

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** February 21, 2012

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

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

**SUBJECT:** **REPORT ON 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 reviews the proposed changes to Policy 3200 – *Purchases from Minority and Small Business Enterprises*. This is the first reading.

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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: \_\_\_\_\_