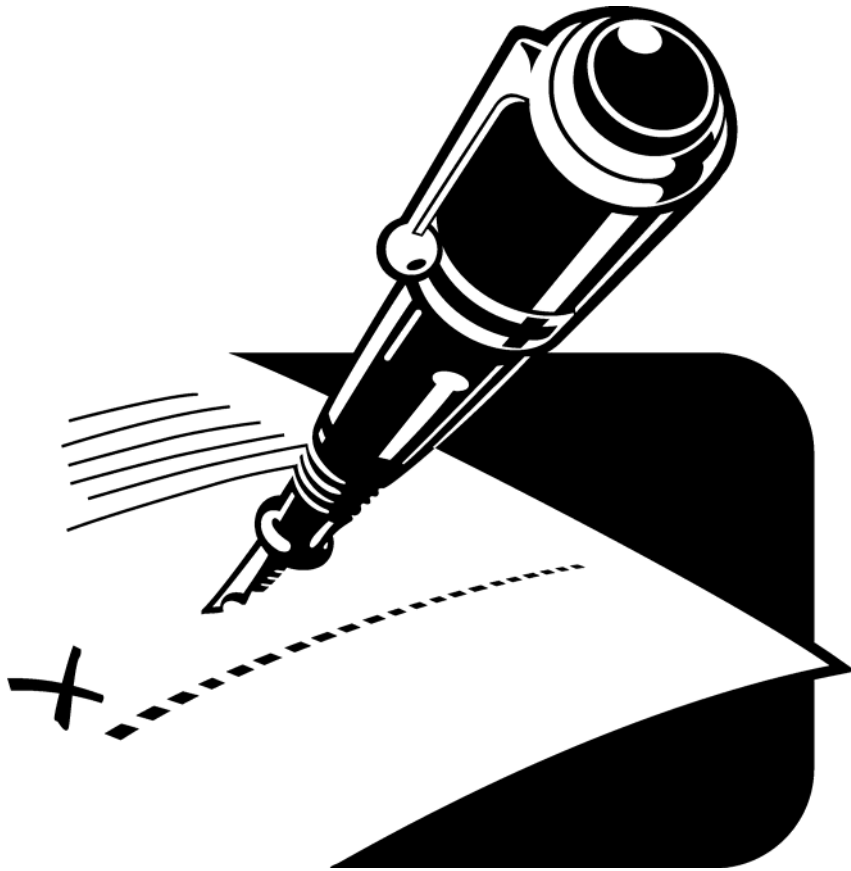


Madison Metropolitan School District
CONTRACT COMPLIANCE
FIVE YEAR PLAN
2008-2013



MADISON METROPOLITAN SCHOOL DISTRICT

Madison, WI
Art Rainwater, Superintendent



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INTRODUCTION

Annually, the MADISON METROPOLITAN SCHOOL DISTRICT (DISTRICT) spends millions of dollars acquiring products and services. To encourage diversity, fairness and inclusion in the process and procedures for acquiring such product and services, the Madison School Board has adopted policies related to the establishment of a *Contract Compliance Plan*. The Madison School Board's policies relative to the *Contract Compliance Plan* are primarily designed to (1) identify Historically Underutilized Business (HUB) firms and to promote their participation in the District's competitive bid process with the objective of ensuring that HUBs have an equitable opportunity to sell their products and/or services to the District and (2) encourage vendors/contractors who do business with the District to provide equal employment opportunities to target group individuals and to hire target group individuals in job categories in which they are underrepresented.

The *Contract Compliance Plan* is not for the purpose of establishing preferential treatment for HUBs or target group individuals. The Plan seeks to induce, rather than compel vendors and contractors to hire target group individuals as well as subcontract with HUBs. The Plan is not limited to members of racial minority groups or women. Non-minority owned small businesses also are eligible to participate in this Plan.

The District's Contract Compliance Officer has the primary responsibility for the implementation of the *Contract Compliance Plan*.

For more information, please call (608) 663-1530 or visit the District's web site at www.madison.k12.wi.us. Business hours are: Monday through Friday from 7:45 a.m. to 4:15 p.m.

A. POLICY

BOARD OF EDUCATION POLICY 6600 and 6601

Per Board Policy 6600, the Madison Board of Education is committed to fair and equal employment opportunities for all persons. Equal opportunity policies and procedures govern the hiring of District staff. Pursuant to Board Policy 6600, the Board requires contractors and vendors to adopt and implement similar policies as a condition of conducting business with the District.

