



2-C

DEPARTMENT OF
PUBLIC WORKS
OFFICE OF THE DIRECTOR

CITY OF SACRAMENTO
CALIFORNIA

September 15, 1993

CITY HALL
ROOM 207
915 I STREET
SACRAMENTO, CA
95814-2673

916-264-7110

ADMINISTRATION
916-264-7100

FAX 916-264-5573

Law Legislation Committee
Sacramento, CA

Honorable Members in Session

SUBJECT: ORDINANCE AMENDING TITLE 58, SACRAMENTO CITY CODE RELATING
TO PUBLIC PROJECTS AND MBE / WBE REQUIREMENTS

LOCATION AND COUNCIL DISTRICT: CITY WIDE, ALL DISTRICTS

RECOMMENDATION:

This report recommends that the Law and Legislation Committee review and recommend approval of the attached ordinance amendments to Title 58 relating to Public Projects and MBE / WBE requirements and forward them to the City Council for enactment.

CONTACT PERSON: GREGORY P. HOVIOUS, CONTRACT OFFICER, 433-6377

FOR COMMITTEE MEETING: SEPTEMBER 21, 1993

SUMMARY:

This is a companion report to the policy and procedure report submitted by the Office of Minority, Women and Small Business (OMWSB). The OMWSB report contains all of the MBE / WBE policy and procedure background and recommendations. That report will be presented first, with this report to follow. This report recommends that City Council amend Title 58 of the City Code relating to Public Projects. The changes to Title 58 are necessary to implement the recommended MBE / WBE policy and procedures described in the OMWSB report. The proposed changes to Title 58 relate to:

- Minority and Women Business Enterprises (MBE / WBE);
- Responsible bidders; and,
- City Manager Authority.

BACKGROUND:

The OMWSB report gives detailed background information on the MBE / WBE programs recommended for Council adoption. City staff from Public Works, Utilities, City Attorneys Office and the Office of Minority, Women and Small Business, as well as the County of Sacramento, Sacramento Housing and Redevelopment Agency, Regional Transit and SMUD have participated in developing the MBE / WBE programs. The MBE / WBE program recommendation in the OMWSB report is the result of studying different programs and contracting methods to implement the official Council policy of 10.57% MBE and 9.5% WBE participation on Public Projects.

Other concerns, such as Local Business Enterprise, Small Business Enterprise and Disabled Veteran Business Enterprise have also been discussed. Collateral issues such as Affirmative Action and Neighborhood Hire have also been considered. All will require further discussion before those concerns can be adequately addressed. Because no single approach resolves all of the various concerns, the recommended MBE / WBE procedures will only focus on MBE / WBE concerns. It needs to be mentioned that there still may be occasions when the MBE / WBE goals will not be met.

The City Code changes necessary to implement the recommended MBE / WBE program in the OMWSB report are listed below.

Lowest Responsible Bidder

The definition of Lowest Responsible Bidder has been broadened to include responsiveness to the bid requirements and compliance with the MBE / WBE program requirements. The new language will strengthen the City's ability to enforce the MBE / WBE program and exclude those bids which do not comply.

Authority of City Manager

On March 23, 1993, Council approved vast changes to Title 58 to bring it in-line with industry standards and simplify its application. At the Council meeting approving the changes, a compromise to City Manager change order authority was reached. That compromise resulted in the following clause being included in Title 58:

- (5) Notwithstanding the foregoing, for any contract originally awarded for \$250,000 or more, any single change order which exceeds the lesser of \$100,000 or one-half of the allowable percentage as specified in (2), (3) or (4), as applicable, shall require Council approval

This modification has resulted in an anomaly. The current code gives the City Manager change order authority as follows:

- On a contract awarded for \$249,000, single change order authority of \$24,900 (\$25,000 maximum on contracts originally awarded under \$250,000)
- On a contract awarded for \$251,000, single change order authority of \$12,550 (1/2 half of the allowable percentage of 10% = 5% of \$251,000)

Similar anomalies exist at all four levels of contract award. The result is that City Manager authority is larger on smaller projects. The proposed change not allowing any single change order larger than \$100,000 without Council approval will simplify the process and provide consistent application. The existing level of contract award and change order authority based on percentage of original contract award is not changed.

