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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session

1992

Resolution No. _____ CR-4-

1992

Proposed by The Chairman (by request - County
Executive)

Introduced by Council Members Pemberton, Fletcher and

_____ Del

Giudice

Co-Sponsors

Date of Introduction _____ January 7,

1992

RESOLUTION

A RESOLUTION concerning

Minority Business Opportunities

FOR the purpose of adopting the study of the County's
procurement system and the minority business enterprise
program.

WHEREAS, on January 23, 1989, the Supreme Court of the
United States issued a decision in the case of City of Richmond
v. J.A. Croson Co., requiring local governments to provide a

factual basis for preference programs; and

WHEREAS, in March of 1989 the County engaged the services of the Minority Business Enterprise Legal Defense and Education Fund, Inc. ("MBELDEF") for the purposes of conducting a disparity study of the County's procurement process and accessing the factual basis for maintaining the existing Minority Business Enterprise Program and the factual basis and recommendation for continuing a minority business enterprise program in the County; and

WHEREAS, MBELDEF has completed its study and submitted its findings to the County Executive; and

WHEREAS, the study consists of three (3) volumes; volume one being an Executive Summary, Findings and Recommendations, volume two being A Summary of Qualitative Evidence Regarding Discrimination in the Marketplace, and volume three being A Summary of Quantitative Evidence Regarding Disparities in the Marketplace; and

WHEREAS, volume one provides a brief legislative history of the MBE program's evolution since 1978 from a general policy statement in favor of "reasonable" participation by MBEs in County procurement, to a race-conscious preferential program establishing a 30% goal for MBE participation in County procurement today; contains an overview of the dual methodologies of qualitative and quantitative assessments of the relevant marketplace, a legal analysis of the requirements for local MBE programs as set forth in the Croson decision; an

assessment of the legality of Prince George's County's MBE program; and includes a summary of finding regarding qualitative and quantitative evidence of discrimination, and recommendations for suggested changes to the MBE program in light of the findings and legal requirements;

WHEREAS, volume two is a collection of anecdotal accounts regarding discrimination in the relevant geographic marketplace in which Prince George's County does business, which anecdotes were gathered through in- depth confidential interviews of contractors, vendors, trade association representatives, and civic and public officials. and particular anecdotal accounts from the Washington Suburban Sanitary Commission, City of Baltimore, and State of Maryland studies were also summarized in this volume; and

WHEREAS, volume three summarizes the quantitative evidence of disparity between the utilization and availability of MBEs in the relevant marketplace; and

WHEREAS, the three (3) volume study represents the facts, findings, and conclusions which form the basis for the County's Minority Business Enterprise program, and

WHEREAS, the County Purchasing Agent and the Minority Business Opportunities Commission have recommended certain legislative changes to the County Council based on the findings of the study; and

WHEREAS, the County Council has reviewed the results, findings and recommendations of the study; now, therefore,

BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the results, findings and recommendations of the study completed by the Minority Business Enterprise Legal Defense and Education Fund, Inc., a copy of which has been filed with the Clerk of the Council and is incorporated herein by reference, be and the same is hereby adopted as the facts, findings and conclusions forming the basis for the adoption of a minority business enterprise program in Prince George's County, including all related Code provisions and regulations.

Adopted this 21st day of July, 1992.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Richard J. Castaldi
Chairman

ATTEST:

Joyce T. Sweeney
Acting Clerk of the Council