

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2013-21

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5 AN ORDINANCE

6 RELATING TO REQUIREMENTS FOR CITY CONTRACTORS; AMENDING THE CITY
7 OF SANTA FE PURCHASING MANUAL TO ESTABLISH A NEW PROVISION TO
8 PROHIBIT DISCRIMINATION.

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

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

13 **1.6 [NEW MATERIAL] NON-DISCRIMINATION.**

14 No contractor, nor any agent of any contractor, shall engage in any discriminatory
15 employment practice on the basis of race, color, national origin, religion, ancestry, sex, age,
16 disability, serious medical condition, spousal affiliation, sexual orientation, or gender
17 identity.

18 **1.6.1 All Contracts Subject to this Section.** All contracts awarded by the city shall contain
19 provisions prohibiting discrimination, including provisions containing appropriate remedies
20 for the breach thereof as prescribed by this section. However, in the instance such terms are
21 inadvertently omitted from any city contract, the contractor nonetheless is subject to the
22 requirements of this section as a condition of doing business with the city.

23 **1.6.2 Protection from Retaliation.** It shall be unlawful for any contractor or contractor's agent
24 or representative to take any action against any individual in retaliation for the exercise of or
25 communication of information regarding rights under this section. Protection from retaliation

1 is extended to any individual that mistakenly, but in good faith, alleges noncompliance with
2 this section. Taking adverse action against an individual within sixty (60) days of the
3 individual's assertion of or communication of information regarding rights against
4 discrimination shall raise a rebuttable presumption of having done so in retaliation for the
5 assertion of rights.

6 **1.6.3 Enforcement.** The city manager or his designee shall have the authority to:

- 7 1. Adopt rules and regulations in accordance with this Ordinance, establishing standards
8 and procedures for effectively carrying out this ordinance;
- 9 2. Determine and impose appropriate sanctions and/or liquidated damages for violation
10 of this chapter by contractors including, but not limited to:
 - 11 a. Disqualification of the contractor from bidding on or being awarded a city
12 contract for a period of up to five years; and
 - 13 b. Contractual remedies, including, but not limited to, liquidated damages and
14 termination of the contract.
- 15 3. Examine contractor's benefit programs covered by this ordinance;
- 16 4. Allow for remedial action after a finding of non-compliance, as specified by this
17 ordinance; and
- 18 5. Perform such other duties as may be necessary to implement the purposes of this
19 ordinance.
- 20 6. This subsection does not limit the city's pursuit of any other remedy it may have at
21 law or in equity for enforcement of its code.

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

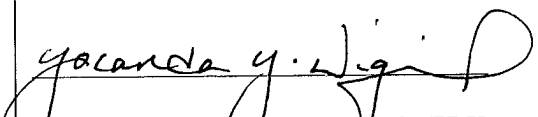
23 PASSED, APPROVED AND ADOPTED this 8th day of May, 2013.
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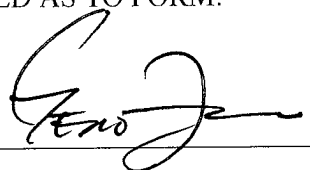
DAVID COSS, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



GENO ZAMORA, CITY ATTORNEY