

August 1, 2018

Motion Made By Mrs. Ervin, Ms. Williams, Mr. Ryan

RESOLUTION NO. \_\_\_\_\_

INCREASING OPPORTUNITIES FOR PARTICIPATION WITHIN ONONDAGA COUNTY'S SYSTEMS OF PROCUREMENT AND CONTRACTS FOR CERTAIN UNDERREPRESENTED POPULATIONS

WHEREAS, Onondaga County procures goods and services necessary to perform its governmental duties, and the procurement results in the award of public contracts; and

WHEREAS, consistent with New York State General Municipal Law Article 5-a, governing public contracts, the County procures its goods and services in a way that assures the prudent and economical use of public moneys in the best interests of the County's taxpayers, while also facilitating the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and guarding against favoritism, improvidence, extravagance, fraud and corruption; and

WHEREAS, this Legislature finds that the County taxpayers are best served when the County affirmatively creates opportunities for participation within public contracts by Minority and Women Business Enterprises (collectively, "M/WBEs"), and the continued use of goals implemented through the County's procurement and contract systems is supported; and

WHEREAS, the County has conducted an inclusive program since at least 1974, developing a plan for increasing participation of minority and women businesses within the County's contracts for goods and services; and

WHEREAS, over time, the County has acquired knowledge about the regional workforce through its procurement program, the Onondaga County/Syracuse Commission on Human Rights and its activities, and other local agencies; and

WHEREAS, the government actions of setting such goals and implementing programs to achieve them have proven to improve business and employment opportunities for minorities and women within the local economy, and it is desired to expand the program to include goals for utilizing Service-Disabled Veteran-Owned Businesses ("SDVOBs"); and

WHEREAS, to maximize the potential for receiving grant funding from New York State or the federal government, the goals are to be implemented in the procurement of all goods or services in excess of \$20,000; now, therefore be it

RESOLVED, that the County will continue its purchasing program, as follows:

Section 1. Use of State Law as Model.

The definitions provided within the New York State law shall be used where applicable, including: "minority-owned business enterprise", "women-owned enterprise", and "service-disabled veteran-owned business enterprise". Provided, however, that certification of business enterprises (M/WBEs or SDVOBs) may be completed by the County Division of Purchase, the City of Syracuse, and/or the Empire State Development agency.

Terms and conditions of specific grants to be received from New York State or the federal government may set different requirements from those stated within this resolution, and the grant terms and conditions shall control in that instance.

## Section 2. Utilization Goals.

Utilization goals shall be incorporated into all County contracts in excess of \$20,000 for goods or services.

Certified M/WBEs will be utilized in the performance of contracts at the combined total of on or about 30% of the total dollar value of the work awarded, and of such combined total, on or about 18% of the total dollar value is to be paid to certified Minority Business Enterprises (“MBEs”) and on or about 12% is to be paid to certified Women Business Enterprises (“WBEs”).

Onondaga County seeks to encourage and support eligible SDVOBs to play a greater role in the County’s economy by increasing their participation in the County’s contracting opportunities. The County recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of county contracts. The Division of Purchase is tasked to assist and promote their participation in the County’s procurement activities.

In recognition of the service and sacrifices made by service-disabled veterans, and in recognition of their economic activity in doing business in Onondaga County, Bidders/Contractors are strongly encouraged and expected to consider SDVPOBs in the fulfillment of the requirements of the contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

Prime contractors may utilize subcontractors to achieve the County’s utilization goals, provided that the subcontractors provide a commercially useful function.

## Section 3. Workforce Goals.

Workforce goals shall be incorporated into all County contracts in excess of \$20,000 for goods or services.

For each contract awarded, the contractor will demonstrate that minorities and women participate in the contractor’s workforce performing the contract at the combined total of on or about 30% of the total workforce hours utilized, and of such combined total, at least on or about 18% of the workforce is to be comprised of minorities, and at least on or about 12% of the workforce is to be comprised of women.

Further, the contractor will encourage SDVOBs to participate in the contractor’s workforce performing the contract.

## Section 4. Good Faith Efforts – Excused Performance.

A contractor may be excused from meeting the County’s goals after demonstrating the use of good faith efforts, as determined by the Director of Purchase.

With respect to the utilization goals, such good faith efforts will include evidence showing that firms (M/WBE or SDVOB, as appropriate) have been given every opportunity to submit timely and competitive proposals to participate as subcontractors in the bid for County contracts. This can be achieved by the following actions:

- Making plans and specifications available to prospective (M/WBE or SDVOB, as appropriate) in sufficient time to allow appropriate review for the purpose of submitting a responsible proposal.
- Utilizing the qualified firms (M/WBE or SDVOB, as appropriate) on the list of certified forms maintained by the County Division of Purchase, the City of Syracuse, and/or the Empire State Development agency for the purpose of soliciting bids for subcontracts.
- Maintaining records, including detailed telephone logs, detailing the efforts made to involve M/WBEs, including the names and addresses of firms (M/WBE or SDVOB, as appropriate) that were contacted, and if not selected, reasons for such decisions.
- Making contact with firms (M/WBE or SDVOB, as appropriate) through newspaper ads in minority owned and traditional newspapers, letters to contracting associations known to represent or otherwise be affiliated with M/WBE or SDVOB firms, and letters to known subcontractors certified as being an M/WBE or SDVOB (certified, return receipt requested).

If a bidder demonstrates the conduct of good faith efforts toward achieving the utilization goal, but such bidder was unable to achieve such goals, the County may, at its sole discretion, proceed to award a contract. Demonstration of good faith efforts shall include submission of a copy of the bidder's original worksheet for subcontractor bids received prior to the bid date for the contract which stipulates company, date, proposed bid amount, work to be performed, and submitting officer for subcontracting company.

Section 5. Annual Report.

The Purchasing Division shall perform the review for all County contracts and requests for proposals, and shall submit annual reports on the Purchasing Program described herein to the County Executive and the Chair of the County Legislature's Ways & Means Committee. The first such report is to be submitted not later than July 31, 2019.

Section 6. Regulations and Procedures.

The Director of Purchase shall be responsible for developing the administrative regulations and procedures for achieving and reporting goals and minority workforce utilization goals. All contracts shall be administered in a manner that meets the utilization and workforce participation goals specified herein.

This shall constitute the policy of Onondaga County and will only be subject to change upon adoption of findings of pending disparity study.

Section 7. Effective Date.

This resolution shall apply to contracts solicited after August 1, 2018.

FILED WITH CLERK  
ONONDAGA COUNTY LEGISLATURE  
July 17, 2018  
Raf

Purchasing Program  
LHT  
dak

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