

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO ) ORDINANCE NO. 88-252  
CODE SECTION 2.04 RELATING TO THE )  
DISADVANTAGED BUSINESS PROGRAM ) Introduced by Rena Cusma,  
 ) Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That the following sections of the Metropolitan Service District Disadvantaged Business Program, incorporated in Metro Code Sections 2.04.100 through 2.04.180, are amended to read as follows:

2.04.110 Definitions: For purposes of this Ordinance, the following definitions shall apply:

(a) APPLICANT -- one who submits an application, request or plan to be approved by a USDOT official or by Metro as a condition to eligibility for Department of Transportation (USDOT) financial assistance; and "application" means such an application, request or plan.

(b) CONSTRUCTION CONTRACT -- means a contract for construction of buildings or other facilities, and includes reconstruction, remodeling and all activities which are appropriately associated with a construction project.

(c) CONTRACT -- means a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and the buyer to pay for them. For purposes of this ordinance a lease or a purchase order of \$500.00 or more is a contract.

(d) CONTRACTOR -- means the one who participates, through a contract or subcontract, in the Program and includes lessees.

(e) DEPARTMENT or "USDOT" -- means the United States Department of Transportation, including its operating elements.

(f) DISADVANTAGED BUSINESS ENTERPRISE or DBE -- means a small business concern which is certified by an authorized agency and:

- (a) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly-owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
- (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

For purposes of USDOT assisted contracts, the term Disadvantaged Business Enterprise shall be deemed to include Women-Owned Business Enterprises.

(g) EXECUTIVE DEPARTMENT -- means the State of Oregon's Executive Department.

(h) JOINT VENTURE -- is defined as an association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge. In a joint venture between a DBE/WBE and non-DBE/WBE, the DBE/WBE must be responsible for a clearly defined portion of the work to be performed and must share in the ownership, control, management responsibilities, risks and profits of the joint venture. A joint venture of a DBE/WBE and a non-DBE/WBE must receive Metro approval prior to contract award to be counted toward any DBE/WBE contract goals.

(i) LABOR AND MATERIALS CONTRACT -- is a contract including a combination of service and provision of materials other than construction contracts. Examples may include plumbing repair, computer maintenance or electrical repair, etc.

(j) LESSEE -- means a business or person that leases, or is negotiating to lease, property from a recipient or the Department on the recipient's or Department's facility for the purpose of operating a transportation-related activity or for the provision of goods or services to the facility or to the public on the facility.

(k) OREGON DEPARTMENT OF TRANSPORTATION OR "ODOT" -- means the State of Oregon's Department of Transportation.

(l) PERSONAL SERVICES CONTRACT -- means a contract for services of a personal or professional nature.

(m) PROCUREMENT CONTRACT -- means a contract for the purchase or sale of supplies, materials, equipment, furnishings or other goods not associated with a construction or other contract.

(n) RECIPIENT -- means any entity, public or private, to whom USDOT financial assistance is extended, directly or through another recipient for any program.

(o) SMALL BUSINESS CONCERN -- means a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

(p) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS OR DISADVANTAGED INDIVIDUALS -- means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans or Asian-Indian Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small

Business Act. Certifying recipients shall make a rebuttable presumption that individuals in the following groups are socially and economically disadvantaged. Certifying recipients also may determine, on a case-by-case basis, that individuals who are not a member of one of the following groups are socially and economically disadvantaged:

- (1) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- (2) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Portuguese-American, Spanish culture or origin, regardless of race;
- (3) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- (4) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas; and
- (5) "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh.

(q) USDOT ASSISTED CONTRACT -- means any contract or modification of a contract between Metro and a contractor which is paid for in whole or in part with USDOT financial assistance.

(r) USDOT FINANCIAL ASSISTANCE -- means financial aid provided by USDOT or the United States Railroad Association to a recipient, but does not include a direct contract. The financial aid may be provided directly in the form of actual money, or indirectly in the form of guarantees authorized by statute as financial assistance services of Federal personnel, title or other interest in real or personal property transferred for less than fair market value, or any other arrangement through which the recipient benefits financially, including licenses for the construction or operation of a Deep Water Port.

(s) WOMEN-OWNED BUSINESS ENTERPRISE or WBE -- means a small business concern, as defined pursuant to section 3 of the Small Business Act and implementing regulations which is owned and controlled by one or more women and which is certified by an authorized agency. "Owned and controlled" means a business which is at least 51 percent owned by one or more women or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more women, and whose management and daily business operations are controlled by one or more women.

For purpose of USDOT assisted contracts, the term Disadvantaged Business Enterprise shall be deemed to include Women-Owned Business Enterprises.

(Ordinance No. 165, Sec. 3; amended by Ordinance No. 84-181, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.140 Certification of Disadvantaged Business Eligibility:

(a) To participate in the Program as a DBE or WBE, contractors, subcontractors and joint ventures must have been certified by an authorized certifying agency as described in subsection (b) of this section.

(b) Metro will not perform certification or recertification of businesses or consider challenges to socially and economically disadvantaged status. Rather Metro will rely upon the certification and recertification processes of ODOT and will utilize ODOT's certification list until December 31, 1987, and, thereafter, the Executive Department's list in determining whether a prospective contractor or subcontractor is certified as a DBE or WBE. A prospective contractor or subcontractor must be certified as a DBE or WBE by one of the above agencies, as applicable, and appear on the respective certification list of said agency, prior to the [award of a contract] pertinent bid opening or proposal submission date to be considered by Metro to be an eligible DBE or WBE and be counted toward meeting goals. Metro will adhere to the Recertification Rulings resulting from 105(f) or state law, as applicable.

