

PROOF OF PUBLICATION

STATE OF WISCONSIN }  
MILWAUKEE COUNTY } s.s.

Ann Richmond, being the first duly sworn on oath, says that she is the Publisher of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Apr. 24, 2012

Ann E. Richmond  
Ann Richmond, Publisher

Sworn to me this 24th day of April 2012

David Zierner  
David Zierner  
Notary Public, Milwaukee County, Wisconsin  
My Commission Is Permanent



PROOF OF PUBLICATION

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AND MATERIAL AND PUBLIC WORKS COUNTY CONTRACT.

Section 4. Sections 42.01, 42.02(1)(a), 42.02(1)(b), 42.02(1)(c), 42.02(1)(e), 42.02(1)(f), 42.02(1)(g), 42.02(1)(k), 42.03, 42.04, 42.04(1), 42.04(2), 42.04(3), 42.04(4), 42.04(5), 42.04(7), 42.04(8), 42.04(9), 42.04(10), 42.04(11), 42.04(12), 42.05, 42.05(1), 42.05(2), 42.05(3), 42.05(4), 42.06(4), 42.06(5)(a), 42.06(5)(b), 42.06(5)(c), 42.06(5)(d), 42.06(5)(e), 42.07(1), 42.07(2), 42.07(3), 42.07(4), 42.07(5), 42.07(6), 42.07(7), 42.08(1), 42.08(2), 42.08(3), and 42.08(4) of the General Ordinances of Milwaukee County are amended as follows:

42.01. - Policy. Based upon the findings contained in county board file no. 92-474 and all other documents and reports contained therein, it is the county's policy to comply with all federal requirements relating to the Disadvantaged Business Enterprise (DBE) Program and the Airport Concession Disadvantaged Business Enterprise (ACDBE) Program identified in section 42.02(1)(a) and to require opportunities for participation by Disadvantaged Business Enterprises (DBE) and Airport Concession Disadvantaged Business Enterprises (ACDBE) DBE and ACDBE firms in county professional services and public works contracting. The provisions of this chapter will apply to both county and federally funded projects.

Disadvantaged Business Enterprise Program and Airport Concession Disadvantaged Business Enterprise Program for all projects funded with federal money, including but not limited to the Federal Transit Administration (FTA), Federal Aviation Administration (FAA) and Federal Highway Administration (FHWA) shall comply with Title 49 of the Code of Federal Regulations, Parts 23 and 26, as amended from time to time, and all other appropriate federal laws and regulations, as applicable, now in effect or to take effect in the future.

42.02. - Definitions. (1) For all projects subject to this chapter funded with federal and county money and those funded only by county money, the following definitions shall apply.

(a) Airport concession disadvantaged business enterprises (ACDBE) means a concession that is a for-profit small business concern that is at least fifty-one (51) percent owned by one (1) or more individuals who are both socially and economically disadvantaged, or in the case of a corporation, in which fifty-one (51) percent of the stock is owned by one or more such individuals, and whose management and daily operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

(b) Commercially useful function. In addition to the herein described definitions, various standard and criteria as developed by the director of transportation and public works and approved by the county board will be implemented in conjunction with and by the Community Business Development Office or such other process recommended by the Director of the Community Business Development Office and approved by the county board in order to determine eligibility and certification of a disadvantaged business enterprise or an airport concession disadvantaged business enterprise.

A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, all facts and circumstances are considered including, but not limited to, the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

(c) Concession means one (1) or more of the types of for-profit businesses defined in 49 CFR Part 23, Section 23.3 under the definition listed in paragraphs (1) or (2) of this definition:

- (1) A business, located on an airport that is engaged in the sale of consumer goods or services to the public under an agreement with Milwaukee County, another concessionaire, or the owner or lessee of a terminal, if other than Milwaukee County; or
- (2) A business conducting one (1)

or more of the following covered activities, if it does not maintain an office, store, or other business location on an airport, as long as the activities take place on the airport: management contracts and subcontracts, a web-based or other electronic business in a terminal or which passengers can access at the terminal, an advertising business that provides advertising displays or messages to the public on the airport, or a business that provides goods and services to concessionaires.