Per Board Policy 6601, the Board is also committed to providing fair and equal opportunities for all contractors and vendors, including HUBs to do business with the District. By adopting Board Policy 6601, the Board supports, promotes and encourages participation by HUBs in the District's competitive bid process and other District procurement procedures to ensure that such businesses have the opportunity of being selected by the District at the appropriate utilization level.

B. STATEMENT OF PURPOSE

The purpose of the Contract Compliance Plan is as follows:

1. To establish procedures to facilitate compliance with Board Policies 6600 and 6601.
2. To identify specific personnel in the District who are accountable and responsible for ensuring that the requirements set forth in Board Policies 6600 and 6601 are being met.
3. To provide all contractors/vendors with an equal opportunity to do business with the District.
4. To establish business participation goals for HUBs.
5. To establish a narrowly-tailored process to achieve the purpose of increasing contracting and subcontracting opportunities for HUBs and enhancing employment opportunities for target group members to be employed by contractors/vendors who are doing business with the District.

C. IDENTIFICATION OF HISTORICALLY UNDERUTILIZED BUSINESSES (HUBs)

For bidding purposes, the District shall establish a register listing businesses that qualify as either minority (MBE), women (WBE), and/or small businesses (SBE). Certification by one of the following public agencies is sufficient to be placed in the HUB data base: Wisconsin Department of Transportation (DOT); Wisconsin Department of Development (DOD); Wisconsin Department of Administration (DOA); City of Madison, Wisconsin; Dane County, Wisconsin; City of Milwaukee, Wisconsin; County of Milwaukee, Wisconsin; Milwaukee Metropolitan Sewerage District, Milwaukee Wisconsin; and the Milwaukee Joint Certification Program. HUBs without certification from any of the aforementioned agencies may offer a certification from a similar governmental agency, including a governmental agency from another State.

Each HUB must file a Vendor Profile Form with the District. Companies must provide information to the District including, but not limited to, the following areas: name of the business, address, phone number, date the business was established, type of business, contact person, size, gross annual sales and number of employees.

D. BUSINESS PARTICIPATION GOALS FOR HUBs

1. To achieve the purpose of increasing contracting and subcontracting opportunities for HUBs, the Madison Board of Education hereby establishes the following business participation goals.

a. The Board will attempt to spend 1.9% annually with businesses owned by ethnic or racial minorities.

b. The Board will attempt to spend 6.6% annually with businesses owned by women.

c. The Board will attempt to spend 37.6% annually with small businesses.

2. Employment Goals

The District does not intend to set numerical goals for the employment of target group individuals for contractors/vendors who are doing business with the District. The District's goal

and expectation are that upon a review of each contractors'/vendors' Affirmative Action Plan or other similar report that the contractors/vendors would be employing women and minorities consistent with their availability in the relevant labor market area. This review will be based upon an availability analysis, a utilization analysis, and a reasonable job grouping of the contractor's/vendor's workforce. If necessary, a determination of a "good faith effort" may be made based on an evaluation of the contractor's/vendor's activities to recruit, train, employ and promote target group individuals.

E. CONTRACTORS/VENDORS WHO MUST COMPLY WITH THE CONTRACT COMPLIANCE PLAN

Contractors/Vendors who employ more than 15 employees and/or whose aggregate annual business with the District in the contractor's/vendor's last fiscal year is more than \$25,000 are required to comply with this Plan.

F. CONTRACTORS/VENDORS WHO DO NOT HAVE TO COMPLY WITH THE CONTRACT COMPLIANCE PLAN

Contractors/Vendors who employ 15 or fewer employees and/or whose aggregate annual business with the District in the contractor's/vendor's last fiscal year is \$25,000 or less, are exempt from complying with the requirements of this Plan, along with the following contracts that are also exempt:

- Contracts for goods, supplies or services necessitated by or resulting from an emergency situation as determined by the Business Services Division pursuant to Board of Education policies.
- Contracts under which the District leases property and/or issues Building Use Permits.
- Contracts for the sale and purchase of real estate.
- Contracts with other taxing authorities, municipalities, the University of Wisconsin System or the State of Wisconsin.

- Contracts with organizations that provide financial, legal, insurance, or utility services, medical services and nonprofit businesses.

