

Legislation Text

File #: 15-13428, Version: 2

Amendments to the Charlotte Business INClusion Program Policy

Action:

- A. Approve revisions to the Charlotte Business INClusion Program Policy and make the revisions effective July 1, 2020, and**

Committee Chair:

James Mitchell, Workforce and Business Development Committee

Staff Resource(s):

Phil Reiger, General Services
Kay Elmore, General Services
Patrick Baker, City Attorney's Office
Thomas Powers III, City Attorney's Office

Current Policy

- City Council approved the most recent version of the Charlotte Business INClusion (CBI) Program Policy on November 27, 2017.
- City Council adopted the 2017 Disparity Study and set a sunset of January 1, 2023, for race-conscious and gender-conscious goals for the **CBI Program** Policy.
- Staff thereafter reviewed the 2017 Disparity Study recommendations and drafted proposed revisions to the **CBI Program** Policy based on those recommendations.
- The Charlotte Business INClusion Advisory Committee voted in 2018 to recommend changes to the **CBI Program** Policy and forwarded those recommendations to City Council's Economic Development Committee for consideration.

Proposed Changes

A summary of the Committee's recommendations includes:

- Adding the history of the 2017 Disparity Study adoption and findings;
- Reducing the construction dollar threshold from \$300,000 to \$200,000;
- Clarifying the appeal review process;
- Adding new definitions for "Good Faith Efforts Documentation," "Payment Affidavit," and "State HUB Office," and updating the "Financial Partner" definition;
- Allowing bidders 24 hours after bid opening to submit utilization commitments;
- Reducing the good faith effort points from 15 to 10 for both "Breaking Down Work," and "Negotiating in good faith with MWBEs and SBEs;" and
- Making other minor, non-substantive edits to increase readability.

Committee Discussion

- The Economic Development Committee (ED Committee) was briefed in 2018 on the proposed changes to the CBI policy based on the 2017 Disparity Study.
- On August 27, 2018, the ED Committee voted unanimously to reduce the good faith effort points from 15 to 10 for "Breaking Down Work" and "Negotiating in Good Faith with MWBEs and SBEs." Mitchell, Driggs, Harlow, Mayfield, and Newton in favor.
- On September 24, 2018, the ED Committee voted unanimously to allow bidders 24 hours after bid

- opening to submit utilization commitments. Mitchell, Driggs, Harlow, Mayfield, and Newton in favor.
- On December 20, 2018, the ED Committee voted unanimously to reduce the construction dollar threshold from \$300,000 to \$200,000 and to count a business enterprise which is dual-registered as a MWBE and SBE towards either the MWBE Goal or SBE Goal, but not towards both goals. Driggs, Harlow, Mayfield, and Newton in favor (Mitchell was not present).
- On May 11, 2020, the Workforce and Business Development Committee (WF&BD Committee) received another briefing on the proposed changes to the **CBI Program** Policy language based on the 2017 Disparity Study. No additional vote was taken by the WF&BD Committee at this meeting; the WF&BD Committee directed staff to place the item on the City Council's business agenda based on its previous votes.
- At the June 1, 2020 City Council Strategy Session, City Council received a briefing on the proposed changes to the **CBI Program** Policy.

Attachment(s)

Charlotte Business INclusion Program Policy
06.01.2020 City Council Strategy Session Presentation