

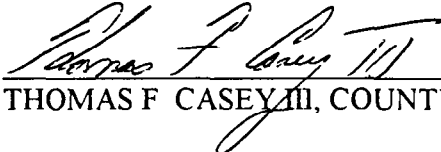
**COUNTY OF SAN MATEO**  
**INTERDEPARTMENTAL CORRESPONDENCE**

**To:** Honorable Board of Supervisors  
**From:** County Counsel  
**Subject:** Resolution Providing for Waiver by the County Manager of Inclusion of Enforcement Mechanisms with the Non-discrimination Clause in County Contracts  
**Date:** April 30, 2001

**Recommendation** Adopt Resolution providing for waiver by the County Manager of inclusion of enforcement mechanisms with the non-discrimination clause in County contracts

**Background** County contracts have always included a non-discrimination clause, violation of which was potentially grounds for termination of the contract. The Board has recently passed a resolution providing for inclusion in all County contracts a provision for enforcement mechanisms by which the County could explicitly enforce the non-discrimination clause. Since the passage of that resolution, requests have come in for waiver or amendment of this provision. Examples include the request from larger companies to limit the geographic area for which reporting is required or the exclusion altogether for contracts with individuals who have no employees.

**Discussion** This resolution would continue the policy of including the same enforcement language as previously required. It would also delegate to the County Manager the authority to waive the enforcement language when he determines it is in the best interests of the County for such reasons as award of the contract is necessary to respond to an emergency, the contractor is a sole source, no compliant contractors are capable of providing goods or services that respond to the County's requirements, or the requirements are inconsistent with a grant, subvention or agreement with a public agency, or the County is purchasing through a cooperative or joint purchasing agreement. This is similar to the provision for waiver in the ordinance requiring provision of equal benefits.

  
 \_\_\_\_\_  
 THOMAS F. CASEY III, COUNTY COUNSEL

TFC/CEM pek

cc John Maltbie, County Manager

L:\CLIENT\BOARDSUP\EEO enforcement waiver resolution.wpd

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

**\* \* \* \* \***

**RESOLUTION PROVIDING FOR WAIVER BY THE COUNTY MANAGER OF  
INCLUSION OF ENFORCEMENT MECHANISMS WITH THE NON-  
DISCRIMINATION CLAUSE IN COUNTY CONTRACTS**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California,  
that

**WHEREAS**, it is the policy of this County to ensure that no person shall be excluded from participation in, denied benefits of, or be subject to discrimination under Agreements with the County and that all County contractors shall ensure full compliance with non-discrimination laws, and

**WHEREAS**, this Board has previously resolved in Resolution 64225 that an enforcement provision in County contracts will be included in all County contracts, and

**WHEREAS**, administration of County contracts would be enhanced if the County Manager were granted authority to approve changes in the enforcement language or waive its inclusion in County contracts,

**WHEREAS**, the Board wishes to continue to require the inclusion of the same language as previously provided and also delegate authority to the County Manager to waive or amend the language as would best serve the County,

**NOW, THEREFORE, THE BOARD OF SUPERVISORS HEREBY RESOLVES AND ORDERS**, that the County Manager is delegated the authority to amend or waive the enforcement language for County contracts required by Resolution 64225 when he determines that it is in the best interests of the County for such reasons as award of the contract is necessary to respond to an emergency, the contractor is a sole source, no compliant contractors are capable of providing goods or services that respond to the County's requirements, or the requirements are inconsistent with a grant, subvention or agreement with a public agency, or the County is purchasing through a cooperative or joint purchasing agreement. Contractors should submit requests for waivers of the terms of this resolution to the department through which the Contract will be awarded

**\* \* \* \* \***