

CITY of ALBUQUERQUE

TWENTY-SECOND COUNCIL

COUNCIL BILL NO. C/S 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 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
6 ALBUQUERQUE:

7 SECTION 1. Section 5-5-31(A), ROA 1994, is hereby amended as follows:

8 "§ 5-5-31 PAY EQUITY REPORTING FORM AND PAY EQUITY
9 PREFERENCE.

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

22 SECTION 2. Section 5-5-31(A), (B), ROA 1994, is hereby further amended as
23 follows:

24 "§ 5-5-31 PAY EQUITY REPORTING FORM AND PAY EQUITY
25 PREFERENCE.

26 (A) Reporting Form. All competitive sealed bids and competitive
27 sealed proposals shall require that responses include a completed City of

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1 Albuquerque Pay Equity Reporting Form to determine the deviation between
2 salaries for men and women and to encourage compliance with the New
3 Mexico State Fair Pay for Women Act. The Central Purchasing Office and the
4 CIP Official shall require that bids and proposals include the Form. Any
5 response that does not include a completed form shall be deemed
6 nonresponsive. The Central Purchasing Office and the CIP Official may allow
7 for a revised Pay Equity Reporting Form to be submitted by the respondent
8 should, in their sole opinion, the originally submitted form require a technical
9 change. [Unless already submitted as part of a competitive sealed bid or
10 proposal, each private person or entity entering into any contract for the sale
11 of goods or services to the City shall submit a City of Albuquerque Pay Equity
12 Reporting Form prior to final execution of the contract.]

13 (B) Pay Equity Preference. Prior to making a recommendation of
14 award, the Central Purchasing Office or CIP Official shall apply a 5% pay
15 equity preference to the amount bid or to the request for proposal of all offers
16 submitted by any business who at the time of submission of its bid or request
17 for proposal holds a valid Pay Equity Business Certificate issued by the city's
18 Office of Diversity and Human Rights.

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

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

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

3 (D) Rules and Regulations. The Mayor or his designated
4 representative, the Director of the Office of Diversity and Human Rights, or its
5 successor agency, shall enforce this section. The Office of Diversity and
6 Human Rights may prescribe reasonable rules and regulations to carry out the
7 intent and purpose of this section.”

8 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
9 clause, word or phrase of this Ordinance is for any reason held to be invalid or
10 unenforceable by any court of competent jurisdiction, such decision shall not
11 affect the validity of the remaining provisions of this Ordinance. The Council
12 hereby declares that it would have passed this Ordinance and each section,
13 paragraph, sentence, clause, word or phrase thereof irrespective of any
14 provision being declared unconstitutional or otherwise invalid.

15 SECTION 4. COMPILATION. SECTIONS 1 and 2 of this Ordinance shall be
16 incorporated in and made part of the Revised Ordinances of Albuquerque,
17 New Mexico, 1994.

18 SECTION 5. EFFECTIVE DATE. Section 1 of this Ordinance Amendment
19 takes effect five days after publication by title and general summary. Section
20 2 of this Ordinance Amendment takes effect on July 1, 2017, by title and
21 general summary.

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