
Sec. 1:712. Socially and economically disadvantaged businesses; declaration of policy.

It is the policy of the city-parish to provide opportunities to businesses owned and controlled by socially and economically disadvantaged persons to participate meaningfully in the contracting activities of the city-parish that involve public spending or private projects that utilize public funding or incentives.

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:713. Definitions.

The following definitions shall apply to this part:

Socially and economically disadvantaged business or *SEDB* means an entity or individual certified as a socially and economically disadvantaged business through one (1) or more certification program(s) designated by the division of supplier diversity.

SEDB goal means the anticipated aggregate portion of work to be performed by SEDBs in connection with a contract subject to this part.

Vendor means any individual or entity in a contract, or seeking to be in a contract, with the city-parish involving public spending, public funding, and/or public incentives, including tax credits or waivers through which the city-parish forgoes its normal taxes and fees, except as otherwise provided in this part.

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:714. Establishment of the division of supplier diversity.

There is hereby established a division of supplier diversity governed by the provisions set forth below to help address the effects of past and present social and economic discrimination by increasing the utilization of certified socially and economically disadvantaged businesses in the procurement of goods and services by the City of Baton Rouge and the Parish of East Baton Rouge.

The division of supplier diversity will manage and oversee the city-parish's SEDB program. The division of supplier diversity will report to the director of purchasing.

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:715. Primary functions of the division of supplier diversity.

The division of supplier diversity is the city-parish's division to oversee activities, including certification, compliance, outreach, training and capacity building for local SEDBs.

It is the city-parish's objective to ensure that SEDBs are fully and properly participating in publicly-funded contracts and purchases, or where public spending is involved. In order to meet this objective, the city-parish will take necessary steps to ensure that SEDBs have equal opportunity to compete for and perform services for the city-parish. The division of supplier diversity will therefore have the primary responsibilities, including but not limited to:

- (1) Develop and use appropriate techniques to address SEDB concerns and increase access in contracts and purchases;
- (2) Ensure that positive actions are taken to promote SEDBs and SEDB participation;
- (3) Define eligible spending and spending goals for different services, materials, and supplies;

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- (4) Coordinate the SEDB program with key departmental staff and agencies;
 - (5) Define and establish guidelines on business eligibility for the SEDB program;
 - (6) Develop and administer certification and decertification processes for eligible SEDB entities;
 - (7) Review all bids and contracts for compliance with SEDB goals;
 - (8) Verify that substitutes are eligible for the SEDB program;
 - (9) Maintain a registry of SEDB firms available for possible contract and purchase opportunities;
 - (10) Monitor, track and report the performance of the SEDB program;
 - (11) Act as an arbitrator in disputes involving the SEDB program;
 - (12) Act as the single point of contact for interpretation of supporting rules and regulations governing the SEDB program;
 - (13) Serve as a liaison to local trade organizations and associations; and
 - (14) Establish additional rules as necessary to implement the provisions of section 1:711.

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:716. SEDB registry.

The city-parish shall create and maintain a publicly available registry of all businesses or individuals certified as SEDBs through a certification program or programs designated by the city-parish.

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:717. Participation goals.

- (a) *City-parish funded goal.* There is an overall goal of twenty-five percent (25%) for the utilization of SEDBs for all city-parish public spending or private projects that utilize public funding or incentives, subject to any SEDB goal established pursuant to this part.
- (b) *Other funded goals.* An overall goal will be set for participation in those contracts that are funded, in part or in whole, with funds received by the U.S. Department of Transportation (DOT) in accordance with 49 CFR Parts 23 and 26 and by the U.S. Environmental Protection Agency in accordance with their office of small disadvantaged business utilization guidance document and any other federal or state funded program that has an established DBE program or goals. Funds received from the U.S. Department of Transportation shall include the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:718. SEDB goal setting.

The division of supplier diversity shall implement a procedure for establishing individual SEDB goals for each contract or spend category subject to this part based on the availability of SEDBs in the relevant market sector.

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:719. Contracting requirements.

The city-parish shall reject any bid subject to this part and shall not award, enter into, or amend any contract subject to this part that is not supported by documentation establishing that the vendor has met the applicable SEDB goal or made good faith efforts to meet the applicable SEDB goal. Standards and criteria for evaluation and documentation of good faith efforts shall be established in writing by the division of supplier diversity and may include, but not be limited to, the following:

- (1) Solicitation of SEDBs through reasonable and available means;
- (2) Identification of work to be performed by SEDBs;
- (3) Provision of information about the requirements of work to be performed by SEDBs; and
- (4) Negotiation with SEDBs in good faith.

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:720. Reporting.

- (a) The purchasing division shall submit to the metro council a report identifying the city-parish's SEDB goals and attainment rates for the prior year.
- (b) All city-parish departments and agencies shall prepare and submit an annual report to the division of supplier diversity by April 30 of each year identifying their SEDB participation goals and attainment rates for the prior year. The SEDB report shall include the following information:
 - (1) The total number and value of all contracts awarded during the reporting period;
 - (2) The total number and value of all contracts awarded to SEDBs as prime contractors (expressed as a percentage and dollar value of subsection (1) above);
 - (3) The total number and value of all contracts awarded by non-SEDB prime contractors to SEDBs as subcontractors (expressed as a percentage and dollar value of subsection (1) above);
 - (4) The overall number and value of all contracts awarded to SEDBs during the reporting period (the sum of subsections (2) and (3) above); and
 - (5) Whether the contract is a procurement, professional services, personal services, or construction contract.

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:721. Remedies for non-compliance.

In addition to any other corrective action allowed by law, contract, or city-parish policy, any vendor with a contract with the city-parish who fails to comply with the provisions of this part may be subject to corrective action, which may include but need not be limited to:

- (1) Withholding of all or any portion of payments due to the vendor until the non-compliance is cured;
- (2) Stipulated damages;
- (3) Termination of any or all of the vendor's contracts with the city-parish; and
- (4) Suspension, debarment, or determination of non-responsibility.

(Ord. No. 18097, § 1, 4-28-21)

Sec. 1:722. Application.

- (a) Except as otherwise provided and subject to all local, state, and federal laws affecting the city-parish's procurement of goods and services or use of funds, this part shall apply to all contracts of the city-parish, including all departments and agencies.
- (b) Exempt contracts. This part shall not apply to:
 - (1) The procurement of immovable property;
 - (2) The resolution of any legal claim;
 - (3) Cooperative endeavor agreements;
 - (4) Any procurement to satisfy declared emergency needs;
 - (5) Restoration tax abatement credits for owner-occupied residential properties not exceeding six (6) residential units; and
 - (6) Any procurement or contract, except those for public works, valued at less than the applicable formal competitive procurement threshold.

(Ord. No. 18097, § 1, 4-28-21)