**CITY OF TACOMA**

**EQUITY IN CONTRACTING PROGRAM**

EQUITY IN CONTRACTING ADVISORY COMMITTEE BYLAWS

**ARTICLE I - PURPOSE**

**Section 1. The City Council established the Equity in Contracting Program (“EIC”) to achieve equity in contracting and support of minority and women-owned businesses.**

The City authorized an extensive, year-long disparity study completed in 2018 that analyzed procurement and contracting barriers for small, disadvantaged, minority and women-owned businesses in construction, architecture and engineering, services, and goods. This study determined that there exists a statistically significant under-utilization by the City of minority and women-owned businesses in these contract categories.

Results of the last Disparity Study indicated that the City’s Small Business Enterprise Program had not effectively reduced barriers or increased opportunities for businesses owned by women or people of color. Pursuant to Ordinance No. 28625, adopted November 5, 2019, the City's Equity in Contracting program was developed to address these issues, with the aim of improving equity in contracting.

It is the policy of the City of Tacoma that citizens be afforded an opportunity for full participation in our free enterprise system and that**historically underutilized business enterprises shall have an equitable opportunity to participate in the performance of City contracts**.

The City finds that in its contracting for supplies, services and public works, there has been historical underutilization of small and minority-owned businesses located in certain geographically and economically disfavored locations and that this underutilization has had a deleterious impact on the economic well-being of the City.

**1989 -** The Tacoma Human Rights Commission held a public hearing in 1989, on behalf of the City of Tacoma, Pierce County, the Port of Tacoma, Tacoma School District No. 10, and Metropolitan Park District of Tacoma. As a result, the City established a MWBE program in 1990. In 1993 The City MWBE program established goals for 14 percent for MBEs and 8 percent for WBEs.

**1993** - The City of Tacoma commissioned a disparity study. After the completion of the 1993 Disparity Study, the City established a Historically Under‐Utilized Business Enterprise (HUB) program.

**2000** - The City passed Ordinance 26726, establishing a race-neutral and gender-neutral Historically Underutilized Business (HUB) program with a 20 percent goal. The City extended its HUB program from public works to cover goods and services as well in December 2009. At the same time, the City provided that the HUB program applied to all contracts more than $25,000.

**2013** - The HUB program was renamed the Small Business Enterprise (SBE) program. The City SBE program provides for an aspirational goal of 22 percent, to be reviewed annually. The SBE program set goals on a project-by-project basis and did not mechanically apply the same SBE goals on every project.

The purpose of the Equity in Contracting Program is to remedy the effects of such underutilization through use of narrowly tailored contracting requirements to increase opportunities for historically underutilized businesses to participate in City contracts. It is the goal of this Program to facilitate a substantial procurement, education, and mentorship program designed to promote equitable participation by historically underutilized businesses in the provision of supplies, services, and public works to the City.

**The primary goal of this Program is to create and sustain a competitive and fair business environment for contracting, procurement and consulting opportunities that include small businesses owned by minority, women, and socially and economically disadvantaged people. The purpose of these bylaws is to provide policies governing the implementation of the EIC Program.**

**Section 2. The Equity in Contracting Advisory Committee of the City’s Equity in Contracting Program (EIC) is hereafter referred to as the EIC Advisory Committee.**

**Section 3. Authority These bylaws are adopted pursuant to Tacoma Municipal Code (TMC) Chapter 1.07, as amended. The administration of the Equity in Contracting Program is vested in the EIC Advisory Committee as provided by Ordinance 28625.**

**ARTICLE II – FUNCTION & DUTIES**

**Section 1. The EIC Advisory Committee shall have the following functions and duties associated with economic inclusion:**

1. Monitoring compliance with all provisions and regulations of TMC 1.07
	* EIC program staff will present project compliance information or reports to the EIC Advisory Committee for feedback and/or recommendation on further action.
	* Feedback may consist of updating policy, TMC 1.07, etc.
2. Promoting awareness of the EIC program through the promotion of trainings, workshops and educational events hosted or sponsored by the EIC Program.
3. Providing advice to the EIC Program Manager on overall EIC program performance effectiveness.
4. Committee members may provide input on programs, policies, plans, and events to Equity in Contracting Program staff.
5. Adopt bylaws or operating procedures necessary to organize and conduct meetings, subject to the approval of the City’s Economic Development Committee; and
6. Establish a structure of standing committees with specific areas or responsibilities for accomplishing the mission and duties of the EIC Program.