(e) Disadvantaged business enterprise (DBE) means a for-profit small business concern which is at least fifty-one (51) percent owned by one (1) or more individuals who are both socially and economically disadvantaged, or in the case of a corporation, in which fifty-one (51) percent of the stock is owned by one or more such individuals who own it.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including but not limited to construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

(f) Good faith efforts means of force to achieve a DBE or ACDBE goal or other requirement which by their very nature, intent, and appropriate steps are expected to fulfill the program requirement. Disadvantaged business enterprise (DBE) means a for-profit small business concern which is at least fifty-one (51) percent owned by one or more individuals who are both socially and economically disadvantaged, or in the case of a corporation, in which fifty-one (51) percent of the stock is owned by one or more such individuals, and whose management and daily operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

(g) Good faith effort waiver refers to a request to use a prime contractor or subcontractor who is not a DBE or ACDBE goal cannot be met. Good faith efforts means efforts to achieve a DBE or ACDBE goal or other requirement, which by their scope, intensity, and appropriateness to the objective and program requirement, can reasonably be expected to fulfill the program requirement.

(k) Socially and economically disadvantaged individual means any individual who is a citizen (or a United States resident) of the United States and who is a member of one (1) of the following groups:

- (i) Any individual who is a member of one (1) of the following groups: African Americans, who are persons whose ancestors were from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia, Kampuchea, Thailand, Malaysia, Indonesia, the Philippines, Burma, Samoa, Guam, the U.S. Trust Territory of the Pacific and Northern Mariana, Mexico, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong.
- (ii) Subcontinent Asian American, who are persons whose ancestors are from India, Pakistan, Bangladesh, Bhutan, the Maldives, Nepal, or Sri Lanka.
- (iii) Women.
- (iv) Any additional groups whose members are designated as socially and economically disadvantaged by the United States Small Business Administration at such time the Administration designates them as effective Small Business Enterprise (SBE) means an organized, for-profit business that is independently owned and operated and not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume average over a three-year period. In no case will a firm be an eligible SBE in any Federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by United States Small Business Administration (SBA) regulations (see 13 CFR 121.402), over the firm's previous three (3) fiscal years in excess of \$22.4 million, or if the owner(s) of the firm exceed the personal net worth (PNW) described in 49 CFR Part 26.

42.03. - Enforcing office department.

The community business development partners office department will be the enforcing office department and is hereinafter referred to as "CBDP" office.

42.04. - Function of the office of community business development partners department (CBDP).

(1) In accordance with 49 CFR Parts 23 and 26, the office of the director of the community business development partners CBDP is designated as the county's disadvantaged business enterprise liaison officer ("DBELO") and the business enterprise liaison officer ("ACDBELO").

(2) Recommend to the county board appropriate annual percentage requirements for DBE and ACDBE participation in county professional services, time and materials and public works contracting. The director shall ensure that the overall annual triennial DBE and ACDBE percentage goals, including race neutral and race conscious components, are set in accordance with the requirements of 49 CFR Parts 23 and 26 as currently enforced or as amended.

(3) The director shall recommend to the county board other appropriate policies which encourage SBE, DBE and ACDBE participation in county professional services, time and materials and public works contracting.

(4) In consultation with the county's office of corporation counsel, the director shall revise and/or update the disadvantaged business enterprise DBE utilization specifications language to ensure such language is included in professional services county contracts.

(5) The director shall establish SBE, DBE and ACDBE contract compliance monitoring procedures.

(7) The office department shall report annually to the county board on SBE, DBE and ACDBE participation levels on all contracts subject to this chapter. The director shall provide outreach services to SBEs, DBEs and ACDBEs and community organizations to advise them of contracting opportunities with the county.

(8) The director shall ensure that department/division heads and contract administrators make available bid notices and requests for proposals to SBEs, DBEs and ACDBEs in a timely manner.

(9) The director shall assist department/division heads and contract administrators to identify contracts where DBE and ACDBE race conscious and race neutral goals can be included in contract solicitations.

(10) Professional services and County contracts may not be awarded without the written approval of the CBDP director or designee who will ensure that the required SBE, DBE or ACDBE participation is included on all contracts.

(11) All contract solicitations subject to this chapter will require the approval of the CBDP director or designee who will ensure that an appropriate DBE or ACDBE goal is assigned and/or consideration is given to participation by SBEs.

(12) The CBDP office is responsible for reviewing and approving good faith effort waiver requests when the contractually assigned DBE or ACDBE goal cannot be met by a contractor or consultant.

42.05. - Certification of disadvantaged business enterprises (DBE) and airport disadvantaged business enterprises (ACDBE) and verification of SBEs.

