

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2016-0004

Sponsored by: **County Executive Budish/Office of Procurement and Diversity and Councilmembers Brady, Brown, Conwell, Hairston, Jones and Miller**

**An Ordinance** enacting Section 503.08 of the Cuyahoga County Code to expand the Small Business Enterprise Program to Allow Small Business Set Asides, and declaring the necessity that this Ordinance become immediately effective.

WHEREAS, Article VII, Section 701 of the Cuyahoga County Charter mandates that the County “shall develop and implement policies, programs and activities for the expansion and enhancement of economic activity in the County so as to create and preserve jobs and employment opportunities for and available to residents of the County”; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by the County can continue; and

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Section 503.08 of the Cuyahoga County Code is hereby enacted to read as follows:

**Section 503.08 Small Business Set Asides**

- A. “Set Asides for Small Business Enterprises” are defined as the reserving of some or all of a Request for Bid, Request for Proposal, Request for Qualifications or contract exclusively for participation by Small Business Enterprises as determined by the Cuyahoga County Office of Procurement and Diversity.
- B. The Small Business Enterprise Program set forth in Cuyahoga County Code Section 503.01 is hereby expanded to allow Requests for Bids, Requests for Proposals, Requests for Qualifications, and contracts to contain Set Asides for Small Business Enterprises exclusively for participation by Small Business Enterprises.
- C. The Cuyahoga County Office of Procurement and Diversity may prepare and/or amend forms to carry out the actions described herein. The forms shall be similar to those that other governments, like the State and City of Cleveland, already have in place in an effort to make it simple and easy and encourage greater participation from SBEs.

- D. The Director of the Cuyahoga County Office of Procurement and Diversity or designee reserves the right and discretion to reject any bid or proposal for any reason or all bids or proposals for no reason at all without incurring any liability.
- E. Within 90 days of the effective date of this provision, the Cuyahoga County Office of Procurement and Diversity shall, in collaboration with the Department of Public Works, develop written parameters the County will use to identify contracts or services eligible to be set aside for small business enterprises and shall submit such written parameters to Council. On or before April 1 of each year starting in 2017, the Cuyahoga County Office of Procurement and Diversity shall issue a report to Council outlining the status of the Small Business Enterprises Program, including the overall impact the program has had on correcting the disparities identified in the 2015 Cuyahoga County Disparity Study.

**SECTION 2.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Miller, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Brown, Hairston, Simon, Greenspan, Miller, Germana, Gallagher, Schron, Conwell, Jones and Brady

Nays: None

Dan Beery  
County Council President

4/27/2016  
Date

Mark Rife  
County Executive

4/27/16  
Date

Janice M. Schnotz  
Clerk of Council

4/26/2016  
Date

First Reading/Referred to Committee: February 9, 2016  
Committee(s) Assigned: Public Works, Procurement & Contracting

Committee Report/Second Reading: April 12, 2016

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