G. REQUIREMENTS OF CONTRACTORS/VENDORS

1. Plan Required to be Adopted, Filed, and Certified:

Each contractor/vendor that is not exempt under this Plan shall adopt a plan to employ target group individuals consistent with their availability in the relevant labor market. This plan shall include a reasonable grouping of jobs in the vendor's workforce, an analysis of the availability of members of each target group for each job group, an analysis of the utilization of target group members in the vendor's workforce and steps which are being, or will be taken to remedy any underutilization shown by whether or not the employment goals in the plan have been met. A plan may be on file with the following agencies: State of Wisconsin Department of Administration, Development, or Transportation; County of Dane or Milwaukee; City of Milwaukee, Milwaukee Metropolitan Sewerage District; Milwaukee Joint Certification Program; City of Madison or the Madison Metropolitan School District.

2. Contract Requirements:

Whenever a contractor/vendor that is not exempt under this Plan submits a bid or enters into negotiations for the sale of goods or services to the District, it shall indicate (1) with what agency the plan is on file, (2) whether or not the plan is certified, and (3) whether the employment goal(s) stated in the plan has/have been achieved. If such contractor/vendor has not met each one of the above stated three enumerated requirements, the contractor/vendor shall submit a statement and documentation which demonstrates that the contractor/vendor has made, is making or will make a good faith effort to meet each one of the requirements that has not been met.

3. Non-Discrimination:

A contractor/vendor that is not exempt under this Plan, as a condition of being awarded a contract, shall agree not to discriminate on the basis of race, religion, gender, sexual orientation, creed, color, ancestry, national origin, disability, or association with a person with a disability, age, marital status, handicap, arrest or conviction record, less than honorable discharge, personal

appearance, sexual orientation, gender identity, gender expression, political beliefs, or the fact that a person is a student.

H. REPORTING AND EVALUATION OF COMPLIANCE

When it is deemed necessary, the Contract Compliance Officer may require reports from successful contractors/vendors including HUBs. Successful contractors/vendors shall keep and maintain records needed to determine whether they are in compliance with the *Contract Compliance Plan*. Contractors/vendors shall be required to produce these records at the request of the District for the purpose of a compliance review.

For compliance reviews, the District shall follow established Office of Federal Contract Compliance Programs (OFCCP) and Equal Employment Opportunity Commission (EEOC) procedures such as on site visits and desk audits.

The following rules will govern the evaluation of reports required by the Contract Compliance Officer:

1. Business participation goals shall be reported to the District in the following manner:

a. Only firms owned by racial or ethnic minorities can be counted toward goals for minority-owned businesses.

b. Only firms owned by women can be counted toward goals for women-owned businesses.

c. Only businesses meeting the small business size criteria can be counted toward goals for small businesses.

2. HUBs are to be utilized as subcontractors on projects which lend themselves to subcontracting. To the extent possible, vendors and contractors are encouraged to voluntarily adopt the District's percentage goals as a measure for HUB subcontracting.

3. The contractor/vendor is required to (1) compute the total dollar value of each subcontract; (2) list the percentage of the total dollar amount that was expended with HUBs; (3) list each HUB by name and address; (4) identify the work that has been completed by each HUB, and (5) identify the amount of money received by each HUB.

4. Employment goals are measured for construction contracts in total hours expended on the project by target group individuals by trade, race and gender. All other employment goals shall be reported by showing the number of employees by position, race, and gender.

I. NON-COMPLIANCE

In the event of a contractor's/vendor's failure to comply with the provisions of the *Contract Compliance Plan*, including business participation by HUBs and employment of target group individuals, or any rules, regulations or provisions referred to herein, it is understood that the District, at its option, may:

1. Declare the contractor/vendor ineligible for future District contracts until contract compliance requirements are met.
2. Take any action it deems appropriate including debarment of the contractor/vendor.

J. NO PRIVATE CAUSE OF ACTION

Any dispute arising under this Contract Compliance Plan, which is not resolved by the Contract Compliance Officer may be referred to the Contract Compliance Appeals Committee as provided herein.

This *Contract Compliance Plan* is not intended to create a private right of action by, or on behalf of, any employee, applicant for employment, vendor, contractor, HUB or target group individual. Any party who claims a violation of this Plan by a particular business or individual may file a complaint as provided under the District's Affirmative Action Plan or under the District's General Complaint Procedure.

