

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: April 17, 2012

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 3200, PURCHASES FROM MINORITY AND SMALL BUSINESS ENTERPRISES**

ORIGINATOR: Renee A. Foose, Deputy Superintendent

RESOURCE PERSON(S): Barbara Burnopp, Chief Financial Officer

RECOMMENDATION

That the Board of Education approves the proposed changes to Policy 3200 – *Purchases from Minority and Small Business Enterprises*. This is the third reading.

* * * * *

Attachment I – Policy Analysis
Attachment II – Policy 3200

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 3200
PURCHASES FROM MINORITY AND SMALL BUSINESS ENTERPRISES**

Statement of Issues or Questions Addressed

In accordance with Board of Education Policy and Superintendent's Rule 8130, Board of Education Policy 3200 is scheduled for review in school year 2011-2012. Policy 3200 establishes procedures to facilitate increased minority and small business enterprises participation in all Board contracts. Staff is recommending that the policy be revised to: (1) include a philosophy statement about the Board's commitment to and support of the State's minority business development goals; (2) include the county's participation goal; (3) consolidate and delete redundant language concerning the funding sources of contracts; and (4) conform with the Policy Review Committee's editing conventions.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the revision of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy 3209, *Purchasing Principles*
2. Board of Education Policy 3210, *Purchasing Guides*
4. Board of Education Policy 3215, *Contracts*

Legal Requirements

1. *Annotated Code of Maryland*, Education Article §5-112, *Bids*
2. *Annotated Code of Maryland*, State Finance and Procurement Article §14-302, *Procurement from Minority Business*
3. COMAR 21.11.03.04, *Minority Business Enterprise Policies*

Similar Policies Adopted by Other Local School Systems

1. Carroll County Board of Education, Policy FEGA, *Minority Business Participation in Public School Construction Program Projects*
2. Carroll County Board of Education, Policy DJE, *Bidding Limits*
3. Harford County Board of Education, Policy 18-0002-000, *Minority Business Enterprises Policy for State Funded Public School Construction*
4. Howard County Board of Education, Policy 4050, *Procurement of Materials, Supplies, Equipment, and Services*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered.

Timeline

First reading – February 21, 2012

Public comment – March 6, 2012

Third reading/vote – April 17, 2012

NON-INSTRUCTIONAL SERVICES: Purchasing

Purchases from Minority and Small Business Enterprises

I. PHILOSOPHY

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) SUPPORTS THE STATE OF MARYLAND’S ECONOMIC AND MINORITY BUSINESS DEVELOPMENT GOALS. The Board ALSO [of Education of Baltimore County] believes that the economic development of BALTIMORE [the] County is vital to ensuring the stability and growth of this region. [Additionally,] The Board FURTHER believes that diversity in economic development supports the county’s tax base while contributing to the overall strength of our community.

II. IMPLEMENTATION

- A. [Therefore, the Board directs] The Superintendent SHALL [to] implement procedures to facilitate the [increase] PARTICIPATION of minority and small business enterpriseS [(as defined in the State Finance and Procurement Article §14-201 and 14-301) participation] in all Board [of Education] contracts with an attempt to achieve [a goal of fourteen percent (14%) of the total value of these contracts] THE MINORITY BUSINESS GOAL DETERMINED FOR EACH PROJECT. THE PROCEDURES SHOULD:
 - 1. BE CONSISTENT WITH ALL APPLICABLE STATE LAWS RELATING TO THE MINORITY AND SMALL BUSINESS ENTERPRISE PROGRAM.
 - 2. BE CONSISTENT WITH ALL APPLICABLE STATE LAWS AS THEY RELATE TO THE PUBLIC SCHOOL CONSTRUCTION PROGRAM AND WITH THE STATE INTERAGENCY COMMITTEE ON PUBLIC SCHOOL CONSTRUCTION GUIDELINES.
 - 3. ESTABLISH GOALS FOR MINORITY BUSINESS ENTERPRISE PARTICIPATION [Accordingly, these procedures shall facilitate the increase of minority business participation] in all Board [of Education state-funded] construction projects. [, and shall attempt to achieve the goals in accordance with the State Finance and Procurement Article §14-302. All action shall be in compliance with the State Interagency Committee on Public School Construction guidelines adopted by the Board of Education.]

POLICY 3200

[These procedures shall also facilitate minority and small business enterprise participation in all Board of Education County and Special revenue funded contracts and shall attempt to achieve a goal of fourteen (14%) minority and small business participation of the total dollar value of these contracts.]

- B. The Board further directs the Superintendent to report TO THE BOARD ANNUALLY on the participation RATES of minority and small business enterprises [annually].

Legal References: *Annotated Code of Maryland, Education Article §5-112, BIDS ANNOTATED CODE OF MARYLAND, State Finance and Procurement Article §14-302, PROCUREMENT FROM MINORITY BUSINESS COMAR 21.11.03.04, MINORITY BUSINESS ENTERPRISE POLICIES*

Related Policies: [Board of Education Policy 7460, New Construction]
BOARD OF EDUCATION POLICY 3209, *PURCHASING PRINCIPLES*
BOARD OF EDUCATION POLICY 3210, *PURCHASING GUIDES*
BOARD OF EDUCATION POLICY 3215, *CONTRACTS*

Policy Board of Education of Baltimore County
Adopted: 09/10/96
Revised: 07/13/99
Revised: 06/14/05
Revised: 01/09/07
REVISED: _____