(1) The certification of DBE and ACDBE, and verification of SBE firms shall be the responsibility of the CBDP office.

(2) Certification of DBE firms and ACDBE firms shall be governed by the standards and guidelines of 49 CFR Parts 23 and 26 and the processes and procedures established by the Wisconsin Unified Certification Program (WIUCP). Verification of SBE firms shall be governed by these same standards, minus any and all reference to race, gender and/or social disadvantage.

(3) As a member of the Wisconsin Unified Certification Program (WIUCP), all details of initial certification and recertification removal decisions by the CBDP office may be appealed to the WIUCP in accordance with 49 CFR Parts 23 and 26.

(4) The CBDP director is authorized to establish new or amended procedures for certification and recertification in accordance with the WIUCP agreement signed by the county and the members of the WIUCP and 49 CFR Parts 23 and 26.

42.06. - Professional services and other non-professional services contracting. All county departmental and institutional department/division heads and contract administrators are required to provide written notification to the CBDP office as

further describe herein prior to entering into soliciting for professional services and other non-professional services contracts as defined in sections 32.20(2) and (17) and 56.30 of this Code. Annual percentage goals for DBE and ACDBE participation on professional and non-professional services contracts either at the prime or sub-contracted level, will be established as set forth by county ordinance.

(1) Regardless of the dollar amount of the contract, all county contract/division heads and contract administrators are required to notify the office CBDP in writing prior to publication of an RFP or an RFQ. The department/division heads and contract administrators are required to submit an approved CBDP DBE participation recommendation form to the CBDP office for approval. The office will then furnish to the department administrator a list of certified DBEs and ACDBEs that the department administrator shall use in its selection process unless waived for good cause by the CBDP office upon written request from the department administrator. Written request from the department administrator shall involve the CBDP office in development of specification language to be utilized in the appropriate selection process. The department/division head and/or contract administrator shall notify the office and the controller, in writing, of its selection regardless of whether or not a DBE or ACDBE is selected. No contract shall be issued without review and written approval by the CBDP office that provisions of this section have been met.

(2) If the proposer selected is not a DBE or ACDBE, department administrators shall be responsible for working with the CBDP office to utilize a DBE or ACDBE in any subcontracting work by the department or institutional administrator in consultation with the CBDP office, unless waived for good cause by the director of the CBDP office. CBDP will establish, where feasible, a percentage, up to the total contract value, of prime contract and subcontract awards to be set aside for participation by SBEs during DBE participation recommendation review. A "set aside" is the reserving of a contract or a portion of a contract exclusively for participation by SBEs, regardless of the owner's race or gender.

(3) It is the intention and purpose of this section and the process described herein, in addition to procedure and process further detailed in the administrative manual code regarding this section, that each department attain the minimum goal as established by the prime or subcontracted level. CBDP requires contractors/consultants to submit DBE documentation with their original bid/proposal as a matter of responsiveness. CBDP shall provide department/division heads and contract administrators with the appropriate DBE specifications, instructions, forms and procedures to be included with the bid/proposal solicitations. The department/division head or contract administrator shall forward all DBE submissions to CBDP. CBDP will review responses to assure submission of the required forms and documentation. CBDP shall make determinations as to bidder/proposer responsiveness to DBE requirements, and may reject and remove from further consideration all bids/proposals submitted without proper documentation.

(4) The department/division heads and contract administrators will assist the office by submitting quarterly DBE and ACDBE reports that will enable the CBDP office to monitor DBE and ACDBE compliance. All final payment requests must be accompanied by a signed affidavit verifying that the DBE or ACDBE requirements have been met. The owner department shall require all prime contractors/consultants to submit a DBE or ACDBE utilization report with all payment requests. Copies of utilization reports and payment requests shall be forwarded to CBDP for review. Department/division heads and contract administrators shall ensure that all final payment requests are accompanied with a signed affidavit verifying that the DBE and/or ACDBE requirement has been met, either at the prime or sub-contracted level.

(5) It shall be the responsibility of the department administrators to conform to the provisions of this section to ensure utilization of DBEs on county professional services contracts. All directors of county departments must submit an annual disadvantaged business enterprise or airport concession disadvantaged business enterprise utilization plan by February 1 of each year to the CBDP office. The plan shall provide the following

works projects as defined in chapter 44, section 44.001, whether funded with federal funds or solely with county funds. The director of public works the owner department must submit the ~~disadvantaged business enterprise DBE/ACDBE~~ utilization plan by December 15 of each year to the CBDP office based on the county board adopted following information:

(a) A listing by division within the department of types of contracts to be awarded and a dollar value by contract type based on the county board adopted budget.