K. CONTRACT COMPLIANCE OFFICE IMPLEMENTATION STRATEGIES FOR HUB UTILIZATION

In implementing the *Contract Compliance Plan*, all initiatives are designed for positioning and structuring the program so that it will achieve the maximum efficiency and effectiveness. The

Contract Compliance Office shall have specific responsibilities for the implementation of the *Contract Compliance Plan* as follows:

1. Administering the *Contract Compliance Plan*
 - a. Enhancing the utilization of HUBs and ensuring that such firms have an equal opportunity not only to sell (at the first tier) their products and services directly to the District but also to be used as subcontractors (at the second tier) by the District's contractors or vendors.
 - b. Ensuring that the District maintains a cooperative working relationship with other agencies committed to economic development and HUB development.
 - c. Implementing procedures for complying with the District's HUB advocacy initiatives.
 - d. Ensuring the HUB firms are provided an equal opportunity to participate in the District's competitive bid process.
 - e. Communicating with HUB firms to determine if District policies and procedures negatively impact on their ability to be awarded bids.
 - f. Identifying capable, responsive, and responsible HUB firms interested in doing business with the District.
 - g. Providing technical assistance to HUBs to maximize their opportunity to provide goods and services to the District.
 - h. Ensuring that the District keeps a list of all HUBs and sends each HUB that can provide the goods or services under a contract a copy of a bid or other information to notify the HUB of the opportunity to contract with the District.
 - i. Ensuring that the District advertises in the community media in an effort to make HUBs aware of opportunities to do business with the District.
 - j. Making recommendations regarding how to enhance HUB's ability to be awarded contracts by the District.
 - k. Monitoring the District's efforts to provide and encourage the use of HUBs and make an assessment of the District's compliance with the Contract Compliance Plan.
 - l. Preparing an Annual Report which includes information relative to the District's utilization of HUBs.

2. Education—Internal Staff

a. Creating overall awareness of the rationale and goals of the *Contract Compliance Plan*.

b. Keeping District personnel informed about current diversity issues, HUB programs, best practices and trends.

c. Informing District personnel about resources available to assist in the identification of HUBs.

d. Informing and educating District personnel about the policies and procedures relative to the Contract Compliance Plan.

e. Offering and providing technical assistance to all District personnel regarding the Contract Compliance Plan.

f. Establishing and holding periodic meetings to facilitate the implementation of the Contract Compliance Plan and to identify any existing obstacles to the implementation of the Contract Compliance Plan.

3. Education—External HUB Community

a. Informing and educating HUB owners or other HUB representatives about contracting opportunities with the District.

b. Receiving, reviewing and responding to all correspondence sent to the District by mail, facsimile or Internet transmission regarding the Contract Compliance Plan.

4. Outreach

a. Conducting search and recruitment efforts for the purpose of identifying, capable, qualified and responsible HUB firms who want to do business with the District.

b. Ensuring that outreach is effective in increasing the number of potential HUB firms who are successful in doing business with the District.

c. Disseminating, in a timely manner, public information about opportunities to do business with the District.

d. Developing a brochure or other marketing tool for outreach activities. This brochure will describe District business opportunities and list District employees who may be contacted to assist HUBs.

e. Ensuring that outreach information is user-friendly and easily accessible to a wide range of audiences.

f. Developing and submitting press releases, public service announcements and news stories which showcase various aspects of the Contract Compliance Plan.

g. Establishing and maintaining contact with small business organizations, minority and women groups, contractors, and state and local governmental agencies.

5. HUB Advertising

a. Ensuring that advertising is designed to reach the greatest number of potential HUB firms that are interested in doing business with the District.

b. Making recommendations to Purchasing/Administrative Services and Building Services concerning the placement of HUB-related advertising.

6. HUB Information Sessions, Workshops and Trade Fairs

a. Identifying workshops and trade fairs which will provide the District with the opportunities to make HUB firms aware of the Contract Compliance Plan.

b. Participating in relevant trade fairs and small business events, such as the State of Wisconsin's "Marketplace."

c. Designing for trade fair use an easily-completed form for collecting information about interested firms and improving the ease in which critical information can be obtained with appropriate follow up.

d. Developing and offering District workshops for HUBs which are designed to inform and assist HUBs in understanding the procedure for submitting a bid or proposal, and making contract award decisions, etc.

e. Conducting "open houses" and providing other opportunities to introduce HUBs to the individuals in the District who are responsible for making decisions on bids submitted by HUBs.

7. Technical Assistance

- a. Identifying the technical assistance needs of current and prospective HUB vendors and contractors.
- b. Determining which of those technical assistance needs can most appropriately be met by the District.
- c. Referring technical assistance needs to the appropriate internal staff.
- d. Referring technical assistance needs which cannot be met by the District to the appropriate organization within the external community.
- e. Offering and providing technical assistance to HUBs.

