



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details (With Text)

File #:	16-4655	Version:	1	Name:	VETERAN'S PREFERENCE AND OUTREACH
Type:	Ordinance Amendment	Status:		Status:	Approved
File created:	7/29/2016	In control:		In control:	Veterans Committee
On agenda:	8/3/2016	Final action:		Final action:	9/14/2016
Title:	PROPOSED ORDINANCE AMENDMENT				

AMENDMENT TO VETERAN'S PREFERENCE AND OUTREACH

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 Finance Section 236 through Section 34-238 of the Cook County Code is hereby amended as Follows:

Sec. 34-236. - Eligible veterans' preference established.

(a) Veterans' Workplace Preference. The CPO shall give a preference of one percent of the amount of the Contract to a Responsible and Responsive Contractor for a Public Works Contract when such Contractor has committed by affidavit to utilize Eligible Veterans for at least five percent of the hours worked under such Contract. Failure to utilize Eligible Veterans in accordance with the affidavit will result in breach of contract, in addition to any available sanctions or actions the CCD may, within its discretion, recommend that the CPO take with respect to the contractor or subcontractor as specified in Section 34-275.

(b) Veteran-owned Business and Service Disabled Veteran-owned Business preference. The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive VBE or SDVBE. The CPO shall develop procedures for implementation of this Section.

Sec. 34-237. - Veteran-owned businesses.

(a) It is the goal of the County to award each year not less than three percent of its total expenditures for supplies, equipment, goods, and services to VBEs and SDVBES. The CCD may count toward its three percent yearly goal that portion of all Contracts in which the Contractor subcontracts with a VBE or SDVBE. Each year, The CCD shall submit an annual report to the County Board that shall include, at a minimum, the following for the preceding fiscal year: on all of the following for the immediately preceding 12-month period:

- (1) The number of responsible VBEs and SDVBES that submitted a Bid or proposal;
- (2) The number of VBEs and SDVBES that entered into Contracts, the specific industry or category of goods, services, or supplies for each Contract, and the total value of those Contracts;.
- (3) The participation of VBEs and SDVBE's at both contractor and subcontractor levels;
- (4) The total number of the County's certified VBEs and SDVBES available for participation in procurement, by category or industry; and
- (5) Whether the County achieved the goal described in this subsection.

(b) Each year, the CCD shall review the three percent goal with input from the Cook County Chairman of Veterans Affairs, the Cook County Director of Veterans Affairs, countywide veterans' service organizations, and from the business community including VBEs and SDVBES, and shall make recommendations to the County Board regarding continuation, increases, or decreases in the percentage goal. The recommendations shall be based upon the number of VBEs and SDVBES and

on the continued need to encourage and promote businesses owned by qualified veterans.

(c) The CPO will make best efforts to recruit and solicit bids and make procurements from VBEs and SDVBEs.

(d) The above-stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.

(e) The CCD, in consultation with the Using Agency and the CPO, shall consider the size and complexity of the procurement before establishing contract specific goals and shall only be required to establish contract specific goals on procurements that have an available pool of certified VBEs and SDVBEs for supplies, materials and equipment, or services. establish contract specific goals for each contract. In establishing a contract specific goal, the CCD shall consider the availability of sufficient certified VBEs and SDVBEs for supplies, materials and equipment, or services required as part of the procurement.

(f) The provisions of this Division 6, Section 34-237(a) shall be effective as of July 1, 2013. The Contract Compliance Director shall as soon as practicable develop and implement procedures and any corresponding regulations for certifying and monitoring utilization of VBEs and SDVBEs.

Sec. 34-238. - VBE/SDVBE Certification and Outreach.

(a) The CCD shall certify a Person as a VBE when it is a small business:

(1) That is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans; and

(2) That has its home office in Illinois.

(b) The CCD shall certify Person as a SDVBE when it is a small business:

(1) That is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans; and

(2) That has its home office in Illinois.

(c) In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities, provided that Cook County's requirements are met.

(d) In order to increase awareness and provide opportunities for VBEs and SDVBEs, the CCD shall provide education, outreach, and the dissemination of information to VBEs and SDVBEs regarding the County's certification program and available opportunities. The CCD, in collaboration with other departments, shall from time to time, by way of seminars, workshops, and internet-based communications, make available to the business community such information, documents, and personnel as well as:

(1) Assist otherwise eligible businesses in applying for, gaining, and maintaining certification;

(2) Assist the business community in understanding the manner in which to properly complete a Utilization Plan including how a full or partial waiver may be requested, and the manner in which such a request may be supported;

(3) Identify best practices by other governmental entities and private sector firms that may improve the Program; and

(4) Identify systemic or organizational problems and related solutions associated with certification and contract participation.

