

Bill No. 2602-06

No. 12-07-OR

## AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Part 2, Article 203 of the Administrative Code, by adding a new § 5-203.07 to provide for the explicit extension of the County's policies for participation by disadvantaged business enterprises to the County Authorities recognized in §5-203.01 of the Administrative Code.

**WHEREAS**, Allegheny County has historically had policies in place, as required by § 5-911.03 of the Administrative Code, to provide equal opportunity for all persons and businesses, and to ensure participation in contracts awarded by the County for disadvantaged business enterprises; and

**WHEREAS**, County Council recognizes that this longstanding policy of equal access to contracting opportunities applies to and must be an integral part of every County agency's contracting practice; and

**WHEREAS**, the Administrative Code specifically recognizes eleven authorities as created singularly or jointly by Allegheny County for the performance of important governmental functions; and

**WHEREAS**, the Administrative Code makes no specific reference to these authorities' policies for ensuring the contracting opportunities for minority-owned, women-owned, and disadvantaged business enterprises, as defined by the Department of Minority, Women and Disadvantaged Business Enterprises;

***The Council of the County of Allegheny hereby enacts as follows:***

### ***SECTION 1.***

Article 203 of the Administrative Code is amended by adding a new §203.07 as follows:

#### **§ 5-203.07. Policies and Objectives for Participation by Disadvantaged business Enterprises.**

- A.** Each County Authority recognized in §5-203.01 of this Article shall develop policies to ensure the participation of minority-owned, women-owned, and disadvantaged business enterprises, as defined by the Department of Minority, Women and Disadvantaged Business Enterprises, in the contracting process, provided that:

1. The policy or policies developed by any authority must be consistent with the County's policy for participation of minority-owned, women-owned, and disadvantaged business enterprises, and shall not reduce the participation guidelines contained within the County policy; and
  2. The policy or policies drafted by any authority under the requirement of this Section shall be submitted in Ordinance form for the approval of both County Council and the Chief Executive, and shall not be binding until such approval is given.
- B.** The Department of Minority, Women and Disadvantaged Business Enterprises shall prepare and submit regular reports to both County Council and the Chief Executive on the progress of each County Authority in ensuring participation by disadvantaged business enterprises. The first of the reports required under this Section shall be submitted no later than January 1, 2007. Subsequent reports shall be submitted no less than quarterly thereafter. The County Authorities shall provide the information required to complete this report on a schedule to be determined by the Department. The reports required under this Section shall include the following:
1. A listing of each contract awarded during the reporting period by each County Authority, together with the aggregate value of the contract, a listing of the portions of the contract awarded to minority-owned, women-owned, and disadvantaged business enterprises, and the value of each portion of the contract awarded to these business enterprises.
  2. For any contract under which the Authority's goals for participation of minority-owned, women-owned, or disadvantaged business enterprises was not met as of the date of the report, the report shall specifically address the reasons for the shortfall.
- C.** Submissions by all County Authorities shall be limited to the reporting subject matter specifically required by this Section. Nothing in this Section shall be construed to require that any County Authority provide any information to the Department of Minority, Women and Disadvantaged Business Enterprises that is not relevant to the elements of the report required under the terms of this Section, nor to require the submission of any information that exceeds what is necessary for the completion of the required report.
- D.** Nothing in this Section shall be construed to require the compliance of any County Authority where such compliance would be contrary to any provision of applicable State or Federal Law.

***SECTION 2. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.***

***SECTION 3. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.***

***SPONSORED BY COUNCIL MEMBERS ROBINSON, BURN, CLEARY, FINNERTY, MACEY, FAWCETT, FRAZIER, and PRESIDENT FITZGERALD***

Enacted in Council, this 4<sup>th</sup> day of April, 2007

Council Agenda No. 2602-06

Rich Fitzgerald  
Rich Fitzgerald  
President of Council

Attest: John Mascio  
John Mascio  
Chief Clerk of Council

Chief Executive Office

April 9, 2007

Approved:

Dan Onorato  
Dan Onorato  
Chief Executive

Attest:

Donna Beltz  
Donna Beltz  
Executive's Secretary