

A M E N D E D

**ORDINANCE NO. 88-059**

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

**AUG 23 1988**

AN ORDINANCE ADDING ARTICLES VIII AND IX  
(SECTIONS 58.801 THROUGH 58.805 AND 58.901  
THROUGH 58.902) TO CHAPTER 58 OF THE  
SACRAMENTO CITY CODE, RELATING TO  
PARTICIPATION OF MINORITY BUSINESS  
ENTERPRISES AND WOMEN'S BUSINESS  
ENTERPRISES AND SANCTIONS FOR PROVISION  
OF FALSE INFORMATION IN BIDS AND PROPOSALS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

**SECTION 1.**

Article VIII (Sections 58.801 through 58.805) is hereby added to Chapter 58 of the Sacramento City Code, to read as follows:

**Article VIII. Participation of Minority Business  
Enterprises and Women's Business Enterprises**

**Sec. 58.801 Application.**

This Article shall apply to all contracts let by the City of Sacramento, including without limitation purchases and contracts for supplies and nonprofessional services (Chapter 57), contracts for public projects (Chapter 58), and contracts for professional services (Chapter 59).

**Sec. 58.802 Definitions.**

For purposes of this Article, the following definitions shall apply:

(a) **Minority Business Enterprise (MBE):** An independent business entity, including a sole proprietorship, which is at least 51% owned by a person or persons who are Black, Asian or Pacific Islander, Hispanic, or American Indian or Alaskan Native who also control and operate it.

(b) **Women's Business Enterprise (WBE):** An independent business entity, including a sole proprietorship, which is at least 51% owned by a woman or women who also control and operate it.

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(c) **Control:** Exercising the power to make policy decisions.

(d) **Operate:** Being actively involved in the day-to-day management of the business.

**Sec. 58.803 MBE/WBE efforts required of responsible bidder.**

The specifications or request for proposal for any contract to be let by the City may set goals relating to participation in the contract by subcontractors who are minority business enterprises or women's business enterprises. No bidder on said contract shall be considered a responsible bidder unless the bidder either meets the goals and requirements established for the contract or made a good faith effort prior to the time bids are opened to meet the goals and requirements by performing the following actions:

(1) The bidder attended any presolicitation or prebid meetings that were scheduled by the City to inform all bidders of the minority and women's business enterprise program requirements for the project for which the contract will be awarded.

(2) The bidder identified and selected specific items of the project for which the contract will be awarded to be performed by minority or women's business enterprises to provide an opportunity for participation by those enterprises.

(3) The bidder advertised, not less than 10 calendar days before the date the bids are opened, in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media, specified by the City for minority or women's business enterprises that are interested in participating in the project. This paragraph applies only if the City gave public notice of the project not less than 15 calendar days prior to the date the bids are opened.

(4) The bidder provided written notice of his or her interest in bidding on the contract to the number of minority or women's business enterprises required to be notified by the project specifications not less than 10 calendar days prior to the opening of bids.

(5) The bidder followed up initial solicitations of interest by contacting the enterprises to determine with certainty whether the enterprises were interested in performing specific items of the project.

(6) The bidder provided interested minority and women's business enterprises with information about the plans, specifications, and requirements for the selected subcontracting or material supply work.

(7) The bidder requested assistance from minority and women community organizations; minority and women contractor groups; local, state, or federal minority and women business assistance offices; or other organizations that provide assistance in the recruitment and placement of minority or women's business enterprises, if any are available.

(8) The bidder negotiated in good faith with the minority or women's business enterprises, and did not unjustifiably reject as unsatisfactory bids prepared by any minority or women's business enterprises.

(9) Where applicable, the bidder advised and made efforts to assist interested minority and women's business enterprises in obtaining bonds, lines of credit, or insurance required by the City or the contractor.

(10) The bidder's efforts to obtain minority and women's business enterprise participation could reasonably be expected to produce a level of participation sufficient to meet the goals and requirements.

**Sec. 58.804 Provision of false information a misdemeanor.**

- (a) No person shall submit false information to the City, or to the City's agent, for the purpose of establishing the status of any business entity, including a sole proprietorship, as a minority business enterprise or a women's business enterprise.
- (b) No person submitting any bid or proposal to the City of Sacramento shall provide false information regarding the MBE/WBE status of any business entity, including a sole proprietorship, or shall provide false information regarding efforts made by said person to meet the MBE/WBE participation goals set by the City.
- (c) Any violation of this section is a misdemeanor punished by a fine not exceeding one thousand dollars or imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

**Sec. 58.805 Information to be provided under penalty of perjury.**

- (a) Whenever any business entity, including a sole proprietorship, submits information to the City, or to an agent of the City, for the purpose of establishing such entity's status as a minority business enterprise or a women's business enterprise, such information shall be submitted under penalty of perjury.

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- (b) Whenever any bid or proposal to be submitted to the City calls for the bidder or proposer to submit information about the MBE/WBE status of any business entity, including a sole proprietorship, or about the efforts made by the bidder or proposer to meet the MBE/WBE participation goals set by the City, such information shall be submitted under penalty of perjury.

SECTION 2.

Article IX (Sections 58.901 through 58.902) is hereby added to Chapter 58 of the Sacramento City Code, to read as follows:

Article IX. Sanctions for Provision of False Information

Sec. 58.901 Application.

This Article shall apply to all contracts let by the City of Sacramento, including without limitation purchases and contracts for supplies and nonprofessional services (Chapter 57), contracts for public projects (Chapter 58), and contracts for professional services (Chapter 59).


Sec. 58.902 Disqualification for provision of false information; termination of contract.

Any person or entity who submits a bid or a proposal containing information which said person or entity knows to be false shall be disqualified from bidding on future City contracts for a period of up to five (5) years, as determined by the City Manager. The City may terminate any contract which was awarded pursuant to a bid or proposal which contained false information.

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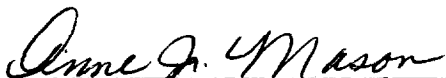
DATE EFFECTIVE: 09-22-88



VICE MAYOR

DAVID M. SHORE

ATTEST:



ACTING CITY CLERK

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