



Kriss Worthington

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CONSENT CALENDAR

May 12, 2015

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Subject: Budget Referral: Request Availability Study to Allow Affirmative Action in City Contracting

RECOMMENDATION

Refer to the 2015-2016 budget an allocation to perform an Availability Study to analyze the City's use of local, small emerging, minority and women business enterprises on City construction, architecture and engineering, professional services, and goods and other services contracts.

BACKGROUND

The City of Berkeley and its residents have a longstanding commitment to diversity and to advancing the development of local businesses. Part of this commitment is to ensure that the City's procurement activities allow for contracting opportunities to be accessible to the entire local business community.

On May 1, 2012, the City Council approved for the City Manager to examine the City's use of an Availability study; we are now recommending funding. To the extent that disparities in the awarding of contracts do exist, the City of Berkeley is barred by Proposition 209 from undertaking race-conscious, gender-conscious and other affirmative action-related remedies without first conducting an "Availability Study" to identify discrimination. Such remedies may not be undertaken based on broad notions of equity or general allegations of discrimination, however, they are permitted if the City identifies specific disparities in the awarding of contracts.

The purpose of an Availability Study would therefore be to examine the City's procurement activities and identify any disparities in the awarding of contracts that affect local, small emerging, minority and women business enterprises, given the availability of willing and able businesses. Alameda County and the City of Oakland have both performed an Availability Study, which therefore allows them to consider additional factors and do more socially responsible contracting.

ENVIRONMENTAL SUSTAINABILITY

This proposal is aligned with the City's goal for Environmental Sustainability.

FINANCIAL IMPLICATIONS

Unknown.

CONTACT PERSON

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