



RICHLAND COUNTY COUNCIL

ADMINISTRATION AND FINANCE COMMITTEE

Kit Smith	Greg Pearce	Joyce Dickerson, Chair	Kelvin Washington	Valerie Hutchinson
District 5	District 6	District 2	District 10	District 9

**JULY 27, 2010
6:00 PM**

Amendment to A&F Committee Meeting Council Chambers

CALL TO ORDER

ADOPTION OF AGENDA

ITEMS FOR ACTION

1. Women and Minority Owned Disadvantaged Business Program [pages 4-7]

ADJOURNMENT



Richland County Council Request of Action

Subject

Women and Minority Owned Disadvantaged Business Program [pages 4-7]

Reviews

Richland County Council Request of Action

Subject: Women and Minority Owned Disadvantage Business Enterprise Program

A. Purpose

County Council is requested to approve the development of a policy that will allow upgrading of the current Minority Program for a program that will address current changes in business and the economy; geographic and demographic areas; any discriminatory practices; eliminate barriers that restrict participation; and allow for a better and more comprehensive program that is Race/Gender-Neutral and Race/Gender-Conscious that will ensure fair competition and eliminate barriers that restrict participation in award and administration of contractual opportunities to Minority and Woman Owned Disadvantage Business Enterprises (DBEs).

B. Background / Discussion

Richland County current minority business participation program has been in effect for over fifteen years; in that time there has been at least three national censuses on businesses (1997, 2002, 2007); during that time the business, economic, demographic environment has changed.

The County is requested to develop and establish a new DBE program that's open to all businesses and citizens meeting the qualifications; establish a DBE management, certification, eligibility status, development, partnership and mentorship programs; to establish community business relations outreach programs, provide public hearings, conduct conferences. The DBEs participation program should implement appropriate mechanisms to provide for seeking and providing for DBE participation in all types of contracting activities; to ensure compliance with the requirements of the program by all participants in the program. The program should address specific provisions to be inserted into contractual agreements, the enforcement mechanisms, and other means use to ensure compliance. These provisions should include a monitoring and enforcement mechanism to verify that the work committed to DBEs is actually performed by DBEs. The program must describe in detail the level of effort and resources devoted to monitoring and enforcement; provide certification standards and procedures do recipients used to certify DBEs

In order to provide a fair and equitable DBE goal setting and participation program the County should conduct a disparity study to assist in determining a goal setting process, to determine the extent, if any, to which the firms in the County's geographical market area have suffered discrimination or its effects in connection with contractual opportunities or other business opportunities. Each overall contractual goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate in your DBE program (hereafter, the "relative availability of DBEs").

The County's current 15 percent minority participation goals doesn't address past DBE participation rates in the program and or make reference to the relative availability of DBEs in the County's market. The County market area is defined by the geographical area in which the substantial majority of firms which seek to conduct business with the County are located and the geographical area in which the firms which could receive substantial majority of contracts are

located. The County must begin our goal setting process by determining a base figure for the relative availability of DBEs. The methodology chosen must be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in our market area.

Any program developed for DBEs participation in awarding of contracts should include at a minimum the following:

- (a) An equitable, fair and nondiscriminatory process that is Race/Gender-Neutral and Race/Gender-Conscious
- (b) To create a level playing field on which DBEs can compete fairly for opportunities for contracts;
- (c) To ensure that the County's DBE program is tailored to meet its annual goals and must provide for setting goals consistent with the requirements;
- (d) To ensure that only firms that fully meet eligibility standards are permitted to participate as DBEs;
- (e) To help remove barriers to the participation of DBEs in opportunities;
- (f) To provide appropriate flexibility in conducting business with DBEs;
- (g) To take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts;
- (h) Locating and identifying DBEs and other small businesses who may be interested in participating as Contractors and Vendors;
- (i) Notifying DBEs of contracting opportunities and encouraging participation;
- (j) When practical, structuring contracting activities so as to encourage and facilitate the participation of DBEs;
- (k) Providing technical assistance to DBEs in overcoming limitations, such as inability to obtain bonding or financing;
- (l) Ensuring that competitors for contracting opportunities are informed during pre-solicitation meetings about how the recipient's DBE program will affect the procurement process;
- (m) Providing information concerning the availability of DBE firms to competitors to assist them in obtaining DBE participation;
- (n) Establishing a business development program; technical assistance program; or taking other steps to foster DBE participation in contracts;
- (o) DBE program must also provide for the use of gender/race-conscious measures when gender/race-neutral measures, standing alone, are not projected to be sufficient to meet an overall goal.
- (p) Establish specific goals for particular contracting opportunities;
- (q) Setting award goals for DBEs through estimation of the percentage of the demographic composition of businesses and population in Richland County;

(r) Determine statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in your program.

C. Financial Impact

If approved a request for proposal (negotiated process) will be advertise for assistance with establishing the program after selection of a firm(s) the program request will be returned for County Council’s approval with the financial impact.

D. Alternatives

- 1. Approve the request.
- 2. Do not approve.

E. Recommendation

This request is at Council’s discretion.

Recommended by: Rodolfo A. Callwood, Director, Procurement
Date: 7-26-10

F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: <u>Daniel Driggers</u>	Date:
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Procurement

Reviewed by: <u>Rodolfo Callwood</u>	Date:
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Legal

Reviewed by: <u>Larry Smith</u>	Date: 7-26-10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Administration

Reviewed by: <u>J. Milton Pope</u>	Date: 7-26-10
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: The proposed program appears to be an enhancement of the County’s existing DBE goal setting efforts. The specifics of and extent of those enhancements will be better defined once the consultant’s report has been	

completed. The Council should keep in mind, however, that this program was not funded in the FY 11 budget; therefore, funding for the proposed consultant does not exist at this time. In order to proceed, funds would need to be appropriated through a budget amendment, with the funds coming from the General Fund fund balance.