

### **3.10.6 Minority Participation**

#### Introduction

The Montgomery Public School System (MPS) shall comply with all state and federal laws, applicable ordinances, rules and regulations governing non-discrimination and equal opportunity and shall require the compliance of its vendors, and entities with whom it contracts. The Board of Education acknowledges that minority and female business enterprises have historically been under-represented in the award of district contracts. The Board of Education also recognizes that it is required to comply with applicable bidding laws, federal and state statutes, rules and regulations that limit its ability to award contracts to otherwise deserving entities. This policy is equally applicable to all construction contracts, contracts relating to the purchase of goods, materials and equipment, and non-bid contracts for professional services. The goals set out herein shall apply to all contracts and subcontracts financed in whole or in part with Board funds, including, without limitation, contracts for construction, purchase of goods, materials and equipment, and professional services.

#### Policy

The Board of Education encourages a diverse workforce for all MPS procurement of services and public projects. Toward that end the school system establishes goals for participation by Minority Business Enterprises (MBEs) and minority works in public projects. The minority participation policy ensures non-discrimination in the award and administration of MPS contracts, encourages a level playing field on which minority businesses and minority workers can compete fairly for MPS contracts, helps to remove barriers to participation, promotes the use of minority businesses and minority workers in MPS contracts, ensures the minority participation goals are narrowly tailored in accordance with applicable law and providing appropriate flexibility to contractors in establishing and providing opportunities for MBEs and minority workers.

## PROCEDURES

### Definitions:

**A. Minority and Disadvantaged Businesses:** Those businesses designated as such by the Regulations issued by the Equal Employment Opportunity Commission (“EEOC”), as they may be amended from time to time.

**B. Minority Business Enterprise (MBE):** A business that is owned and controlled by minorities. There must be not less than 51 percent minority ownership of the business, and the minority ownership must control the management and daily operations of the business.

It is the goal of the Board that 35% of the total dollar amount available each fiscal year to the Board for contracts covered by this policy shall be spent with minority and/or disadvantaged businesses. It is further the goal of the Board that minority and/or disadvantaged businesses located within Montgomery County Area be utilized whenever possible and practicable.

1. A designated representative of the Superintendent, employed by the Board, shall oversee this policy’s requirements and assist contractors and Board departments in the performance of the goals contained in this policy including a current listing of minority and disadvantaged persons and businesses which provide goods, materials, equipment or professional services customarily sought or purchased by the Board. This designee shall ensure that MPS policy is reflected in bids, specifications, request for proposals, and/or contracts of the Board.
2. All contractors shall take all necessary and reasonable steps to ensure that minority owned businesses have the maximum opportunity to compete for and perform Board contracts. The goals set out herein shall apply to all contracts and subcontracts financed in whole or in part with Board funds, including, without limitation, contracts for construction, purchase of goods, materials and equipment, and professional services.
3. A contractor shall provide evidence of meeting the District’s minority participation goals as directed and required by the Superintendent or provide evidence that it made a good-faith effort to meet the goals. A good faith effort means the contractor took reasonable and necessary steps to achieve the minority participation goals. Good faith also means the contractor actively and aggressively sought participation by MBEs or minority workers. The district shall consider the quality, quantity and intensity of efforts made by a contractor.
4. If a contractor fails to meet the District’s minority participation goals and fails to provide evidence of a good faith effort to meet the goals, the Superintendent or designee may, as appropriate, recommend that the contractor not be considered a responsive, responsible bidder for future District projects until the contractor provides evidence of making a good faith effort toward meeting the District’s minority participation goals.