

COUNTY OF ERIE

LOCAL LAW NO. 12

1978

A LOCAL LAW requiring a minority business utilization commitment by persons or firms contracting with the County of Erie:

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. The following provisions shall be inserted in and made a condition of all bid/specifications prepared by the Erie County Department of Planning and Environment and/or the Erie County Department of Public Works and advertised after the effective date of the local law which was estimated by the County to result in a contract exceeding \$100,000.00, and for which bids are to be opened prior to December 31, 1982:

Minority Business Utilization Commitment

A) The Contractor shall take affirmative action to utilize bona fide minority business enterprises for subcontracts on this project. Affirmative action shall include, but not be limited to: (1) Utilizing a source list of minority business enterprises, (2) Solicitation of bids from minority business enterprises, particularly those located in Erie, Niagara, Cattaraugus and Chautauqua Counties, (3) giving minority business enterprises sufficient time to submit proposals in response to solicitations, (4) maintaining records showing minority business enterprises and specific efforts to identify and award contracts to these companies, and (5) a goal of awarding at least ten percent (10%) of the total dollar value of the contract to minority business enterprises, subject to waiver as provided for below.

(B) Each Contractor shall submit to the County, with the bid or within forty-eight (48) hours of the opening of bids, a list of all minority business enterprises with whom the Contractor has signed a binding contractual agreement, or is presently negotiating an agreement, for the purposes of meeting the minority business enterprise utilization goal provided for in subdivision (A) (5) above. A Contractor's bid shall not be considered where the Contractor fails to submit such a list as provided for herein. A Contractor's bid shall not be considered where examination of said list of minority business enterprises evidences failure by the Contractor to comply with the affirmative action requirements provided for herein, except that the County may, upon written request by the Contractor, grant a complete or partial waiver of the provisions of Subdivision (a) (5), where the availability of minority business enterprises in the market area of the project is less than the ten percent (10%) goal above.

C) As evidence of compliance with the goals set forth in sub-division (A) (5) above, the Contractor shall submit a list to the County, when the project is thirty percent (30%) complete, of the minority business enterprises with whom the Contractor has entered into a binding agreement for subcontracting under this contract.

D) Failure to comply with the provisions set forth herein shall constitute a breach of this contract subject to all remedies available to the County.

E) For the purposes of this Section, the term "minority business enterprise" shall mean a business at least fifty percent (50%) of which is owned by minority group members or, in case of publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by minority group members. For the purposes of this paragraph, "minority group members" are citizens of the United States who are Negroes, Hispanic, Asian-Americans, American Indians, Eskimos or Aleuts. For purposes of this section, the term "subcontract" includes all construction, modification, supplies and material, and service work contracted for by the Contractor in the prosecution of this work.

SECTION 2.

The Legislature shall conduct hearings semi-annually to assess the impact of the local law.

SECTION 3. This local law shall take effect immediately.

Acknowledged by Secy of State - 11/20/78