

Sec. 70-432.1. Local and disadvantaged business enterprise (DBE) goals for the City of New Orleans.

(1) Subject to the limitations set forth in paragraph (3) below, the City of New Orleans establishes an overall goal of 50 percent utilization of businesses that are locally owned and controlled for all public spending or private projects that utilize public funding and/or incentives. An overall goal of 35 percent is established for utilization of socially and economically disadvantaged businesses, particularly of those businesses located in storm damaged areas. Individual project goals shall be established on a project-by-project basis and based on the availability of locally owned and disadvantaged businesses in the relevant market sector. If the lowest responsible responsive bidder has not reached the goals for participation by DBEs and locally owned firms, the city shall determine whether the bidder has made a good-faith effort to reach the goals. In order for the city to evaluate the efforts made by the bidder, the following minimum information is to be provided before the contract is approved for award;

- (a) A report of all proposals received from a joint venture of DBEs and locally owned firms. The report shall indicate the action taken by the bidder in response to the submitted proposals that have been rejected, and the reason for rejection shall be indicated.
- (b) Documentation of efforts to enter into agreements with DBEs and locally owned firms for contracted work and efforts to arrange for a joint venture, partnership or other multientity relationship with DBEs and locally owned and controlled firms.
- (c) Documented contact with DBEs and locally owned firms, associations, or business-development centers which disseminate information to DBEs and locally owned and controlled firms.
- (d) A copy of letters sent to groups in the relevant market sector notifying them of the bidder's intent to submit a proposal to the city.
- (e) Description of assistance provided by the bidder to DBEs and locally owned firms:
 - 1. Review of request for proposal documents issued by the city.
 - 2. Review of work to be done.
- (f) Documentation of any other effort undertaken by the bidder to encourage the participation of DBEs and locally owned firms.
- (g) Overall operation of the bidder may be considered in evaluating the good-faith efforts of bidder to comply with the goals and intent of this division.
- (h) Any other documentation to demonstrate good-faith efforts to satisfy the objectives outlined above.

(2) In order to realize these goals, the city will identify the inventory of local businesses and services available post-Katrina and report whether they are tied to local purchasing and procurement goals. This inventory will be disseminated through print media, the city's website, and/or other free media.

(3) Subject to all local, state and federal laws for purchasing and procurement, to include the Louisiana Public Bid Law, and the provisions of subsection 6-308(5) of the Home Rule Charter, and subject to the exceptions stated below, the goals for local and disadvantaged business enterprise participation shall be applicable for all projects, programs, and procurement activities that utilize any public spending, public funding, public incentives such as tax credits, or waivers in which the city foregoes it's normal taxes or fees. The goals for local and disadvantaged business enterprise participation shall not apply to immovable property procurements, agreements with public entities and agencies, cooperative endeavor agreements, legal claims

resolutions, procurements to satisfy emergency needs, restoration tax abatement credits for owner-occupied residential projects having a total number not exceeding six residential units, and procurements and agreements valued less than \$15,000.00. The head of each department, agency, board, commission or corporation of city government, including the council, who exercises any contracting power on behalf of the city, or has authority over the expenditure or granting of public resources, funding, incentives or waivers shall consult and cooperate with the chief administrative officer (CAO) or the CAO's designated representative in achieving the goals for local and disadvantaged business enterprise participation.

(4) The chief administrative officer (CAO) or the CAO's designated representative (the responsible official) shall have responsibility for the determination of project goals and for monitoring and reporting overall goal attainment on a quarterly basis, which reports shall be posted on the city's website and provided to the council's special projects and economic development committee. The CAO or responsible official shall advertise the specific percentage goals for projects in print and electronic media and on the city website. The responsible official shall promulgate all other regulations for implementing this section of the City Code, and shall coordinate and link with each department, agency, board, commission or corporation of city government, including the council, to ensure effective implementation. The responsible official will ensure the city's DBE goals to purchasing and procurement projections are incorporated into the city's purchasing and procurement forecast.

(5) The percentage goals established herein shall supersede percentage requirements contained in section 70-432 and division 2 of this chapter."