(b) Designation of a department staff person as contact person(s) for each construction contract.

42.08. - Enforcement and monitoring.

(1) Compliance reviews and audits. ~~During contract performance~~, the county and CBDP reserves the right to conduct compliance reviews and request both from the prime contractor/consultant and DBE subcontractor/subconsultants or ACDBE contractors, documentation that ~~would indicate necessary to verify~~ level of compliance. If the contractor/vendor is not in compliance with DBE and/or ACDBE contract requirements, CBDP will notify the contractor/vendor in writing of corrective action to be taken.

(2) If the contractor/consultant fails or refuses to take corrective action within the time specified in the notice, the county or CBDP request, may terminate or cancel the contract, in whole or in part; withhold payments on the contract until DBE and/or ACDBE contract compliance issues are resolved to the county's satisfaction; or impose other appropriate sanctions, including the one identified in section 42.08(3) below. The director of the owner department of public works or appropriate department head shall be notified by the director of the CBDP office when sanctions are made against a contractor/consultant.

(3) The director of the CBDP office or designee shall have the authority to withhold contractor/consultant payments until DBE and/or ACDBE participation requirements have been met. If the contractor/consultant has completed its contract, and the goal was not met due to an absence of good faith on the part of the contractor/consultant, the proper measure of damages for such noncompliance shall be the dollar amount of the unmet portion of the DBE and/or ACDBE goal. The county may in such case retain any unpaid contract amounts and retainage otherwise due to the contractor/consultant, Milwaukee County may bring suit to recover damages up to the amount of unmet goal, including interest at the rate of twelve (12) percent annually, plus the county's costs, expenses and actual attorney's fees incurred in the collection action.

(4) Pursuant to 49 CFR Part 26 it is county policy to ensure that all subcontractors or subconsultants are promptly paid within seven (7) days of the prime contractor/consultant receiving payment from the county, for all work satisfactorily completed. In the event a prime contractor or prime contractor/consultant fails to pay subcontractors or subconsultants/subconsultants within the stated time frame, the CBDP director or designee may direct the owner department or accounts payable head to withhold payment to the prime contractor/consultant or impose other appropriate sanctions in accordance with county ordinance. The CBDP director or designee may authorize a waiver of the requirements of this chapter, as determined by CBDP pursuant to section 42.04(1), on a contract-by-contract basis, upon good cause shown.

Section 5. Section 42.02(1)(I) of the General Ordinances of Milwaukee County is added as follows:

42.02(1)(I)  
Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

(1) Any individual who the county finds to be a socially and economically disadvantaged individual on a case-by-case basis

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

- (i) "Black Americans" which includes persons having origins in any of the black racial groups of Africa;
- (ii) "Hispanic Americans" which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American or other Spanish or Portuguese culture or origin, regardless of race;
- (iii) "Native Americans" which includes persons who are American Indians, Eskimos, Aleuts or Native Hawaiians;

information Department/Division heads and contract administrators shall comply with the provisions of this section to ensure utilization of DBE and ACDBE firms on county professional and non-professional service contracts. All department/division heads shall submit annually to CBDP a DBE/ACDBE utilization plan form by December 15 each year. The plan shall provide the following information:

(a) Total number of projected professional and non-professional services contracts to be awarded by department/division for the year.

(b) Total value of professional and non-professional services contracts to be awarded and a dollar value by contract type.

(c) Designation of a department and/or division staff person as contact person(s) for professional and non-professional services contracts.

(d) Department's plan to secure participation of DBEs and ACDBEs in professional services contracts which shall include:

(1) Contracts where DBEs or ACDBEs will be included in the request for qualifications (RFQ) or request for proposal (RFP) process.

(2) Contracts where proposals can informally be solicited from and awarded to DBEs and ACDBEs. Value of contracts/subcontracts the department/division estimates will be awarded to DBEs or ACDBEs on professional and non-professional services contracts.

(e) Value of contracts/subcontracts the department estimates will be awarded to DBEs or ACDBEs on professional services contracts. Percentage of total contract dollars that the department/division estimates will be awarded to DBEs or ACDBEs.

42.07. - Construction contracting.  
(1) The owner department of public works shall consult with the CBDP office to determine an appropriate goal on all contracts.