8. The MMSD Vendor/Contractor Business Profile Form

- a. Disseminating the Vendor/Contractor Business Profile form to all vendors or contractors that are interested in doing business with the District.
- b. Providing interested HUBs with the Vendor/Contractor Business Profile form.

9. Collection and Review of HUB Self-certification Documentation

- a. Reviewing information from the HUB regarding self-certification that has been submitted.
- b. Contacting HUBs to obtain additional information or clarification, etc., of any information regarding the self-certification document that has been submitted.

10. Maintenance of the HUB Data Base

- a. Reviewing information from the HUB.
- b. Ongoing maintenance of the HUB source lists (both print and electronic)

11. Soliciting Participation By HUBs

- a. Identifying, capable, qualified and responsible HUBs that can do business with the District.
- b. Improving search procedures to facilitate the identification of HUB firms.

- c. Ensuring that public information is disseminated in a timely manner about contracting opportunities.
 - d. Reviewing the participation of HUB firms on a project-by-project basis, in consultation with Purchasing/Administrative Services and Building Services.

- 12. Providing HUBs Constructive Feedback on Opportunities for the HUBs to Do Business with the District
 - a. Providing beneficial, constructive feedback to HUBs in either one-on-one or group sessions and educating HUB firms on how to more effectively do business with the District.
 - b. Providing constructive feedback to HUBs, following both successful and unsuccessful bids or proposals submitted by such firms.

- 13. Performance Measurements, Monitoring and Evaluation
 - a. Monitoring the District's purchase of goods and services.
 - b. Compiling and analyzing data and preparing reports of HUB participation in District-funded projects.
 - c. Reviewing information submitted by Purchasing and Building Services which provides a tabulation of awards and provides:
 - i. The bidder's mailing list.
 - ii. A list of firms submitting bids.
 - iii. The identification of the successful bidder.
 - d. Utilizing the results of the above-referenced tabulation reports to identify
 - i. whether or not HUBs were included on the mailing list;
 - ii. whether or not HUBs responded to the solicitation and submitted a bid; and
 - iii. whether or not HUB bidders were successful.
 - e. Randomly monitoring non-responses from HUBs and compiling information collected into a comprehensive report format. This standard questionnaire for HUB responses asks questions such as:

- i. Was the bidding/proposal process too complicated?
- ii. Was the process too time consuming?
- iii. Was the profit margin a factor?
- f. Developing or revising internal data collection forms to facilitate monitoring of Contract Compliance activities.
- g. Measuring the performance of the *Contract Compliance Plan* in ways that provide the District with meaningful data.
- h. Performing all aspects of the monitoring and evaluation components of the Contract Compliance Plan to ensure that the desired outcomes are being achieved.

14. Expanded Identification of HUBs

- a. Responding to telephone inquiries or written communication from firms interested in doing business with the District.
- b. Providing assistance to prospective HUBs by arranging meetings or contacts, as necessary.
- c. Searching for prospective HUBs by reviewing all potential sources of new contractors or vendors.
- d. Screening additional business lists and other sources to identify, to the extent possible, additional HUB firms to be added to the bidders' mailing lists.
- e. Identifying factors which lead to successful strategic supplier partnerships between HUBs. Encourage HUB teaming and partnerships to increase their ability to successfully compete.

15. Program Accountability

- a. Evaluating the performance of employees responsible for assisting the District in meeting its voluntary HUB goals that have been incorporated into the *Contract Compliance Plan*.
- b. Having the immediate supervisor of the Contract Compliance Officer evaluate the Contract Compliance Officer's performance relative to the implementation of the Contract Compliance Plan.

16. HUB Second Tier Contracting (Subcontracting)

a. Communicating the expectation that HUBs are to be utilized as subcontractors, when projects lend themselves to subcontracting

b. Providing technical assistance to the District's major contractors and vendors in identifying HUBs which have the goods and services that could be used for subcontracted projects.

c. Ensuring, to the extent possible, that major vendors and contractors are encouraged to voluntarily adopt the District's percentage goals as a measure for HUB subcontracting.

d. Arranging for major contractors or vendors to have access to the HUB data base or a printed list of HUBs to facilitate the utilization of HUB firms at the second tier.

e. Ensuring that the District's prime contractors/vendors receive adequate technical assistance which enables them to subcontract with HUBs, such as:

i. Access to the District resources.

ii. Access to HUBS that have the required goods and/or services.

iii. Training.

iv. Sample forms and brochures.

f. Ensuring that contractual language includes an appropriate explanation of the requirement for second tier utilization of HUBs.

g. Providing additional assistance, as required, to ensure that, to the extent possible, HUB firms have been considered as subcontractors.

h. Coordinating efforts with Building Services and Purchasing & Administrative Services to develop more innovative measures of achieving HUB utilization.

