

EXECUTIVE ORDER NO. 101

TO: All Agencies Under the Mayor
FROM: Michael B. Hancock, Mayor
DATE: February 19, 2014
SUBJECT: Diversity and Inclusivity Provisions in City Solicitations

PURPOSE: Diversity and inclusiveness are essential components of successful economic development plans and efforts. For instance, diversity and inclusiveness play a significant role in fostering business growth, increasing innovation, and enhancing the workplace environment with greater opportunity to include all creative and intellectual resources. Moreover, a diverse workplace contributes many important benefits to the community and its economy such as increased productivity, higher rates of employee retention, and greater customer satisfaction. Promoting diversity and inclusiveness through City contracts and procurements furthers the City's goals of achieving sustainable economic development, attracting a "best-in-class" workforce, and supporting the growth and development of all businesses. These efforts bolster public and private efforts to maintain economic stability in the city and state. Therefore, this Executive Order establishes strategies for the City and County of Denver (City) to use diversity and inclusiveness to promote economic development in the City and to encourage more businesses to compete for contracts and procurements awarded by the City.

Executive Order No. 101, dated April 14, 1970 is hereby canceled and superseded by this Executive Order No. 101.

1.0 Applicable Authority: The applicable authority relevant to the provisions and requirements of this Executive Order No. 101 are found in Section 2.2.10 (A) and (C) of the Charter of the City, as well as in the Mayor's authority to make and enforce contracts on behalf of the City as set forth in Sections 2.2.3 and 2.2.4 of the Charter.

2.0 Policy: It is the policy of the City to: 1) require certain solicitations by City agencies for services or goods to obtain information regarding the contractor/consultant's practices and efforts towards diversity and inclusiveness; 2) have agencies compile information from contractors/consultants about their diversity and inclusiveness efforts and report the information to the Office of Economic Development; and 3) encourage inclusion of diversity and inclusiveness policies as criteria in selection policies where legally permitted; all as set forth in more detail in Memorandum 101A.

3.0 Applicability: As used in this Executive Order, "solicitations for City services or goods" means any selection procedure to receive any goods or services, including hard bids, requests for information, requests for proposals, requests for qualifications, requests for applications, or any

other procedure to award a City contract or purchase order. In particular, and not by way of limitation, this Executive Order applies to the following expenditures:

A. Construction, reconstruction and remodeling contracts awarded pursuant to Charter Sections 2.3.3 or 2.11.3;

B. Goods, supplies, equipment, personal property, and connected services procured pursuant to Charter Section 2.9.4;

C. Concession Agreements, On-call Contracts, Professional Services Agreements, and Revenue Sharing Agreements (See, e.g., Executive Order No. 8, Sections 5.1, 5.3, 5.10, 5.12, and 5.14).

4.0 Exclusions. This Executive Order shall not apply to:

A. Contracts for the direct purchase or sale of real property, leasing, or other real property conveyances;

B. Cooperative Agreements executed pursuant to the Denver Charter or Revised Municipal Code;

C. Easements;

D. Intergovernmental Agreements;

E. Personal Services Agreements (contracts to hire temporary employees);

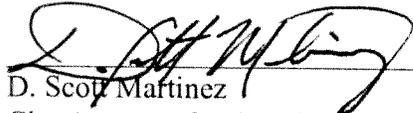
F. Purchases made pursuant to a City P-Card; or

G. Purchases made pursuant to the City's Non-PO Voucher procedures pursuant to Fiscal Rule 8.1.

5.0 The procedures for implementing this Executive Order may be defined by Memorandum Attachments to the Executive Order which shall become part of the Executive Order. The Director of the Office of Economic Development will work with impacted City agencies and has the authority to modify Memorandum 101A to develop additional procedures to implement this policy directive.

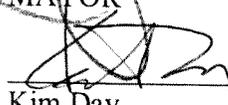
REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

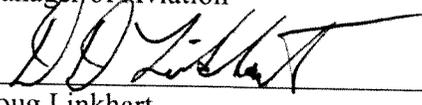
Approved for Legality:

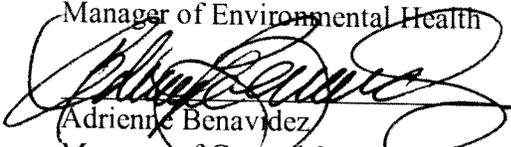

D. Scott Martinez
City Attorney for the City and County
Of Denver

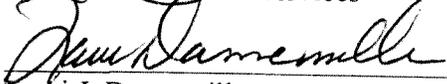
Approve

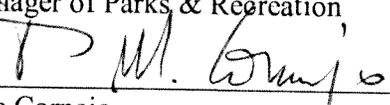

Michael B. Hancock
MAYOR

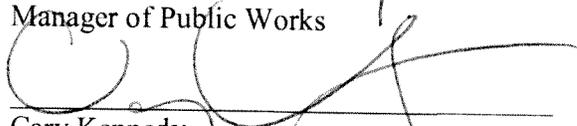

Kim Day
Manager of Aviation

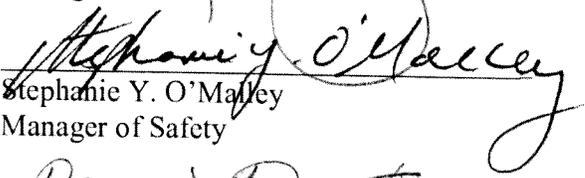

Doug Linkhart
Manager of Environmental Health

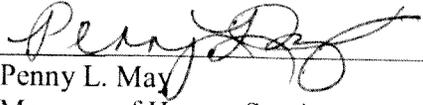

Adrienne Benavidez
Manager of General Services

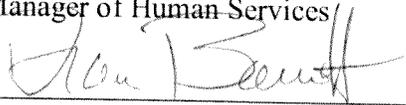

Lauri J. Dannemiller
Manager of Parks & Recreation


Jose Cornejo
Manager of Public Works


Cary Kennedy
Manager of Finance


Stephanie Y. O'Malley
Manager of Safety


Penny L. May
Manager of Human Services


Diane Barrett
Director of Community Planning and
Development

Memorandum No. 101A

TO: All Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: February 19, 2014

SUBJECT: Diversity and Inclusivity Provisions in City RFP and RFO Solicitations.