(c) Prospective contractors or subcontractors which have been denied certification by one of the above agencies may appeal such denial to the certifying agency pursuant to applicable law. However, such appeal shall not cause a delay in any contract award by Metro. Decertification procedures for USDOT-assisted contractor or potential contractors will comply with the requirements of Appendix A "Section by Section Analysis" of the July 21, 1983, Federal Register, Vol. 45, No. 130, p. 45287, and will be administered by the agency which granted certification.

(d) Challenges to certification or to any presumption of social or economic disadvantage with regard to the USDOT-assisted portion of this Program, as provided for in 49 CFR 23.69, shall conform to and be processed under the procedures prescribed by each agency indicated in paragraph (b) of this section. That challenge procedure provides that:

"(1) Any third party may challenge the socially and economically disadvantaged status of any individual (except an individual who has a current 8(a) certification from the Small Business Administration) presumed to be socially and economically disadvantaged if that individual is an owner of a firm certified by or seeking certification from the certifying agency as a disadvantaged business. The challenge shall be made in writing to the recipient.

"(2) With its letter, the challenging party shall include all information available to it relevant to a determination

of whether the challenged party is in fact socially and economically disadvantaged.

"(3) The recipient shall determine, on the basis of the information provided by the challenging party, whether there is reason to believe that the challenged party is in fact not socially and economically disadvantaged.

" (i) If the recipient determines that there is not reason to believe that the challenged party is not socially and economically disadvantaged, the recipient shall so inform the challenging party in writing. This terminates the proceeding.

"(ii) If the recipient determines that there is reason to believe that the challenged party is not socially and economically disadvantaged, the recipient shall begin a proceeding as provided in paragraphs (b), (4), (5) and (6) of this paragraph.

"(4) The recipient shall notify the challenged party in writing that his or her status as a socially and economically disadvantaged individual has been challenged. The notice shall identify the challenging party and summarize the grounds for the challenge. The notice shall also require the challenged party to provide to the recipient, within a reasonable time, information sufficient to permit the recipient to evaluate his or her status as a socially and economically disadvantaged individual.

"(5) The recipient shall evaluate the information available to it and make a proposed determination of the social and economic disadvantage of the challenged party. The recipient shall notify both parties of this proposed determination in writing, setting forth the reasons for its proposal. The recipient shall provide an opportunity to the parties for an informal hearing, at which they can respond to this proposed determination in writing and in person.

"(6) Following the informal hearing, the recipient shall make a final determination. The recipient shall inform the parties in writing of the final determination, setting forth the reasons for its decision.

"(7) In making the determinations called for in paragraphs (b)(3)(5) and (6) of this paragraph, the recipient shall use the standards set forth in Appendix C of this subpart.

"(8) During the pendency of a challenge under this section, the presumption that the challenged party is a socially and economically disadvantaged individual shall remain in effect." 49 CFR 23.69.

(Ordinance No. 83-165, Sec. 9; amended by Ordinance No. 84-181, Sec. 5; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.145 Annual Disadvantaged Business Goals:

(a) The Metro Council shall, by resolution each June, establish annual DBE goals[,] and for locally-funded contracts, separate WBE goals[,] for the ensuing fiscal year. Such annual goals shall be established separately for construction contracts, labor and materials contracts, personal services contracts, procurement contracts, and USDOT assisted contracts regardless of type.

(b) Annual goals will be established taking into consideration the following factors:

(1) projection of the number and types of contracts to be awarded by Metro;

(2) projection of the number, expertise and types of DBEs and WBEs likely to be available to compete for the contracts;

(3) past results of Metro's efforts under the Program; and

(4) for USDOT-assisted contract goals, existing goals of other local USDOT recipients and their experience in meeting these goals.

(5) for locally-funded contract goals, existing goals of other Portland metropolitan area contracting agencies, and their experience in meeting these goals.

(c) Annual goals for USDOT-assisted contracts must be approved by the United States Department of Transportation. 49 CFR §23.45(g)(3).

(d) Metro will publish notice that the USDOT-assisted contract goals are available for inspection when they are submitted to USDOT or other federal agencies. They will be made available for 30 days following publication of notice. Public comment will be accepted for 45 days following publication of the notice. (Ordinance No. 83-165, Sec. 10)

(e) Metro will publish notice regarding proposed locally-funded contract goals not later than ten (10) days prior to adoption of the goals.

(Ordinance No. 83-165, Sec. 10; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216; amended by Ordinance No. 87-231, Sec. 1)

#### 2.04.150 Contract Goals:

(a) The annual goals established for construction contracts shall apply as individual contract goals for construction contracts over \$50,000 [and shall be met pursuant to the following subsections].

(b) [Contract goals for construction contracts over \$50,000 may be complied with by prime contractors only by subcontracting a percentage of the contract work, equal to or exceeding the contract goal, to one or more DBE or WBE subcontractors or by a showing of good faith efforts to comply pursuant to Section 2.04.160 of this chapter.]

(b) [(c)] The Liaison Officer may set a contract goal for any contract other than construction contracts over \$25,000. The setting of such contract goal shall be made in writing prior to the solicitation of bids for such contract. Contract goals for contracts other than construction contracts over \$50,000 shall be set at the discretion of the Liaison Officer and shall not be tied, necessarily, to the annual goal for such contract type. [Contract goals for such contracts may be complied with pursuant to Section 2.04.175(a)(2) or Section 2.04.160 of this chapter.]

(c) [(d)] Even though no DBE/WBE goals are established at the time that bid/proposal documents are drafted, the Liaison Officer may direct the inclusion of a clause in any RFP or bid documents for any contract described in this section which requires that the prime contractor, prior to entering into any subcontracts, make good faith efforts, as that term is defined in Section 2.04.160, to achieve DBE/WBE participation in the same goal amount as the current annual goal for that contract type.

