

# CITY of ALBUQUERQUE

## TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-88 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 amended as follows:

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

8 (A) Reporting Form. The City requires that all responses to requests for  
9 bids or requests for proposals]~~[All] [competitive sealed bids and competitive~~  
10 ~~sealed proposals shall require that responses]~~ include a completed City of  
11 Albuquerque Pay Equity Reporting Form~~[-]~~ The Form calculates] ~~[to~~  
12 ~~determine]~~ the deviation between salaries for men and women and [is  
13 designed] to encourage compliance with the New Mexico State Fair Pay for  
14 Women Act [and federal gender pay equity laws]. The Central Purchasing  
15 Office ~~[and]~~ [or] the CIP Official shall [review all responses to] ~~[require that]~~  
16 bids and proposals [to determine whether the Form is included.] ~~[include the~~  
17 ~~Form.]~~ Any response that does not include a completed ~~[F][f]~~orm shall be  
18 deemed nonresponsive unless the ~~[F][f]~~orm is submitted within 24 hours of  
19 the response deadline. The Central Purchasing Office and the CIP Official may  
20 allow ~~[for]~~ [the respondent to submit] a revised Pay Equity Reporting Form ~~[to~~  
21 ~~be submitted by the respondent]~~ should, in their sole opinion, the originally  
22 submitted ~~[F][f]~~orm require a technical change.

23 (B) Pay Equity Preference. Prior to making a recommendation of award,  
24 the Central Purchasing Office or CIP Official shall apply a 5% pay equity  
25 preference to the amount bid or to the [total score] ~~[request for proposal of all~~  
26 ~~offers submitted by]~~ [of] any business [that includes with its response a valid

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1 ~~Form~~ [who at the time of submission of its response to a request for bid or  
2 request for proposal holds a valid Pay Equity Business Certificate issued by  
3 the city's 2 Office of Diversity and Human Rights].

4 (1) Pay Equity Business. ~~[For the purposes of this section,~~  
5 ~~a pay equity]~~ [A] business is [eligible for a pay equity preference if it] ~~[any~~  
6 ~~business that]~~ maintains a [n overall] deviation ~~[of 7.00% or less]~~ [and  
7 position-specific deviations] between the salaries paid to men and the  
8 salaries paid to women for comparable positions [at the percentages  
9 provided by Administrative Instruction. The Chief Administrative Officer may  
10 annually adjust the average and position-specific deviations contained in this  
11 article by issuing an Administrative Instruction and a notification to City  
12 Council.] ~~[as reported in the Pay Equity Reporting Form required to be~~  
13 ~~submitted by each offeror as prescribed under § 5-5-31 (A) of this Article.]~~ For  
14 purposes of this section, comparable positions are those listed in the Job  
15 Classification Guide 2010[9] (or as may be updated and amended from time to  
16 time) published by the federal Equal Employment Opportunity Commission.

17 (2) Certification. The City ~~[Office of Diversity and Human~~  
18 ~~Rights]~~ shall ~~[issue a Pay Equity Business Certificate to]~~ [certify] any  
19 business [that demonstrates that it has satisfied] ~~[satisfying]~~ the  
20 requirements of subsection (1) above [as a Pay Equity Business]. [The  
21 certification process shall be as provided by Administrative Instruction.]  
22 Certificates shall be valid for ~~[a duration of]~~ one year from the date of  
23 issuance. [The City will continue to honor e]~~[E]~~xisting certificates ~~[that have~~  
24 ~~not yet expired will continue to be honored by the City]~~ until their dates of  
25 expiration.

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

28 (D) Rules and Regulations. The Mayor or his designated representative[,  
29 the Director of the Office of Diversity and Human Rights, or its successor  
30 agency,] shall enforce this section. ~~The Office of Diversity and Human Rights~~  
31 [and] may prescribe reasonable rules and regulations to carry out the intent  
32 and purpose of this section.”

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

8       **SECTION 3. COMPILATION.** SECTION 1 of this Ordinance shall be  
9       incorporated in and made part of the Revised Ordinances of Albuquerque,  
10      New Mexico, 1994.

11      **SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect five days  
12      after publication by title and general summary.

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