This Memorandum shall be attached to and become a part of Executive Order No. 101, dated February 19, 2014, subject "Diversity and Inclusivity Provisions in City Bid and RFP Solicitations".

1.0 Definitions.

A. Diversity. Generally, the concept of diversity often encompasses a wide variety of human differences, including differences such as, race, age, gender, gender identity, sexual orientation, ethnicity, physical dis/abilities, appearance, historically underutilized and disadvantages persons as well as social identities such as religion, marital status, socio-economic status, lifestyle, education, parental status, geographic background, language ability, veteran status. As used in this Executive Order, the term "diversity" refers to the extent to which a contractor/consultant: 1) has people from diverse backgrounds or communities working in its organization at all levels; 2) is committed to providing equal access to business opportunities and achieving diversity in procurement decisions for supplies, equipment, services; or 3) promotes training or technical assistance to diverse businesses and communities such as mentoring and outreach programs and business engagement opportunities.

B. Diversity and Inclusiveness Program. "Diversity and inclusiveness program" means a program that invites values, perspectives and contributions of people from diverse backgrounds, and integrates diversity into hiring and retention policies, training opportunities, and business development methods to provide an equal opportunity for each person to participate, contribute, and succeed within the organization's workplace.

C. Inclusiveness. "Inclusiveness", for purposes of this Executive Order, includes the extent to which a contractor/consultant invites values, perspectives and contributions of people from diverse backgrounds, and integrates diversity into its hiring and retention policies, training opportunities, and business development methods to provide an equal opportunity for each person to participate, contribute, and succeed within the organization's workplace. Inclusiveness also includes the extent to which businesses have an equal opportunity to compete for new business opportunities and establish new business relationships in the private and public sector.

2.0 Request for Diversity and Inclusiveness Information:

2.1 Solicitation Clause. The following clause shall be included in all solicitations by the City for services or goods, as defined in the Executive Order, for the purpose of collecting information on diversity and inclusiveness programs utilized by City contractors/consultants:

“Using the attached form, entitled “Diversity and Inclusiveness in City Solicitations Information Request Form”, please state whether you have a diversity and inclusiveness program for employment and retention, procurement and supply chain activities, or customer service and provide the additional information requested on the form. The information provided on the Diversity and Inclusiveness in City Solicitations Information Request Form will provide an opportunity for City contractors/consultants to describe their own diversity and inclusiveness practices. Contractors/consultants are not expected to conduct intrusive examinations of its employees, managers, or business partners in order to describe diversity and inclusiveness measures. Rather, the City simply seeks a description of the contractor/consultant’s current practices, if any.

Diversity and Inclusiveness information provided by City contractors/consultants in response to City solicitations for services or goods will be collated, analyzed, and made available in reports consistent with City Executive Order No. 101. However, no personally identifiable information provided by or obtained from contractors/consultants will be in such reports.”

2.2 Solicitation Requirements. As a condition of responsiveness to the solicitation, all contractors and consultants must complete and return the Diversity and Inclusiveness in City Solicitations Information Request Form for inclusion in the evaluation of their responses to City solicitations.

2.3 Form. The Director of the Office of Economic Development (“OED Director”) will maintain and update the Diversity and Inclusiveness in City Solicitations Information Request Form, in consultation with the Director of Human Resources.

3.0 Selection Criteria:

3.1 Except as provided in Section 3.2 or 3.3 below, City agencies must include a category for commitment to diversity and inclusiveness in employment and retention, procurement and supply chain, or customer service in the evaluation or selection criteria for the solicitation of services or goods that are estimated to cost \$100,000 or more. City agencies may also include this category in the evaluation or selection criteria for the solicitation of services or goods that are estimated to cost less than \$100,000.

Where included in the evaluation or selection criteria, City agencies will determine whether a bidder or proposer has a diversity and inclusiveness program as identified by the responses in the City Solicitations Information Request Form. In reviewing and evaluating the responses contained in the City Solicitations Information Request Form, agencies will comply

with contracting and procurement methods required or authorized by the charter, municipal code, or executive orders for that specific contract or purchase order and with any and all rules, regulations, policies, procedures, or practices implemented by the agency concerning City solicitations.

3.2 The selection criteria contained in Section 3.1 will not be included in any solicitations for City services or goods subject to Charter or Municipal Code requirements that certain contracts or purchase orders will be awarded to the lowest responsive bidder or proposer.

3.3 The manager or director of the City agency issuing a solicitation for services or goods is responsible for the written authorization and justification of any deviation from Section 3.1 of this Memorandum.

4.0 Reports: Agencies will compile the information received and report same semi-annually by June 30 and December 31 of each year. Reports will be delivered electronically to the Mayor's Chief of Staff and OED Director. These reports will contain any content required by the OED Director and will be consistent with any word processing format designated by the OED Director. The OED Director will monitor the submission of reports from agencies to ensure uniform methods of implementing the Executive Order and this Memorandum. The OED Director will further establish or cause to be established a data management system that will provide real-time data analytics concerning the information received from City agencies. Upon receipt of the information from City agencies, the OED Director will cause the data to be collated, analyzed, and reported to the Mayor in a comprehensive, executive summary format by January 31 and July 31 of each year.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK