



Legislation Text

File #: 2805-2016, **Version:** 1

BACKGROUND: The Equal Business Opportunity Commission Office (EBOCO) will make the transition to the Office of Diversity and Inclusion (ODI), effective 1/1/2017. In anticipation of the new office and expanded programming, funding has been identified in 2016 to support the implementation of a disparity study, the results of which are paramount to ODI's mission of ensuring diversity and inclusion in the City of Columbus.

The disparity study will analyze city procurement operations to determine whether there is a disparity between the availability of minority, women-owned, and disadvantaged business enterprises (MWDBEs) and the city's utilization of those businesses. The courts have made it clear that in order to implement a race- and gender-based program that is effective, enforceable, and legally defensible, the city must meet the judicial test of constitutional strict scrutiny to determine the legality of such initiatives. Strict scrutiny requires current strong evidence of the persistence of discrimination, and narrowly tailored measures to remedy that discrimination. The last disparity study was conducted over a decade ago and Columbus has seen a tremendous amount of growth since then. The findings of this study will guide and inform ODI's work to ensure fairness, equity, and inclusion in the city's procurement practices.

The Office of Diversity and Inclusion received formal proposals on October 28, 2016 from firms interested in conducting the disparity study. Evaluation of those proposals is currently underway but may not be completed in time to legislate a vendor prior to expiration of the current year budget. Therefore, ODI is requesting to encumber the funds for the study at this time. An ordinance authorizing a contract for the disparity study will likely be presented to Council in early 2017 using these encumbered funds.

This ordinance is necessary to ensure the availability and authorize the expenditure of funds in order for the office to carry out this essential function, thereby meeting their obligation to ensure the highest standard of diversity and inclusion across the city's operations.

EMERGENCY DESIGNATION: Emergency designation is being requested to allow for funds to be available as soon as possible for the planning and implementation of this measure.

FISCAL IMPACT: The total expenditure amount of \$468,000 is completely funded in the 2016 General Fund budget.

To authorize and direct the City Auditor to establish an Auditor's Certificate, on behalf of the Equal Business Opportunity Commission (to become the Office of Diversity and Inclusion on 1/1/2017), for the implementation of a disparity study; to authorize and direct the City Auditor to transfer \$468,000.00 within the General Fund; to authorize the expenditure of \$468,000.00 from the General Fund; and to declare an emergency (\$468,000.00).

WHEREAS, the Equal Business Opportunity Commission Office (to become the Office of Diversity and Inclusion on 1/1/2017) has a need to commission work on a disparity study to be performed on the City of Columbus' procurement operations; and

WHEREAS, the Director of the Equal Business Opportunity Commission Office sought bids for the disparity study project using the city's electronic vendor portal (RFQ#002943), which closed on 10/28/2016 and is currently under review. An ordinance authorizing a contract for the disparity study will likely be presented to Council in early 2017 using these encumbered funds; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to authorize the City Auditor to establish an auditor's certificate in order to ensure that said funds are allocated and available once the disparity study project is set to begin for the public health, safety and welfare; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

SECTION 1. That the City Auditor be and is hereby authorized and directed to transfer \$468,000, or so much thereof as may be needed between departments within the General Fund, per the accounting codes in the attachment to this ordinance.

See Attached File: 2805-2016-STUDY

SECTION 2. That the City Auditor be and is hereby authorized to establish an Auditor's Certificate on behalf of the Equal Business Opportunity Commission Office (to become the Office of Diversity and Inclusion on 1/1/2017) for the purpose of implementing a disparity study on the City of Columbus' procurement operations.

SECTION 3. That the expenditure of \$468,000, or so much thereof as may be needed, is hereby authorized in Fund 1000, the General Fund, to be expended to pay for consulting services and any other costs incurred during the implementation of the disparity study, in object class 03 per the accounting codes in the attachment to this ordinance.

See Attached File: 2805-2016 AC-STUDY

SECTION 4. That an ordinance authorizing a contract for the disparity study will be forthcoming.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.