

6Gx53-5.017 SMALL BUSINESS ENTERPRISE ENCOURAGEMENT PROGRAM:

I. STATEMENT OF POLICY

It shall be the policy of the School Board of Polk County, Florida (School Board) to encourage and support the reinvestment of taxpayer dollars into the Polk and surrounding area's small business community through a race-neutral Small Business Enterprise Encouragement Program. It is the Board's intent that certified small businesses shall have not only the maximum feasible opportunity to participate in the School Board's procurement programs, which involve contracts for provisions of commodities, professional services, contractual services, consulting services and construction services, but also to encourage the development of award criteria and other proactive processes that are in furtherance of this policy. It is further understood that one of the program's features will include outreach initiatives to those small businesses that are also certified women or minority owned business enterprises to ensure a true diversity initiative. The Superintendent of Schools shall develop procedures that will:

- A. Ensure nondiscrimination in the administration of the School Board's procurement process;
- B. Maintain a procurement environment in which Small Businesses, including W/MBEs, can compete fairly;
- C. Prevent barriers that may obstruct the participation of Small Businesses, including W/MBEs, in the School Board's procurement activities.
- D. Encourage the utilization of certified small businesses, including W/MBEs, in the School Board's procurement activities
- E. Recognize in the award process, whenever possible, those vendors and/or suppliers that further the small business reinvestment vision of the Board as outlined herein
- F. Establish an office that will be responsible for the implementation, monitoring and preparation of enforcement recommendations associated with this policy to the Superintendent or his/her designee
- G. Provide a means for certified small businesses, including W/MBEs, who are participants in the School Board's procurement process to have a post – award dispute resolution procedure to address concerns with either district staff or third party vendor actions that are inconsistent with this policy through a three (3) step process as a means to facilitate informal resolution of disputed contract related conditions.
- H. Develop the resources to measure the effectiveness of the Board's policy
- I. Provide periodic reports to the School Board on its program's effectiveness

II. NONDISCRIMINATION

- A. The School Board shall not exclude any person from participation in, deny any person the benefit of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex national origin or any other basis prohibited by law.

- B. In administering the Small Business Enterprise Encouragement Program, the School Board will not, directly or through contractual or other arrangements, use criteria or other methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the Small Business Enterprise Encouragement Program with respect to individuals of a particular race, color, sex or national origin. School Board procurement practices shall be non-discriminatory and shall promote equality of opportunity.

III. EFFECTIVE DATE: The Small Business Enterprise Encouragement policy shall become effective _____.

Statutory Authority: Florida Statutes 287.055, 1001.32, 1001.41, 1001.42, and 1001.43

Laws Implemented:

Adopted:

Amended:

PROCEDURES TO SUPPORT THE SCHOOL BOARD'S SMALL BUSINESS ENTERPRISE ENCOURAGEMENT PROGRAM

Vision Statement

The School Board recognizes that in addition to its constitutional responsibility to educate the county's school aged children, its required instructional support functions have a direct impact on the economic vitality of the county it serves. At the core of that vitality is the growth and retention of small business enterprises. This Board acknowledges that its reinvestment into local small businesses not only yields growth in revenue support sources, but also provides internship and / or employment opportunities and options for its graduates.

Where expenditures of taxpayer resources are required to achieve the education mandate of the School Board, the growth of small, women and minority business enterprises delivers role models for the children it serves and the opportunity for its parents to meet the needs of their family and the collective community. Thus, the growth and measurement of this race – neutral program is a benefit for all, a confirmation of the School Board's responsibility to expand the pool of competition and, in turn, is responsive to the Board's charge to obtain the most responsible service providers to provide needed instructional support services.

I. The Superintendent shall develop program activities appropriate to the implementation of the School Board's vision. Upon approval by the Superintendent, the program will be executed through, in part, the policies and practices of the School Board's Purchasing Department, Business and / or Facilities Divisions, in order to ensure application to all procurement – related functions.

II. Definition: Small Business Enterprise:

- A. A business enterprise with less than 30 employees; and,
- B. An average net income of one (1) million dollars or less per year over the last three years
- C. An average net worth of three (3) million dollars or less
- D. Has been in business at least one (1) year
- E. Maintains an office in Polk County or the surrounding counties as further defined by the Office of Supplier Diversity; or
- F. Qualifies as a minority or women business enterprise and meets criteria A-D hereinabove.

Definition: Women and Minority Business Enterprise

- A. For purposes of this policy, the term minority includes the following:
African Americans, Hispanic Americans, Asian-Pacific Americans, Native Americans, Asian-Indian Americans and women.
- B. Women/Minority Business Enterprise means any legal entity organized to engage in commercial transactions which is at least 51% owned and controlled by one or more minority persons.

