

CITY of ALBUQUERQUE

TWENTY-SECOND COUNCIL

COUNCIL BILL NO. O-17-33 ENACTMENT NO. _____

SPONSORED BY: Diane G. Gibson

1 ORDINANCE

2 AMENDING CITY'S PURCHASING ORDINANCE 5-5-31 RELATING TO PAY
3 EQUITY REPORTING AND REQUIREMENTS FOR THE GENDER PAY EQUITY
4 PREFERENCE FOR CITY PROCUREMENTS.

5 SECTION 1. Section 5-5-31, ROA 1994, is hereby adopted as follows:

6 "§ 5-5-31 PAY EQUITY REPORTING FORM AND PAY EQUITY
7 PREFERENCE.

8 (A) Reporting Form. All competitive sealed bids and competitive
9 sealed proposals shall require that responses include a completed City of
10 Albuquerque Pay Equity Reporting Form to determine the deviation between
11 salaries for men and women and to encourage compliance with the New
12 Mexico State Fair Pay for Women Act. The Central Purchasing Office and the
13 CIP Official shall require that bids and proposals include the Form. Any
14 response that does not include a completed form shall be deemed
15 nonresponsive [unless the form is submitted within twenty-four hours of the
16 response deadline]. The Central Purchasing Office and the CIP Official may
17 allow for a revised Pay Equity Reporting Form to be submitted by the
18 respondent should, in their sole opinion, the originally submitted form require
19 a technical change. [Unless already submitted as part of a competitive sealed
20 bid or proposal, each person or entity entering into any contract with the City
21 shall submit a City of Albuquerque Pay Equity Reporting Form prior to final
22 execution of the contract.]

23 (B) Pay Equity Preference. Prior to making a recommendation of
24 award, the Central Purchasing Office or CIP Official shall apply a 5% pay
25 equity preference to the amount bid or to the request for proposal of all offers
26 submitted by any business who at the time of submission of its bid or request

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1 for proposal holds a valid Pay Equity Business Certificate issued by the city's
2 Office of Diversity and Human Rights.

3 (1) Pay Equity Business. For the purposes of this section, a
4 pay equity business is any business that maintains a deviation of [~~40%~~ 7.00%]
5 or less between the salaries paid to men and the salaries paid to women for
6 comparable positions, as reported in the Pay Equity Reporting form required
7 to be submitted by each offeror as prescribed under § 5-5-31 (A) of this Article.
8 For purposes of this section, comparable positions are those listed in the Job
9 Classification Guide 2010 (or as may be updated and amended from time to
10 time) published by the federal Equal Employment Opportunity Commission.

11 (2) Certification. The City Office of Diversity and Human
12 Rights shall issue a Pay Equity Business Certificate to any business satisfying
13 the requirements of subsection (1) above. Certificates shall be valid for a
14 duration of one year from the date of issuance. [Existing certificates that have
15 not yet expired will continue to be honored by the City until their dates of
16 expiration.]

17 (C) Limitation. The total amount of all preferences, including the
18 pay equity preference, is limited by § 5-5-17(E).

19 (D) Rules and Regulations. The Mayor or his designated
20 representative, the Director of the Office of Diversity and Human Rights, or its
21 successor agency, shall enforce this section. The Office of Diversity and
22 Human Rights may prescribe reasonable rules and regulations to carry out the
23 intent and purpose of this section.”

24 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
25 clause, word or phrase of this Ordinance is for any reason held to be invalid or
26 unenforceable by any court of competent jurisdiction, such decision shall not
27 affect the validity of the remaining provisions of this Ordinance. The Council
28 hereby declares that it would have passed this Ordinance and each section,
29 paragraph, sentence, clause, word or phrase thereof irrespective of any
30 provision being declared unconstitutional or otherwise invalid.

31 SECTION 3. COMPILATION. SECTION 1 of this Ordinance shall be
32 incorporated in and made part of the Revised Ordinances of Albuquerque,
33 New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect on July 1,
2017, by title and general summary.

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