



Executive Order No. EO2021-0004

DECLARATION AND ORDER REGARDING INCREASED USE OF THE SMALL BUSINESS SET ASIDE PROGRAM IN CONJUNCTION WITH THE CUYAHOGA COUNTY MWBE CONTRACTING PROGRAM

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”); and,

WHEREAS, the County’s Small Business Set Aside Program, as further described in Section 503.02 of the County Code (the “SBSA”) can be better utilized to increase access to County contracting opportunities by both MWBEs and certified small business enterprises (“SBE”).

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. All County departments under the jurisdiction of the County Executive are hereby directed to coordinate with OPD to expand use of the SBSA Program in order to enhance access of MWBEs to contracting opportunities with the County.

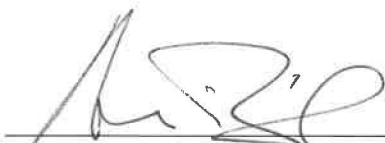
a. Each such County department, in consultation with OPD, shall determine annually a percentage of its contracts and purchases that it will use best efforts to award to SBEs, including MWBEs certified as SBEs, in any calendar year.

b. Beginning no later than July 1, 2021, and every six-months thereafter, each such County Department shall provide to OPD a 24-month forecast of contract and purchasing opportunities that meet the parameters developed under Section 503.08.E. of the County Code ("SBSA Projects") for posting on the OPD website.

2. OPD shall propose revisions to the SBSA Program such that certified SBEs will bid against only other SBEs on SBSA Projects.

3. 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