(2) The owner department shall be required to submit an approved DBE participation recommendation form for each public works project. CBDP will establish, where feasible, a percentage up to the total contract value of prime contract and subcontract awards to be set aside for participation by DBEs during DBE participation recommendation review. A "set aside" is the reserving of a contract or a portion of a contract exclusively for participation by DBEs, regardless of the owner's race or gender.

(3) The CBDP director shall provide the director of public works the owner department with appropriate DBE specification language and required contract provisions to be included in bidding and contract documents.

(4) The department estimates that ~~the prime contractor shall comply with the required DBE or ACDBE goal under with the requirements of 49 CFR Part 26 and make a good faith effort to achieve the required DBE or ACDBE participation. If the prime contractor is unable to meet the required DBE or ACDBE participation, the prime contractor must submit a good faith effort to meet to the CBDP office.~~ CBDP requires contractor/consultants to submit DBE documentation with their original bid/proposal as a matter of responsiveness. CBDP shall provide department/division heads and contract administrators with the appropriate DBE specification language, required contract provisions, instructions, forms and procedures to be included with the bid/proposal solicitations. The department/division head or contract administrator shall forward all DBE submissions to CBDE\_CBDP will review responses to assure submission of the required forms and documentation. CBDP shall make determinations as to bidder/proposer responsiveness to DBE requirements, and may reject and remove from further consideration all bids/proposals submitted without proper documentation.

(5) The owner department of public works shall require the all prime contractors/consultants to submit a DBE or ACDBE utilization report with all payment requests. Copies of utilization reports and payment requests shall be forwarded to the CBDP office for review.

(6) The department estimates that Department/Division heads and contract administrators shall ensure that all final payment requests are accompanied with a signed affidavit verifying that the DBE and/or ACDBE requirement has been met, either at the prime or subcontracted level.

(7) The owner department of public works shall submit an annual list of approved public

(iv) "Asian Pacific Americans" which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Burma, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas, Macao, Fiji, Tonga, Kiribati, Juvala, Nauru, Federated States of Micronesia or Hong Kong;

(v) "Sub-continent Asian Americans" which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) Women;

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA at such time the SBA designates become effective.

Section 6. Section 42.06(5)(D) of the General Ordinances of Milwaukee County is deleted in its entirety.

42.06(5)(F) Percentage of total contract dollars that the department estimates will be awarded to DBEs or ACDBEs.

Section 7. Sections 44.07(c), 44.16, 44.16(1), and 44.16(3) of the General Ordinances of Milwaukee County are amended as follows:

44.07. - Bid requirements, disqualification and rejection of bids.

(c) List of subcontractors. Each bidder shall submit with the bid a list of subcontractors (or material suppliers when required by the bid documents), with whom it proposed to contract and the class of work to be performed by each. To qualify for such listing, each subcontractor must first submit a bid in writing to the contractor at least forty-eight (48) hours prior to time of bid closing. The list shall not be altered without written consent of the county. Except the listing of disadvantaged business enterprises, as defined by Milwaukee County Ordinance § 42.02(1)(D), to be used as subcontractors in the bid, a bid shall not be invalid if any subcontractor and the class of work to be performed has been omitted.

The Except, for omissions of the names of disadvantaged business enterprises and the class of work they are to perform, the omission shall be considered inadvertent or a representation that the bidder will perform the work. If inadvertent, the bidder shall supply the list of subcontractors or material suppliers within three (3) working days from date and time of bid opening. Bid may be rejected upon failure to comply.

44.16. - Minority/women disadvantaged business enterprise program.

Legislative intent: To assure that all county construction, repair or remodeling or improvement contractors for any public works shall be awarded only on the basis of ability or potential to do the job, and to assure full participation of all qualified individuals:

(1) The minority and women's disadvantaged business enterprise (DBE) program authority and procedures shall apply as set forth in chapter 42 of the Code.

(2) Any act required to be performed or prohibited by chapter 42 of the Code is hereby incorporated herein by reference.

(3) The director of the department of public works appropriate director of transportation (or designee) or the director of administrative services (or designee) is further authorized and empowered by this section to effectuate and establish appropriate procedures, standards and bid specifications to implement and achieve the county policies and goals contained in chapter 42.

Section 8. Sections 56.30(1)(a), 56.30(1)(b), 56.30(1)(d), 56.30(1)(e), 56.30(2)(a), 56.30(2)(b), 56.30(2)(d), 56.30(6)(g), and 56.30(8)(a) of the General Ordinances of Milwaukee County are amended as follows:

56.30(1) - Definitions.

