



## **Executive Order No. EO2021-0001**

### **DECLARATION AND ORDER REGARDING GOALS TO ADDRESS DISPARITY IN CONTRACTING BY CUYAHOGA COUNTY**

WHEREAS, in 2012 the County established the County Equity Commission (the “Equity Commission”) and the Citizens’ Advisory Council on Equity (the “Equity Council”) to review and report on equity efforts undertaken by the County and the delivery of County services, as well as the collection of relevant data; and,

WHEREAS, in 2014, the County conducted a disparity study to determine whether discrimination existed in the County’s awarding contracts to minority and women owned businesses (the “2014 Study”); and,

WHEREAS, the 2014 Study showed long-standing disparities did exist and recommended the implementation of various race- and gender-neutral efforts as well as limited race- and gender-conscious initiatives; and,

WHEREAS, in 2016 the County adopted a series of race- and gender-neutral efforts concurrently with limited race- and gender-conscious initiatives, including extensive business outreach, as an outgrowth of the County’s small business development programs; and,

WHEREAS, in January 2019 the County engaged Griffin and Strong, P.C. (“GSPC”) to conduct a disparity study of County contracting during the period 2014 through 2018 (the “2020 Study”); and,

WHEREAS, the 2020 Study showed that the County’s race- and gender-neutral efforts and limited race- and gender-conscious initiatives that arose from the 2014 Study had not sufficiently addressed the race and gender disparities; and,

WHEREAS, the 2020 Study provides the additional, legally-necessary support to institute more robust race- and gender-conscious programs and offers eight specific, legally-defensible recommendations to reduce the disparity in County contracting with minority- and women-owned business enterprises (“MWBE”).

NOW, THEREFORE, I, Armond Budish, County Executive of Cuyahoga County, Ohio, by virtue of the powers vested in me under Article 18, Section 3 of the Ohio Constitution, by the Charter of Cuyahoga County, and the laws of Cuyahoga County and the State of Ohio, do hereby order and declare as follows:

1. The Office of Procurement and Diversity (“OPD”) is hereby directed, in consultation with the Equity Council and the Equity Commission, to propose a Cuyahoga County

MWBE Contracting Program designed to increase the participation of MWBEs in County contracting (the MWBE Program).

2. The MWBE Program shall include contract-by-contract goals narrowly tailored to each County project (the "MWBE Goals"). The MWBE Goals shall be determined based on the percentage of available MWBEs for each scope of work in a given project; because racial discrimination is different from gender discrimination, there shall be separate goals for minority-owned and women-owned businesses. MWBE goals determined for any individual project shall be memorialized in any authorizing resolution of either the County Council or Board of Control, as applicable, and in the contract.

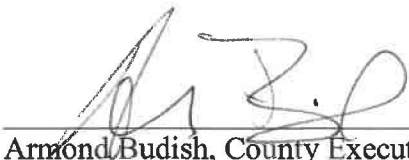
3. In addition, OPD, consulting with the Equity Council and the Equity Commission shall propose criteria to measure a contractor's good-faith efforts (the "Good-Faith Efforts Criteria") to meet the MWBE Goals established for a given project.

4. OPD, in consultation with the Equity Council and the Equity Commission, shall periodically review and revise the Good-Faith Efforts Criteria and MWBE Goals as necessary. OPD shall, upon approval of any such revisions by the County Executive, promptly post same on its website.

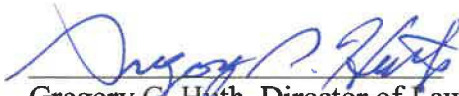
5. No later than January 1, 2022, the MWBE Program shall begin collecting data in a form sufficient to allow comprehensive review of the impact of the MWBE Program. The method of collecting such data shall be developed by OPD.

6. This Executive Order shall go into immediate effect upon my signature. The original copy of this Executive Order shall be filed with the Cuyahoga County Department of Law, and a copy shall be filed with the Clerk of County Council.

I have signed this Executive Order on this 7 day of January 2021, in Cleveland, Cuyahoga County, Ohio.

  
Armond Budish, County Executive  
Cuyahoga County, Ohio

Attested to by,

  
Gregory G. Huth, Director of Law