



Legislation Text

File #: 2816, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing §626., Jackson County Code, 1984, relating to the compliance review officer, and enacting, in lieu thereof, one new section relating to the same subject.

ORDINANCE #2816, June 23, 1998

INTRODUCED BY John Patrick Burnett, County Legislator

WHEREAS, the Legislature is in the process of hiring a new compliance review officer pursuant to chapter 6 of the County Code; and,

WHEREAS, in connection with this hiring, it is appropriate that the duties of the compliance review officer be modified; and,

WHEREAS, an amendment to the Code incorporating the appropriate modification is in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 626., Jackson County Code, 1984, is hereby repealed, and one new section enacted in lieu thereof, to be known as §626., to read as follows:

626. Mandates to Compliance Review Officer.

The following are mandates to the Compliance Review Officer.

626.1 Notice to Bidder of Ineligibility.

The CRO shall notify every ineligible bidder of the CRO's determination of the ineligibility of the bidder for contracts because of noncompliance with this chapter, and the reasons for the determination of noncompliance and shall provide the bidder with a copy of this chapter unless already provided.

626.2 Notice of Ineligibility to Others.

The CRO shall notify the County Legislature, the Manager of the Division of Finance and the Purchasing Director of those bidders who are ineligible for contract because of noncompliance with this chapter.

626.3 Notice to Bidder of Reinstatement.

The CRO shall notify in writing every bidder whose eligibility has been reinstated for contract bidding under this chapter and shall also communicate that fact in writing to the County Legislature, the County Auditor, the Manager of the Division of Finance and the Purchasing Director.

626.4 Notice of Noncompliance with Ordinance.

The CRO shall notify the County Legislature, the Manager of the Division of Finance and the Purchasing Director of those contractors which are not determined to be in compliance with any provision of Section 640.00 through 644.05 and the reasons for the determination on noncompliance.

626.5 Notice of Deficiency in Plan.

If the CRO finds that the design of an affirmative action plan lacks an element of acceptability set out in Sections 630.00 through 639.00 the CRO shall specify to the interested bidder, contractor, or subcontractor those elements of acceptability which need to be incorporated into the design of the plan and shall allow seven (7) working days after the notice to correct the deficiency.

626.6 Compliance by Contractor.

The CRO shall review all evidence submitted under Section 642.00 and all other evidence available to the CRO, and shall determine whether or not the contractor has neglected to implement its affirmative action plan, or is otherwise in violation of this chapter. Notice of an adverse determination shall be promptly communicated to the contractor in writing by registered mail to the address listed on the bid of the contractor, with notice of the right of appeal granted under Section 653. The CRO shall specify to the attending contractor the corrective action required and shall request from the contractor a commitment in writing to accomplish the corrective action so specified.

626.7 Bidders on contracts in Excess of Ten Thousand Dollars.

With respect to each bidder being considered, as indicated by the Purchasing Director or other county employee authorized to invite bids, for the award of a contract in excess of ten thousand dollars (\$10,000) the CRO shall find whether:

a. Contractor or Subcontractor.

The individual or entity is a contractor or subcontractor;

b. Eligibility.

The bidder or contractor is eligible under this chapter for the proposed contract.

c. Notice of Findings.

The CRO shall promptly communicate the findings under a. and b. to the County Legislature, the Legislative Auditor, the Manager of the Division of Finance and the Purchasing Director.

626.8 Notice of Compliance Review Officer.

The CRO shall notify every affected bidder, contractor or subcontractor of all decisions, findings or other actions of the CRO and of its appeal right under Section 653.

626.9 Other Duties.

In addition to other duties specified elsewhere, it shall be the duty of the CRO under this chapter:

a. Act to Assure Compliance.

To do every act reasonably necessary and feasible to assure compliance by bidders, contractors and subcontractors with all requirements of this chapter and, in particular, with the requirement of adopting and implementing acceptable affirmative action plans;

b. Assist Bidders, Contractors and Subcontractors.

To actively assist bidders, contractors and subcontractors to achieve or maintain compliance with this chapter;

c. Maintain Public File.

To prepare and maintain a public file for each individual or entity submitting information to the CRO, to maintain in that file a correspondence log documenting all contact with those individuals or entities, and to keep and prepare records of the cumulative amounts of all contracts awarded during each calendar year to any contractor or its affiliates;

d. Recommend Revisions.

To recommend to the County Legislature and revisions to this chapter deemed prudent;

e. Design Documents and Forms.

To design documents, report forms, manuals and other papers needed to perform the functions of the CRO and to disseminate and accumulate relevant information in the enforcement of this chapter, provided that, in no event may the CRO require any bidder, contractor, or subcontractor to file any document, report form, manual, or other paper more frequently than semi-annually;

f. Cooperate with HRCC.

To cooperate with the office of Human Relations and Citizen Complaints in connection with the exercise of that office of its charter functions;

g. Verify Information.

To verify information from bidders, contractors or subcontractors with on-site visits and to request the submission of relevant employment data from such;

h. Semi-annual report to Legislature.

To present semi-annually to the County Legislature a report of the progress of the county in implementing the policy of this chapter, with illustrative specific case histories.

i. Review Certificates of Affirmative Action Compliance.

To review certificates of affirmative action compliance. If the CRO determines this certificate represents compliance with this ordinance, the bidder shall be deemed eligible.

j. Encourage Development of Affirmative Action Programs.

To encourage the development of affirmative action programs by County bidders, contractors and subcontractors.

626.10 Supply Copies of this Chapter.

The CRO shall send a copy of Chapter 6 to all bidders who request a copy of said chapter.

626.11 Anti-Drug Sales Tax: Review of Minority Hiring and Employment.

The CRO shall monitor the proceeds of the Anti-Drug Sales Tax for minority hiring practices.

a. All entities that receive funds through the Anti-Drug sales tax shall be monitored by the CRO for compliance with the twenty percent goal of minority hiring and employment.

i. This goal is intended for new hires.

b. The CRO shall monitor all invitations for bids and award of contracts in excess of ten thousand dollars (\$10,000) made with proceeds from the Anti-Drug Sales Tax to insure that bidders/contractors comply with the provisions of Chapter 6 relating to affirmative action plans as determined by 612 of Chapter 6.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

County Counselor

I hereby certify that the attached Ordinance, Ordinance #2816 introduced on June 23, 1998 was duly passed on _____ July 20_____, 1998 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____ 9 _____ Nays _____ 0 _____

Abstaining _____ 0 _____ Absent _____ 0 _____

This Ordinance is hereby transmitted to the County Executive for her signature.

Date Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #2816.

Date Katheryn J. Shields, County Executive