



City of Greensboro

Melvin Municipal
Office Building
300 W. Washington Street
Greensboro, NC 27401

Agenda Report

File Number: 2025-62

Agenda Item# I.2.

Agenda Date: 1/21/2025. **Department:** Executive/City Manager

Meeting Type: Council Meeting **Category:** General Business Agenda

Title: 2025 -62 Ordinance Amending Chapter 2, Section 117 of the Greensboro Code of Ordinances – with Respect to Administration Minority/Women Business Enterprise (See Purpose for Additional Information)

Council Priority: Place an ‘x’ in the box.

- | | |
|--|--|
| <input type="checkbox"/> Safest City | <input type="checkbox"/> Most Skilled Workforce |
| <input checked="" type="checkbox"/> Easiest Place to Do Business | <input checked="" type="checkbox"/> Most Connected City |
| <input type="checkbox"/> Youth Sports Capital | <input type="checkbox"/> Hub of Recreation and Entertainment |
| <input type="checkbox"/> Abundance of Attainable Housing | <input type="checkbox"/> Other/Admin <u>Briefly Explain 3 word maximum</u> |

Council District: All

Public Hearing: No

Advertising Date/By: N/A

Contact 1 and Phone: Chuck Watts, Ext. 2327

Contact 2 and Phone: James Dickens, Ext. 2327

PURPOSE:

Full title: Ordinance is Amending Chapter 2, Section 117 of the Greensboro Code of Ordinances – with Respect to Administration Minority/Women Business Enterprise Participation in City Construction, Professional Services, Goods and Other Services contracts.

This Ordinance amends Chapter 2, Section 117 of the Greensboro Code of Ordinances authorizing the City Manager to adopt an MWBE Program Plan by adding the fact that City Council adopted the findings and recommendations of the Disparity Study completed by Griffin & Strong, P.C. in March 2024. By adding the fact that adopted the findings and recommendations of the 2024 disparity study, Council will have re-authorized the continuation of the program pursuant to Supreme Court precedents for the next five to seven years.

BACKGROUND:

In August 2022, the City contracted with Griffin & Strong, P.C. to conduct a disparity study. The purpose of this disparity study was to analyze procurement data to determine the utilization of Minority Business Enterprises ("MBE") and Women Business Enterprises ("Nonminority

Vision Statement: "A Community with Endless Economic Opportunities and Exceptional Quality of Life."

Female")(collectively, "M/WBE") and Disadvantaged Business Enterprises ("DBE") relative to the availability of such firms to compete for City business on Construction, Professional Services, Other Services, and Goods contracts. Governmental entities, such as the City, have authorized disparity studies in response to the City of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989) and the cases that followed to determine whether there has been a compelling interest for remedial procurement programs based upon ethnicity, race, and gender. The results of the disparity study were completed in March 2024, and the disparity study found statistically significant underutilization of MWBE firms in Construction, Professional Services, Other Services, and Goods. This finding supports the City's continuation of its MWBE program in addition to its race and gender-neutral remedies. City Council adopted the disparity study's findings and its recommendations to remedy the underutilization of MWBE firms on January 21, 2025. Chapter 2, Section 117 of the Greensboro Code of Ordinances must be amended to add that City Council has adopted the findings and recommendations of the 2024 disparity study to reauthorize the program for the next five to seven years in accordance with Supreme Court precedents. The third paragraph under Recitals section of the ordinance will be amended as follows:

After careful and lengthy consideration of a strong basis in evidence, including, but not limited to, disparity studies conducted by the North Carolina Institute of Minority Economic Development in 1992 and 1997, MGT of America, Inc. in 2012, and most recently by Griffin & Strong, P.C., in 2018 and 2024, (the findings and recommendations of the latter having been formally adopted by city council on ~~August 21, 2018~~ **January 21, 2025**), the city council has further determined that it continues to have a compelling interest in assuring that the public funds that are collected from all of its citizens and then spent in city contracting do not serve to finance private prejudice on the basis of race, gender, religion, national origin, ethnicity, age, disability, or any other form of unlawful discrimination. The city council has further considered a full range of narrowly tailored race- and gender-neutral and race- and gender-conscious remedial policy options that were presented to city council on ~~August 21, 2018~~ **January 21, 2025**, and that are legally defensible and effective for addressing identified barriers to the full and equal participation of small and minority-owned businesses in city contracting.

BUDGET IMPACT:

None

ACCOUNT NUMBER:

N/A

RECOMMENDATION / ACTION REQUESTED:

It is recommended that City Council amend Chapter 2, Section 117 of the Greensboro Code of Ordinances by adding City Council's acceptance of the findings and recommendations of the disparity study completed by Griffin & Strong in March 2024.