



Councilmember Ben Bartlett
District 3

CONSENT CALENDAR
January 24, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett & Councilmember Kriss Worthington &
Councilmember Cheryl Davila

Subject: Budget Referral: “Berkeley Inclusion in Opportunity Index” - Request
Availability Study for Affirmative Action in City Contracting

RECOMMENDATION

Refer to the 2016-2017 budget an allocation to perform an Availability Study to analyze the City’s use of local, small, emerging, minority, and women business enterprises in City construction, architecture, engineering, professional services, goods and other services contracts.

FINANCIAL IMPLICATIONS

Minimal costs and staff time.

BACKGROUND

The City of Berkeley and its residents have a longstanding commitment to diversity and to advancing the development of local businesses. Part of this commitment is to ensure that the City’s procurement activities allow for contracting opportunities to be accessible to the entire local business community.

To the extent that disparities in the awarding of contracts exist, the City of Berkeley is barred by Proposition 209 from undertaking race-conscious, gender-conscious and other affirmative action-related remedies without first conducting a study to identify discrimination. Such remedies may not be undertaken based on broad notions of equity or general allegations of discrimination, however, they are permitted if the City identifies specific disparities in the awarding of contracts.

The purpose of an Availability Study would therefore be to examine the City’s procurement activities and identify disparities in the awarding of contracts affecting local, small, emerging, minority, and women business enterprises. Alameda County and the City of Oakland have both performed Availability Studies, which allows these municipal entities to consider additional factors when awarding contracts and engage in more socially responsible contracting.

ENVIRONMENTAL SUSTAINABILITY

This proposal is aligned with the City’s goal for Environmental Sustainability.

CONTACT PERSON

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