

1 **AN ORDINANCE BY THE FULTON COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING AND REAUTHORIZING SUBPART B - CODE OF RESOLUTIONS,**
3 **CHAPTER 102 - ADMINISTRATION, ARTICLE V - PURCHASES AND CONTRACTS,**
4 **DIVISION 10 - SMALL BUSINESS ENTERPRISE PROGRAM OF THE FULTON**
5 **COUNTY CODE TO BE EFFECTIVE JANUARY 1, 2023; AND FOR OTHER**
6 **PURPOSES.**

7 **WHEREAS**, Fulton County (“the County”) steadfastly promotes the economic
8 welfare of the people of Fulton County and provides full and equal business opportunities
9 for all persons seeking to do business with the County; and

10 **WHEREAS**, the County proactively encourages small businesses to seek bid
11 opportunities as either a prime contractor or subcontractor; and

12 **WHEREAS**, the County is committed to providing training, education, and
13 technical assistance to small businesses, which enables them to compete for business
14 opportunities, to be successful in a competitive bid process, and to ultimately grow their
15 base; and

16 **WHEREAS**, the County recognizes that small business enterprises, as defined in
17 the Fulton County Code, are essential to a competitive economy and may need
18 assistance in competing for County contracts; and

19 **WHEREAS**, on October 15, 2016, the Fulton County Board of Commissioners
20 approved Resolution 16-0864 to amend the section of the Fulton County Code governing
21 County purchases, to create a Small Business Enterprise Program (“SBE”) within Chapter
22 102 - Administration, Article V - Purchases and Contracts, Division 10 - Small Business
23 Enterprise Program; and

24 **WHEREAS**, Fulton County Code § 102-449.14 requires there be a periodic review
25 and analysis of the program to determine if adjustments need to be made prior to its
26 sunset; and

1 **WHEREAS**, pursuant to Fulton County Code § 102-449.15, the County’s SBE
2 program is scheduled to sunset on December 31, 2022; and

3 **WHEREAS**, on June 6, 2022, via Agenda Item # 22-0435, the BOC approved Keen
4 Independent Research, LLC (“Keen Independent”) to assist the County in performing an
5 evaluation of the County’s current SBE program prior to the December 31, 2022 sunset
6 date; and

7 **WHEREAS**, based on this assessment, an evaluation of the current SBE program,
8 and an availability/market analysis, Keen Independent recommends that the County
9 make certain amendments to the SBE sections of the Fulton County Code, and
10 reauthorize the SBE program for a longer term, with those revisions provided in Appendix
11 A, Division 10, Small Business Enterprise Program; and

12 **WHEREAS**, the County is a sub-recipient of federal funds from the Federal
13 Highway Administration (“FHWA”) and the Federal Aviation Administration (“FAA”) and
14 has an established Disadvantaged Business Enterprise (“DBE”) Program; and

15 **WHEREAS**, under 49 CFR § 26.39 (Fostering Small Business Participation), the
16 County’s DBE program must have in place contracting elements to facilitate competition
17 by small business concerns, taking all reasonable steps to eliminate obstacles to their
18 participation, including unnecessary and unjustified bundling of contract requirements
19 that may preclude small business participation in procurements as prime contractors or
20 sub-contractors; and

21 **WHEREAS**, the County, as the largest county in the state of Georgia, has
22 determined that there is a need to reauthorize its SBE program for purchasing and

1 contracting functions to ensure competitive opportunities for all businesses and to comply
2 with DBE requirements; and

3 **WHEREAS**, the County desires to be proactive in ensuring that economic
4 opportunities in the Atlanta region are equally available to all individuals or businesses
5 regardless of race, gender or ethnicity; and.

6 **WHEREAS**, the reauthorization of the County’s SBE program with the suggested
7 amendments will enable the County to continue “to promote commerce by assisting SBEs
8 to actively participate in the county's procurement process” as set forth in Fulton County
9 Code § 102-447.

10 **NOW, THEREFORE, IT IS ORDAINED**, that the Board of Commissioners hereby
11 amends and reauthorizes Subpart B - Code of Resolutions, Chapter 102 - Administration,
12 Article V - Purchases and Contracts, Division 10 - Small Business Enterprise Program of
13 the Fulton County Code, attached hereto as Appendix A.

14 **BE IT FINALLY ORDAINED**, that this Ordinance shall become effective on
15 January 1, 2023 and that all ordinances and resolutions and parts of ordinances and
16 resolutions in conflict with this Ordinance are hereby repealed to the extent of the conflict.

17 **SO, PASSED AND ADOPTED**, this 7th day of December, 2022.

18 **FULTON COUNTY**
19 **BOARD OF COMMISSIONERS**

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23 _____
Robert L. Pitts, Chairman

24 ATTEST:

25 _____
26 Tonya R. Grier
27 Clerk to the Commission
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APPROVED AS TO FORM:

Y. Soo Jo
County Attorney

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