

# CITY of ALBUQUERQUE TWENTIETH COUNCIL

COUNCIL BILL NO. O-13-59

ENACTMENT NO.

**A-2013-018**

SPONSORED BY: Janice E. Arnold-Jones and Roxanna Meyers, by request

1                                   **ORDINANCE**  
2   **AMENDING CHAPTER FIVE, ARTICLE FIVE OF THE REVISED ORDINANCES**  
3   **OF ALBUQUERQUE, THE PURCHASING ORDINANCES TO PROVIDE THAT**  
4   **RESPONSES TO REQUESTS FOR BIDS AND REQUESTS FOR PROPOSALS**  
5   **SHALL NOT BE DEEMED RESPONSIVE WITHOUT THE RESPONSE**  
6   **PROVIDING CERTAIN GENDER PAY DATA TO REVIEW THE DEVIATION**  
7   **BETWEEN SALARIES FOR MEN AND WOMEN.**  
8   **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
9   **ALBUQUERQUE:**

10    **Section 1. FINDINGS.**

- 11    **A. The State of New Mexico has enacted the Fair Pay for Women Act (Act)**  
12    **which prohibits wage discrimination based on an employee's sex.**  
13    **B. Federal law (Equal Pay Act, 1963, Title VII of the Civil Rights Act, 1964)**  
14    **also prohibits discrimination in pay based on sex.**  
15    **C. National statistics indicate that women are making 23% less than men**  
16    **for full time year-round work.**  
17    **D. The City Municipality ("Municipality") has conducted a pay equity study**  
18    **which has concluded that overall, within the Municipality's employees,**  
19    **women are making 6.2% less than men.**  
20    **E. While the Municipality is leading the nation in pay equity or pay fairness**  
21    **for women, it has an interest in assuring that the entities with which it**  
22    **contracts are aware of the requirements of the Act and are cognizant of**  
23    **any deficiencies they may have in compliance.**  
24    **F. The City is interested and committed to encouraging efforts to comply**  
25    **with the Act.**

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1 G. This Ordinance will assist with the determination of whether its  
2 contractors are in compliance with the Act.

3 H. The City is committed to identifying current pay equity benchmarks and  
4 pursuing benchmarks that assure pay equity.

5 I. The same form as used for compliance at the State level will be required  
6 by the City, thereby limiting the additional effort required vendors and  
7 contractors.

8 Section 2. Chapter 5, Article 5 ROA 1994 is amended to add the following  
9 section after 5-5-30 ROA 1994 and renumber the subsequent sections  
10 accordingly:

11 All competitive sealed bids and competitive sealed proposals shall require  
12 that responses include a completed Pay Equity Reporting Form (PE-10-249 as  
13 provided by the New Mexico General Services Department, State Purchasing  
14 the "Form") to determine the deviation between salaries for men and women  
15 and to encourage compliance with the New Mexico State Fair Pay for Women  
16 Act. The Central Purchasing Office shall require that bids and proposals  
17 include the Form. Any response that does not include a completed form shall  
18 be deemed nonresponsive. The Central Purchasing Office may allow for a  
19 revised Pay Equity Reporting Form to be submitted by the respondent should,  
20 in their sole opinion, the originally submitted form requires a technical  
21 change.

22 Section 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
23 clause, word or phrase of this ordinance is for any reason held to be invalid or  
24 unenforceable by any court of competent jurisdiction, such decision shall not  
25 affect the validity of the remaining provisions of this ordinance. The Council  
26 hereby declares that it would have passed this ordinance and each section,  
27 paragraph, sentence, clause, word or phrase thereof irrespective of any  
28 provision being declared unconstitutional or otherwise invalid.

29 Section 4. COMPILATION. Section 2 of this ordinance shall be  
30 incorporated in and made part of the Revised Ordinances of Albuquerque,  
31 New Mexico, 1994.

32 Section 5. EFFECTIVE DATE. This ordinance shall take effect sixty (60)  
33 days after publication by title and general summary.

1 PASSED AND ADOPTED THIS 4th DAY OF November, 2013  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

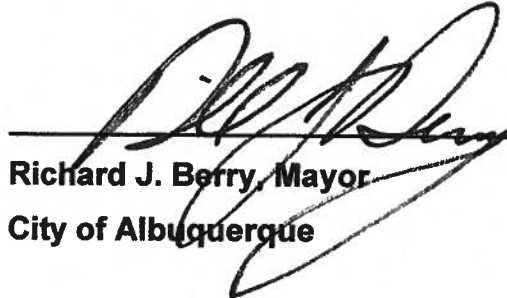
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4 **Excused: Winter**

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8 **Daniel P. Lewis, President**  
9 **City Council**

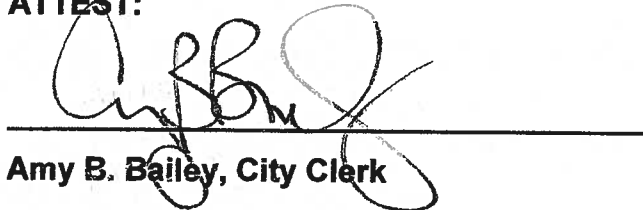
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13 APPROVED THIS 22nd DAY OF November, 2013

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16 **Bill No. O-13-59**

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19 **Richard J. Berry, Mayor**  
20 **City of Albuquerque**

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24 **ATTEST:**

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27 **Amy B. Bailey, City Clerk**

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