Legislation Details (With Text)

File #:	18-4162	**Version:** 1	**Name:**	People w/ Disabilities Preference Ord
Type:	Ordinance		**Status:**	Filed
File created:	6/4/2018		**In control:**	Finance Committee
On agenda:	6/6/2018		**Final action:**	11/21/2018
Title:	PROPOSED ORDINANCE			

AN ORDINANCE CREATING THE PREFERENCE FOR BUSINESSES OWNED BY PEOPLE WITH DISABILITIES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 - Finance, Article IV - Procurement, Division 6 - Bid Incentives and Preferences, Section 34-242 - Businesses Owned by People with Disabilities is hereby enacted as follows:

Sec. 34-242 . - Businesses Owned by People with Disabilities

(a) Preference for Businesses Owned by People with Disabilities: The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive PDBE. The CPO shall develop procedures for implementation of this Section.

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

(1) That is at least 51 percent owned, controlled, and managed by one or more qualified Disabled Persons; 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 PDBE’s, the CCD shall provide education, outreach, and the dissemination of information to PBDE 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.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 34 - Finance, Article IV - Procurement, Division 6 - Bid Incentives and Preferences, Sections 34-229 - Definitions and Section 34-237. - Veteran-owned businesses are hereby amended as follows:

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Sec. 34-229. - Definitions.

Disadvantaged refers to individuals who are mentally, physically, economically, or educationally disadvantaged, including, but not limited to, individuals who are living below the poverty line, developmentally disabled, mentally ill, substance abusers, recovering substance abusers, elderly and in need of hospice care, gang members, on welfare, or people with arrest or conviction records.

Disability or Disabled means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

Earned Credit means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders, Apprentices or youth.

Labor hours means the total hours of workers receiving an hourly wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing wage requirements.

Persons with Disabilities Owned Business Enterprise (PDBE) means a small business (i) that is at least 51 percent owned, controlled and managed by one or more Persons with a Disability, or in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Persons with a Disability; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

Qualifying Contract means a Contract for Public Works with a Bid Price of $100,000.00 or more, for which the Contractor is eligible for Earned Credits.

Sec. 34-237. - Veteran-owned and Persons with Disabilities 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, and PDBEs. 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, or PDBE. CCD shall submit an annual report to the County Board that shall include, at a minimum, the following for the preceding fiscal year:

(1) The number of responsible VBEs, and SDVBEs, and PDBEs that submitted a Bid or proposal;

(2) The number of VBEs, and SDVBEs, and PDBEs 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 SDVBEs, and PDBEs at both contractor and subcontractor levels;

(4) The total number of the County's certified VBEs, and SDVBEs, and PDBEs 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, countywide service organizations for people with disabilities and from the business community including VBEs, and SDVBEs, and PDBEs, and shall make recommendations to

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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 PDBEs and on the continued need to encourage and promote businesses owned by qualified veterans and people with disabilities.

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

(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 or disability.

(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, and PDBEs for supplies, materials and equipment, or services.

(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, and PDBEs.

Effective date: This ordinance shall be in effect January 1, 2019.

Sponsors: LARRY SUFFREDIN, LUIS ARROYO JR, RICHARD R. BOYKIN, JERRY BUTLER, DENNIS DEER, JOHN A. FRITCHEY, BRIDGET GAINER, JESÚS G. GARCÍA, GREGG GOSLIN, EDWARD M. MOODY, STANLEY MOORE, SEAN M. MORRISON, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS, JEFFREY R. TOBOLSKI

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/21/2018	1	Board of Commissioners	receive and file	
9/12/2018	1	Board of Commissioners	defer	Pass
9/12/2018	1	Finance Committee	recommend for deferral	Pass
6/6/2018	1	Board of Commissioners	refer	Pass

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