

1 **ORDINANCE TO AMEND PART I, SUBPART B, CHAPTER 102, ARTICLE V, DIVISION**
2 **8, OF THE FULTON COUNTY CODE TO CONTINUE THE NON-DISCRIMINATION IN**
3 **PURCHASING AND CONTRACT PROGRAM; TO AMEND THE SUNSET**
4 **PROVISIONS OF THE NON-DISCRIMINATION IN PURCHASING AND CONTRACT**
5 **PROGRAM; AND FOR OTHER PURPOSES.**
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7 **WHEREAS**, the purposes of Chapter 102, Article V, Division 8, of the Ordinances of
8 the Fulton County, Georgia entitled “Non-Discrimination in Purchasing and Contracting”
9 are to promote full and equal business opportunities for all persons doing business with
10 Fulton County; to reinforce and support outreach efforts to open contracting opportunities
11 to all businesses, regardless of size, race, gender or ethnicity; and to ensure that Fulton
12 County does not become a passive participant in racial, ethnic and gender discrimination;
13 and
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15 **WHEREAS**, in August 2017, the County commissioned Griffin & Strong, P.C. to
16 conduct a disparity study (“2017 Study”) on behalf of the County; and
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18 **WHEREAS**, the 2017 Study concluded that Fulton County contained underutilization
19 in certain work categories for females and certain minority groups; and
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21 **WHEREAS**, underutilization means the availability versus the utilization of qualified
22 female owned and certain minority-owned businesses in the Atlanta region
23 (“Underutilization”); and
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25 **WHEREAS**, pursuant to Ordinance No. 19-0854, adopted by the Fulton County
26 Board of Commissioners on November 20, 2019, Fulton County amended and enacted
27 its current Non-Discrimination in Purchasing and Contracting based on the 2017 Study;
28 and
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30 **WHEREAS**, Fulton County recognizes the need for periodic review of its Non-
31 Discrimination in Purchasing and Contracting effectiveness in order that appropriate
32 and necessary adjustments may be identified and implemented; and
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34 **WHEREAS**, Fulton County authorized an updated disparity study of the period
35 between 2018 and 2022 that was also conducted by Griffin & Strong, P.C. and resulted
36 in the 2024 Fulton County Disparity Study Report (the “2024 Disparity Report”), in order
37 to evaluate the effectiveness of the Non-Discrimination in Purchasing and Contracting
38 Program on reducing Underutilization; and
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40 **WHEREAS**, the 2024 Disparity Report concluded that, under the Non-Discrimination
41 in Purchasing and Contracting Program, Fulton County reduced Underutilization of
42 minority-owned businesses, generally, in certain work categories; however, certain
43 minority groups and women continued to experience barriers causing Underutilization
44 Fulton County funded contracts in certain work categories; and
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46 **WHEREAS**, the 2024 Disparity Report adds to, updates, and reinforces the
47 conclusions of the 2017 Disparity Report to improve Fulton County’s “Non-Discrimination

1 in Purchasing and Contracting” policy that will contain narrowly tailored equal opportunity
2 measures in County contracting; and
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4 **WHEREAS**, based on the findings and all information in the 2024 Disparity Report,
5 the totality of the information available to Fulton County, and Fulton County’s commitment
6 to promote full and equal business opportunities for all persons doing business with Fulton
7 County, it is appropriate and necessary for Fulton County and in the best interest of Fulton
8 County’s contractors within the marketplace to continue the Non-Discrimination in
9 Purchasing and Contracting Program for an additional five (5) years in order to prevent
10 Fulton County from becoming a passive participant in racial, ethnic, and gender
11 discrimination; to ensure that all businesses have a fair and equitable opportunity to do
12 business with Fulton County; and, to ensure nondiscrimination in the award and the
13 administration Fulton County contracts; and
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15 **NOW, THEREFORE, BE IT ORDAINED**, by the Fulton County Board of
16 Commissioners that Part I, Subpart B, Chapter 102, Article V, Division 8, Non-
17 Discrimination in Purchasing and Contracting is hereby amended to continue the equal
18 opportunity in contracting program known as the “Non-Discrimination in Purchasing and
19 Contracting Policy” and to amend the sunset provision Section 102-441.2 titled, “Sunset
20 Provisions” that the Sunset Provisions shall expire on December 31, 2029, substantially
21 in the form of Attachment 1 attached hereto and incorporated by reference.
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23 **BE IT FINALLY ORDAINED**, that this Ordinance shall become effective upon
24 adoption, and that the amended Fulton County Purchasing Code, substantially in the form
25 attached hereto as **Attachment 1**, shall apply to all procurements initiated after adoption
26 of this Ordinance and that all ordinances and resolutions and parts thereof conflict with
27 this Ordinance are hereby repealed.
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29 **SO PASSED AND ADOPTED**, by the Board of Commissioners of Fulton County,
30 Georgia this ___ day of _____, 2024.
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32 **FULTON COUNTY BOARD OF**
33 **COMMISSIONERS**
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35
36 _____
37 Robert L. Pitts, Chairman (At-Large)
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39 ATTEST:

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41 _____
42 Tonya R. Grier, Clerk to the Commission
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APPROVED AS TO FORM:

Y. Soo Jo, County Attorney