MBE / WBE Changes

Current City Code contains definitions of MBE's / WBE's. The proposed Code eliminates the definitions. The definitions will be included in the MBE / WBE Procedure Manual referred to in the OMWSB report. Deleting the definitions from the Code will allow the City greater flexibility to modify the definitions as they evolve.

The current Good Faith Efforts (GFE's) are often followed to the letter rather than the intent. This results in GFE's which legally comply with the Code but do not result in increased MBE / WBE participation. The proposed GFE's, along with the new GFE worksheet¹ (Attachment A) contain not only the letter of the law, but the intent as well. The proposed GFE's require yes/no responses, eliminating the subjective analysis currently required. The proposed GFE's also require much stronger outreach efforts by the bidder to locate and include MBE / WBE contractors in the bid. The proposed GFE's are among the strongest in the industry. Staff has reviewed GFE's from the Los Angeles County Transit Commission, Oakland and other jurisdictions and have developed the proposed GFE's from this research.

The price preference program described in the OMWSB report will further increase MBE / WBE participation in both prime and sub contracting areas. The preference program will also provide incentives to majority contractors who exceed or meet the MBE / WBE participation goals.

FINANCIAL CONSIDERATIONS:

The financial impact of the Code changes is unknown. The OMWSB report details the financial considerations of the proposed MBE / WBE program. Some additional costs in bid prices will almost certainly occur.

¹The GFE worksheet, included in the MBE / WBE Procedure Manual, is required to be completed by any bidder who has failed to exceed or meet the MBE / WBE goals. Failure to complete the GFE's and worksheet renders the bid non-responsive.

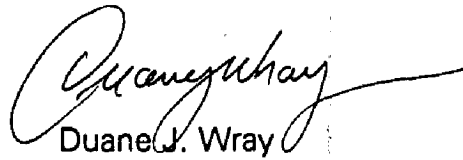
POLICY CONSIDERATIONS:

These Code changes will allow implementation of the OMWSB report procedures and follows expressed Council policy directives.

MBE / WBE EFFORTS

The proposed changes to Title 58 will increase MBE / WBE participation on Public Projects.

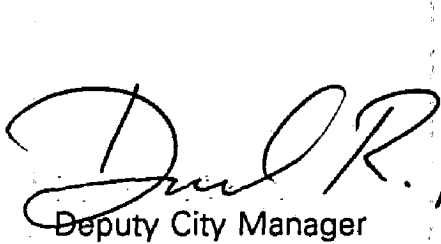
Respectfully submitted,



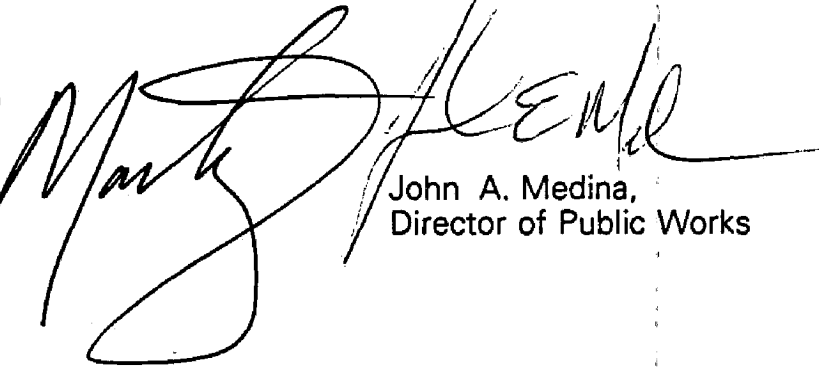
Duane J. Wray
Facility Manager

RECOMMENDATION APPROVED:

APPROVED



Duane R. Mark
Deputy City Manager



John A. Medina,
Director of Public Works

MBE/WBE GOOD FAITH WORKSHEET TO ASSIST CONTRACTOR IN ESTABLISHING FORMAT

Contractor Committed Participation:

WBE: _____%

MBE: _____%

The following format is not all-inclusive of the responses required, but is provided as assistance in complying with the requirements of the proposal. Use a separate sheet of paper, clearly identifying the items you are responding to and attach it to this form. **If the goals are not met, compliance and response is required for all 10 items. The proposer/bidder shall submit this completed document, and required attachments clearly identified, to the office at which bids were received within 4 business days after bid opening.**

1. Did the proposer/bidder attend the pre-solicitation or pre-bid meeting?

Yes

No

2. List the specific selected items identified that could be performed by MBE's / WBE's which, if awarded, are of sufficient dollar value to exceed or met the goals. Attach additional sheets as necessary. (NOTE: This does not substitute for any subcontractor list required elsewhere in the bid/proposal documents.)

| Item of Work | Estimated Dollar Value |
|---------------------|-------------------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

3. Provide a copy of all advertisements placed in general circulation, trades, and Minority/Women focused media, which requested M/WBE participation. Label each copy with the name of the publication and date the advertisement appeared.

