

RESOLUTION NO. _____-2017

A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 167-91 AND RESOLUTION NO. 319-2015, TO ADOPT A REVISED MINORITY, WOMEN AND DISADVANTAGED BUSINESS ENTERPRISE 10% MINIMUM GOAL AND TO RESTATE A CERTIFIED VETERAN-OWNED SMALL BUSINESS AND CERTIFIED SERVICE DISABLED VETERAN-OWNED BUSINESS MINIMUM 3% GOAL FOR GOVERNMENT CONTRACTS.

WHEREAS, the Urban County Council by Resolution No. 167-91 adopted the administrative plan related to a ten percent minimum goal for disadvantage business enterprises;

WHEREAS, the Urban County Council by Resolution No. 319-2015 adopted a three percent minimum goal for certified veteran-owned small businesses and certified service disabled veteran-owned business; and

WHEREAS, it is now the desire of the Urban County Council to amend and revise these resolutions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Resolution No. 167-91 and Resolution No. 319-2015, be and hereby are amended, restated, and replaced in their entirety with the contents of this Resolution.

Section 2 – That the Urban County Council be and hereby adopts a goal of utilizing, in combination, at least ten percent (10%) of the following businesses, as further defined herein, on Lexington-Fayette Urban County Government construction and professional services agreements: (a) Certified Disadvantaged Business Enterprises, (b) Certified Minority Business Enterprises, and (c) Certified Women Business Enterprises.

Section 3 - That the Urban County Council be and hereby re-adopts and restates a goal of utilizing, in combination, at least three percent (3%) of the following businesses, as further defined herein, on Lexington-Fayette Urban County Government construction and professional services agreements: (a) Certified Veteran-Owned Small Businesses, and (b) Certified Service Disabled Veteran-Owned Small Businesses.

Section 4 – That the following definitions shall be used for the purposes of reaching these goals:

(a) Certified Disadvantaged Business Enterprise (DBE). A business in which at least fifty-one percent (51%) is owned, managed and controlled by a person(s) who is socially and economically disadvantaged as defined by 49 CFR subpart 26.

(b) Certified Minority Business Enterprise (MBE). A business in which at least fifty-one percent (51%) is owned, managed and controlled by an ethnic minority (i.e. African American, Asian American/Pacific Islander, Hispanic Islander, Native American/Native Alaskan Indian) as defined in federal law or regulation as it may be amended from time-to-time.

(c) Certified Women Business Enterprise (WBE). A business in which at least fifty-one percent (51%) is owned, managed and controlled by a woman.

(d) Certified Veteran-Owned Small Business The term Certified Veteran-Owned Small Business shall be defined and interpreted consistent with federal law or regulation as it may be amended from time-to-time.

(e) Certified Service Disabled Veteran Owned Small Business. The term Certified Service Disabled Veteran Owned Small Business shall be defined and interpreted consistent with federal law or regulation as it may be amended from time-to-time.

As used in these definitions the term "Certified" shall mean the business is appropriately certified, licensed, verified, or validated by an organization or entity recognized by the Division of Purchasing as having the appropriate credentials to make a determination as to the status of the business.

Section 5 - That the Division of Purchasing and its appropriate personnel shall take the following actions with respect to meeting these goals:

(a) Ensure that all of the appropriate bid and response documents, including contracts, include appropriate language and provisions related to these goals and compliance and reporting related thereto.

(b) Adopting policies, procedures or guidelines consistent with the intent and purpose of this resolution.

(c) Tracking, monitoring, and reporting information related to compliance with these goals.

Section 6 - If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unlawful by a court of competent jurisdiction,

such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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