17. HUB Second Tier Subcontracting Reporting

a. Developing report forms which reflect prime contractor/vendor utilization of HUBs at the second tier.

- b. Utilizing forms for recording subcontracting opportunities which clearly ask the question: Does the prime contract lend itself to any subcontracting opportunities?
- c. Developing a process of consistently requesting from the District's contractors and vendors specific information about subcontracting opportunities.
- d. Where subcontracting opportunities exist, monitoring the information that has been submitted and requesting an explanation of whether or not utilization of HUB firms is actually occurring, as reported.
- e. Requiring contractors to prepare and submit subcontracting information that reflects how HUB firms have been utilized including:
 - i. Information about the total dollar value of the contract with the District.
 - ii. A list of the HUB firms utilized, by name, address, telephone number and contact name.
 - iii. The percentage of subcontracts extended to HUB firms.
 - iv. The percentage of work completed by HUBs.
 - v. The total dollars paid to HUB firms.
- f. Informing and advising Purchasing/Administrative Services and Building Services of the required report forms which are to be included in all Requests for Proposals for major projects.
- g. Bringing to the attention of the directors of Purchasing/Administrative Services and Building Services contractors or vendors that have not complied with requests from the Contract Compliance Office to submit subcontracting information.
- h. Assisting, on an ongoing basis, in improving the tracking system for documenting second tier opportunities for using HUBs.

18. Quarterly and Annual Reports

- a. Creating a quarterly and annual report and submitting the reports to the Superintendent and/or his/her designee which reflect:
 - i. Percentage and dollar goals, separately for small, minority- and women-owned businesses.
 - ii. The amount of increase in the total dollars spent with HUBs.

- iii. The amount of increase in the number of active HUBs doing business with the District.
- iv. The product or service categories in which awards have been made.
- v. The number and type of contracts awarded.
- c. Developing Special Reports, as required.
- d. Establishing guidelines for the collection of information about dollars spent with HUBs and the corresponding percentages of contract awards.
- e. Requesting that specific statistical data be compiled, and using the data to form the basis for the Quarterly and Annual Reports.
- f. Monitoring and reporting on the established goals for utilizing HUBs (based upon goals which are published in this *Contract Compliance Plan*).

Note: All quarterly and annual reports shall follow the following schedule for frequency of reporting:

REPORT	PERIOD COVERED	DATE DUE
Quarter 1	July 1 to September 30	October 10
Quarter 2	October 1 to December 31	January 10
Quarter 3	January 1 to March 31	April 10
Quarter 4	April 1 to June 30	July 10
Annual Report	July 1 to June 30	July 31

19. Continuous Development of Contract Compliance Processes and Procedures

- a. Developing and updating processes, operating procedures and policies, consistent with the Board's intent under Policies 6600 and 6601 and the overall function of the Contract Compliance Office.
- b. Scheduling, as appropriate, team meetings (including, at a minimum, meetings with Building and Purchasing Services) to review Contract Compliance processes and procedures.

20. Monitoring of the District's Contractual Documents

Ensuring that the appropriate language is incorporated into contractual documents.

21. Monitoring of the District's Purchasing and Contracting Opportunities

Monitoring purchases of goods and services to identify opportunities where HUB participation can potentially increase.

22. Identification and the Removal of Impediments or Obstacles to HUB Contracting

a. Identifying impediments to purchasing from HUBs and successfully eliminating any such impediments.

b. Soliciting and reviewing feedback from HUBs currently or potentially doing business with the District concerning obstacles or barriers.

c. Utilizing focus group research to collect information about barriers or obstacles.

d. Identifying and developing recommendations concerning overcoming any cultural or organizational barriers.

e. Utilizing all other relevant tools to identify and remove barriers or obstacles.

f. Responding to the need to provide technical assistance to HUBs relative to specific barriers they identify in the District's competitive bid process.

g. Determining why HUB firms do not respond to solicitation requirements or why they are unsuccessful in obtaining awards.

h. Focusing on how the Contract Compliance Office can more effectively solicit HUB participation in the District's bid process.

