

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** June 14, 2005

**TO:** **BOARD OF EDUCATION**

**FROM:** Dr. Joe A. Hairston, Superintendent

**SUBJECT:** **POLICY 3200 – NON-INSTRUCTIONAL SERVICES:  
PURCHASING – PURCHASES FROM MINORITY AND SMALL  
BUSINESS ENTERPRISES**

**ORIGINATOR:** J. Robert Haines, Deputy Superintendent, Business Services

**RESOURCE  
PERSON(S):** Barbara Burnopp, Executive Director for Fiscal Services  
Rick Gay, Purchasing Manager  
Melanie Webster, MBE Officer

**RECOMMENDATION**

Policy 3200 has been updated to reflect current requirements, and the changes tie to the state legislation most recently updated in May, 2004 (HB903), and adopted into the State Procurement Regulations in March, 2005. The State Interagency Committee on School Construction has recommended that local boards of education appropriately align their policies and procedures by June 30, 2005.

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- Appendix I – Policy 3200

NON-Instructional SERVICES: Purchasing

Purchases from Minority and Small Business Enterprises

The Board of Education of Baltimore County believes that the economic development of the county is vital to ensuring the stability and growth of this region. Additionally, the Board believes that diversity in economic development supports the county's tax base while contributing to the overall strength of our community.

Therefore, the Board directs the Superintendent to implement procedures to facilitate the increase of minority and small business ENTERPRISE (as defined in THE STATE FINANCE AND PROCUREMENT ARTICLE §14-201 AND 14-301 [this policy]) participation in all Board of Education contracts [administered through designated staff, i.e., the Office of Purchasing and the Division of Physical Facilities,] with an attempt to achieve a goal of fourteen percent (14%) of the total value of these contracts. [The award of these contracts shall be in accordance with the law's competitive bidding procedures. ]

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 [a] THE goals IN ACCORDANCE WITH THE STATE FINANCE AND PROCUREMENT ARTICLE §14-302 [of fourteen percent (14%) minority business participation of the total dollar value of these contracts.] All action shall be in compliance with the state's Interagency on School Construction guidelines adopted by the Board of Education [in May 1997].

These procedures shall also facilitate the increase of 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 percent (14%) minority and small business participation of the total dollar value of these contracts.

The Board further directs the Superintendent to report on the participation of minority and small business enterprises annually.

[As employed in this policy, the terms "minority business enterprise," "minority groups," and "small business enterprise" have the following meanings:

<u>Minority Business Enterprise</u>	Any legal entity, other than a joint venture—organized to engage in commercial transactions, and which is (1) at least 51% owned and controlled by one or more minority persons, or (2) a non-profit entity organized to promote interests of the physically or mentally disabled.
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For state-funded contracts, a minority business enterprise must be certified by the Maryland Department of Transportation (MDOT). For county-funded contracts, a minority business enterprise may be certified by MDOT or other recognized municipalities or minority associations.

Minority Groups

Minority groups are identified as: African Americans, Asian Americans, Hispanic Americans, Native Americans, women, and persons with disabilities.

Small Business Enterprise

A business with fewer than 50 employees which generates an annual revenue less than \$10 million dollars. The Board of Education reserves the right to certify small business enterprise status through the completion of an affidavit as well as examination of financial records.]

All procedures shall be implemented in accordance with state law and current Board of Education policy and rule, in particular: §14-302(a) of the State Finance and Procurement Article of the Annotated Code of Maryland; §5-112 of the Education Article of the Annotated Code of Maryland, and Board of Education Policy 3210.

Legal References: Annotated Code of Maryland  
Education Article, §5-11[0]2  
State Finance and Procurement Article, §14-302\*

\* Statute will be abrogated on July 1, 2006.

Policy  
Adopted: 9/10/96  
Revised: 7/13/99  
Revised: \_\_\_\_\_

Board of Education of Baltimore County