(d) Contract goals may be complied with pursuant to Section 2.04.160 and/or 2.04.175. The extent to which DBE/WBE participation will be counted toward contract goals is governed by the latter section.

(Ordinance No. 83-165, Sec. 11; repealed by Ordinance No. 87-216, Sec. 1, amended by Ordinance No. 87-231, Sec. 1)

#### 2.04.160 Determination of Good Faith Efforts:

(a) Bidders or Proposers on USDOT-assisted contracts to which DBE[/WBE] goals apply must, to be eligible for contract award, comply with the applicable contract goal or show that good faith efforts have been made to comply with the goal. Good faith efforts should include at least the following standards established in the amend- ment to 49 CFR §23.45(h), Appendix A, dated Monday, April 27, 1981. A showing of good faith efforts must include written evidence of at least the following:

- (1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform disadvantaged and

women business enterprises of contracting and subcontracting or material supply opportunities available on the project;

(2) Advertisement in trade association, general circulation, minority and trade-oriented, women-focus publications, if any and through a minority-owned newspaper or minority-owned trade publication concerning the subcontracting or material supply opportunities at least 10 days before bids or proposals are due.

(3) Written notification to a reasonable number but no less than five (5) DBE[/WBE] firms that their interest in the contract is solicited. Such efforts should include the segmenting of work to be subcontracted to the extent consistent with the size and capability of DBE[/WBE] firms in order to provide reasonable subcontracting opportunities. Each bidder should send solicitation letters inviting quotes or proposals from DBE[/WBE] firms, segmenting portions of the work and specifically describing, as accurately as possible, the portions of the work for which quotes or proposals are solicited from DBE[/WBE] firms and encouraging inquiries for further details. Letters that are general and do not describe specifically the portions of work for which quotes or proposals are desired are discouraged, as such letters generally do not bring responses. It is expected that such letters will be sent in a timely manner so as to allow DBE[/WBE] sufficient opportunity to develop quotes or proposals for the work described.

(4) Evidence of follow-up to initial solicitations of interest, including the following:

- A. the names, addresses, telephone numbers of all DBE[/WBE] contacted;
- B. a description of the information provided to DBE[/WBE] firms regarding the plans and specifications for portions of the work to be performed; and
- C. a statement of the reasons for non-utilization of DBE[/WBE] firms, if needed to meet the goal.

(5) Negotiation in good faith with DBE[/WBE] firms. The bidder shall not, without justifiable reason, reject as unsatisfactory bids prepared by any DBE[/WBE] firms;

(6) Where applicable, the bidder must provide advice and assistance to interested DBE[/WBE] firms in obtaining bonding, lines of credit or insurance required by Metro or the bidder;



(7) Overall, the bidder's efforts to obtain DBE[/WBE] participation must be reasonably expected to produce a level of participation sufficient to meet Metro's goals; and

(8) The bidder must use the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs.

(b) Bidders or proposers on locally-funded contracts to which DBE/WBE goals apply shall achieve the applicable contract goal or demonstrate that they have made good faith efforts to achieve the goals. Good faith efforts shall include written documentation of at least the following actions by bidders:

(1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform DBEs and WBEs of contracting and subcontracting or material supply opportunities available on the project;

Documentation required: Signature of representative of bidder or proposer on prebid meeting attendance sheet.

(2) Identifying and selecting specific economically feasible units of the project to be performed by DBEs or WBEs to increase the likelihood of participation by such enterprises;

Minimum documentation required: At least the documentation required under subsection (4) below.

(3) Advertising in, at a minimum, a newspaper of general circulation, and trade association, minority and trade-oriented, women-focused publications, if any, concerning the subcontracting or material supply opportunities on the project at least ten (10) days before bids or proposals are due;

Documentation required: copies of ads published.

(4) Providing written notice soliciting sub-bids/proposals to not less than five (5) DBEs or WBEs for each subcontracting or material supply work item selected pursuant to (2) above not less than ten (10) days before bids/proposals are due.

If there are less than five certified DBEs/WBEs listed for that work or supply specialty then the

solicitation must be mailed to at least the number of DBEs/WBEs listed for that specialty. The solicitation shall include a description of the work for which subcontract bids/proposals are requested and complete information on bid/proposal deadlines along with details regarding where project specifications may be reviewed.

Documentation required: Copies of all solicitation letters sent to DBE/WBE along with a written statement from the bidder/proposer that all of the letters were sent by regular or certified mail not less than 10 days before bids/proposals were due.

(5) Making, not later than five days before bids/proposals are due, follow-up phone calls to all DBEs/WBEs who have not responded to the solicitation letters to determine if they would be submitting bids and/or to encourage them to do so.

Minimum documentation required: Log showing a) dates and times of follow-up calls along with names of individuals contacted and individuals placing the calls; and b) results attained from each DBE/WBE to whom a solicitation letter was sent (e.g., bid submitted, declined, no response). In instances where DBE/WBE bids were rejected, the dollar amount of the bid rejected from the DBE/WBE must be indicated along with the reason for rejection and the dollar amount of the bid which was accepted for that subcontract or material supply item.

(6) Using the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs; where applicable, advising and assisting DBEs and WBEs in obtaining lines of credit or insurance required by Metro or the bidder/proposer; and, otherwise, making efforts to encourage participation by DBEs and WBEs which could reasonably be expected to produce a level of participation sufficient to meet the goals.

Minimum documentation required: Letter from bidder/proposer indicating all special efforts made to facilitate attainment of contract goals, the dates such actions were taken and results realized.

