to all employees and officials of the Department of Procurement Services, all other City employees

and officials with contract management authority, and, upon request, members of City Council; and

(8) perform such other actions that improve equity in the City's contracting as determined by the Contracting Equity officer in consultation with, and subject to approval of, the CPO.

SECTION 3. Section 2-92-100 of the Municipal Code of Chicago is hereby deleted in its entirety, and replaced with a new Section 2-92-100, as follows:

2-92-100- Procurement Accountability.

(a) The Office of Contracting Equity shall conduct an annual audit of all contracts subject to the City's certification eligible business participation programs and all other contracts, redevelopment agreements, or other agreements that contain voluntary commitments to utilize certification eligible businesses or commitments to utilize certification eligible businesses in excess of the applicable goals or commitments under the applicable City certification eligible business participation program. Such annual audits shall, at a minimum, include:

(1) a review of key performance indicators for all contracts, redevelopment agreements, or other agreements described in subsection (a) of this section;

(2) differences in key performance indicators attributable to contracts, redevelopment agreements, or other agreements described in subsection (a) of this section that are awarded to a certification eligible business as prime contractors and those that are awarded to a prime contractor who seeks to comply with the applicable utilization goals or commitments through subcontractors, including any differences attributable to prime contractors seeking to comply with the applicable utilization goals or commitments through engaging subcontractors for legal or other professional services;

(3) a summary of complaints received by the Office of Contracting Equity related to noncompliance with the City's certification eligible business participation programs, including the number of complaints under each of the City's certification eligible business participation programs, the disposition of such complaints, including the number of complaints referred to the appropriate authority for investigation and resolution under Section 2-92-710(p); and the average and median time for investigation and resolution of such complaints;

(4) identification of any inefficiencies or structural or economic barriers affecting, and recommendation of any efficiencies or legislative changes to improve, compliance with the City's certification eligible business participation programs, including key performance indicators and encouraging utilization rates in excess of any minimum goals; and

(5) a trend analysis of the foregoing for the current year compared to the preceding two years.

(b) On or before June 1 of each year, the audit required under this section shall be published on a publicly available website and copies shall be submitted to each member of City Council. Within 45 days of the issuance of the annual audit required under this section, the Contracting Equity Officer shall appear before a hearing of a joint committee consisting of the Committee on Economic, Capital and Technology Development and the Committee on Contracting Oversight and Equity, or their respective successor committees, to respond to questions concerning such audit.

(c) Within 30 days of receipt, all complaints of participation commitments not being met shall be reviewed by the Office of Contracting Equity and referred to the appropriate authority for investigation and resolution under Section 2-92-710(p).

SECTION 4. Prior to the submission of the first annual audit under this ordinance, the Office of Contracting Equity shall audit all contracts subject to the City's certification eligible business participation programs awarded in the previous three calendar years to establish key performance indicators necessary to complete the first annual audit as required under this ordinance.

SECTION 5. This ordinance shall take effect upon passage and publication.

A handwritten signature in black ink, appearing to read 'Gilbert Villegas', is written above a horizontal line.

GILBERT VILLEGAS
Alderman, 36th Ward