**ARTICLE III – MEMBERSHIP & TERM STRUCTURE**

**Section 1. The EIC Advisory Committee will consist of up to fifteen (15) members.**

**Section 2. Members shall be appointed by the City Council through the City’s Economic Development Committee (EDC) by consultation with EIC Program staff.**

**Section 3. The committee membership should be comprised of representatives from each of the following:** seven for Contractor Positions by type (Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE), Disadvantaged Business Enterprise (DBE), Large Prime, Union Signatory Firm, Open-Shop Firm**;** one for each Council District (five total)**; and** three recommended by Utility Board from the Tacoma Public Utilities (TPU) Service Area.

**Section 4.** A member term shall be for three (3) years. In the EIC Advisory Committee’s first year (initial term), five (5) members shall be appointed for a term of one year, five members shall be appointed for a term of two years, and five members shall be appointed for a term of three years. Upon expiration of the initial term of each member, the member’s appointment may be renewed for one additional three-year term. The terms of the members shall be staggered so that each year five members will be eligible for either renewal of their terms or replacement by a new EIC Advisory Committee member. This is to allow for continuity of operations and member experience.

**Staggered EIC Committee Member Terms – Initial Appointments\***

|  |  |  |  |
| --- | --- | --- | --- |
| **15 Members** | **Initial Term** | **Renewal 2nd Term** | **Total Years** |
| 5 | 3 years | 3 years | 6 years |
| 5 | 2 years | 3 years | 5 years |
| 5 | 1 year | 3 years | 4 years |

\*All new EIC Advisory Committee members, thereafter, shall be appointed to serve three years with a maximum of two consecutive terms.

**Section 5. It is the duty of each EIC Advisory Committee member to notify the EIC staff if they are unable to attend a scheduled meeting. A member must attend one-half (50%) of the regularly scheduled meetings in a calendar year. Members missing more than one-half of the meetings each year may be asked to resign from the EIC Advisory Committee by City Staff in consultation with the EIC Advisory Committee Chair. A majority vote of the current EIC Advisory Committee members may be taken to confirm the removal of EIC Advisory Committee members.**

**ARTICLE III - OFFICERS**

**Section 1. Committee - Officers**. There shall be a Chair and Vice Chair who shall be elected by majority vote of the EIC Advisory Committee.

**Section 2. Election of Officers**. Term of office for the Chair and Vice Chair is as follows:

 Chair - For term of one year

 Vice Chair - For term of one year

Elections will be held in the first quarter of each calendar year.

1. No person may remain in an office for more than two consecutive terms. Only those persons who have at least one year remaining in their term on the EIC Advisory Committee or who are eligible for re-appointment to the EIC Advisory Committee shall be eligible to run for office.
2. In the event of vacancy or the inability of the Chair to perform its duties, due to death, resignation, or otherwise, the Vice Chair shall assume the role of Chair for the remainder of the term; and the members of the EIC Advisory Committee shall elect from its members a new Vice Chair at the next EIC Advisory Committee meeting. If the Vice Chair declines or is unable to assume the role of Chair, the members of the EIC Advisory Committee shall elect from its members a new Chair. If the Vice Chair resigns or is unable to fulfill the Vice Chair’s role, the members shall elect a new Vice Chair from its members.

In the case of death, resignation or removal of any officer, the EIC Advisory Committee shall elect from among its members a person to serve the remaining term resulting from the vacancy. Elected members may extend their general membership in order to complete officer duties.