4. Provide a list of the MBE's / WBE's contacted in an effort to meet the required goals. Attach a list of Contractor name, address, phone number, date, person contacted and result of contact.

5. Provide follow-up contact documentation for contractors listed in 4, above. Attach a list of Contractor name, address, phone number, date, person contacted and result of contact.

6. Did any MBE / WBE request information about the plans, specifications and requirements of the project?

Yes

No

If yes, attach list stating name, address, phone number, date, requested information and information provided

7. Attach a list of at least 5 minority and women assistance organizations, minority and women contractor groups, local, state or federal minority or women assistance offices or other organizations that provide assistance in the recruitment and placement of MBE's / WBE's. State name, address, phone number, date, person contacted, requested information and information provided

8. Was the low bid for a particular subcontract item received and rejected from an MBE / WBE?

Yes

No

If yes, attach list stating name, address, phone number, category of work, MBE / WBE bid and reason for rejection.

9. Did any MBE / WBE request assistance in obtaining bonds, lines of credit and or insurance for this project?

Yes

No

If yes, attach list stating name, address, phone number, date, assistance requested and assistance provided.

10. Attach a complete list of all subcontract proposals requested indicating that at least 1 of 3 were MBE / WBE contractors. Include name, address, phone number, person contacted and MBE / WBE status.

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING TITLE 58 OF THE SACRAMENTO CITY CODE RELATING TO PUBLIC PROJECTS

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

SECTION 1

Title 58, Chapter 58.01, Section 58.01.102. of the Sacramento City Code is hereby amended to read as follows:

58.01.102 Determination of lowest responsible bidder.

In addition to price in determining the lowest responsible bidder under the provisions of this chapter, consideration shall be given to; (i) the quality of a public project to be provided by the bidder; (ii) the ability, capacity and skill of the bidder to perform the contract; (iii) the ability of the bidder to perform the contract within the time specified, without delay; (iv) the character, integrity, reputation, judgment, experience and efficiency of the bidder; (v) the quality of bidder's performance on previous contracts with the City, (vi) the bidders responsiveness to the bid requirements, and (vii) the bidders compliance with the City of Sacramento's Minority and Women Business Enterprise Program requirements.

SECTION 2

Title 58, Chapter 58.06, Section 58.06.602. of the Sacramento City Code is hereby amended to read as follows:

58.06.602 Authority of City Manager.

The City Manager is authorized to issue change orders within the limits set forth below. The City Manager, in executing the authority specified in this section, shall not be required to obtain further City Council approval for the transfer of sufficient funds from the established project contingency.

(1) For contracts originally awarded for a price of less than \$250,000, the City Manager shall have the authority to issue change orders for an increase in contract price of up to \$25,000, provided that the sum of all such change orders for any single contract shall not exceed \$25,000.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

(2) For contracts originally awarded for a price of \$250,000 but less than \$1,000,000, the City Manager shall have authority to issue change orders, provided that the sum of all such change orders for any single contract shall not exceed ten percent (10%) of the original contract price.

(3) For contracts originally awarded for a price of \$1,000,000, but less than \$10,000,000, the City Manager shall have authority to issue change orders, provided that the sum of all such change orders for any single contract shall not exceed eight percent (8%) of the original contract price.

(4) For contracts originally awarded for a price of \$10,000,000 or more, the City Manager shall have the authority to issue change orders, provided that the sum of all such change orders for any single contract shall not exceed six percent (6%) of the original contract price.

(5) Notwithstanding the foregoing, any single change order which exceeds \$100,000 shall require Council approval.

