

# Minority Business Enterprise Utilization Plan

## **I. INTRODUCTION**

The South Carolina Consolidated Procurement Code Section 11-35-5010 requires that all State Agencies or Agencies that have adopted a procurement code that is substantially similar to the State code formulate a Minority Business Enterprise Utilization Plan (MBE Plan). The MBE Plan is designed to ensure that minority businesses are offered the opportunity to fully participate in the overall procurement process of the agency.

## **II. POLICY STATEMENT**

It is the intent of the Board of Education of the Consolidated School District of Aiken County (ACPSD) to ensure that those businesses owned and operated by minorities are afforded the opportunity to participate fully in the overall procurement process of the District. The ACPSD will support procedures that will result in awarding contracts and subcontracts to minority business firms in order to enhance minority capital ownership, overall District, Community and State economic development.

## **III. DEFINITIONS**

The definitions utilized in the Plan are contained in Section 11-35-5010, Code of Laws of South Carolina (1976), as amended.

### **A. Minority-Owned Business**

As determined by the South Carolina Governor's Office of Small and Minority Business Assistance, a minority person is a United States citizen who is economically and socially disadvantaged.

- a. Socially disadvantaged individuals are those individuals who have been subject to racial or ethnic prejudice or cultural bias because of their identification as members of a certain group, without regard to their individual qualities. Such groups include, but are not limited to Black Americans, Hispanic Americans, Native Americans (including American Indians, Eskimos, Aleuts and Native Hawaiians), Asian Pacific Americans, and other minorities to be designated by the Board.

- b. Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.
- B. A socially and economically disadvantaged small business is any small business concern which:
- a. is at least fifty one percent (51%) owned by one or more citizens of the United States who are determined to be socially and economically disadvantaged.
  - b. in the case of a concern which is a corporation, fifty one percent (51%) of all classes of voting stock of such corporation must be owned by an individual determined to be socially and economically disadvantaged.
  - c. in the case of a concern which is a partnership, fifty one percent (51%) of the partnership interest must be owned by an individual or individuals determined to be socially and economically disadvantaged and whose management and daily business operations are controlled by individuals determined to be socially and economically disadvantaged. Such individuals must be involved in the daily management and operations of the business.

The ACPSD Procurement Department shall provide appropriate staff to assist minority businesses in the interpretation of regulations developed pursuant to this code; may in cooperation with other districts and appropriate private and state agencies, issue supplementary instructions designed to assist minority businesses with the District procurement procedures. The District shall maintain special source lists of minority business firms detailing the products and services they provide; and shall provide any firm an opportunity to identify as a certified South Carolina based minority business and ensure that these firms are solicited to on an equal basis.

#### **IV. MBE LIAISON OFFICER**

The ACPSD Director of Procurement, or designee, shall be the MBE Liaison Officer for the District. The MBE Liaison Officer will report directly to the Chief Financial Officer.

## **V. DUTIES OF THE MBE LIAISON OFFICER**

- A. Maintain all records and reports as required
- B. Develop, manage and implement the MBE program
- C. Disseminate information on available business opportunities so that MBE's are provided an equal opportunity to bid on services, supplies and construction.

## **VI. ASSISTANCE TO SMALL AND MINORITY BUSINESSES**

- A. Subcontracting  
Aiken County Public School District, through its contract documents, will encourage contractors to utilize MBE subcontractors on their projects.
- B. Division of Projects  
When necessary, projects can be divided into smaller tasks so as to increase participation opportunities for MBEs. This will be accomplished by working with the end-user(s), OSMBA and MBE firms.
- C. Progress Payments  
The District MBE Liaison, in cooperation with the Chief Financial Officer, may make special provisions for progress payments and letters of credit, as deemed reasonable to assist minority businesses to carry out the terms of a contract pursuant to regulations, which may be promulgated by the Board; as outline in South Carolina Procurement Code 11-35-5250.
- D. Letter of Contract Award  
When a minority business firm certified by the Department of Revenue receives a contract with the District, the Purchasing Agent shall furnish a letter, upon request, stating the dollar value and duration of, and other information about the contract, which may be used by the minority firm in negotiating lines of credit with lending institutions; as outline in South Carolina Procurement Code 11-35-5250.

## **VII. MBE GOALS**

In its effort to foster effective broad-based competition for public procurement within the free enterprise system, the ACPSD aims to ensure the fair and equitable treatment of all persons who deal with the District's procurement system. Minority businesses will be solicited for participation in the overall procurement

process. The District will strive to spend a minimum of 10% of total controllable procurements with MBE firms.

### **VIII. FISCAL YEAR REPORTING**

The Minority Business Enterprise Utilization Plan shall be submitted to the ACPSD Board of Education on an annual basis for approval.

Semi-Annual reports shall be submitted in writing to the ACPSD Board of Education concerning the number and dollar value of contracts awarded to minority businesses during the fiscal year and contain the following information:

- a. Number of minority firms solicited;
- b. Number of minority bids received;
- c. Total dollar amount of funds expended on contracts awarded to minority firms certified pursuant to Section 11-35-5230 of South Carolina Code of Laws; and
- d. Total dollar amount of funds expended.

Annual reports shall be submitted to the ACPSD Board of Education no later than 30 days after the end of the fiscal year.