

ORDINANCE

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

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

2-92-245 ~~Advance payments to contractors / direct payments to subcontractors~~ Advance / direct payments to contractors, subcontractors and MBE/WBE participants.

(a) The chief procurement officer is authorized to make advance payments to contractors for monies to be earned on contracts if all minority participation goals have been met as set forth in MC Chapter 2-92 without the use of any waiver(s). ~~Contractors failing to meet minority participation goals shall be limited to no more than 35% advance payment.~~

~~(b)~~ The chief procurement officer is authorized to make advance and direct payments to MBE/WBE contractors and subcontractors for 50% of total monies to be earned on contracts if they have been certified for no more than five years.

(c) ~~(b)~~ The chief procurement officer is authorized to make direct payments to subcontractors for monies earned on contracts.

(Omitted text unaffected by this ordinance)

2-92-430 Award goal – Established.

The chief procurement officer shall establish a goal of awarding not less than ~~25 percent of the annual dollar value of all contracts to qualified M.B.E.s and five percent of the established percentages listed to M.B.E's and W.B.E's based on the annual dollar value of all contracts to qualified W.B.E.'s.~~ as listed below:

<u>M.B.E/W.B.E Goals</u>	
<u>M.B.E Minority Group (as defined)</u>	
<u>African-Americans, Freedmen</u> <u>Americans or Blacks</u>	<u>33%</u>
<u>Hispanics</u>	<u>29%</u>
<u>Asian Americans</u>	<u>5%</u>
<u>W.B.E Group (as defined)</u>	<u>10%</u>

The chief procurement officer shall adjust M.B.E & W.B.E contracting goals automatically every ten years to reflect the changing demographics outlined in the United States Census starting in 2022.

(Omitted text unaffected by this ordinance)

2-92-420 Definitions

(r) "Minority group" means any of the following racial or ethnic groups:

(i) African-Americans or Blacks (persons having origins in any of the Black Racial groups of Africa);

(ii) Freedmen American (persons having direct ancestral lineage to victims of chattel slavery in the United States of America and may also be used in addition to terms such as "Black", "African American", or "Descendant of American Slavery");

(iii) (ii) Hispanics (persons of Spanish culture with origins in Mexico, South or Central America or the Caribbean Islands, regardless of race);

(iv) (iii) Asian-Americans (persons having origins in any of the original peoples of East Asia, Southeast Asia, the Indian subcontinent, or the Pacific Islands);

(v) (iv) Other groups, or other individuals, found by the board to be socially and economically disadvantaged and to have suffered actual racial or ethnic discrimination and decreased opportunities to compete in Chicago area markets or to do business with the city; and

(vi) (v) For purposes of contracts funded by state or federal governmental sources, groups found to be eligible for purposes of the designation of D.B.E.s by such governmental sources.

(Omitted text unaffected by this ordinance)

2-92-450 Reduction or waiver of commitment.

If, in connection with a particular contract, either before the contract is let for bid, during the bid or award process, before or during negotiation of the contract, or during the performance of the contract, the chief procurement officer determines that it is impracticable or excessively costly to obtain qualified M.B.E.'s or W.B.E.'s to perform sufficient work to fulfill the commitment stated in Section 2-92-440 hereof, the chief procurement officer shall reduce or waive the commitment to M.B.E./W.B.E. participation in the contract, as may be appropriate by city ordinance. The chief procurement officer shall issue rules and regulations setting forth the standards to be used in determining whether or not such a reduction or waiver is appropriate. Except as otherwise provided in such rules and regulations, any ordinance granting a waiver or reduction shall be deemed appropriate possible if a

contractor has unsuccessfully solicited 50 ~~75~~ percent or more of the appropriate M.B.E.'s or W.B.E.'s to perform the work identified in the bid solicitation in accordance with Section ~~2-92-440~~(i) hereof and has documented such effort to the satisfaction of the chief procurement officer. In addition, such rules and regulations shall require that a contractor seeking a waiver or reduction shall have provided timely notice of the need for subcontractors to an appropriate association of M.B.E.'s or W.B.E.'s, which association or associations shall be entitled to comment on any waiver or reduction application. ~~If the chief procurement officer determines that a lesser percentage standard is appropriate with respect to a particular contract subject to competitive bidding prior to the bid solicitations for such contract, such bid solicitations shall include a statement of such revised standards.~~ No ordinance granting a waiver or reduction shall be accepted for any project receiving tax increment financing (TIF) funds or any other municipal funds.

(Omitted text unaffected by this ordinance)

2-92-670 Definitions

(j) "Economically disadvantaged" shall refer to the standards and definitions set forth by the State of Illinois "Business Enterprise for Minorities, Women, and Persons with Disabilities Act" (30 ILCS 575-1) means any business or an individual whose personal net worth is less than \$2,000,000.00, adjusted annually for inflation, such annual adjustment to begin January 2008, based on the Consumer Price Index – Urban Wage Earners and Clerical Workers (Chicago All Items) published by the United States Bureau of Labor Statistics.

(Omitted text is unaffected by this ordinance)

(n) "Minority" means:

(i) any individual in the following racial or ethnic groups, members of which are rebuttably presumed to be socially disadvantaged:

(A) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;

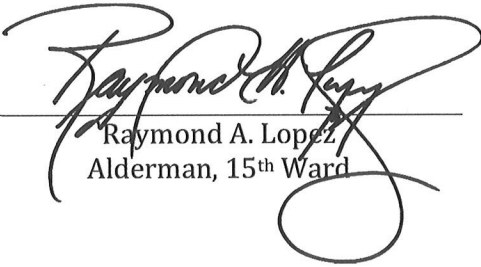
(B) Freedmen Americans (persons having direct ancestral lineage to victims of chattel slavery in the United States of America and may also be used in addition to terms such as "Black", "African American", or "Descendant of American Slavery");

(C) {B} Hispanics, which includes persons of Spanish culture with origins in Mexico, South or Central America or the Caribbean Islands, regardless of race;

(D) {G} Asian-Americans, which includes persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent;

(E) ~~(D)~~ American Indians, which includes persons having origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment; and

SECTION 2. This ordinance shall be in full force and effect upon passage and publication.



Raymond A. Lopez
Alderman, 15th Ward