

AN ORDINANCE TO AMEND CHAPTER 14-10 OF THE CODE OF ORDINANCES FOR THE CITY OF MOBILE, ALABAMA ENTITLED “CONTRACTS” TO PROVIDE FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS CONTRACTOR AND INDIVIDUAL PARTICIPATION

Sponsored by: Mayor Stimpson

BE IT ORDAINED by the City Council of the City of Mobile, Alabama as follows:

Section One. Chapter 14-10 of the Code of Ordinances, as amended by Ordinance 14-034-2018, for the City of Mobile, Alabama, 1991 is hereby amended and restated to read as follows:

Sec. 14-10 Participation by socially and economically disadvantaged contractors.

- (a) As used in this section “socially and economically disadvantaged” shall mean an entity or individual certified as socially and economically disadvantaged in accordance with: (i) the findings of a current City of Mobile disparity study; or (ii) certain federal criteria, including, without limitation thereto, any of the following: (A) 13 CFR Part 124, (B) 49 CFR Part 26; and (C) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u). The phrase “current disparity study” excludes any disparity study performed prior to July 1, 2020.
- (b) All contracts or agreements entered into by the City or any entity thereof for any service of any kind, whether by bid or otherwise, including but not limited to professional services and bond issues, shall require that the contractor, firm or company to which any such contract is awarded have, or provide written proof demonstrating good faith efforts to procure, at least fifteen (15) percent participation by socially or economically disadvantaged contractors or professionals, and the City shall make every reasonable effort to ensure that at least fifteen (15) percent of the total value of all such contracts or agreements described above shall be awarded to qualified contractors or professionals who are socially and economically disadvantaged. Unless waived or exempted, all bidders must demonstrate good faith efforts to meet the requirements of this Section 14-10 in order to be considered responsive bidders.
- (c) The Mayor is authorized to establish an office to administer the provisions of this Section, including but not limited to: adopting written procedures, informal guidelines, and developing forms as may be necessary to effectuate this section; establishing certification rules and procedures; recommending related procurement goals and contract requirements; implementing a procedure for establishing individual participation goals for each contract subject to this section; and recruiting socially and economically disadvantaged contractors to create adequate capacity for services of any kind.
- (d) This section shall not apply to contracts if: (1) after procurement, but prior to executing a contract, it is found that there is one or less socially or disadvantaged individuals or entity available for services being contracted; or (2) funded by sources that do not allow for such preferences; or (3) emergency contracts as approved by the Council.

This amendment shall be effective following adoption and publication.