

COUNTY OF ERIE

LOCAL LAW INTRO NO. ____-2014

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A Local Law, amending Local Law No. 6-1987, Local Law No. 5-1994 and Local Law No. 9-2005 to update Equal Employment Opportunity goals for Minority Owned and Women Owned Enterprises.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1: Legislative Intent

The purpose of these amendments is to update Equal Employment Opportunity (EEO) goals for County contracts to reflect changes in the marketplace over the last several decades. Previous goals were set when neither Minority Owned nor Women Owned business enterprises were as common as they are in our current economy. In an effort to reflect these changes with this amendment, EEO goals will be updated to reduce disparities in the level of participation of MWBE's in County contracts.

Section 2: Short Title

This local law shall be known as **Minority and Women Business Enterprise Opportunity Amendment 2014**

Section 3: Amending Local Law No. 6-1987 requiring a minority owned business utilization and women owned business utilization commitment by persons or firms contracting with the County of Erie:

(A): Section 1 Subsection (A) (5) of Local Law No. 6-1987 is hereby amended to read as follows:

a goal of awarding at least twenty percent (20%) of the total dollar value of the contract to MBE's and at least ten percent (10%) of the total dollar value of the contract to WBE's or for those contracts governed by federal or state regulations with respect to MBE and/or WBE hiring, the prevailing percentage set forth therein, whichever is higher, subject to waiver as provided for below.

(B): Section 1 Subsection (B) of Local Law No. 6-1987 is hereby amended to read as follows:

The three (3) lowest bidders on each contract subject to this law shall submit to the County MBE/WBE office, with the bid [or within 3 business days of the bid opening], a list of all MBE's and WBE's from whom the Contractor has solicited bids or with whom the Contractor has signed a binding contractual agreement or with whom the Contractor is presently negotiating an agreement, for the purposes of meeting the MBE and WBE

utilization goals 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 MBE's and WBE's 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 Subsection (A) (5), where the availability of MBE's and/or WBE's in the market area of the project is less than the goals set forth in Subsection (A) (5) above.

Section 4: Amending Local Law No. 5-1994 requiring a minority business and women owned business utilization commitment by persons or firms contracting with the County of Erie for supplies, materials, equipment, and insurance:

(A): Section 1 Subsection (A) (5) of Local Law No. 5-1994 is hereby amended to read as follows:

A goal awarding at least twenty percent (20%) of the total dollar value of the contract to MBE's and at least ten percent (10%) of the total dollar value of the contract to WBE's or for those contracts governed by federal or state regulations with respect to MBE and/or WBE hiring, the prevailing percentage set forth therein, whichever is higher, subject to waiver as provided for below.

(B): Section 1 Subsection (B) of Local Law No. 5-1994 is hereby amended to read as follows:

The three (3) lowest bidders on each contract subject to this law shall submit to the County MBE/WBE office, with the bid [or within 3 business days of the bid opening], a list of all MBE's and WBE's from whom the Contractor has solicited bids or with whom the Contractor has signed a binding contractual agreement or with whom the Contractor is presently negotiating an agreement, for the purposes of meeting the MBE and WBE utilization goals provided for in subdivision (A) (5) above. A Contractor's bid shall not be considered where the shall not be considered where examination of said list of MBE's and WBE's 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 Subsection (A) (5), where the availability of MBE's and/or WBE's in the market area of the project is less than the goals set forth in Subsection (A) (5) above.

Section 5: Amending Local Law No. 9-2005 in relation to the utilization by the County of Erie of minority-owned business and woman-owned business for professional, technical, or other consultant services:

(A): Section 4 Subsection (A) of Local Law No. 9-2005 is hereby amended to read as follows:

Every Department shall annually prepare and implement a written plan for the utilization of bona-fide Minority Owned and Women Owned businesses on County contracts entered in by or on behalf of such Department for professional, technical, or other

consultant services. The plan must include a goal of awarding to MBE's, directly or through subcontracts, in each fiscal year, at least twenty percent (20%) of the total value of all contracts intended to be entered in by the Department and a goal of awarding to WBE's, directly or through subcontracts, in each fiscal year, at least ten percent (10%) of the total value of all contracts intended to be entered in by the Department. The plan shall be submitted to the Erie County Division of Equal Employment Opportunity for review and approval by September 15th, preceding the calendar year covered by such a plan.

Section 6: Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or its application to the person, individual, corporation, firm, partnership, entity or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

Section 7: Effective Date

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

Sponsored by:

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