

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

RESOLUTION NO. 08-123

Approving Revision of PCRB Rule 60-0040

The Multnomah County Board of Commissioners Finds:

- a. Public Contract Review Board (PCRB) Rule 60-0040 requires that all contractors who have a contract amount in excess of \$75,000 must be certified as an Equal Employment Opportunity (EEO) contractor.
- b. The City of Portland has been providing the EEO certification service for County contractors under an Inter-Governmental Agreement which expired on June 30, 2008. Central Procurement and Contract Administration (CPCA) recommends to the Board that PCRB Rule 60-0040 be revised to allow the County to take over the EEO certification. CPCA recommends that PCRB Rule 60-0040 be revised to read as follows:

60-0040 Requirement for Certification as Equal Employment Opportunity Employer

- (1) The CPCA Manager shall implement an Equal Employment Opportunity (EEO) program to assure that all County contractors are certified as providing equal employment opportunities to their employees. The CPCA Manager shall develop forms for this purpose and shall have the authority to approve, deny and revoke certification. A Contractor may appeal a decision to deny certification or revoke certification in accordance with the procedure prescribed in ORS 279B.425.
 - (2) No Department shall enter into a Contract for an amount in excess of \$75,000 unless the Contractor is at the time of execution of such Contract certified as an EEO Contractor by the CPCA Manager. Before entering into any such Contract, the Department shall determine from the listing on the CPCA MINT Site or by other available means whether a Contractor is EEO certified.
- c. The Board finds, based on the attached findings, that it is in the best interest of the County to take over the EEO certification for County contractors.

The Multnomah County Board of Commissioners Resolves:

The Board approves the revised PCRB Rule 60-0040, which allows the County to administer the EEO certification for County contractors.

ADOPTED this 11th day of September, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Deputy County Attorney

SUBMITTED BY:

Carol Ford, Director, Department of County Management

EXHIBIT 1

FINDINGS IN SUPPORT OF THE REVISION TO PCRB RULE 60-0040 TO ALLOW THE COUNTY TO ADMINISTER THE EEO CERTIFICATION FOR COUNTY CONTRACTORS

1. Multnomah County Policy

It is the intent of Multnomah County to provide opportunities for all segments of the business population to participate in Multnomah County contracting opportunities. Multnomah County has a compelling governmental interest in prohibiting discrimination in programs, activities, services, benefits and employment whether carried out by the County itself or through a Contractor with whom the County arranges to carry out its programs and activities.

2. Background

The current PCRB Rule 60-0040 reads:

60-0040 Requirement for Certification as Equal Employment Opportunity Employer

- (1) No Department shall enter into a Contract for an amount in excess of \$75,000 unless the Contractor is at the time of such Contract certified as an EEO Contractor by the City of Portland. Before entering into any such Contract with a Contractor, the Department shall determine from the listing on the CPCA MINT Site or by other available means whether a Contractor is EEO certified.
- (2) Contractors may become EEO Certified by application to the City of Portland. A Contractor may appeal a decision to deny certification or revoke certification in accordance with the procedure prescribed in ORS 279B.425.

The City of Portland has been providing the EEO certification service to the County, because the City has an automated process in place and it was viewed as easier for the County to have the City provide the service. This service has been provided under an Inter-Governmental Agreement (IGA), which expired on June 30, 2008. CPCA is in the process of negotiating the new IGA and would like to take over the EEO certification service. To do so the County needs to revise PCRB Rule 60-0040. The cost to set up and maintain the new process is minimal, as it will be incorporated as a new element (Contract Exhibit 5) in the existing contracting process. CPCA recommends that PCRB Rule 60-0040 be revised as follows:

60-0040 Requirement for Certification as Equal Employment Opportunity Employer

- (1) The CPCA Manager shall implement an Equal Employment Opportunity (EEO) program to assure that all County contractors are certified as providing equal employment opportunities to their employees. The CPCA Manager shall develop forms for this purpose and shall have the authority to approve, deny and revoke certification. A Contractor may appeal a decision to deny certification and/or revoke certification in accordance with the procedure prescribed in ORS 279B.425.
- (2) No Department shall enter into a Contract for an amount in excess of \$75,000 unless the Contractor is at the time of execution of such Contract certified as an EEO Contractor by the CPCA Manager. Before entering into any such Contract, the Department shall determine from the listing on the CPCA MINT Site or by other available means whether a Contractor is EEO certified.

FINDINGS

- A In FY 08, this service cost the County \$26,216. During that period, the City certified or re-certified 197 vendors who required certification, a per-certification cost of \$133.08.
- B By taking the EEO certification process in-house, the County can ensure vendor compliance in a manner that is both more efficient and accountable than the present system.
- C Cost savings would be used to directly support training and technical assistance for MWESB vendors working on Multnomah County projects.
- D CPCA believes that it is in the best interest of the County to take over the EEO certification for County contractors. CPCA will require contractors to self-certify through a contract exhibit rather than through the City's website.