**ARTICLE IV - DUTIES OF OFFICERS**

**Section 1. Presiding Officer - Chair**. The Chair shall be the presiding officer, or in their absence, the Vice-Chair, shall conduct the business and deliberation of the EIC Advisory Committee under these rules. The Vice-Chair shall be elected by the EIC Advisory Committee. If both the Chair and Vice-Chair are absent and a quorum is present, any member present who volunteers to Chair with agreement from the quorum will preside in their absence.

**Section 2. Duties of Chair**. The Chair shall:

1. Preside at all meetings of the EIC Advisory Committee
2. In consultation with the EIC Program Staff, the Chair shall also have the authority to:
	1. Determine the schedule for regular EIC Advisory Committee meetings.
	2. Call EIC Advisory Committee special meetings as deemed necessary.
	3. Set the agenda for all EIC Advisory Committee meetings, and
	4. Perform such other functions as may be determined by the EIC Advisory Committee.
3. Conduct the meeting.
4. Preserve order and decorum in the meeting.
5. Decide all questions of order, subject to appeal to the EIC Advisory Committee.
6. Recognize the members of the EIC Advisory Committee in the order in which they request recognition.
7. Observe and enforce all rules adopted by the EIC Advisory Committee.

**ARTICLE V - DUTIES OF EIC STAFF**

**Section 1. Duties of the EIC Staff**. The EIC staff of the EIC Advisory Committee shall:

1. Take minutes and prepare for certification of the minutes by the EIC Advisory Committee.
2. Schedule meetings.
3. Provide EIC performance progress reports, prepare an annual review report to the City Manager and Director of Utilities, prepare all ordinances and resolutions requested by the EIC Advisory Committee and adopted by the EIC Advisory Committee.
4. Upon proper request, any other reports/activities or duties deemed appropriate in fulfillment of EIC program objectives.
5. City Staff will have meeting agendas sent two weeks prior to any meeting and meeting notes sent within the two weeks following any meeting.
6. Staff will provide teleconference for members.
7. Staff will provide an onboarding process for new members.

**ARTICLE VI - MEETINGS**

**Section 1. Open Public Meetings Act**. All meetings will be subject to the Washington State Open Public Meetings Act (Revised Code of Washington, Chapter 42.30).

**Section 2. Time and Location**. The EIC Advisory Committee meets quarterly on the third Wednesday of February, May, August, and November at 7:30 a.m. (Tacoma Municipal Building, 747 Market Street, Room 243, Tacoma, Washington 98402). An option to attend virtually via Zoom will be made available for those members who wish to join in an alternative format. Due to special circumstances, the regular meeting date and place may be changed, or additional meetings may be scheduled by the EIC Advisory Committee. The times and dates of all meetings will be publicized as required by law and are open to the public. Copies of the agenda and the EIC Committee minutes will be available at the EIC Office, 747 Market Street, Room 900, Tacoma, Washington.

**Section 3. Quorum**. A quorum for the routine transaction of business will consist of a majority of the currently appointed members present. A majority is defined as ½ of the current quorum plus one.

A quorum for matters involving the adoption of policy, budget or Bylaw considerations shall require the majority of current EIC Advisory Committee members. The EIC Advisory Committee shall strive to move agenda items utilizing a consensus-based model that respects all parties and includes input from all stakeholders. If an action item cannot be moved by consensus, then such item will be moved if otherwise agreed to by a 2/3 vote of the EIC Advisory Committee quorum. In the event a decision is needed on an action item, voting may take place via electronic, telephone or other approved means.

The EIC Advisory Committee may hold a meeting to receive reports or presentations when less than a quorum is present, but the EIC Advisory Committee may not take action on any items.

**Section 4. Special Meetings**. Special meetings shall be held on the call of the Chair or at the request of a majority of the members of the EIC Advisory Committee. All special meetings will be subject to the Washington State Open Public Meetings Act, Revised Code of Washington, Chapter 42.30. The requesting party (ies) will submit in writing such request for special meeting and agenda item(s) to be covered at the time of such request.

