

# Warren County Board of Supervisors

## RESOLUTION NO. 422 OF 2013

**Resolution introduced by Supervisors Dickinson and Wood**

### **ADOPTING MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE - EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

WHEREAS, in order for the County to receive State or Federal funds, it is necessary for the County to have adopted a policy statement concerning minority and women-owned business enterprises and equal employment opportunity, and

WHEREAS, the County has adopted a number of resolutions prior hereto concerning minority and women-owned business plans and has also adopted a resolution authorizing an Affirmative Action Program which also addressed equal employment opportunity, and

WHEREAS, during the course of preparing documents for a NYS Department of State grant contract, the Director of Planning and Community Development noted the various representations in the agreement concerning minority and women-owned business enterprise and equal opportunity employment and questioned whether the County's current policies covered all of the agreements and policy statements required therein, and

WHEREAS, the percentage requirements for minority and women-owned business enterprises are different than what has previously been required by Warren County policies and there may be some other differences between the policies adopted by Warren County and the State policy, and

WHEREAS, the County's current Affirmative Action Program requirements are somewhat different and do not include a provision against age discrimination, and

WHEREAS, the County desires to generally update, modify, supplement and/or rescind where necessary, its prior adopted policies to be consistent with the policy statements required by the State of New York, except with regard to percentage of participation of minority and women-owned business enterprises which percentages shall be set at rates previously established by Warren County unless a State Agency

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should require a different participation rate in order to receive funds in which case the County participation rates shall be changed to match the State requirement with regard to the affected program or grant, now, therefore, be it

RESOLVED, that Warren County adopt the minority and women-owned business enterprise - equal employment opportunity policy statement attached hereto as Schedule "A", and be it further

RESOLVED, that Warren County's rate percentage of participation of minority and women-owned business enterprises which percentages shall be set at rates previously established by Warren County unless a State Agency should require a different participation rate in order to participate in grants or programs in which case the County participation rates shall be changed to match the State requirement for the affected program or grant, and be it further

RESOLVED, that when a contact or a designated liaison responsible for administering the minority and women-owned business enterprise - employment opportunity program is required by a State grant agreement or other State contract that contact or liaison shall be the Department Head for the Department applying for and/or administering that contract or agreement on behalf of the County, and be it further

RESOLVED, that Warren County update, modify, supplement and/or rescind (where conflicts exist) previously adopted resolutions and policies where necessary, to make its prior adopted policies consistent with the policy statements annexed hereto as Schedule "A".

Schedule "A"

**MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES - EQUAL  
EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

**M/WBE**

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from AGENCY and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

**EEO**

- (a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on state contracts.
- (b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.
- (c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.

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- (d) Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractors and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.
- (e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.