

BILL NO. _____ -2021

INTRODUCED BY COUNCIL

_____, 2021

AN ORDINANCE

Amending Part One, Administrative Code, Title Seven, Administrative Offices and Departments; Article 130 Financial Procedures, Section 130.16 Contracts, of the Codified Ordinances of Allentown, Pennsylvania, by adding a new subsection entitled “Minority-Owned Business Preference”.

WHEREAS, Section 815B Competitive Process, of the Allentown Home Rule Charter authorizes City Council to adopt and amend, by Ordinance, a Code for the establishment, regulation, and maintenance of a competition system, governing the policies necessary to effectively administer a system of competitive purchasing for the City government; and

WHEREAS Section 815B Competitive Process, of the Allentown Home Rule Charter authorizes City Council to establish policies regarding minority preferences; and

THEREFORE, Allentown City Council with the support of the administration implements the following minority-owned business preference for competitive purchasing in the City of Allentown.

130.16(B)(6) Minority-Owned Business Preference

6. Minority-Owned Business Preference:

a. For the purposes of this section, Minority means African Americans, Hispanic Americans, Asian Americans, Native Americans, American Aleuts, and other minorities as recognized by Federal regulations.

b. For the purposes of this section, Minority-Owned Business means - A sole proprietorship, partnership, joint venture, corporation, or entity owned and controlled by minority group members to which access to City contracting opportunities has heretofore been impaired by the effects of past discrimination and wherein:

i. At least 51% is owned by minority group members; and

ii. Minority group members share in the risks and profits of the enterprise to the extent of their individual holdings; and

iii. Minority group members' participation in the business is active, as opposed to passive, and such participation is not dependent on the consent of non-minority group members who may also have holdings in the business enterprise; and

iv. The business enterprise has experience in the area to which it claims expertise; and

v. The business enterprise was not organized solely to meet these requirements

c. When bids are received from both non-minority-owned business and minority-owned businesses, the contract shall be awarded to the minority-owned business whose responsible bid is nearest to the bid price of the otherwise low non-minority-owned business, if the bid price of the minority-owned business is made lower than the bid price of such non-minority-owned business when multiplied by a factor .95.

d. In order to qualify for the preference set forth in Subsection C, above, the minority-owned business must be properly licensed to do business in the City of Allentown and in compliance with all City Ordinances and regulations.

e. This section shall not apply to bids for the construction of public improvements in excess of \$50,000, or where the difference between the lowest non-resident bid and the lowest resident bid is in excess of \$2,500, or where otherwise prohibited by law or state or federal regulation.

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