

MINORITY AND WOMEN BUSINESS ENTERPRISE ASSISTANCE

FILE: DJFA

TITLE: Minority and Women Business Enterprise Assistance

POLICY:

The School Board of Orange County, Florida ("Board") hereby adopts a Minority and Women Business Enterprise Assistance Policy ("Policy"). The Policy supersedes all other policies and programs related to minority and women participation in Board procurement activities. The Policy seeks to ensure that qualified minority and women owned businesses ("MWBEs") that compete for Board contracts are not subject to unlawful discrimination on the basis of race, color, national origin, or gender. The successful implementation of this Policy should create ample employment opportunities among the various contractors and vendors within the Orlando Standard Metropolitan Statistical Area ("Orlando SMSA").

The current effects of past discrimination on equitable contracting of the Board are documented in a disparity study commissioned by the Board and completed by D.J. Miller & Associates in 2000 ("Disparity Study II"). Disparity Study II was a follow-up to the 1993 disparity study undertaken by D.J. Miller & Associates on behalf of the Board, Valencia Community College, the Greater Orlando Aviation Authority, and Orange County, Florida. The participation levels established under this Policy are based upon the disparity in the MWBE utilization by the Board as underscored in the statistical and anecdotal evidence in Disparity Study II.

The following definitions shall be utilized in the procedures to be implemented by the Superintendent, and the Superintendent shall adopt such other definitions and procedures as deemed reasonable to implement this Policy:

- (1) "Minority and Women Owned Business" or "MWBE" means a for-profit business entity:
 - (a) at least fifty-one percent (51%) owned by one or more individuals who are both socially and economically disadvantaged, or in the case of a corporation, in which fifty-one percent (51%) of the issued and outstanding stock is owned by one or more such individuals which give such socially and economically disadvantaged individuals legal control of the entity; and
 - (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- (2) "Socially and Economically Disadvantaged Individual" means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who falls into one of the categories below:
 - (a) "African Americans," which includes persons having origins in any of the Black racial groups of Africa;

- (b) “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish culture or origin, regardless of race;
 - (c) “Native Americans,” which includes persons having origins in any of the original peoples of that part of North America that has become the United States;
 - (d) “Asian-Pacific Americans,” which includes persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands;
 - (e) “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka;
 - (f) Women; and
 - (g) Any individual who the Board finds to be socially and economically disadvantaged on a case by case basis.
- (3) In order to address the inequity in the Board’s procurement processes as identified in Disparity Study II, the Board sets within the Policy certain participation goals for the dollar value of work to be awarded to MWBEs. In addition to the annual overall participation levels established by the Board, the Superintendent may set contract participation levels, for individual projects for which there are known available MWBEs with capabilities consistent with the requirement of the specific contract. The current overall annual participation levels are as follows:
- (a) Construction Work and Construction Materials – 23%;
 - (b) Professional Services of Architects, Engineers, Landscape Architects, Land Surveyors, Attorneys, etc. - 15%; and
 - (c) Procurement of Commodities and Non-Professional Contractual Services – 12% (this goal is established considering all purchases of commodities and contractual services except for professional services as defined in item (b) above; lease of real property; spaces use permits; employee benefits; taxes; judgments; agreements for travel dues; pensions; utilities; subscriptions; educational services and materials that are exempt from the competitive solicitation process; debt service requirements; purchases from government entities; and postage). Upon approval by the Senior Administrator of the Office of Business Opportunity, other exclusionary items (listed below) may be excluded from the calculation of participation.
 - i. Purchases of information technology resources;
 - ii. Emergencies;

iii. Sole sources; and

iv. Insurance.

- (4) The Board expects to increase the participation level of MWBEs through the adoption of this Policy, which shall be implemented by the Superintendent through appropriate procedures. The procedures to implement this Policy should foster efficiency and fairness in the award of contracts by eliminating unnecessary and improper barriers to MWBE participation in the award and performance of contracts with the Board. The procedures should also encourage and promote contracting opportunities for all businesses, while maintaining the Board's commitment to assist and protect the interests of all business owners that compete for contracting opportunities with the Board.

SPECIFIC AUTHORITY:

Sections 255.101; 255.102; 287.057; 287.093;
287.09451; 288.703; and 1013.46, Florida Statutes

ADOPTED: 11/17/08 (as DJF)

REVISED: 6/23/15 (re-coded from DJF to DJFA)