(6) Notwithstanding the foregoing, in the event that it becomes necessary in the discretion of the City Manager to issue change orders in order to:

(a) Prevent interruption of the work which would result in a substantial increase in cost to the City; or,

(b) Protect the work or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work, from substantial and immediate danger of injury; or,

(c) Protect, where damage or injury has occurred, the work, or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work from further or additional damage or injury or deterioration caused by man, nature or other source;

Then, the City Manager shall have authority to issue change orders in such sums as may reasonably be necessary for such purposes; provided, however, in the event any such action exceeds the specific authority set forth in the foregoing, the City Manager shall report to the City Council regarding any such action as soon as reasonably possible but in no event more than thirty (30) days.

(7) The authority of the City Manager to issue additional change orders to an accumulative total as specified above shall be restored to the extent that prior change orders issued and negotiated pursuant to the authority of the City Manager shall have been specifically subsequently ratified and authorized by the City Council. (Ord. No. 446, §1)

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

8

SECTION 3

Title 58, Chapter 58.08 of the Sacramento City Code is hereby amended to read as follows:

Chapter 58.08. Participation of Minority Business Enterprises and Women's Business Enterprises

58.08.801 Application.

This article shall apply to all public projects let by the City of Sacramento.

58.08.802 MBE/WBE efforts required of responsible bidder.

The specifications or request for proposal for any contract to be let by the City in excess of \$50,000 may set goals relating to participation in the contract by subcontractors who are MBE's and WBE's. 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 all of the following actions:

- (1) The bidder attended any pre solicitation 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 to be performed by MBE's and WBE's to provide an opportunity for participation by those enterprises. Those items selected by the bidder shall be of a sufficient dollar value that, if awarded, will exceed or meet the goals established for the project.
- (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 requested, in writing, subcontract proposals from MBE's and WBE's not less than 10 calendar days prior to the opening of the bids.
- (5) The bidder followed up initial solicitations of interest by contacting the MBE's and WBE's to determine with certainty whether the enterprises were interested in performing specific items of the project.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

- (6) The bidder provided, upon request, MBE's and WBE's 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 did not unreasonably reject the low bid for a particular subcontract item from a MBE and/or WBE.
- (9) Upon request, the bidder advised and made efforts to assist interested MBE's and WBE's in obtaining bonds, lines of credit, or insurance required by the City or the contractor.
- (10) The bidder's efforts to obtain MBE and WBE participation could reasonably be expected to produce a level of participation sufficient to meet the goals and requirements at a minimum by inviting MBE and WBE subcontract proposals from at least one out of every three of all subcontract proposals requested.

58.08.803 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 MBE or WBE.
- (b) No person submitting any bid or proposal to the City of Sacramento shall provide false information regarding the MBE or 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 or 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.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

58.08.804 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 enterprises or a women's business enterprise, such information shall be submitted under penalty of perjury.
- (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. (Ord. No. 88-059, § 1)

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING TITLE 58 OF THE SACRAMENTO CITY CODE RELATING TO PUBLIC PROJECTS

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

SECTION 1

Title 58, Chapter 58.01, Section 58.01.102. of the Sacramento City Code is hereby amended to read as follows:

58.01.102 Determination of lowest responsible bidder.

In addition to price in determining the lowest responsible bidder under the provisions of this chapter, consideration shall be given to; (i) the quality of a public project to be provided by the bidder; (ii) the ability, capacity and skill of the bidder to perform the contract; (iii) the ability of the bidder to perform the contract within the time specified, without delay; (iv) the character, integrity, reputation, judgment, experience and efficiency of the bidder; and (v) the quality of bidder's performance on previous contracts with the City, ~~(Ord. No. 3129, 51)~~ (vi) the bidders responsiveness to the bid requirements, and (vii) the bidders compliance with the City of Sacramento's Minority and Women Business Enterprise Program requirements.

SECTION 2

Title 58, Chapter 58.06, Section 58.06.602. of the Sacramento City Code is hereby amended to read as follows:

58.06.602 Authority of City Manager.

The City Manager is authorized to issue change orders within the limits set forth below. The City Manager, in executing the authority specified in this section, shall not be required to obtain further City Council approval for the transfer of sufficient funds from the established project contingency.