**Section 5. Order of Business**. Except as may be otherwise directed by the Chair, or by action of the EIC Advisory Committee, the order of business for meetings of the EIC Advisory Committee shall be as follows:

1. Call to Order
2. Statement of Purpose
3. Land Acknowledgement
4. Record of Attendance and Excusal of Absences
5. Consent Agenda/Adoption of Agenda and Minutes
6. City Staff Updates/EIC Program Manager Activity and Reports
7. Committee Discussion
8. Committee Reports
9. Chair’s Report
10. New Business/Future Meetings
11. Public Comment
12. Good of the Order
13. Adjourn

**Section 6. Rules of Order.** Meetings shall be conducted formally in the manner common to like boards or committees. Robert’s Rules of Order shall be followed.

**Section 7. Suspension of Rules**. No rule shall be suspended except by a majority vote of EIC Advisory Committee members present at the meeting, and a motion to suspend a rule is not debatable. Vote on the motion may be by voice vote, or by roll call if requested by a member.

**Section 8. Filing New Matter**. No new agenda item, subject, communication, article, or material shall be placed before the EIC Advisory Committee for its comments thereon or consideration, or shall be discussed or read, unless it shall have been requested in writing and filed with the EIC Office and copies thereof sent out to the members of the EIC Advisory Committee with the Agenda two weeks preceding the day on which the meeting of the EIC Advisory Committee is scheduled to be held.

**ARTICLE VII – EIC ADVISORY SUBCOMMITTEES**

**Section 1. Subcommittees.** The EIC Advisory Subcommittees shall consist of three (3) standing committees as follows:

1. Internal Processes Subcommittee: The purpose of this subcommittee is to advise on policies and procedures relating to City procurement activities.
2. Outreach/Communication Subcommittee: The purpose of this subcommittee is to recommend and advise on ways to improve education, outreach, and communication with City staff, the public, and vendors regarding the City’s economic inclusion goals, policies, and efforts.
3. Workforce Subcommittee: The purpose of this subcommittee is to advise on incorporating inclusion and diversity into existing or future hiring, recruitment, education, and advancement strategies related to the contracting community.

Committees may be appointed by the Chair or Vice Chair, as needed, to review items which require attention before an EIC Advisory Committee meeting is scheduled. Subcommittees may review or research any pertinent information and provide the EIC Advisory Committee with a recommendation. Subcommittee meetings will be posted and conducted as per the Open Public Meeting Act.

**ARTICLE VIII - STANDARD REPORTS**

The EIC Advisory Committee shall be advised of the meetings by public notice. Copies of the minutes will be distributed to anyone who requests copies of the minutes.

The City Manager and Director of Utilities shall receive a report every year.

**ARTICLE IX - MISCELLANEOUS**

**Section 1. EIC Advisory Committee Records.** A record shall be maintained in the EIC Office covering all EIC Advisory Committee decisions and/or rulings in the operation of the EIC Program. Decisions may be made available to the participants and the public through other appropriate reports, as provided by law.

**Section 2. Vote.** No member shall knowingly vote on any question in which they are financially interested or which in any way directly involves the personal or private rights or obligations of a member or the immediate family of a member. A member wishing to be excused or accepted shall state the reason for excusal or exception. In the event of a tie, the item fails.

**Section 3. Conflict of Interest.**
Residents cannot be appointed to a Commission/Committee that recommends City funds to an organization in which they are an interested party. The definition of an interested party is a person who has any financial interest in the recipient organization, whether such interest is by agent, employee, director, owner, officer, or otherwise, and whether financial interest is direct or indirect. A director, officer, or member of an organization shall not be disqualified from serving on the Commission/Committee when there is no financial benefit or expectancy of same to that person or his/her immediate family from affiliation with such organization.

**Section 4. Amendments.** These Bylaws may be altered, amended, or repealed by a vote of the EIC Advisory Committee members at any meeting consistent with the quorum provisions of these Bylaws, provided that the amendment has been submitted in writing to the members at least 30 days in advance. Any EIC Advisory Committee member may submit a proposed amendment to the Bylaws which shall be considered by the EIC Advisory Committee at its next meeting.

Adopted: \_\_\_\_\_\_\_\_\_

EIC Advisory Committee Chair: ­­­­­­­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_