



## Legislation Text

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**File #: 990160, Version: 1**

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990160  
SUBSTITUTE 1

ALD. PRATT

A substitute ordinance relating to contracting for services under the city's equal opportunities - disadvantaged business enterprise program.

360-05-3 am

360-05-4-e am

360-05-12 rp

360-07 rn

360-07 cr

360-08 rn

360-09 rn

- Analysis -

This ordinance removes the authority of the equal opportunities - disadvantaged business enterprise administration to grant waivers for formal contracts to meet provisions of the program. This authority is granted to the finance and personnel committee. Formal contracts, which are awarded by the purchasing division, are defined as contracts worth \$30,000 or more. Those formal contracts, which are awarded by the department of public works, are defined as contracts worth \$25,000 or more. However, the administration still retains the authority to devise rules, regulations and procedures governing requests for waivers, subject to approval by the common council, as well as grant waivers for informal contracts.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 360-03 of the code is amended to read:

360-03. Evidence of Disadvantage. Upon an appropriate finding by a certifying agency identified in [[s. 360-07]] <<s. 360-08<< that any group within the city, for example, the handicapped, is made up of members the predominate number of whom are individuals who qualify as disadvantaged individuals, the certifying agency may consider membership in such a group as prima facie evidence of the disadvantage in the absence of a timely challenge filed with the certifying agency or the agency's own finding of a lack of evidence of individual disadvantage. In the event of such a challenge or finding, the applicant has the burden of demonstrating that he or she is a disadvantaged individual.

Part 2. Section 360-05-4-e of the code is amended to read:

360-05. Administration.

4.

e. Developing various types of financial assistance for consideration by the common council to assist disadvantaged business enterprises to obtain working capital to begin, continue and maintain a satisfactory level of business. These include, but are not limited to, a revolving loan program, guaranteed loan program, gap lending program and bond reduction and waivers [[where feasible]] <<for informal contracts<<.

Part 3. Section 360-05-12 of the code is amended to read:

12. Conduct hearings on requests by contracting departments for waivers from the requirements of the program >>for informal contracts<<. Upon denial of a request for a waiver, the affected department may apply for such a waiver to the appropriate standing committee of the common council. The committee shall have the authority to waive any requirements of this chapter upon showing of good cause.

Part 4. Section 360-07 to 09 of the code is renumbered 360-08 to 10.

Part 5. Section 360-07 of the code is created to read:

360-07. Granting of Waivers for Formal Contracts. The finance and personnel committee shall conduct hearings on requests by contracting departments for waivers from the requirements of the program for formal contracts. The committee shall have the authority to waive any requirements of this chapter upon showing of good cause.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

99126-2

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