Confirmation of Small, Women or Minority Business Enterprise Status

- A. The Office of Supplier Diversity shall establish a registration procedure, for Small Business Enterprises that will assist in the identification of those entities that are eligible for program participation
- B. The School Board shall seek to enter into reciprocal agreements with other state, local or other recognized certifying agencies in order to assist in the confirmation of program eligibility. The School Board shall recognize certifications from other recognized certified agencies

III. Establishment of Small Business Program Expectations:

- A. The Superintendent shall annually recommend program participation expectations to the School Board for approval.
- B. These expectations shall be based upon past program participation results associated with small business utilization, availability of ready, willing and able small business enterprises and to maximize staff and third party vendor efforts to achieve the School Board's vision.

IV. Implementation

The Manager of Supplier Diversity shall be responsible for implementing all aspects of the Small Business Program. The duties of the Manager of Supplier Diversity shall include, but not be limited to, the following:

- A. Assist the Purchasing Director and Facilities and Operations Assistant Superintendent in the implementation of the Purchasing Procedures as they relate to this policy and achieving the goal approved by the School Board.
- B. Maintain and regularly update the Small Business Procurement Vendor's list with specific information on expertise, qualifications and other information. Verify status of ownership and W/MBE certification; and, Develop procedures and practices associated with the procurement of goods and services under the \$25,000 threshold that is reflective of the Board's policy to encourage the use of small business enterprises. Provide assistance and consultation to internal departments in developing best practices to encourage the utilization of small business enterprises.
- C. Create a menu of benefits that would encourage registration with this program, such as prompt payment procedures, telephone quote procedures that encourage utilization of registered firms/suppliers, unbundling of solicitation requests and trade services that will facilitate greater competition and smaller contract sizes, where applicable, and,
- D. Assist in securing management and technical assistance for the establishment, expansion and overall development of Small Businesses; and,

- E. Publicize procurement opportunities to Small Businesses and assist such businesses in obtaining contracts and subcontracts; and,
- F. Provide small businesses through Procurement, Facilities and other School Board divisions / departments procedures and practices with information in sufficient time to prepare bids; and,
- G. Attend pre-bid and pre-construction conferences to explain the School Board's program and respond to questions; and,
- H. Maintain accurate and up-to-date records demonstrating efforts and accomplishments; and,
- I. Monitor contractors' and subcontractors' compliance with commitments through the life of contracts, when applicable; and,
- J. Plan and participate in training seminars for the purpose of informing potential bidders of the School Board's Program and of procurement opportunities available; and,
- K. Serve as liaison with economic development organizations and agencies working in support of economic development in the disadvantaged community; and,
- L. Assist in the arrangement of joint ventures or joint efforts between Small Businesses and non Small Business firms and / or two or more firms; and,
- M. Measure the effectiveness of the program and develop relevant reports.

V. GOOD FAITH EFFORT

Any bidder submitting a bid or a Gross Maximum Price (GMP) on a construction project in excess of \$100,000, but that does not meet participation goals established by the School Board, must provide in the bid or GMP, documentation of good faith efforts to achieve said goals, unless otherwise specified.

Dispute Resolution Procedure:

Disputes are to be fairly and quickly resolved. Therefore, the following steps are to be followed:

- I. Disputes between sub-contractors and construction managers:
 - A. Disputes between sub-contractors and construction managers are to be discussed first between field representatives of the sub-contractor and the construction manager.
 - B. If unresolved, the sub-contractor, or construction manager may request assistance from the project architect and/or the district's project manager. At the resolution discussion, the representatives of the sub-contractor and the construction manager need to have the authority to settle.
- II. Disputes between the construction manager and the district:
 - A. The primary level of resolution is between the project manager for the district and the construction manager.
 - B. If unresolved, the Director of Construction Services will meet with the two project managers. Others who might help in the resolution, such as the School Board Architect, the project architect, and the Manager of Supplier Diversity may be invited.
 - C. If unresolved, representatives of the Construction Manager and will meet with the Assistant Superintendent of Facilities and Operations and other district facilities personnel to reach resolution.
- III. Disputes regarding short-listing or selection processes.
 - A. If there is a dispute regarding the architect selection, the architectural firm's representatives will meet with the district's Director of Architectural Services to resolve the issue.
 - B. If there is a dispute regarding construction manager selection, the construction manager's representatives will meet with the Director of Construction services to resolve the issue.
 - C. If unresolved, representatives will meet with the Assistant Superintendent of Facilities and Operations for resolution.

Note: All discussions at levels B and C shall be documented in writing and copies provided to all parties.