

## MINORITY/WOMEN BUSINESS ENTERPRISE PARTICIPATION POLICY

### **Section I: Introduction**

The Board of Trustees (hereinafter the “Board”) has adopted a Minority/Women Business Enterprise Participation Policy (hereinafter the “Policy”) to encourage the development of minority and women business enterprises and to promote equal business opportunities in the district and the community. It is the intent of the Board to foster competition among contractors, suppliers, and vendors that will result in better quality and more economical services rendered to the district. Under this policy, the Board has established, as a goal, that twenty percent of all “discretionary expenditures” of the District be awarded to minority business enterprises as allowed by Miss. Code Ann. §31-7-13(s). However, in no case shall twenty percent minority participation be the conclusive factor in determining the successful bidder. Contractors shall indicate on their bid proposals their good-faith efforts to procure MBE participation.

### **Section II: Definitions**

“Minority Business Enterprise (“MBE”) shall mean a business which is an independent and continuing enterprise for profit, performing a commercially useful function and is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the United States, and who are Asian, Black, Hispanic or Native Americans, according to the following definitions:

- (i) “Asian” means persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.
- (ii) “Black” means persons having origins in any black racial group of Africa.
- (iii) “Hispanic” means persons of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands regardless of race.
- (iv) “Native American” means persons having origins in any of the original people of North America, including American Indians, Eskimos and Aleuts.

“Women Business Enterprise” (“WBE”) shall mean a business which is an independent and continuing enterprise for profit, performing a commercially useful function and is at least fifty-one percent (51%) owned and controlled by one or more females, and certified as such by the City of Jackson, or by the Jackson Public School District.

A “Certified MBE/WBE” shall mean an MBE or WBE which meets the requirements of the City of Jackson or alternatively, the Jackson Public School District. A list of all pre-certified MBEs and WBEs will be maintained by the District in the Business Office, 662 South State Street, Jackson, Mississippi.

### **Section III: Equal Business Opportunity**

It is the policy of the Jackson Public School District (hereinafter “JPSD”) to promote full and equal business opportunities for all persons doing business with the Jackson Public School District, regardless of race, sex and national origin. It is the ultimate goal of Policy DIEJA to promote a business climate that will help to prevent discrimination against minorities and women and promote more competition among vendors, suppliers, and contractors of the district.

The district will seek to increase minority and women participation for contracts that require only informal quotes. These efforts will be for purchases between \$1,500 and \$5,000. Additionally, the district will seek to increase its minority and women participation in the area of professional services to 20%.

The Board has established as a goal of at least twenty percent (20%) of the total “discretionary expenditures” of the district to be provided by minority and women business enterprises (hereinafter “MBE/WBEs”). While the policy provides for voluntary participation and is dependent upon race-neutral and gender-neutral considerations, contractors are encouraged to comply with the Board’s policy. The Board shall annually review the policy, including race/gender– neutral remedies, to determine its effectiveness.

#### **A. Good Faith Efforts**

The Board shall require contractors to demonstrate good faith efforts to obtain the goal of the 20% participation of MBE/ WBEs in all levels of the contracting process. The contractor shall indicate its efforts to obtain minority and women participation on its bid proposal. Failure to do so shall subject the contractor to a rejection of its bid for nonresponsiveness. The district shall determine if the contractor made a good faith effort to procure MBE/WBE participation.

#### **B. Reporting Requirements**

Contractors shall submit with the bid proposal and each payment requested, or as otherwise required by the district, a report detailing its activities and accomplishments relating to MBE and WBE participation. The report shall include the following information relative to the particular project: the name of the MBE/WBE subcontractor, type of service or commodity provided by the MBE/WBE subcontractor, dollar amount of each MBE/WBE subcontract, and total dollar amount and percentage of subcontracts awarded to MBEs or WBEs. Failure to submit the required report may be deemed noncompliance with the contractual requirements or a breach of contract by the contractor at the option of the district. Noncompliance may result in the district withholding payment and, in appropriate instances, termination of the contract. Findings of noncompliance will be forwarded to the legal department for review.

#### **Section IV: Race/Gender – Neutral Remedies**

The board recognizes that race/gender – neutral remedies may be effective tools used to increase WBE/MBE participation. Therefore, the district will continue to explore these remedies. The remedies will include, but will not be limited to, the following:

- Technical assistance techniques to identify and increase the participation of MBE/WBEs in the district’s contracting and subcontracting opportunities
- Continuation of the joint certification process with the City of Jackson
- Continuation of legislative efforts to assist with bonding requirements

The district will annually review the success of these measures in order to determine the extent to which the measures can provide equitable access to the district’s contracting and subcontracting opportunities.

It is the intent of this policy to comply with all applicable local, state and national legislation and case law concerning the purchasing process, and therefore not the intent to discriminate against nor show favoritism toward any individual or group because of race, color or creed. The JPSD shall not sacrifice product quality for lower pricing, but shall make all purchases in the best interest of the students of the school district and the taxpaying public. It shall be the primary responsibility of the District Counsel’s Office, with assistance of the Purchasing Department, to insure that this policy is followed, and that all actions regarding the requisitioning and purchasing process comply with all applicable purchasing statutes as well as the defined goals relative to MBE/WBE participation.

SOURCE: Jackson Public School District, Jackson, Mississippi  
LEGAL Miss. Code Ann. §31-7-13(s); City of Richmond v. J. A. Croson, 488 U.S. 469,  
SOURCES: 109 S. Ct. 706 (1989); Adarand Constructors, Inc. v. Peña, 515 U. S. 200, 115  
S.Ct. 2097 (1995)  
DATE: November 17, 1997

REVIEWED: December 6, 2016

April 4, 2017