

Warren County Board of Supervisors

RESOLUTION NO. 215 OF 2003

Resolution introduced by Supervisors Bennett, Belden, Gabriels, Quintal, Monroe, Tessier and Mason

ADOPTING MINORITY AND WOMEN-OWNED BUSINESS UTILIZATION PLAN FOR WARREN COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

WHEREAS, in order for municipal departments to receive State or Federal funds, a Minority and Women-Owned Business Utilization Plan must be adopted by such municipality, and

WHEREAS, pursuant to Resolution Nos. 254 of 1994, 523 of 1999, 296 of 2000 and 617 of 2000, a Minority and Women-Owned Business Utilization Plan has been adopted by Warren County, but is specific to the Warren County Airport and Department of Public Works, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby adopts the Minority and Women-Owned Business Utilization Plan for the Warren County Planning & Community Development Department as set forth in Schedule "A", attached hereto.

SCHEDULE "A"

MINORITY AND WOMEN-OWNED BUSINESS
UTILIZATION PLAN

This Minority and Women-Owned Business Utilization Plan ("Plan") has been adopted by The Warren County Board of Supervisors, Warren County Municipal Center, Lake George, New York 12845, to insure the meaningful participation of minority and women-owned business enterprises in operations of its subordinate Departments implementing state and federal funded projects. This plan is to be utilized where required by federal or state funding agencies.

In order to achieve this objective, the Board has established the following goals percentage as a percentage of all contracts let in connection with the Project: (1) 3 % to minority business enterprises; and, (2) 6 % women-owned business enterprises.

Minority and women-owned business enterprises will be given meaningful participation for contracts for this Project, which can include design, legal, construction, procurement and services let in connection with the Project. The total dollar award of contracts includes the total contract price of all contracts awarded for the furnishing of labor, materials or services for inclusion in the Project, exclusive of payments to governmental agencies and financing costs. Specific products and services include but are not limited to architectural, engineering, legal, construction trades, equipment/fixtures, finishes, and furnishings.

Minority or minorities shall mean: (1) black persons having origins in any of the Black African racial groups not of Hispanic origin; (2) Hispanic persons or Mexican, Dominican, Puerto Rican, Cuban, Central or South American culture or origin, regardless of race; (3) Asian and Pacific Islander persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; and, (4) American Indian or Alaska Native persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

Minority Business Enterprise (MBE) shall mean a business that is owned, operated and controlled by one or more minority persons. For the purpose of this definition the term "owned" shall mean that one or more minority persons own 51% or more of each class of stock and are entitled to receive 51% or more of the net profits (or losses) of the business. For the purpose of this definition, the term "operated and controlled" shall mean that one or more minority persons have the day-to-day responsibility for running and making all important decisions affecting the business enterprise.

Women-Owned Business Enterprise (WBE) shall mean a business that is owned, operated and controlled by one or more women. For the purpose of this definition the term "owned" shall mean that one or more women own 51% or more of each class of stock and are entitled to receive 51% or more of the net profits (or, losses) of the business. For the purpose of this definition, the term "operated and controlled" shall mean that one or more women have the day-to-day responsibility for running and making all important decisions affecting the business enterprise.

In determining whether the County has met the goals established herein, all contracts, whether awarded directly by the County or awarded by contractors of the County, shall be considered. The following standards shall apply in determining the dollar value of any contract: (1) Where the MBE or WBE is the contractor or where the contractor is a joint venture consisting entirely of MBEs or WBEs the value shall be 100% of the contract price; (2) Where the contractor is a joint venture including one or more MBEs or

WBEs as joint venturer(s), the value shall be that portion of the contract price which accrues to the MBE or WBE joint venturer(s) under the joint venture agreement; (3) Where the MBE or WBE is a subcontractor, the value shall be the value of the work subcontracted to the MBE or WBE provided that if the subcontractor is a joint venturer the standards established in (1) and (2) shall apply; and, (4) Where the MBE or WBE is a bona fide supplier the value shall be the value of the materials purchased provided that if the supplier is a joint venturer the standards of (1) and (2) shall apply.

The County will include but not be limited to the utilization of the following methods to encourage participation of MBEs and WBEs: (1) actively and affirmatively solicit bids for contracts and subcontracts from qualified MBEs; (2) where economically and technically feasible, divide work into smaller portions to enhance participation of MBEs and WBEs; ensure that plans/specs and request for proposals will be made available in sufficient time for review by prospective MBEs and WBEs; (4) where economically and technically feasible, encourage the formation of joint ventures, partnerships, or other similar arrangements among contractors to enhance MBE/WBE participation; (5) request and maintain listings of MBEs and WBEs from the Funding Agency or its agents, solicit bids from such listings and consult with the Funding Agency or its agents to further MBE/WBE participation; (6) make written solicitations and phone contacts regarding the bid process in a timely fashion to encourage MBE/WBE participation; (7) where economically and technically feasible, advertise bidding in appropriate papers of general circulation; (8) document and maintain a record of all bid solicitation(s)/results; (9) make timely response to any and all inquiries during said processes; (10) ensure that progress payments to the County are submitted to the Funding Agency in a timely manner at the frequency allowable by the Funding Agency to ensure that MBEs and WBEs are paid in such a manner that undue financial hardship caused by the County is avoided.

The County will be responsible for the submittal of all required documentation to the Funding Agency which will constitute the Funding Agency's required MBE/WBE reporting for this Project. A listing of the MBEs and WBEs the County and its contractors and subcontractors intend to utilize for a Project will be identified at the beginning of each project if required by the Funding Agency. The County and its contractors and subcontractors shall at all reasonable times make available to the Funding Agency or its agents all materials and documents prepared in connection with this Plan and shall allow the representatives of the Funding Agency access to the Project and the individuals contracted thereof to verify this Plan. In the event that the County is unable to achieve the goals established herein, the County will maintain records of the actions that it has taken to achieve the established goals in such form as will enable the Funding Agency to determine that the County has made such good faith effort. Records shall include, but are not limited to, actions outlined in this Plan to encourage participation of MBEs and WBEs.

Warren County Board of Supervisors

By: _____

Chairman of the Board

Date