

Ordinance amending and supplementing the Pittsburgh Code, Title One – Administrative, Article IX – Boards, Commissions and Authorities, Chapter 177, Equal Opportunity Review Commission, Section 177A.04, so as to reformat this section and add new language.

Whereas, the Code of the City of Pittsburgh states a commitment to providing all citizens an equal opportunity to participate in City employment; and,

Whereas, the Pittsburgh Code states a commitment to provide all vendors, regardless of race, gender or religious affiliation, an equal opportunity to participate in engaging in commerce with the City; and,

Whereas, the United States Supreme Court, at City of Richmond, VA vs. J.A. Croson Co. 488 U.S. 469 (1989), ruled the necessity of accurate and timely data in the development and implementation of programs and activities; and,

Whereas, the United States Supreme Court ruled in Croson that corrective programs must be based on a “compelling government interest”, established through statistical proof of past discrimination against specific groups; and,

Whereas, the use of stale data in designing and implementing such programs has led to successful legal challenges to those programs (U.S. District Court – Western District of Missouri Case No. 04-0872-CV-W-GAF); and,

Whereas, the City has an obligation to uphold the Equal Protection clause in the Fourteenth Amendment to the United States Constitution which provides for all people to be treated equally under the law; and,

Whereas, the Equal Opportunity Review Commission is charged with monitoring compliance with the provisions of Chapters 161 and 177A of the Pittsburgh Code and producing reports which detail the extent to which minority-owned and women-owned businesses have been participants in the sale of goods and services to the City.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** Section §177A.04 - Responsibilities of the EORC is hereby amended a follows:

With respect to the provisions discussed in Chapter 161, the EORC shall gather all information necessary to make a determination of the adequacy of an apparent low bidder's plan to attain the residency requirements and equal employment opportunity goals established in this Chapter.

- (a) The EORC will be responsible for monitoring compliance with the provisions of this Chapter and the contract provisions established in accordance therewith.
- (b) The EORC shall further promulgate regulations to permit the coordination of purchasing between the City and County consistent with the spirit and intent of this Chapter.
- (c) The EORC shall, no later than 30 days following the close of each quarter, submit to Council, the Mayor and the Controller, a quarterly report which details the extent to which minority-owned and women-owned businesses have been participants in the sale of goods and services to the City and its Authorities for the preceding quarter. The report shall, at a minimum, show the name and address of each such minority-owned business and women-owned business, the contract or subcontract price, a description of the work performed on the contract by class of work, project type and shall show separately the total number of contracts awarded to minority-owned businesses and women-owned businesses as a percentage of the total number of contracts awarded and as a percentage of the total contract price. This report shall include all categories of procurement for the City of Pittsburgh and shall include commodities, construction, professional services and services contracts and shall identify administrative and legislative policy initiatives which have been implemented to improve minority-owned business and women-owned business procurement with the City and its authorities.
- (d) The EORC shall, no later than March 15 of each year, submit to Council, the Mayor and the Controller, an annual report which details the extent to which minority-owned and women-owned businesses have been participants in the sale of goods and services to the City for the for the preceding year. The report shall, at a minimum, show the name and address of each such minority-owned business and women-owned business, the contract or subcontract price, a description of the work performed on the contract by class of work, project type and shall show separately the total number of contracts awarded to minority-owned businesses and women-owned businesses as a percentage of the total number of contracts awarded and as a percentage of the total contract price. This report shall include all categories of procurement for the City of Pittsburgh and shall include commodities, construction, professional services and services contracts. This report shall include all categories of procurement for the City of Pittsburgh and shall include commodities, construction, professional services and services contracts and shall identify administrative and legislative policy initiatives which have been

implemented to improve minority-owned business and women-owned business procurement with the City and its authorities.

- (e) The EORC shall update its minority-owned and women-owned business disparity study(ies), pursuant to established Supreme Court precedent at City of Richmond, VA vs. J.A. Croson Co. 488 U.S. 469 (1989), in 2008, 2012 and every five years thereafter.

**Section 2.**

This section will become effective immediately upon passage.