

STATE OF GEORGIA  
CITY OF STOCKBRIDGE

ORDINANCE NO. OR18-464

AN ORDINANCE TO PROVIDE FOR A SUPPLIER DIVERSITY POLICY WITH RESPECT TO CITY PROCUREMENT; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

**WHEREAS**, the governing authority of the City of Stockbridge, Georgia desires to adopt a policy with respect to supplier diversity; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

**Section 1.** That Chapter 3.30 - Procurement of the Stockbridge Municipal Code is hereby amended by adding the following Section 3.30.332 as shown on the attached Exhibit A.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

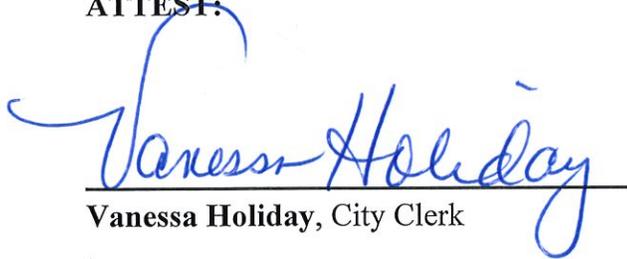
**Section 6.** The effective date of this Ordinance shall be the date it is signed by the Mayor.

ORDAINED this 14th day of May 2018.

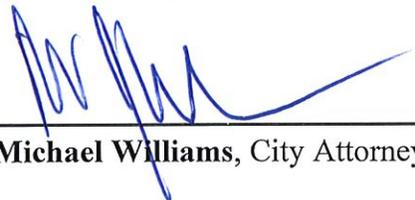
CITY OF STOCKBRIDGE, GEORGIA

  
Anthony S. Ford, Mayor

ATTEST:

  
Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

  
Michael Williams, City Attorney

Date Presented to Mayor: 5/17/2018

Date Received from Mayor: 5/17/2018

## EXHIBIT A

### “Section 3.30.332 – Supplier Diversity Policy

There is hereby established the following supplier diversity policy for the City of Stockbridge:

The City of Stockbridge (City) is committed to diversifying the suppliers of its contracted goods and services and has elected to do so by maximizing the opportunities for local, veteran-owned, minority, women, and disadvantaged business enterprises to participate in the City's contracts. Accordingly, the City has established this Supplier Diversity Policy in accordance with applicable law and regulations.

It is the policy of the City to ensure that all VOBs, MBEs, WBEs and DBEs (as defined below) have an equal opportunity to receive and participate in City contracts. It is also the City's policy:

- To ensure nondiscrimination in the award and administration of all City contracts;
- To create a level playing field on which VOBs, MBEs, WBEs and DBEs can compete fairly for City contracts;
- To ensure that the Supplier Diversity Policy is narrowly tailored in accordance with applicable law; and
- To help remove barriers to the participation of VOBs, MBEs, WBEs and DBEs in City contracts.

### **Definitions**

Disadvantaged Business Enterprise (DBE): A for-profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a publicly owned business, at least 51 percent of all classes of the stock are owned by one or more such individuals; whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more of the socially and economically disadvantaged individuals who own it; is a Small Business Enterprise as defined by the U. S. Small Business Administration regulations (13 CFR Part 121), averaged over three years; and the person(s) meeting the criteria, as socially and economically disadvantaged, cannot have a personal net value over \$1,320,000.00.

Minority Business Enterprise (MBE): A sole proprietorship, partnership, limited liability company, or corporation owned, operated and controlled by Minority Group Members who (a) have at least 51% ownership of the business entity; (b) maintain day-to-day operational and managerial control of the business entity; and (c) have interest in capital and earning commensurate with the Minority Group Member(s)' percentage of ownership.

Women's Business Enterprise (WBE): A sole proprietorship, partnership, limited liability company, or corporation owned, operated and controlled by one or more women who (a) have at least 51% ownership of the business entity; (b) maintain day-to-day operational and managerial control of the business entity; and (c) have an interest in capital and earnings commensurate with women's percentage of ownership.

Veteran-Owned Business (VOB): A veteran-owned business (VOB) is a business concern that is not less than 51 percent owned by one or more veterans, or in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; the management and daily business operations of which are controlled by one or more veterans.

### **Diversity Goal**

Based on applicable law, the City may (1) set goals for the participation of VOBs, MBEs, WBEs and DBEs for any contracting opportunity; (2) help the prime contractor find qualified VOB, MBE, WBE and DBE subcontractors; and (3) monitor the performance of the prime contractor to ensure that it is using good faith efforts to meet the participation goals. Regardless of whether or not a goal is established for a contracting opportunity, the City encourages the full participation of all qualified businesses.

The City has established a goal of insuring that at least 25% of the value of all contracting opportunities is awarded to qualified VOBS, MBEs, WBEs and DBEs.

### **Local vendor preference.**

There is established in Stockbridge, a local vendor privilege. Bids or proposals awarded to local vendors contribute to the local tax base and will therefore, be given special consideration when bidding against out of jurisdiction (out-of-city) vendors. Bids or proposals received from local vendors may be given additional consideration in the form of additional points or other similar measures within the discretion of the staff so long as they are otherwise qualified and capable of delivering any goods or performing the work or services requested by the City.

A local vendor shall only be eligible to receive the benefit of this privilege if it meets each of the following requirements, as verified by the purchasing department, prior to any award of a contract or purchase:

- a. The business or supplier must operate and maintain a regular place of business within the geographical boundaries of the City of Stockbridge .
- b. The business or supplier must provide a copy of a current occupational tax certificate;
- c. The business or supplier must have paid all real and personal taxes (if any) owed the city and not otherwise owe the City any funds; an
- d. The business or supplier must certify its compliance with the Georgia Security and Immigration Act.

This policy shall not apply to any bid or proposal for material, equipment or services in excess of one hundred thousand dollars (\$100,000.00). In such cases, the bid award shall be subject to the competitive bidding requirements as otherwise provided herein or general law.

### **Insuring Performance**

It is the City's expectation that all prime contractors use their best good faith efforts to assist the City in meeting its supplier diversity goals. Best faith efforts can be demonstrated in a numerous ways. It is strongly encouraged that prime contractors utilize the numerous resources available to them to identify qualified VOBs, MBEs, WBEs and DBEs. The following organizations can assist prime contractors in identifying methods to increase supplier diversity:

Georgia Minority Supplier Development Council

<http://www.gmsdc.org/>

National Association of Women Owned Businesses

<http://www.nawboatlanta.org/>

Additionally, the City recognizes certifications of VOBs, MBEs, WBEs and DBEs from any of the following entities:

Georgia Department of Transportation

<http://www.dot.ga.gov/doingbusiness/dbePrograms/Pages/default.aspx>

Clayton County

[http://www.claytoncountyga.gov/pdfs/central\\_svcs/SLBE%20Certified%20Vendors%20List.pdf](http://www.claytoncountyga.gov/pdfs/central_svcs/SLBE%20Certified%20Vendors%20List.pdf)

Fulton County

<http://www.fultoncountyga.gov/fcpcdd-home>

DeKalb County

<http://www.dekalbcountyga.gov/purchasing/pdf/supplierList.pdf>

The City of Atlanta

<http://atlantaga.gov/index.aspx?page=130>

MARTA

<http://www.itsmarta.com/dbe-program.aspx>

U.S. Small Business Administration

<http://www.sba.gov/content/disadvantaged-businesses>

The U.S. Department of Veterans Affairs

<https://www.va.gov/osdbu/verification/>