(7) Notwithstanding any other provision of this section, bidders and proposers on locally-funded contracts to which

DBE/WBE goals apply need not accept the bid of a DBE or WBE on any particular subcontract or material supply item if the bidder/proposer demonstrates that none of the DBEs or WBEs submitting bids were the lowest responsible, responsive and qualified bidders/proposers on that particular subcontract item and that the subcontract item was awarded to the lowest responsible, responsive bidder/proposer.

Metro reserves the right to require additional written documentation of good faith efforts and bidders and proposers shall comply with all such requirements by Metro. It shall be a rebuttable presumption that a bidder or proposer has made a good faith effort to comply with the contract goals if the bidder has performed and submits written documentation of all of the above actions. It shall be a rebuttable presumption that the bidder has not made a good faith effort if the bidder has not performed or has not submitted documentation of all of the above actions.

(Ordinance No. 83-165, Sec. 13; amended by Ordinance No. 84-181, Sec. 6 and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.175 Counting Disadvantaged Business Participation Toward Meeting Goals:

(a) DBE/WBE participation shall be counted toward meeting the goals on each contract as follows:

(1) Subject to the limitations indicated in paragraphs (2) through (8) below, the total dollar value of a prime contract or subcontract to be performed by DBEs or WBEs is counted toward the applicable goal for contract award purposes as well as annual goal compliance purposes.

(2) The total dollar value of a contract to a disadvantaged business owned and controlled by both disadvantaged males and non-disadvantaged females is counted toward the goals for disadvantaged businesses and women, respectively, in proportion to the percentage of ownership and control of each group in the business.

The total dollar value of a contract with a disadvantaged business owned and controlled by disadvantaged women is counted toward either the disadvantaged business goal or the goal for women, but not to both. Metro shall choose the goal to which the contract value is applied.

(3) Metro shall count toward its goals a portion of the total dollar value of a contract with an eligible joint venture equal to the percentage of the ownership and control of the disadvantaged or female business partner in the joint venture.

(4) Metro shall count toward its goals only expenditures to DBEs and WBEs that perform a commercially useful function in the work of a contract. A DBE or WBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing and supervising the work involved. To determine whether a DBE or WBE is performing a commercially useful function, Metro shall evaluate the amount of work subcontracted, industry practices and other relevant factors.

(5) Consistent with normal industry practices, a DBE or WBE may enter into subcontracts. If a DBE or WBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the DBE or WBE shall be presumed not to be performing a commercially useful function. The DBE or WBE may present evidence to Metro to rebut this presumption. Metro's decision on the rebuttal of this presumption is subject to review by USDOT for USDOT-assisted contracts.

(6) A DBE or WBE which provides both labor and materials may count toward its disadvantaged business goals expenditures for materials and supplies obtained from other than DBE or WBE suppliers and manufacturers, provided that the DBE or WBE contractor assumes the actual and contractual responsibility for the provision of the materials and supplies.

(7) Metro shall count its entire expenditure to a DBE or WBE manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale).

(8) Metro shall count against the goals [20] 60 percent of its expenditures to DBE or WBE suppliers that are not manufacturers, provided that the DBE or WBE supplier performs a commercially useful function in the supply process.

(9) When USDOT funds are passed-through by Metro to other agencies, any contracts made with those funds and any DBE [or WBE] participation in those contracts shall only be counted toward Metro's goals. Likewise, any USDOT funds passed-through to Metro from other agencies and then used for contracting shall count only toward that agency's goals. Project managers responsible for administration of pass-through agreements shall include the following language in those agreements:

" (a) Policy. It is the policy of the Department of Transportation that minority business

enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this agreement.

" (b) MBE Obligation. The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under this agreement. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of USDOT-assisted contracts."

(b) DBE or WBE participation shall be counted toward meeting annual goals as follows:

(1) Except as otherwise provided below, the total dollar value of any contract which is to be performed by a DBE or WBE is counted toward meeting annual goals.

(2) The provisions of paragraphs (a)(2) through (a)(8) of this section, pertaining to contract goals, shall apply equally to annual goals.

(Ordinance No. 83-165, Sec. 16; amended by Ordinance No. 84-181, Sec. 8; and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

ADOPTED by the Council of the Metropolitan Service District  
this 7th day of July, 1988.

  
Mike Ragsdale, Presiding Officer

ATTEST:

  
Clerk of the Council

I certify this ordinance was not  
vetoed by the Executive Officer

 7-15-88  
Clerk of the Council Date

YS/gl/9579C  
05/23/88

Staff Report

Consideration of Ordinance No. 88-252 For The  
Purpose Of Amending The Disadvantaged Business Program

Date: May 23, 1987

Presented By: Raymond Phelps  
Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

Since the adoption of the present Metro DBE/WBE Program in October 1987, changes in Federal Policy and identification of inconsistencies have occurred which necessitate further changes. Specifically, these changes address the most recent modifications to 49 CFR 23 which outlines the U.S. Department of Transportation (U.S. DOT) minority program and the Metro Policy on the participation of DBE/WBE firms as part of joint ventures.

The changes must be made before the Invitation for Bids for the Oregon Convention Center general contract scheduled for mid June, 1988.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that Ordinance No. 88-252 be approved.



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

Agenda Item No. 1

Date: June 30, 1988

Meeting Date July 7, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council *amm*

Regarding: ORDINANCE NO. 88-252, Amending Code Section 2.04  
Relating to the Disadvantaged Business Program

On June 23, 1988, the Council voted to defer consideration of Ordinance No. 88-252 until July 7. The Presiding Officer appointed an ad hoc task force to address specific areas of concern identified at the June 23 public hearing. Councilor Knowles, chair of the task force, will submit a report from the task force to Councilors prior to the July 7 Council meeting.

