

AN ORDINANCE 2011-04-14-0303

AMENDING THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY (SBEDA) PROGRAM APPROVED BY CITY COUNCIL PURSUANT TO ORDINANCE NO. 2010-06-17-0531 TO: (1) PROVIDE FOR THE APPOINTMENT BY CITY COUNCIL OF 2 CITIZENS EACH TO THE GOAL SETTING COMMITTEES AND CLARIFY CITIZEN CRITERIA; (2) LOWER THE CONTRACT SUM THAT CITIZENS ON GOAL SETTING COMMITTEES WILL VOTE ON TO \$3,000,000.00 AND ABOVE; (3) REVISE THE DEADLINE FOR SUBMISSION OF SUBCONTRACTING WAIVER REQUESTS TO THE DATE OF BID SUBMISSION; AND (4) ESTABLISH CRITERIA FOR CONSIDERATION OF SBEDA PROGRAM EXCEPTIONS.

* * * * *

WHEREAS, when City Council approved the new Small Business Economic Development Advocacy (“SBEDA”) Program in June 2010, it tabled consideration of the composition and voting capacity of Small Business Advocacy Committee (“SBAC”) members serving on newly established Goal Setting Committees (“GSCs”); and

WHEREAS, when City Council reconsidered the matter, it decided to have two citizen members, appointed by the City Manager, serve on each GSC; and

WHEREAS, the City Manager appointed the citizen members to each GSC, which have been meeting and reviewing contracts since January 2011; and

WHEREAS, City Council previously established that citizens serving on these committees would vote on annual aspirational goals and solicitations for high profile contracts over \$10,000,000, which has resulted in these citizens voting on only one percent of the contracts reviewed by the committees; and

WHEREAS, in order to expand the participation of citizens on these important committees, it is recommended that the contract sum for citizens to vote on should be lowered to \$3,000,000 and that the membership and citizen appointment process be further detailed; and

WHEREAS, in addition, staff has identified the need for further changes to the Program that would revise the deadline for submission of subcontracting Waiver requests to the date of bid submission and establish criteria for consideration of SBEDA program Exceptions; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Goal Setting Committee Membership. The Goal Setting Committee (the “GSC”) shall be comprised of the City Manager or her designee from the Executive Team, serving as chair; Director of the Small Business Office of the International & Economic Development Department or their designee; the Director of Purchasing & General Services (“PG&S”) or the Director of Capital Improvements Management Services (“CIMS”) or their designees; the Director or their designee of the City Originating Department whose contract(s) are under consideration by the GSC (if the Originating Department is neither PG&S or CIMS), all without duplication of designees; and two citizen members appointed by City Council, who shall receive no compensation. There shall be no subcommittees created from the GSC.

SECTION 2. Citizen Appointment Process. The Small Business Office shall review citizen applications and provide recommendations to the City Council Economic and Community Development Committee (the “ECDC”), which shall in turn recommend appointments for City Council consideration.

SECTION 3. Terms, Holdover and Vacancies, and Removal.

(a) The terms of the citizen members appointed by City Council shall be effective on June 1, 2011 and shall be for one year, terminating on May 31, 2012, without limit. Successor appointees or reappointees shall serve one-year terms, commencing on June 1 of even-numbered years, and terminating on May 31, odd-numbered years.

(b) A citizen member shall hold office for the term in which the citizen member is appointed and qualified and until a successor is appointed and qualified. The City Council may remove a citizen member at any time for cause or without cause.

(c) In the event any citizen member resigns, is removed from office by the City Council, or no longer serves on the GSC for any reason, the City Council shall provide for the selection of a new citizen member to complete the unexpired term, in the manner prescribed by this Ordinance.

SECTION 4. The provisions of the City Code, Chapter 2, Article IX, entitled “Boards and Commissions Rules” shall apply to the GSC, to the extent not in conflict with other provisions of this Ordinance or state law.

SECTION 5. The threshold for which the GSC citizen members have voting privileges shall be for contracts valued at \$3,000,000.00 and above.

SECTION 6. The deadline for submission of a vendor solicitation Waiver request is revised to allow a vendor to submit the request with its solicitation response.

SECTION 7. The criteria that may be considered in the evaluation of an Exception request submitted by a vendor with its solicitation response is whether: (1) the value of the associated contract is below the \$50,000 threshold for application of the SBEDA Program; (2) no commercially-useful subcontracting opportunity exists within the contract; or (3) the type of contract is beyond the scope of the SBEDA Ordinance.

SECTION 8. This Ordinance shall be effective immediately upon the receipt of eight (8) affirmative votes. In the event that less than eight (8) affirmative votes are received, then this Ordinance shall be effective on the tenth (10th) day after passage.

PASSED AND APPROVED this 14th day of April, 2011.



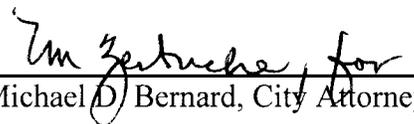
M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Michael D. Bernard, City Attorney