Effective date: This ordinance shall be in effect immediately upon adoption

Sponsors: JEFFREY R. TOBOLSKI, TONI PRECKWINKLE (President), JOHN P. DALEY, STANLEY MOORE, LUIS ARROYO JR, ROBERT STEELE, LARRY SUFFREDIN, RICHARD R. BOYKIN, JOAN PATRICIA MURPHY, TIMOTHY O. SCHNEIDER, JESÚS G. GARCÍA

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/14/2016	1	Board of Commissioners	approve	Pass
9/13/2016	1	Veterans Committee	recommend for approval	Pass
8/3/2016	1	Board of Commissioners	refer	Pass

PROPOSED ORDINANCE AMENDMENT

AMENDMENT TO VETERAN'S PREFERENCE AND OUTREACH

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 Finance Section 236 through Section 34-238 of the Cook County Code is hereby amended as Follows:

Sec. 34-236. - Eligible veterans' preference established.

- (a) *Veterans' Workplace Preference.* The CPO shall give a preference of one percent of the amount of the Contract to a Responsible and Responsive Contractor for a Public Works Contract when such Contractor has committed by affidavit to utilize Eligible Veterans for at least five percent of the hours worked under such Contract. Failure to utilize Eligible Veterans in accordance with the affidavit will result in breach of contract, in addition to any available sanctions or actions the CCD may, within its discretion, recommend that the CPO take with respect to the contractor or subcontractor as specified in Section 34-275.
- (b) *Veteran-owned Business and Service Disabled Veteran-owned Business preference.* The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive VBE or SDVBE. The CPO shall develop procedures for implementation of this Section.

Sec. 34-237. - Veteran-owned businesses.

- (a) It is the goal of the County to award each year not less than three percent of its total expenditures for supplies, equipment, goods, and services to VBEs and SDVBEs. The CCD may count toward its three percent yearly goal that portion of all Contracts in which the Contractor subcontracts with a VBE or SDVBE. Each year, The CCD shall submit an annual report to the County Board that shall include, at a minimum, the following for the preceding fiscal year: on all of the following for the immediately preceding 12-month period:
- (1) The number of responsible VBEs and SDVBEs that submitted a Bid or proposal;
 - (2) The number of VBEs and SDVBEs that entered into Contracts, the specific industry or category of goods, services, or supplies for each Contract, and the total value of those Contracts;;
 - (3) The participation of VBEs and SDVBE's at both contractor and subcontractor levels;
 - (4) The total number of the County's certified VBEs and SDVBEs available for participation in procurement, by category or industry; and
 - (5) Whether the County achieved the goal described in this subsection.

- (b) Each year, the CCD shall review the three percent goal with input from the Cook County Chairman of Veterans Affairs, the Cook County Director of Veterans Affairs, countywide veterans' service organizations, and from the business community including VBEs and SDVBEs, and shall make recommendations to the County Board regarding continuation, increases, or decreases in the percentage goal. The recommendations shall be based upon the number of VBEs and SDVBEs and on the continued need to encourage and promote businesses owned by qualified veterans.
- (c) The CPO will make best efforts to recruit and solicit bids and make procurements from VBEs and SDVBEs.
- (d) The above-stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.
- (e) The CCD, in consultation with the Using Agency and the CPO, shall consider the size and complexity of the procurement before establishing contract specific goals and shall only be required to establish contract specific goals on procurements that have an available pool of certified VBEs and SDVBEs for supplies, materials and equipment, or services. establish contract specific goals for each contract. In establishing a contract specific goal, the CCD shall consider the availability of sufficient certified VBEs and SDVBEs for supplies, materials and equipment, or services required as part of the procurement.
- (f) The provisions of this Division 6, Section 34-237(a) shall be effective as of July 1, 2013. The Contract Compliance Director shall as soon as practicable develop and implement procedures and any corresponding regulations for certifying and monitoring utilization of VBEs and SDVBEs.

Sec. 34-238. - VBE/SDVBE Certification and Outreach.

- (a) The CCD shall certify a Person as a VBE when it is a small business:
 - (1) That is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans; and
 - (2) That has its home office in Illinois.
- (b) The CCD shall certify Person as a SDVBE when it is a small business:
 - (1) That is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans; and
 - (2) That has its home office in Illinois.
- (c) In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities, provided that Cook County's requirements are met.
- (d) In order to increase awareness and provide opportunities for VBEs and SDVBEs, the CCD shall provide education, outreach, and the dissemination of information to VBEs and SDVBEs regarding the County's certification program and available opportunities. The CCD, in collaboration with other departments, shall from time to time, by way of seminars, workshops, and internet-based communications, make available to the business community such information, documents, and personnel as well as:
 - (1) Assist otherwise eligible businesses in applying for, gaining, and maintaining certification;
 - (2) Assist the business community in understanding the manner in which to properly complete a Utilization Plan including how a full or partial waiver may be requested, and the manner in which such a request may be supported;
 - (3) Identify best practices by other governmental entities and private sector firms that may improve the Program; and

(4) Identify systemic or organizational problems and related solutions associated with certification and contract participation.

Effective date: This ordinance shall be in effect immediately upon adoption