Other parties wanting a copy of the task force's report may contact the Council Clerk, 221-1646, extension 206.



**METRO**

# Memorandum

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

Date: June 21, 1988

To: Metro Council

From: Mike Ragsdale, Chair *MR*  
Council Internal Affairs Committee

Regarding: COMMITTEE REPORT ON JUNE 23, 1988 COUNCIL MEETING AGENDA  
ITEM 7.2:

ORDINANCE NO. 88-252, FOR THE PURPOSE OF AMENDING CODE  
SECTION 2.04 RELATING TO THE DISADVANTAGED BUSINESS PROGRAM

The Internal Affairs Committee considered Ordinance No. 88-252 at meetings held on June 9 and June 16, 1988. The Committee unanimously recommends approval of Ordinance No. 88-252 by the Council. Committee members voting on the motion to recommend approval were Councilors Collier, Cooper, Hansen, Kelley, Knowles, Waker and Ragsdale.

This ordinance provides changes to the current DBE/WBE Program which was substantially amended in October 1987 through adoption of Ordinance No. 87-231. Since that time, changes in federal policy, specifically modifications to 49 CFR 23 which set forth the U.S. Department of Transportation (U.S. DOT) minority program necessitate changes in the Metro program. A major policy change provided for in this ordinance is the enabling of minority participation in a "joint venture" prime contractor to be counted toward meeting the contract goals. Under the current program, the goals can be met only through minority "subcontracting" or through the "good faith" efforts.

At the June 16, 1988 Committee meeting, seven people testified on this proposed ordinance. Little if any testimony was addressed specifically to the proposed code amendments in Ordinance No. 88-252, but rather addressed other proposed changes. For example, a letter was received from the Governor's Advocate for Minority/Women Business (see letter attached from Lina Garcia Seabold dated June 16, 1988) which requests existing code language be deleted.

As a result of the testimony, the Presiding Officer established a three-person Council task force to address the issues identified at the public hearing for possible future Council consideration. Members of the task force include Councilors Knowles (Chair), Collier and Kelley.

DEC:gpwb  
IACDBE.1





**METRO**

# Memorandum

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

Date: July 6, 1988  
To: Metro Council  
From: Councilor David Knowles *DK*  
Regarding: SUBCOMMITTEE REPORT ON ORDINANCE NO. 88-252

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## Background

On Thursday, June 16, 1988, the Council Internal Affairs Committee held a public hearing on Ordinance No. 88-252. Ordinance No. 88-252 proposes a series of amendments to Metro's DBE/WBE contract procedures. The Committee did not receive any testimony in opposition to the amendments. However, several persons expressed concerns about Section 2.04.160(b) (7). This provision is contained in the section of the Code which designates the tasks a bidder/proposer must accomplish to establish good faith efforts to achieve the applicable contract goals. The provision states as follows:

"(7) Notwithstanding any other provision of this section, bidders and proposers on locally-funded contracts to which DBE/WBE goals apply need not accept the bid of a DBE or WBE on any particular subcontract or material supply item if the bidder/proposer demonstrates that none of the DBEs or WBEs submitting bids were the lowest responsible, responsive and qualified bidders/proposers on that particular subcontract item and that the subcontract item was awarded to the lowest responsible, responsive bidder/proposer."

According to staff, the purpose of this provision is to clarify that the bidder/proposer, though required to meet good faith requirements, is not obligated to accept a bid from a DBE/WBE contractor which is not the lowest, responsive, responsible bid.

As a consequence of the testimony on this provision, Presiding Officer Ragsdale appointed a special three-person subcommittee of the Council Internal Affairs Committee to receive additional testimony. Subcommittee members included myself, Councilor Tanya Collier and Councilor Sharron Kelley. The subcommittee was directed to report back to the full Council not later than July 7, 1988, so that Ordinance No. 88-252 could be acted upon prior to issuance of bids for the Oregon Convention Center General contract on July 11, 1988.

At the subcommittee's request, staff notified the Metro DBE/WBE Advisory Committee that their meeting previously scheduled for June 21, 1988, would be dedicated to discussion of the subject provision. In addition, those in attendance at the June 16, 1988, hearing were also notified of the meeting.

On June 21, 1988, the subcommittee received comments from those in attendance. A list of attendees is attached.

There was a sharp division of opinion among those persons present who represented minority contractors. Those persons advocating deletion of the provision believe that it's deletion is necessary to encourage the use of minority contractors. They argue that minority contractors do not have the economies of scale of some larger contractors and, therefore, need the ability to charge somewhat more for their work. In addition, they believe that the provision will be used as an escape clause to avoid using minority contractors.

Those who favor keeping the provision argue that it is necessary to ensure that contracting rules are clear. These laws require public agencies to accept the lowest, responsive, responsible bid and this provision ensures that public contract laws are followed.

Advocates of removing the provision recognize that some extra amount might be paid in particular bidding situations in order to encourage minority contractor participation. Committee members asked for suggestions on what new guidelines Metro should adopt to provide guidance to contractors and to Metro in dealing with the question of how much higher the bid can be and when a contractor is obligated to accept it. Advocates indicated that additional information would be forthcoming to the Committee.

#### Recommendation

The subcommittee has unanimously concluded that no change in Section 2.04.160(b) (7) should be made at this time. There are five reasons:

1. There is a lack of consensus among representatives of minority contractors about the effect and importance of this provision.
2. The deletion of Section 2.04.160(b) (7) would create a need for new code provisions to provide guidance to contractors and staff to determine when good faith efforts when good faith efforts have been met. The Committee requested, but did not receive, suggestions in this area from the participants.