23. Development of Ongoing Recommendations for Changes or Corrective Actions

a. Reviewing Contract Compliance procedures and processes and developing recommendations for program improvements, as required.

b. Ensuring the timeliness and thoroughness of all recommendations for changes in the Implementation Plan.

c. Providing technical assistance and training, internally and externally, concerning the implementation of all recommendations for changes or corrective actions.

24. Utilization of the District's Internet Home Page

a. Ensuring the timeliness and accuracy of information posted about current Invitations to Bid or Requests for Proposal, including the name of a contact person.

b. Ensuring the timeliness and accuracy of pertinent contact information for marketing HUB products and services to the appropriate decision-maker.

c. Developing tips on "Doing Business with the District."

d. Ensuring that the Vendor Profile Form is available so that HUBs may register on-line as a firm interested in doing business with the District.

e. Developing other District Contract Compliance Program forms as necessary.

f. Ensuring the adequate inclusion of HUB information on the District's Internet site.

g. Responding to inquiries and contacts received by e-mail from web site visitors and making the necessary referrals to other departments.

25. Other HUB-Related Forms

a. Reviewing and revising the language utilized in Board of Education agendas concerning the Contract Compliance Office's review of bid documents.

b. Ensuring that the appropriate Contract Compliance Office "sign off" procedures are developed.

c. Developing and maintaining adequate instructions for utilizing the required forms and detailed information about what documentation as appropriate.

d. Developing other entirely new or revised internal data collection forms to facilitate monitoring and reporting.

L. PURCHASING AND ADMINISTRATIVE SERVICES AND BUILDING SERVICES IMPLEMENTATION STRATEGIES FOR HUB UTILIZATION

As the key organizations within the District making purchasing and contracting decisions, Purchasing and Administrative Services as well as Building Services shall have specific responsibilities for the implementation of the *Contract Compliance Plan* as follows:

Purchasing and Administrative Services

Since the Purchasing and Administrative Services Department maintains the District's Vendor File, it will be solely responsible for the following tasks:

1. The Hub Data Base
 - a. Regularly entering new or updated information into the data base.

Building Services, Purchasing and Administrative Services

Building, Purchasing and Administrative Services will be involved in the Contract Compliance effort, as follows:

1. Additional Requirements
 - a. Establishing a process whereby the Contract Compliance Office is immediately informed of requirements for the procurement of products and services.
 - b. Searching for and identifying, with the assistance of the Contract Compliance Officer, special opportunities for HUB participation at either the first tier or second tier.
2. The District Vendor/Contractor Business Profile Form
 - a. Disseminating the Vendor/Contractor Business Profile Form to all vendors or contractors that:
 - i. Are interested in doing business with the District and that have asked to be placed on the bidder's mailing list;
 - ii. Have not previously provided business ownership or size status information to the District.

b. Reviewing the HUB information on the form which has been submitted for completeness.

c. Providing access of the Vendor/Contractor Business Profile Form received from HUBs to the Contract Compliance Office.

d. Performing data entry to include new or updated HUB information into the HUB data base.

3. Identification of Obstacles to HUB Contracting

a. Cooperating with the Contract Compliance Office in identifying and removing obstacles or barriers to HUB participation.

b. Providing technical assistance to HUBs when an obstacle to HUB contracting has been identified.

4. Educating and Technical Assistance

a. Educating HUB firms about District contracting opportunities by providing technical assistance.

b. Providing, in cooperation with the Contract Compliance Office, other relevant technical assistance to HUBs.

5. HUB Advertising

Placing periodic advertisements and public notices in appropriate places concerning general or specific contracting and purchasing opportunities.

6. HUB Workshops and Trade Fairs

a. Participating in, with the Contract Compliance Office, relevant trade fairs and small business events, such as the State of Wisconsin's "Marketplace."

b. Participating in District-specific workshops, presented by the Contract Compliance Office which are designed to inform and assist HUBs.

7. HUB Subcontracting Reporting

a. Cooperating with the Contract Compliance Office in identifying and removing obstacles or barriers to HUBs being selected for subcontracting opportunities.

b. Ensuring that the required report forms are included in all Requests for Proposals for major projects.

c. Bringing to the attention of the major contractors or vendors instances of noncompliance identified by the Contract Compliance Office.

8. Quarterly and Annual Reports

a. Receiving and reviewing the Quarterly and Annual Reports prepared by the Contract Compliance Office.

b. Recommending, following such review, any actions or changes which might result in the District improving its opportunities to attain its voluntary participation goals for HUBs.

