



Legislation Details (With Text)

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|------------------------|---|----------------------|---|--------------|---|
| <b>File #:</b>         | 23-1072   | <b>Version:</b>      | 1 | <b>Name:</b> | 6/20/23 Resolution to Ensure Transparency, Non-discrimination, and Equal Opportunity in Municipal Contracting and Procurement Practices |
| <b>Type:</b>           | Resolution  | <b>Status:</b>       |   |              | Passed  |
| <b>File created:</b>   | 6/20/2023   | <b>In control:</b>   |   |              | City Council  |
| <b>On agenda:</b>      | 6/20/2023   | <b>Final action:</b> |   |              | 6/20/2023   |
| <b>Enactment date:</b> | 6/20/2023   | <b>Enactment #:</b>  |   |              | R-23-232  |
| <b>Title:</b>          | Resolution to Ensure Transparency, Non-discrimination, and Equal Opportunity in Municipal Contracting and Procurement Practices |                      |   |              |   |
| <b>Sponsors:</b>       | Travis Radina, Chris Watson, Jennifer Cornell, Cynthia Harrison, Ayesha Ghazi Edwin, Jen Eyer, Lisa Disch                       |                      |   |              |   |
| <b>Indexes:</b>        |   |                      |   |              |   |
| <b>Code sections:</b>  |   |                      |   |              |   |
| <b>Attachments:</b>    |   |                      |   |              |   |

| Date      | Ver. | Action By    | Action   | Result |
|-----------|------|--------------|----------|--------|
| 6/20/2023 | 1    | City Council | Approved | Pass   |

Resolution to Ensure Transparency, Non-discrimination, and Equal Opportunity in Municipal Contracting and Procurement Practices

Reviewed by: Michelle Landis, Senior Assistant City Attorney  
Jennifer Richards, Assistant City Attorney

Whereas, Entrenched disparities in our laws and public policies, and in our public and private institutions, have often denied equal opportunity to individuals and communities;

Whereas, In 2021, President Biden signed an Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, which included a directive that the head of each agency assess “potential barriers that underserved communities and individuals may face in taking advantage of agency procurement and contracting opportunities;”

Whereas, Breaking down barriers in government procurement processes reduces the administrative burden on all businesses submitting bids and may ultimately help reduce prices by encouraging more bidders;

Whereas, Municipalities can benefit considerably from increased access to diverse vendors, who often bring fresh ideas, new approaches, demonstrate greater cultural competence, and may tap new talent within the community;

Whereas, It is impossible - without proper data, research and analysis - to understand whether systemic and structural barriers exist for women and minority-owned businesses within our municipal contracting and procurement practices;

Whereas, Collecting and analyzing the demographic data of prospective vendors who are bidding on and receiving government contracts is essential to understanding the proportion of bids received from

women and minority-owned businesses, and whether additional outreach to and support for these businesses is necessary and essential to increase the diversity of bidders;

Whereas, Transparency in government procurement empowers public oversight of government practices;

Whereas, The City of Ann Arbor, being a governmental unit of the State of Michigan, is required to comply with the Michigan Constitution, Article I, Section 26, Subsection (2) "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."; and

Whereas, It is critical to ensure that demographic data collected is not used for discriminatory purposes within the procurement process;

RESOLVED, The Ann Arbor City Council directs the City Administrator to implement a process for collecting and analyzing the demographic information of all contractors, suppliers of goods, and service providers, who submit bids or proposals to supply goods or services to the City beginning in Fiscal Year 2024;

RESOLVED, The Ann Arbor City Council directs the City Administrator to implement a process for collecting and analyzing the demographic information of all contractors, suppliers of goods, and service providers who are engaged in the City's procurement process and have been awarded contracts with the City, beginning in Fiscal Year 2024;

RESOLVED, That any demographic information collected about participants in the City's procurement process shall be retained separately to ensure that this information is not directly factored into decisions to approve contracts; and

RESOLVED, The Ann Arbor City Council directs the City Administrator to deliver a report and analysis of this information annually to the Ann Arbor City Council.

Sponsored by: Councilmembers Radina, Watson, Cornell, Harrison, Ghazi Edwin, Eyer and Disch