

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-20

3 INTRODUCED BY:

4 Councilor Bushee

5 Councilor Ives

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10 AN ORDINANCE

11 RELATING TO REQUIREMENTS FOR CITY CONTRACTORS; AMENDING THE CITY
12 OF SANTA FE PURCHASING MANUAL TO ESTABLISH A NEW PROVISION TO
13 PROHIBIT DISCRIMINATION.

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15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. A New Section 1.6 of the City of Santa Fe Purchasing Manual is
17 ordained to read:

18 1.6 [NEW MATERIAL] NON-DISCRIMINATION.

19 No contractor, nor any agent of any contractor, shall engage in any discriminatory
20 employment practice on the basis of race, color, national origin, religion, ancestry, sex, age,
21 physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation,
22 or gender identity.

23 1.6.1 All Contracts Subject to this Section. All contracts awarded by the city shall contain
24 provisions prohibiting discrimination in the provision of employee benefits, including
25 provisions containing appropriate remedies for the breach thereof as prescribed by this

1 section. However, in the instance such terms are inadvertently omitted from any city
2 contract, the contractor nonetheless is subject to the requirements of this section as a
3 condition of doing business with the city.

4 **1.6.2 Protection from Retaliation.** It shall be unlawful for any contractor or contractor's agent
5 or representative to take any action against any individual in retaliation for the exercise of or
6 communication of information regarding rights under this section. Protection from retaliation
7 is extended to any individual that mistakenly, but in good faith, alleges noncompliance with
8 this section. Taking adverse action against an individual within sixty (60) days of the
9 individual's assertion of or communication of information regarding rights against
10 discrimination shall raise a rebuttable presumption of having done so in retaliation for the
11 assertion of rights.

12 **1.6.3 Enforcement.** The city manager or his designee shall have the authority to:

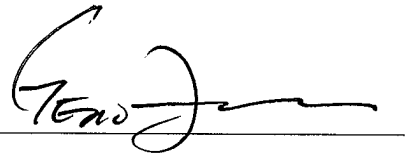
- 13 1. Adopt rules and regulations in accordance with this Ordinance, establishing standards
14 and procedures for effectively carrying out this ordinance;
- 15 2. Determine and impose appropriate sanctions and/or liquidated damages for violation
16 of this chapter by contractors including, but are not limited to:
 - 17 a. Disqualification of the contractor from bidding on or being awarded a city
18 contract for a period of up to five years; and
 - 19 b. Contractual remedies, including, but not limited to, liquidated damages and
20 termination of the contract.
- 21 3. Examine contractor's benefit programs covered by this ordinance;
- 22 4. Allow for remedial action after a finding of non-compliance, as specified by this
23 ordinance; and
- 24 5. Perform such other duties as may be necessary to implement the purposes of this
25 ordinance.

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6. This subsection does not limit the city's pursuit of any other remedy it may have at law or in equity for enforcement of its code.

Section 2. Effective Date. This Ordinance shall become effective July 1, 2013.

APPROVED AS TO FORM:



GENO ZAMORA, CITY ATTORNEY