(a) "Professional services" means substantially measured by the professional competence of the person performing them and which are not susceptible to realistic competition by cost of services alone. The services provided must be materially enhanced by the specific expertise, abilities, qualifications and experience of the person that will provide the service. Professional services shall typically include services customarily rendered by architects; engineers; surveyors; real estate appraisers; certified public accountants; attorneys; financial personnel; medical services, except when such services are delivered to county employees as part of a workers compensation claim; system planning; management and other consultants; and services for promotional programs.

Administrative Manual Procedure 4-3 on professional services DBE Contracting Requirements provides additional definition regarding services that meet professional service contracting requirements

under this ordinance. If a department administrator or other department personnel is uncertain if their contract should follow professional service contracting provisions under this ordinance, the department administrator must make a request of Corporation Counsel for final clarification, before beginning the contracting procedures.

(b) "Services" means the furnishing of labor, time or effort by a contractor/consultant, not involving the delivery of a specific end product other than usual reports and/or drawings which are incidental to the required performance.

(d) "Contractor" means a firm or individual who formally undertakes to do anything for another. Independent contractors must maintain a separate business and hold themselves out to and render service to the general public and must have a right to control the details of the work performed. Questions regarding independent contractor status must be directed to Corporation Counsel. Appendix F lists federal criteria to be considered in determining independent contractor status.

(e) "Contract" means an agreement between two (2) or more persons to do or not to do something a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

56.30(2) - Policy.  
(a) General policy statement. All county departments and institution administrators are responsible for procuring professional services and for soliciting, negotiating and entering into service contracts as defined in sections 22.20(17) in accordance with the provisions of this section. However, the office of the county executive and the county board shall be exempt from the provisions contained herein as shall be the department of administration for the purpose of securing credit rating services related to debt issuance and administration.

(b) Disadvantaged business enterprise requirement. All county departments and institutions administrators are required to notify the disadvantaged business development Partners department (CBDP) division in writing prior to entering into soliciting for professional services contracts and sections 22.20(17) as defined in sections 22.20(17) - contract opportunities. Annual percentage goals for DBE participation on professional services contracts will be established as set forth by county ordinance. The procedures to be followed by departments regarding DBE participation shall conform to provisions as contained in chapter 42. No professional services contract or section 22.20(17) shall be issued without review and written approval by the CBDP division that all provisions of chapter 42 regarding disadvantaged business participation have been met.

(c) Reference to ordinance and administrative matters. When a county department/division head or contract administrator or institutor is preparing to begin a contract for professional services the department/division head or contract administrator shall follow the administrative requirements of this section 56.30 and chapter 42 on the requirements for using disadvantaged business enterprises in county contracting, including professional services, and administrative manual section 1.13, which provides further guidance on complying with professional service contracting requirements.

56.30(6) - Policy.  
(g) All county departments and heads and contract administrators are required to notify the Community Business Development Partners department (CBDP) in writing prior to entering into soliciting for professional services contracts on professional services established as set forth by county ordinance. The procedures to be followed by departments regarding DBE participation shall conform to provisions as contained in Chapter 42. No professional services contract shall be issued without review and written approval by the CBDP division that all provisions of Chapter 42 regarding disadvantaged business participation have been met.

56.30(8) - Controller responsibility.  
(a) The controller shall, on a quarterly basis, summarize the reports received from department administrators concerning professional services contracts and send one (1) copy to the committee on finance and audit and one (1) copy to the county executive and one (1) copy to the CBDP office.

Section 9. Section 56.30(1)(X) and 56.30(1)(g) of the General Ordinances of Milwaukee County are removed in their entirety.

56.30(1) - Definitions.  
(f) "Medical services" means recognized health care professional services provided by a licensed or professional group, ambulance or medical transportation services operated by government, utility, school, laboratories or companies of medical supplies or equipment to county employees whose injury is considered a workers compensation claim. Hospitals, community-based clinics, faculty physicians and other health care providers operating from Froedert Memorial Lutheran Hospital, non-metropolitan operated ambulance and medical transporters providers are excluded from this definition.

(g) "Service contract" means an agreement primarily related to staff services including, but not limited to, bookkeeping, security, landscaping, maintenance and other non-professional services.

Section 10. This ordinance shall become effective upon publication.

Adopted by the Milwaukee County Board of Supervisors  
March 15, 2012

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