



CITY OF BUFFALO

Executive Order #16-02

MAYOR BYRON W. BROWN

DIRECTING THE ESTABLISHMENT OF A MBE/WBE CONTRACT COMPLIANCE COMMITTEE TO IMPLEMENT FURTHER INITIATIVES TO INCREASE PARTICIPATION OF MINORITY AND WOMEN OWNED BUSINESSES IN THE CITY OF BUFFALO

By the authority vested in me by the Laws of the State of New York and Sections 2-3 and 2-4 of the Charter of the City of Buffalo, it is hereby ordered as follows:

WHEREAS, It is the goal of the City of Buffalo and my administration to build a diverse and inclusive workforce in an environment that encourages, not just meeting, but surpassing the minority and women workforce participation and business enterprise goals contained in Buffalo City Code Section 96-13;

WHEREAS, Buffalo City Code Section 96-13(F) provides, “bidder(s) must submit prior to the awarding of a contract, a statement indicating that the bidder will work toward a minority workforce goal of 25%, and women workforce goal of 5%. In addition, a statement must be submitted prior to the awarding of a contract indicating that the bidder will work toward a business utilization goal for minority business enterprise of 25% and women business enterprise of 5%”;

WHEREAS, Buffalo City Code Section 96-13(H)(2)(c) specifically provides, “Any contractor with the City of Buffalo, or any subcontractor entering into a construction subcontract with a contractor who has a construction contract with the City of Buffalo, is required to ensure that the workforce which it engages to perform work in execution of the contract or subcontract meets the minimal workforce diversification standards as defined above”;

WHEREAS, Buffalo City Code Section 96-13(H)(3) specifically authorizes the Commissioner of Public Works, Parks and Streets “to promulgate such rules and regulations as are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purpose of this section”;

WHEREAS, The unprecedented development activity currently taking place in the City of Buffalo and the accompanying public works projects, dictate that every available measure be undertaken to achieve or surpass the goals contained in Buffalo City Code Section 96;

NOW, THEREFORE, IT IS SO ORDERED, that the Commissioner of the Department of Public Works, Parks and Streets is hereby directed to implement the following procedures to improve the likelihood of surpassing the aforementioned workforce participation and business enterprise goals:

1. Immediately create a Contract Compliance Committee (CCC) consisting of representatives of the following departments to monitor workforce participation and business enterprise contract goal achievement:

(1) Public Works, Parks and Streets;

(2) Community Services and Recreational Programming;

(3) Administration, Finance, Policy and Urban Affairs (Division of Purchase);

(4) Corporation Counsel;

(5) Commission on Citizens' Rights & Community Relations;

(7) Buffalo Urban Renewal Agency, and;

(8) Mayor's Office (Chief Diversity Officer), who shall:

a) Develop a system of providing a list of certified minority and women business enterprises who are eligible to participate in city contracts in all Requests for Proposals (RFPs) to inform contractors/subcontractors of all market participants that can be utilized to achieve the goals set forth in the ordinance.

b) Conduct a forum with minority and women business enterprises to discuss any obstacles encountered in securing formal certification as MBE/WBE and participation in public works projects.

c) Develop a MBE/WBE Mentor-Protégé Program that will enhance the capability of Minority and Women Business Enterprises to compete for procurement opportunities, encourage private-sector relationships and assist the protégé firm to become self-sustaining, competitive and profitable in its line of work.

d) Further clarify, develop and strictly enforce the requirements of Buffalo City Code Section 96-13(H)(2)(c)[1-3], which provides that all contractors and subcontractors on construction contracts supply: [1] a monthly workforce census and such other employment and/or payroll records, necessary to verify achievement of the workforce diversity goals and to demonstrate compliance with minimum standards; [2] access and cooperation to the project compliance officer to review records on-site and/or at worksite

premises to validate workforce participation; and [3] with bid submission, a statement committing to providing apprenticeship training opportunities to workers, as well as details of workforce diversification recruiting programs directed at attracting candidates to fill positions to meet such requirements.

e) Encourage communication and collaboration between minority and women business enterprises to identify public and private insurance and bonding options to satisfy the City's contractual requirements.

f) Forward quarterly reports to the Mayor's Fiscal Subcabinet, including datasets reflecting minority and women workforce participation and business enterprise percentages for review and comment.

This Order is not intended to, and does not, create a right or benefit, substantive or procedural, enforceable, at law or in equity by any party against the City of Buffalo, its departments, agencies, officers, employees, or agents.

GIVEN, under my hand and the Privy Seal of the City of Buffalo in the State of New York, this 11th day of January, in the year 2017.

City of Buffalo

Mayor Byron W. Brown