3. The Convention Center General Contract Bill will be issued on July 11, 1988. This gave the Committee too little time to gather information and to evaluate fully the arguments on both sides, particularly if additional code provisions were required.
4. An extensive public process proceeded adoption of existing code provisions. These were adopted in November 1987 after 10 months of consideration by Metro's DBE/WBE Advisory Committee and after a public hearing before the Council. The provisions represent a consensus of the members of the Advisory Committee. No one appeared at the public hearing to testify in opposition.
5. Since the adoption of the current procedures, the process seems to be working well. For example, the three contracts to date for the Oregon Convention Center, totalling 6.2 million dollars, have met or exceeded DBE/WBE goals.

The Subcommittee recommends that Council adopt Ordinance No. 88-252 as approved by the Council Internal Affairs Committee.

The Subcommittee also recommends that the Council move to establish a Standing Citizen's DBE/WBE Contract Advisory Committee to monitor the results of Ordinance No. 88-252 and work with Metro staff to further study and review the effects of Ordinance No. 88-252, in particular Section 2.04.160(b) (7).

Attachments

DK/jpm  
Doc. DKDBE

6. CONSENT AGENDA

Motion: Councilor DeJardin moved, seconded by Councilor Cooper, to approve the Consent Agenda.

Vote: A vote on the motion resulted in all eight Councilors present voting aye.

The motion carried and the following items were approved.

- 6.1 Minutes of April 14 and 28, 1988; and
- 6.2 Resolution No. 88-914, Authorizing Federal Funds for Seven Section 16(b)(2) Transportation Projects and Amending the Transportation Improvement Program

7. ORDINANCES

- 7.1 Consideration of Ordinance No. 88-249, Amending Chapter 2.04, Metro Contract Procedure of the Metro Code, in Order to Clarify the Division of Powers Between the Council and the Executive Officer and Making Other Changes (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Internal Affairs Committee for a public hearing and recommendation. The Committee would meet on June 9 to consider the ordinance.

- 7.2 Consideration of Ordinance No. 88-250, Adding Chapter 5.04 to the Metro Code to Provide for a One Percent for Recycling Program (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Solid Waste Committee for a public hearing and recommendation. The Committee would meet May 31 to consider the ordinance.

- 7.3 Consideration of Ordinance No. 88-252, Amending Metro Code Chapter 2.04 Relating to the Disadvantaged Business Program (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Internal Affairs Committee for a public hearing and recommendation. The Committee would meet June 9 to consider the ordinance.

NEIL GOLDSCHMIDT  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310-1347

June 16, 1988

Mike Ragsdale  
METRO Council  
2000 SW First Avenue  
Portland, OR 97201-5398

Dear Mr. Ragsdale:

Since I am unable to attend tonight's meeting, I would appreciate you taking the time to publicly read the following comments.

I am concerned about your current policy as it relates to minority/women businesses in the construction industry. I am further concerned that if not addressed soon, that the upcoming Convention Center project will have little, if any, participation of minority and women-owned firms. These concerns have been shared with METRO staff at numerous meetings and the recommended changes have yet to occur. The section in question is 2.04.160 (b)(7) which speaks to the "low-bid" issue:

"Notwithstanding any other provision of this section, bidders and proposers on locally-funded contracts to which DBE/WBE goals apply need not accept the bid of a DBE or WBE on any particular subcontract or material supply item if the bidder/proposer demonstrates that none of the DBEs or WBES submitting bids were the lowest responsible, responsive, and qualified bidders/ proposers on that particular subcontract item and that the subcontract item was awarded to the lowest responsible, responsive bidder/proposer."

There is no question that the participation of minority and women owned businesses in the construction field is by far the lowest of any major industry both nationally and locally. And historically, minority owned businesses have not been afforded consideration as subcontractors due to the low bid excuse used by many prime contractors. The record is clear that prime contractors do not always select the lowest subcontract bid but rather, consider other factors such as previous business

June 16, 1988

Page 2

relationships, quality of work, etc. So, leaving the ordinance as it stands right now would only perpetuate the very practices that have kept minority businesses out for years. This goes against the very essence of why the MBE Program came about in the first place.

The State of Oregon statutes (ORS 200.045) require that prime contractors "negotiate in good faith" with MBEs and WBEs in attempting to meet a goal. State agencies look at how MBE/WBE bids were rejected by primes, and whether their bids were higher than normal industry practices and if they were, in a mentoring role, did the prime explain where their bids were higher and how they could be done differently next time. ORS 200.045 does not consider a "low bid" as a justifiable reason for rejection.

As a public contracting agency, METRO is bound to apply the criteria in ORS Chapter 200 to those contracts which are locally funded. I strongly recommend that you consider deleting this section in its entirety and instead adopt the good faith efforts standard as required in ORS 200.045.

I plan to attend the METRO Council meeting on Thursday, June 23, 1988, and would be happy to respond to any questions at such time.

Sincerely,



Lina Garcia Seabold  
Advocate for Minority/Women Business



# METRO

- ATTACHMENT -

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

DISTRIBUTION LIST ATTACHED.

June 17, 1988

^F1^  
^F2^  
^F3^  
^F4^

Executive Officer  
Rena Cusma

**Metro Council**

Mike Ragsdale  
Presiding Officer  
District 1

Corky Kirkpatrick  
Deputy Presiding  
Officer  
District 4

Richard Waker  
District 2

Jim Gardner  
District 3

Tom DeJardin  
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George Van Bergen  
District 6

Sharron Kelley  
District 7

Mike Bonner  
District 8

Tanya Collier  
District 9

Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12

Re: Good Faith Efforts

Dear ^F5^:

On Tuesday, June 21, 1988, a meeting will be held in Room 330 at Metro, 2000 SW First Avenue at 7:30 A.M. to discuss the Metro criteria for evaluation of good faith effort. The present provision of the Code, Section 2.04.160 (b) (7) allows a prime contractor to reject bids that do not represent the lowest bid from a responsible, responsive and qualified bidder.

