

Bill No. 4727-09

No. 17-09-0R

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Chapter 435, entitled "Minority Business Enterprise Program," through the creation of a new §435-13, entitled "Allegheny County Contract Reporting Obligations," in order to establish a requirement for reporting the M/W/DBE status of parties to contracts with Allegheny County.

WHEREAS, Allegheny County established a Minority Business Enterprise Program in 1981; and

WHEREAS, the various duties of the County regarding the minority Business Enterprise Program are contained within Chapter 435 of the Allegheny County Code of Ordinances; and

WHEREAS, the provisions of Chapter 435 do not create any reporting mechanism by which the effectiveness of the Minority Business enterprise Program can be evaluated; and

WHEREAS, the Allegheny County Council has determined that, to the ends described in the creation and to ensure the continued effectiveness of the Minority Business Enterprise Program, it is desirable to establish ongoing reporting obligations with regard to the M/W/DBE status of all parties to contracts with Allegheny County;

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

Section 1.

The Allegheny County Code of Ordinances, Chapter 435, entitled "Minority Business Enterprise Program," is hereby amended through the creation of a new §435-13, comprised as follows:

§435-13. Allegheny County Contract Reporting Obligations.

The Allegheny County Controller shall forward a written report to the County Council on all contracts to which the County is a party:

- A. The Controller shall, for every contract for which the County receives proposals, create a written report that identifies:
 1. The purpose of the contract for which proposals were considered;
 2. The aggregate value of the contract for which proposals were considered;
 3. The business(es) or individual(s) that submitted each proposal that was considered for final selection by name and
 4. The M/W/DBE status of each listed individual or business, as classified by the Department of Minority, Women and Disadvantaged Business enterprises.
- B. The reports required under Subsection A shall be created immediately upon the identification of candidates for consideration for County contracts. Copies of the reports required under the terms of this section shall be forwarded to the Office of Allegheny County Council and Chief Executive no less frequently than once every three months.
- C. The County Controller shall, with the assistance and cooperation of the Allegheny County Division of Computer Services, create and maintain a website upon which the reports required by this Section shall be posted immediately upon issuance. Access to this website shall be granted to all individuals at no charge.
- D. All business(es) or individual(s) submitting proposals which are identified by the County for final selection shall receive a letter from the County Controller informing them of their continued consideration.
- E. All business(es) or individual(s) submitting proposals which are not identified by the County for final selection shall receive a letter from the County Controller informing them that their proposal will receive no further consideration, together with the reasons for the County's decision.
- F. The County Controller shall, no less frequently than once every three months, provide written notice describing any award or any alteration to the terms of any existing contract to which the County is a party to County Council and the Chief Executive. Such written notice shall include a delineation of the M/W/DBE status of each party to the awarded or altered contract, as classified by the Department of Minority, Women and Disadvantaged Business Enterprises, as well as a

description of the M/W/DBE status of any subcontractors known at the time of the award or alteration.

G. County Council shall be deemed in receipt of any report required under the terms of this Section on the date that such report is received by the Chief Clerk.

Nothing in this section shall be read to fix, alter, or redefine in any fashion the prerogative of the Chief Executive to enter contracts on behalf of the County, as described in Article V of the Home Rule Charter of Allegheny County, or by other applicable 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.

PRIMARY SPONSOR: COUNCIL MEMBER ROBINSON

CO-SPONSOR: COUNCIL MEMBERS MCCULLOUGH& GREEN

Enacted in Council, this 21st day of April, 2009

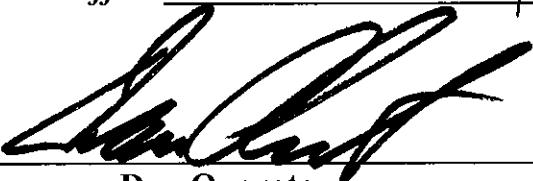
Council Agenda No. 4727-09



Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office May 1, 2009

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Beltz
Executive's Secretary