(1) For contracts originally awarded for a price of less than \$250,000, the City Manager shall have the authority to issue change orders for an increase in contract price of up to \$25,000, provided that the sum of all such change orders for any single contract shall not exceed \$25,000.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

(2) For contracts originally awarded for a price of \$250,000, but less than \$1,000,000, the City Manager shall have authority to issue change orders, provided that the sum of all such change orders for any single contract shall not exceed ten percent (10%) of the original contract price.

(3) For contracts originally awarded for a price of \$1,000,000, but less than \$10,000,000, the City Manager shall have authority to issue change orders, provided that the sum of all such change orders for any single contract shall not exceed eight percent (8%) of the original contract price.

(4) For contracts originally awarded for a price of \$10,000,000 or more, the City Manager shall have the authority to issue change orders, provided that the sum of all such change orders for any single contract shall not exceed six percent (6%) of the original contract price.

(5) Notwithstanding the foregoing, ~~for any contract originally awarded for \$250,000 or more, any single change order which exceeds the lesser of \$100,000 or one-half of the allowable percentage as specified in (2), (3) or (4), as applicable, shall require Council approval~~

(6) Notwithstanding the foregoing, in the event that it becomes necessary in the discretion of the City Manager to issue change orders in order to:

(a) Prevent interruption of the work which would result in a substantial increase in cost to the City; or,

(b) Protect the work or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work, from substantial and immediate danger of injury; or,

(c) Protect, where damage or injury has occurred, the work, or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work from further or additional damage or injury or deterioration caused by man, nature or other source;

Then, the City Manager shall have authority to issue change orders in such sums as may reasonable be necessary for such purposes; provided, however, in the event any such action exceeds the specific authority set forth in the foregoing, the City Manager shall report to the City Council regarding any such action as soon as reasonably possible but in no event more than thirty (30) days.

(7) The authority of the City Manager to issue additional change orders to an accumulative total as specified above shall be restored to the extent that prior change orders issued and negotiated pursuant to the authority of the City Manager shall have been specifically subsequently ratified and authorized by the City Council. (Ord. No. 446, §1)

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

SECTION 3

Title 58, Chapter 58.08 of the Sacramento City Code is hereby amended to read as follows:

Chapter 58.08. Participation of Minority Business Enterprises (MBE) and Women's Business Enterprises (WBE)

58.08.801 Application.

This article shall apply to all ~~contracts~~ public projects 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).~~ (Ord. No. 88-059, § 1) Sacramento.

58.08.802 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.~~
- ~~(c) **Control:** Exercising the power to make policy decisions.~~
- ~~(d) **Operate:** Being actively involved in the day to day management of the business. (Ord. No. 88-059, § 1)~~

58.08.8032 MBE/WBE efforts required of responsible bidder.

The specifications or request for proposal for any contract to be let by the City in excess of \$50,000 may set goals relating to participation in the contract ~~by subcontractors who are minority business enterprises or women's business enterprises.~~ MBE's and WBE's. 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 all of the following actions:

- (1) The bidder attended any pre solicitation 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~~ MBE's and WBE's to provide an opportunity for participation by

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

those enterprises. Those items selected by the bidder shall be of a sufficient dollar value that, if awarded, will exceed or meet the goals established for the project.

- (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 requested, in writing, subcontract proposals from MBE's and WBE's not less than 10 calendar days prior to the opening of the bids.~~
- (5) The bidder followed up initial solicitations of interest by contacting the enterprises MBE's and WBE's 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 provided, upon request, MBE's and WBE's 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. did not unreasonably reject the low bid for a particular subcontract item from a MBE and/or WBE.~~
- (9) ~~Where applicable, Upon request, the bidder advised and made efforts to assist interested minority and women's business enterprises MBE's and WBE's 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~~ MBE and WBE participation could reasonably be expected to produce a level of participation sufficient to meet the goals and requirements. ~~(Ord. No. 88-059, § 4) requirements by inviting MBE and WBE subcontract proposals from at least 1 out of 3 of all subcontract proposals requested.~~

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

15

58.08.804 3 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~~. MBE or WBE.
- (b) No person submitting any bid or proposal to the City of Sacramento shall provide false information regarding the ~~MBE/WBE~~ MBE or 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.

58.08.8054 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 enterprises or a women's business enterprise, such information shall be submitted under penalty of perjury.
- (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. (Ord. No. 88-059, § 1)

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____