Should you be unable to attend the meeting, Metro would appreciate any comments you may wish to submit in writing.

Sincerely,

Amha M. Hazen  
Contracts Administrator

AMH:jp

cc: Ray Phelps, Director - Finance & Administration  
Neil Saling, Construction Project Manager

Mr. Charles Butler^R  
1130 NE Alberta St.^R  
Portland, OR 97211^R  
^R

Mr. Butler^E

Councilor David Knowles^R  
3655 NE Merges^R  
Portland, OR 97212^R  
^R

Councilor Knowles^E

Representative Bob Shiprack^R  
22610 S. Forest Park Rd.^R  
Beavercreek, OR 97004^R  
^R

Representative Shiprack^E

Senator Jim Hill^R  
4584 12th Place South^R  
Salem, OR 97302^R  
^R

Senator Hill^E

Councilor Gary Hansen^R  
1901 N. Willamette Blvd.^R  
Portland, OR 97217^R  
^R

Councilor Hansen^E

Representative Margaret Carter^R  
2948 NE 10th Ave.^R  
Portland, OR 97212^R  
^R

Representative Carter^E

Representative Frank Barilla^R  
3756 Spring St.^R  
Salem, OR 97302-6075^R  
^R

Representative Barilla^E

Mr. Richard Lancefield^R  
6210 SE Main^R  
Portland, OR 97215^R  
^R

Mr. Lancefield^E

Senator Bill McCoy^R  
6650 N. Amherst^R  
Portland, OR 97203^R  
^R

Senator McCoy^E



Mr. K. J. Won^R  
AICP^R  
8835 SW Canyon Lane #135-L^R  
Portland, OR 97225^R  
Mr. Won^E

Mr. Sam Brooks^R  
Brooks & Associates Consultants^R  
3575 NE Broadway^R  
Portland, OR 97232^R  
Mr. Brooks^E

Mr. Gary C. Neibert^R  
Pen-Nor, Inc.^R  
PO Box 11129^R  
Portland, OR 97211^R  
Mr. Neibert^E

Mr. Scott Bengé^R  
Benge Construction Co.^R  
333 S. State St. #V-194^R  
Lake Oswego, OR 97034^R  
Mr. Bengé^E

Ms. Judy Murase^R  
Assoc. of Professional Businesses^R  
1410 NW Johnson^R  
Portland, OR 97209^R  
Ms. Murase^E

Mr. Al Batiste^R  
Chemical Waste Con.^R  
3802 NE Union Ave. #306^R  
Portland, OR 97212-1115^R  
Mr. Batiste^E

Ms. M. A. Grace Gallegos^R  
Impact^R  
8959 SW Barbur Blvd^R  
Portland, OR 97219^R  
Ms. Gallegos^E

Ms. Lina Garcia Seabold^R  
Office of Minority & Women Business^R  
155 Cottage Street N.E.^R  
Salem, OR 97310^R  
Ms. Seabold^E

Mr. Jim McNannay^R  
Bricklayers & Allied Craftsmen^R  
2215 SE Division St.^R  
Portland, OR 97202^R  
Mr. McNannay^E

Mr. Thomas Wright^R  
Wright Enterprises^R  
825 NE 20th #D^R  
Portland, OR 97232^R  
Mr. Wright^E

Ms. Michelle Albert^R  
Northeast Business Center^R  
828 N. Killingsworth Ave.^R  
Portland, OR 97217-2218^R  
Ms. Albert^E

Mr. Jim Cason^R  
Pen-Nor, Inc.^R  
PO Box 11129^R  
Portland, OR 97211^R  
Mr. Cason^E

Mr. Herman Grimes^R  
Coast Janitorial Service, Inc.^R  
714 NE Alberta^R  
Portland, OR 97211^R  
Mr. Grimes^E

Mr. Henry Scott^R  
Coast Janitorial Service, Inc.^R  
714 NE Alberta^R  
Portland, OR 97211^R  
Mr. Scott^E

Mr. Kevin J. Spellman^R  
Emerick Construction^R  
PO Box 66100^R  
Portland, OR 97266^R  
Mr. Spellman^E

Mr. Bruce Broussard^R  
American Contractor^R  
PO Box 11233^R  
Portland, OR 97211^R  
Mr. Broussard^E

Mr. Henry Pelfrey^R  
Dirt & Aggregate Interchange, Inc.^R  
20905 NE Sandy Blvd^R  
Troutdale, OR 97060^R  
Mr. Pelfrey^E

Mr. James Berry^R  
Northeast Business Center^R  
828 N. Killingsworth Ave.^R  
Portland, OR 97217-2218^R  
Mr. Berry^E

Mr. Nate Hartley^R  
Nate Hartley Fuel Oil & Furnace Repair^R  
2330 NE Alberta^R  
Portland, OR 97211^R  
Mr. Hartley^E

Mr. Jack Kalinoski^R  
Associated General Contractors^R  
9450 SW Commerce Circle^R  
Wilsonville, OR 97070^R  
Mr. Kalinoski^E

Councilor Mike Ragsdale^R  
Grubb & Ellis Commercial Brokerage^R  
1001 SW Fifth Avenue #700^R  
Portland, OR 97204^R  
Councilor Ragsdale^E

Councilor Richard Waker^R  
Waker Associates^R  
11080 SW Allen Blvd. #100^R  
Beaverton, OR 97005^R  
Councilor Waker^E

Councilor Jim Gardner^R  
2930 SW 2nd. Ave.^R  
Portland, OR 97201^R  
^R  
Councilor Gardner^E

