

COUNTY OF ERIE**LOCAL LAW INTRO. NO. 3-1 2020****LOCAL LAW NO. _____-2020****THE BUSINESS PROCUREMENT ENHANCEMENT AND PROMOTION ACT OF 2020**

Be it enacted by the Legislature of the County of Erie as follows:

Section 1. Legislative Findings and Intent

The County has an interest and responsibility to fairly and equitably offer opportunities to all businesses, firms and persons, including local companies, small businesses and minority and women business enterprises ("MWBE"), to bid on, respond to, or solicit Erie County government procurement and purchasing opportunities.

For instance, to support business opportunities, the Erie County Legislature has enacted several local laws requiring a minority and women-owned business utilization commitment by persons or firms contracting with the County of Erie for construction, supplies, materials, equipment, and insurance. The County currently lists all bidding and procurement opportunities on its website and also publishes notices in newspapers when required. The County also has contacted potential bidders in certain cases to alert them to procurement opportunities.

In addition to the County's existing purchasing procedures and processes, one method to attract additional attention and responses from potential County MWBE vendors, local businesses and small businesses, is to directly contact entities when the County announces requests for proposals ("RFP"), requests for information, issues formal or informal bids, and other procurement opportunities.

This local law is intended to establish a mechanism for the County Division of Purchase and all County departments to directly send all new bids and RFPs to MWBEs, small businesses and local businesses that work in the category with an applicable Standard Industrial Classification Code ("SIC") or a North American Industry Classification System Code ("NAICS") related to the services/goods being sought by the County. The County shall contact all MWBEs certified by the County and by the State of New York located in Erie County and all small and local businesses, firms and individuals, via electronic mail when such procurement opportunities are announced and solicited.

This measure is also intended to increase competition in bidding and encourage, and where appropriate, encourage local and small business purchasing.

Section 2. Policy

Within one month of the effective date of this law, the Erie County Division of Purchase shall publicly announce an email for local firms to contact the County to request to be added to the

electronic notification process. Interested entities shall provide a company name, contact name, address, telephone number and email. For MWBEs, they shall so indicate that status in order that a confirmation process can be conducted.

Within three months of the effective date of this law, the Erie County Division of Purchase shall create a list of all MWBEs, and small and local businesses who have requested to be added to the list and provide the list to all County departments.

Thereafter, every six months, the Erie County Division of Purchase shall update said list adding all MWBEs certified by the State and County, and those local businesses, firms, and persons who have asked to be added to the electronic list.

When announcing bids and requests for proposals or any procurement opportunity for the County, the Erie County Division of Purchase and all County departments involved in that procurement shall disseminate the procurement opportunity via electronic mail to all MWBEs and small and local businesses with a Standard Industrial Classification Code ("SIC") or a North American Industry Classification System Code ("NAICS") related to that service/goods. This shall apply to all MWBEs that are listed in the Joint Erie County/City of Buffalo minority business enterprise and women business enterprise databases/lists as maintained by the Erie County Division of Equal Employment Opportunity and those certified by the State of New York who are located within the County of Erie, using the State's database. This shall also apply to any small business within the County of Erie who asks to be added to the electronic mail list with up to three SIC codes selected by each such local company, firm or individual.

For the three (3) SIC Codes and NAICS Codes applicable to a MWBE and local firms, when the County has a procurement opportunity related to those codes, the County shall email the firm to announce the procurement opportunity and allow the firm the option, should they chose, to respond and bid on the County procurement.

This process will be in effect regardless of the dollar value of the procurement.

Section 3. Effective Date

This local law shall take effect upon filing with the New York Secretary of State.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business 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 law, or in its specific application.

Sponsor:

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