

COLEG MAR22'11 4:10:43

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS WHYTE, GRANT, MILLER-WILLIAMS,
WHALEN, MAZUR, BOVE & MARINELLI**

RE: COMPLIANCE WITH ALL COUNTY MBE/WBE LOCAL LAWS

WHEREAS, there are three local laws governing minority and women business utilization in Erie County; and

WHEREAS, the first law was adopted in 1987 as Local Law 1 dealing with construction contracts; and

WHEREAS, the second law was adopted in 1994 as Local Law 5 dealing with procurement contracts; and

WHEREAS, the third law was passed in 2005 as Local Law 9 dealing with professional, technical and consultant contracts; and

WHEREAS, section 1 of 1987 Local Law 1 outlines at least four specific ways in which the contractor must submit evidence of compliance to the County MBE/WBE Office, including the requirement to submit copies of all subcontracts and/or purchase agreements with MBE's and WBE's within 15 days of contract award; and

WHEREAS, section 1 (G) and (H) of 1987 Local Law 1 indicate that minority and women owned businesses must become certified by the Erie County EEO Division; and

WHEREAS, the Erie County EEO Division has developed a "County of Erie, City of Buffalo Joint Certification Committee" to review minority and women owned businesses wishing to become certified under the requirements of the Law; and

WHEREAS, the Joint Certification Committee has developed a lengthy and cumbersome application process which requires minority and women owned businesses to reveal information that could be detrimental to their business, including who their customers and suppliers are; and

WHEREAS, section 2 of 1987 Local Law 1 indicates that the County Executive shall appoint a MBE/WBE Utilization Advisory Board of nine members, the composition of which is supposed to include minority and female contractors; and

WHEREAS, section 4 (A) of 2005 Local Law 9 requires that every Department annually prepare a written plan for the utilization of bona-fide minority and women owned businesses for professional, technical, or other consultant services; and

WHEREAS, section 4 (C) of 2005 Local Law 9 requires that the County Executive submit a summary of each Department's plan to the Legislature simultaneously with the annual proposed Budget; and

WHEREAS, section 5 (F) of 2005 Local Law 9 requires that the County EEO Division prepare an annual report to the Executive and the Legislature on the compliance of the Departments with the Law; and

WHEREAS, many questions exist relating to the compliance and enforcement of these local laws and their reporting requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the Deputy County Executive, the County Personnel Commissioner, the Director of the County Division of EEO, and the County Attorney appear before the Legislature's Community Enrichment Committee to discuss compliance with and enforcement of the aforementioned Local Laws; and be it further

RESOLVED, that Minority and Women Owned businesses also be invited into committee to discuss the cumbersome certification process as well as how compliance with the Local Laws affects their businesses; and be it further

RESOLVED, that the Erie County Comptroller, either by way of review or audit, conduct an analysis of Erie County's compliance with the aforementioned Local Laws; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Personnel Commissioner, the Director of the County EEO Division, the County Attorney, the members of the County of Erie-City of Buffalo Joint Certification Committee, the Common Council of the City of Buffalo, the Buffalo Niagara Partnership, the Black Chamber of Commerce, the Hispanic Women's League, the US Small Business Administration, the Small Business Development Center at Buffalo State College, and the Women's Business Center at Canisius Colleges.

Fiscal Impact: None for resolution.