

ORDINANCE NO. BL2018-1063

An ordinance amending Chapter 4.46 of the Metropolitan Code of Laws to require the Procurement Division to collect comprehensive data regarding the participation of subcontractors in the procurement process.

WHEREAS, Griffin & Strong P.C., provides benchmarking services which enable the Metropolitan Government to track the inclusion of minority or women-owned business enterprises (“MWBEs”) in the procurement process; and

WHEREAS, as part of its Procurement Nondiscrimination Program, the Metropolitan Government monitors the utilization of MBWE participation on projects and requires contractors to submit data regarding the utilization of MWBE subcontractors; and

WHEREAS, in its 2017 Benchmark Report, Griffin & Strong P.C., recommended that the participation of all subcontractors (MWBEs and non-MWBEs) that provide services to the Metropolitan Government be tracked; and

WHEREAS, such tracking will provide comprehensive subcontractor data to the Metropolitan Government and will allow for enhanced precision in the determination of MWBE utilization in the procurement process.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Section 4.46.030(D) of the Metropolitan Code of Laws is hereby amended by deleting the following language:

Authorization to Monitor. The BAO shall be authorized to collect from all Participants such data and information as is necessary to monitor this Program. This information may include information regarding business ownership, supplier information, subcontractor information, all of which shall reflect the race, ethnic origin, gender, and business location of the identified businesses. The BAO shall continuously monitor the participation of MWBEs in the procurement of construction, non-professional services and professional services for Metropolitan Government. Such monitoring shall include, without limitation, a statistical analysis of each construction trade, non-professional service and professional services to determine whether there is utilization of MWBEs in a manner that is proportionate to the identified availability range. The BAO will provide written reports to the Purchasing Agent, Finance Director, and Mayor upon request but not less frequently than semiannually.

And substituting in lieu thereof the following language:

Authorization to Monitor. The BAO shall be authorized to collect from all Participants such data and information as is necessary to monitor this Program. This information shall include information regarding business ownership, supplier information, and subcontractor information, all of which shall reflect the race, ethnic origin, gender, business location of the identified businesses, and type of work to be performed indicated by the United Nations Standard Products and Services Codes. Individuals or entities that enter into contracts with the Metropolitan Government shall submit to the BAO subcontractor information reflecting all MWBEs and non-MWBEs providing services

on the contract, including total amounts paid to each subcontractor. Failure to provide this information may subject participants to penalties for noncompliance as specified in section 4.46.100. The BAO shall continuously monitor the participation of MWBEs in the procurement of construction, non-professional services and professional services for Metropolitan Government. Such monitoring shall include, without limitation, a statistical analysis of each construction trade, non-professional services, and professional services to determine whether there is utilization of MWBEs in a manner that is proportionate to the identified availability range. The BAO will provide written reports to the Purchasing Agent, Finance Director, and Mayor upon request but not less frequently than semiannually.

Section 2. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Tanaka Vercher

Members of Council