Councilor Corky Kirkpatrick^R  
2251 Fernwood Circle^R  
Lake Oswego, OR 97034^R  
^R  
Councilor Kirkpatrick^E

Councilor Tom DeJardin^R  
6267 Belmont Way^R  
West Linn, OR 97068^R  
^R  
Councilor DeJardin^E

Councilor George Van Bergen^R  
2336 SE Washington^R  
Milwaukie, OR 97222^R  
^R  
Councilor Van Bergen^E

Councilor Sharon Kelley^R  
Eastside Business Alliance^R  
10700 NE Sandy Blvd.^R  
Portland, OR 97220^R  
Councilor Kelley^E

Councilor Mike Bonner^R  
4820 SE Boise^R  
Portland, OR 97206^R  
^R

Councilor Bonner^E

Councilor Tanya Collier^R  
8637 SE Morrison^R  
Portland, OR 97216^R  
^R

Councilor Collier^E

Councilor Larry Cooper^R  
PO Box 3704^R  
Portland, OR 97208^R  
^R

Councilor Cooper^E

Mr. Bernie Foster  
The Skanner  
PO Box 5455  
Portland, OR 97227  
Mr. Foster

Sign Up Sheet

Council Sub-Comm. Meeting 6/21/88 - D B/E/W B/E

Name	address	tel #	Company/interest
Samuel Brooks	3575 NE <sup>97232</sup> Broadway	284-7930	S. Brooks + Assoc. Inc
Charles Butler	1130 NE <sup>97211</sup> ALBERTA	288-1522	Butler Metal FAB / O. B. L.
Al Bulwitt	3802 NE Union	284-4701	NAUC
Hermon <del>Guinn</del>	714 NE ALBERTA	288-5138	COAST JANITORIAL
Bruce Brousard	4008 N.E. UNION - <sup>97070</sup> WILSONVILLE	285-9000	AMERICAN CONT.
JACK KALINSKI	9450 SW COMMERCE CIRCLE	682-3363	A G C
Ray Phelps			METRO
Mel Huie			METRO
THOMAS J. WRIGHT	825 NE 20th, <sup>97232</sup> Suite D	287-6387	ASSOCIATION OF PROFESSIONAL BUS.
A.M. HAZEN			METRO

Councilors Knowles  
 Collier  
 Kelley



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

Date: July 8, 1988  
To: Rena Cusma, Executive Officer

From: Marie Nelson, Clerk of the Council *amm*

Regarding: TRANSMITTAL OF ORDINANCE NO. 88-252  
FOR CONSIDERATION OF VETO

Attached for your consideration is a true copy of Ordinance No. 88-252, adopted by the Council on July 7, 1988.

If you wish to veto this ordinance, I must receive a signed and dated, written veto message from you no later than 5:00 p.m., Thursday, July 14, 1988. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time stated above, this ordinance will be considered finally adopted.

---

I, *Unette Horley*, received this memo and a true copy of Ordinance No. 88-252 from the Council Clerk on July 8, 1988.

Signed: *Unette Horley*

Dated: *7/8/88*



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

July 15, 1988

Mr. Charles D. Cameron  
County Administrator  
Washington County Courthouse  
150 N. First Avenue  
Hillsboro, OR 97123

**Executive Officer**  
Rena Cusma

**Metro Council**

Mike Ragsdale  
Presiding Officer  
District 1

Corky Kirkpatrick  
Deputy Presiding  
Officer  
District 4

Richard Waker  
District 2

Jim Gardner  
District 3

Tom DeJardin  
District 5

George Van Bergen  
District 6

Sharron Kelley  
District 7

Mike Bonner  
District 8

Tanya Collier  
District 9

Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12

Dear Mr. Cameron:

Enclosed is a true copy of the following ordinance adopted by the Metro Council. Please file this ordinance in the Metro file maintained by your county.

Ordinance No. 88-252, For the Purpose of Amending Metro Code Section 2.04 Relating to the Disadvantaged Business Program.

Sincerely,

A. Marie Nelson  
Clerk of the Council

AMN:gpwb

enclosure



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

July 15, 1988

Mr. John Kauffman, County Clerk  
Clackamas County  
8th and Main  
Oregon City, OR 97045

Dear Mr. Kauffman:

Enclosed is a true copy of the following ordinance adopted by the Metro Council. Please file this ordinance in the Metro file maintained by your county.

Ordinance No. 88-252, For the Purpose of Amending Metro Code Section 2.04 Relating to the Disadvantaged Business Program.

Sincerely,

A. Marie Nelson  
Clerk of the Council

AMN:gpwb

enclosure

Executive Officer  
Rena Cusma

**Metro Council**

Mike Ragsdale  
Presiding Officer  
District 1

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Mike Bonner  
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Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12





# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

July 15, 1988

Ms. Jane McGarvin  
Clerk of the Board  
Multnomah County Courthouse  
1021 S. W. Fourth Avenue  
Portland, OR 97204

Executive Officer  
Rena Cusma

**Metro Council**

Mike Ragsdale  
Presiding Officer  
District 1

Corky Kirkpatrick  
Deputy Presiding  
Officer  
District 4

Richard Waker  
District 2

Jim Gardner  
District 3

Tom DeJardin  
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Sharon Kelley  
District 7

Mike Borner  
District 8

Tanya Collier  
District 9

Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12

Dear Jane,

Enclosed is a true copy of the following ordinance adopted by the Metro Council. Please file this ordinance in the Metro file maintained by your county.

Ordinance No. 88-252, For the Purpose of Amending Metro Code Section 2.04 Relating to the Disadvantaged Business Program.

Sincerely,

A. Marie Nelson  
Clerk of the Council

AMN:gpwb

enclosure