

EMERGENCY

IMD/B

- 2026

MODIFYING the provisions of Chapter 324, “Minority and Women Business Enterprise Program,” of the Cincinnati Municipal Code by **AMENDING** Section 324-22, “Vendor Good Faith Efforts to Meet Goals,” to improve efficiency and create additional flexibility to review documented good faith efforts to meet applicable contract participation goals.

WHEREAS, Cincinnati Municipal Code (“CMC”) Chapter 324 establishes the City’s Minority Business Enterprise (“MBE”) and Women Business Enterprise (“WBE”) programs, including contract participation goals for certain City procurements; and

WHEREAS, CMC Section 324-22 establishes procedures for submitting and reviewing documented good faith efforts to meet applicable MBE or WBE contract participation goals; and

WHEREAS, additional flexibility to review documented good faith efforts is necessary to account for the particular facts and circumstances of individual procurements while preserving the City’s commitment to MBE and WBE participation goals, improving administrative efficiency; and

WHEREAS, Council desires to clarify the circumstances under which the City may review documented good faith efforts under the City’s MBE and WBE programs; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 324-22 of Chapter 324, “Minority and Women Business Enterprise Program,” of the Cincinnati Municipal Code is amended as follows:

Section 324-22. – Vendor Good Faith Efforts to Meet Goals.

- (a) A bidder or respondent that is unable to meet the established MBE and/or WBE solicitation goals must submit at the time of bid opening or at or before the deadline for submission of responses to an RFP or RFQ a subcontractor utilization plan that reflects the highest MBE and WBE participation the bidder was able to achieve and documentation of its good faith efforts to meet the advertised goals.
- (b) The city purchasing agent will review submitted documentation of good faith efforts ~~only~~ in the event no bid or response that is determined by the city purchasing agent to be lowest and best or most advantageous and therefore eligible for award meets the MBE or WBE contract participation goals, or when the city purchasing agent determines that the documented good faith efforts of a bidder or respondent warrant consideration based on the efforts made and supporting documentation provided.

- (1) If no bid or response that is determined by the city purchasing agent to be lowest and best or most advantageous meets the MBE or WBE contract participation goals ~~For RFPs and RFQs for which no respondent met the goals,~~ the city purchasing agent may allow all respondents an additional three business days after notice to submit documentation of good faith efforts each made prior to the deadline for submission of responses to the RFP or RFQ. Respondents that fail to submit such documentation of good faith efforts within that period shall be nonresponsive and ineligible for award.
- (2) The city purchasing agent shall evaluate each bidder's and respondent's documentation of their good faith efforts considering the factors in section 324-1-G of this chapter.
 - (A) A contract shall not be awarded to a bidder or respondent whose documentation does not demonstrate good faith efforts to meet the solicitation goals as determined by the city purchasing agent.
 - (B) ~~If no other bidder or respondent met the solicitation goals, the~~ The city purchasing agent may award a contract to a bidder or respondent for which the city purchasing agent made a determination that the bidder or respondent demonstrated good faith efforts to meet the goals.
 - (i) For an invitation to bid, the contract participation goals shall be those the city purchasing agent determined to be the maximum commitment achieved by the awarded bidder on its subcontractor approval plan.
 - (ii) For an RFP or RFQ, the contract participation goals shall be the higher of the goals the city purchasing agent determined to be the maximum commitment achieved by the awarded respondent on its subcontractor approval plan or the goals negotiated with the awarded vendor by the city purchasing agent.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to ensure that the City may fairly and consistently evaluate documented good faith efforts to meet Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) participation goals.

Passed: _____, 2026

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are indicated by strikethrough; additions are indicated by underline.