



Legislation Details (With Text)

**File #:** O-17-33  
**Type:** Ordinance      **Status:** Enacted  
**File created:** 1/18/2017      **In control:** City Council  
**Final action:** 3/6/2017  
**Enactment date:** 3/17/2017      **Enactment #:** O-2017-003  
**Effective date:** 3/24/2017  
**Title:** C/S Amending City's Purchasing Ordinance 5-5-31 Relating To Pay Equity Reporting And Requirements For The Gender Pay Equity Preference For City Procurements (Gibson)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. O-33, 2. O-33 Approved Committee Substitute.pdf, 3. CS O-33Enacted

Date	Ver.	Action By	Action	Result
3/17/2017	3	Mayor	Signed by the Mayor	
3/17/2017	3	City Clerk	Published	
3/10/2017	2	City Council	Sent to Mayor for Signature	
3/6/2017	2	City Council	Passed	Pass
2/22/2017	2	City Council	Accepted with a recommendation Do Pass, As Substituted	
2/13/2017	1	Finance & Government Operations Committee	Substituted	Pass
2/13/2017	1	Finance & Government Operations Committee	Sent to Council with a recommendation of Do Pass, as Substituted	Pass
1/18/2017	1	President	Referred	
1/18/2017	1	City Council	Introduced and Referred	

**CITY of ALBUQUERQUE**  
**TWENTY-SECOND COUNCIL**

COUNCIL BILL NO. C/S O-17-33      ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:      Diane G. Gibson

**ORDINANCE**

C/S Amending City's Purchasing Ordinance 5-5-31 Relating To Pay Equity Reporting And Requirements For The Gender Pay Equity Preference For City Procurements (Gibson)

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

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

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

“§ 5-5-31 PAY EQUITY REPORTING FORM AND PAY EQUITY PREFERENCE.

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

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

“§ 5-5-31 PAY EQUITY REPORTING FORM AND PAY EQUITY PREFERENCE.

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

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

its bid or request for proposal holds a valid Pay Equity Business Certificate issued by the city's Office of Diversity and Human Rights.

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

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

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

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

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

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

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

X:\CITY COUNCIL\SHARE\CL-Staff\_Legislative Staff\Legislation\22 Council\O-33CSfinal.docx