

(R-86-294)

RESOLUTION NUMBER R- 263920

ADOPTED ON AUG 19 1985

WHEREAS, on July 9, 1985, the Council voted to approve the recommendation of the City Manager to reject all bids for the construction of Alvarado Pipeline Line No. 2; and

WHEREAS, this was because the low bidder had failed to comply with the requirements of the Minority and Women Business Enterprise Program adopted by the Council on March 4, 1985; and

WHEREAS, that program requires that construction contractors either subcontract 15% of the work on the project to MBE's and 5% to WBE's, or demonstrate good faith efforts to achieve these goals; and

WHEREAS, the Council directed staff to meet with the Citizen's Equal Opportunity Commission to discuss this problem, which has been done; and

WHEREAS, staff met with representatives of the construction industry in an effort to attempt to reconcile the objectives of the Minority and Women Business Enterprise Program with the problems of underground pipeline and paving contractors; and

WHEREAS, the construction industry has indicated that compliance with the program on these types of contracts would require contractors who have established specialized businesses to subcontract significant portions of work which they can perform themselves and according to the industry, this would be an unsound business practice; and

WHEREAS, staff has evaluated the problem and developed a guideline setting forth "Determination of Good Faith Efforts," a copy of which is attached as Attachment A to City Manager Report No. 85-406, dated August 8, 1985; and

WHEREAS, the "Determination of Good Faith Efforts" will be included in all construction contract specifications and will be provided at all pre-bid conferences; and

WHEREAS, it was further reported by the City Manager that if the contractor desires to rely on the guidelines for determination of good faith efforts, the contractor may, not should, submit his proposal prior to the date of Bid Opening for approval by the City Manager's Equal Opportunity Program Coordinator and, if not preapproved, the contractor may be at risk if his bid does not meet the program requirements; and

WHEREAS, the City Manager's recommendations set forth in City Manager Report No. 85-406, with the Attachment A thereto, were considered by the Rules Committee on August 12, 1985 and approved unanimously; and

WHEREAS, the Rules Committee now forwards the matter to the full Council for appropriate action; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the recommendations by the City Manager contained in City Manager Report No. 85-406, dated August 8, 1985, regarding incorporation of guidelines in construction contract specifications identifying "Determination of Good Faith Efforts" in the Minority and Women

R-253920

Business Enterprise Program, as modified by the Rules Committee
on August 12, 1985, be and the same are hereby approved.

APPROVED: JOHN W. WITT, City Attorney

By


Jack Katz, Chief Deputy

JK:smm
8/14/85
Or.Dept:Mgr.
R-86-294
Form=r.none

Passed and adopted by the Council of The City of San Diego on AUG 19 1985,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 7 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
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