9. Second Tier Hub Utilization

a. Ensuring, to the extent possible, that major vendors and contractors are encouraged to voluntarily adopt the District's percentage goals as a measure for HUB subcontracting.

b. Encouraging major vendors and contractors to utilize the HUB data base to identify firms as potential subcontractors.

10. Utilization of the District's Internet Home Page

a. Providing and posting information on the District's website about current Invitations to Bid or Requests for Proposals, with the name of a contact person.

b. Providing and posting on the District's website a forecast of anticipated procurements in order for HUBs to plan for potential procurements.

c. Providing and posting on the District's website, as they are available, Bid Histories in order for HUBs to successfully identify relevant information about previously purchased products or services.

d. Responding to inquiries and contacts received from web site visitors.

11. Program Accountability

a. Working with the Contract Compliance Office in efforts to achieve the objectives of this Plan.

b. Identifying specific job duties that are necessary to support the implementation of the Contract Compliance Plan.

M. DIVISION OF TECHNICAL SERVICES

The Division of Technical Services shall have the following specific responsibilities for the implementation of the *Contract Compliance Plan* as follows:

1. Quarterly, Annual and Special Reports

Assisting the Contract Compliance Office in the preparation of Quarterly, Annual and Special Reports by providing access to tools and data.

2. Data Base Maintenance

a. Allowing access to the HUB data base on the District's computing network.

b. Restricting HUB data base access for changing or entering of codes and other critical information to the following:

i. The Superintendent and/or his/her designee.

ii. Contract Compliance Officer.

iii. The Affirmative Action Officer.

iv. Designated Purchasing & Administrative Services and Business Services staff.

c. Maintaining the data base in a manner which will allow it to be downloaded into a Microsoft Access, Microsoft Word or Microsoft Excel format for reporting, graphics and desktop publishing.

N. OFFICE OF PUBLIC INFORMATION IMPLEMENTATION STRATEGIES FOR HUB UTILIZATION

The District's Public Information Office shall have the responsibility for the implementation of the *Contract Compliance Plan* relating to the utilization of the District's Internet Home Page, as follows:

1. Web design and maintenance, as it relates to the Contract Compliance Plan information posted on the District's Internet site which is www.madison.k12.wi.us.
2. Ensuring that information submitted is posted in a timely and accurate manner.
3. Ensuring that the Contract Compliance Plan information is accessible to site visitors in a "user friendly" manner.
4. Advising the Contract Compliance Office on methods for improving HUB access to information.
5. Assisting the Contract Compliance Office in communicating with the HUB community by e-mail.
6. Assisting the Contract Compliance Office in fully utilizing the District's web site by publishing:
 - a. Information about current Invitations to Bid or Requests for Proposals, with the name of a contact person, as provided by Building Services or Purchasing/Administrative Services.
 - b. Information about how to be placed on the District's Bidders' Mailing Lists.
 - c. The Business Profile Form so that HUBs may register on-line and facilitate their inclusion in the District's data base and bidders' mailing lists.
 - d. Contact information to assist HUBs in marketing products and services to the appropriate decision-maker.
 - e. Tips on "Doing Business with the District."
 - f. A Forecast of anticipated procurements so that HUB owners may plan ahead in conducting their marketing efforts.
 - g. Historical procurement information to allow HUBs to identify the costs and other pertinent information about a previously-purchased products or services.

- h. All District Contract Compliance Office forms.
- i. Procurement Forecasts (an overview of what will be purchased in future months).

O. CONTRACT COMPLIANCE APPEALS COMMITTEE

Any dispute arising under this Contract Compliance Plan, which is not resolved by the Contract Compliance Officer, may be referred to the three member Contract Compliance Appeals Committee. Such Committee is comprised of:

- Affirmative Action Advisory Committee - Appointed by Chairperson;
- Purchasing and Administrative Services - Director or his/her designee;
- Building Services - Director or his/her designee.

Whenever the District determines that a good faith effort has not been made, or any other noncompliance determination, the District will communicate its decision to the contractor/vendor by letter. The contractor/vendor will have three (3) working days to request a hearing.

If the contractor/vendor requests a hearing within the specified time limit, the District will seek to resolve the disputed issues in a conciliatory manner. If such conciliation fails to satisfy the vendor/contractor, an appeals hearing will be conducted by the Contract Compliance Appeal Committee in the most expeditious manner available to the District.

Each party at a hearing has the right to counsel and a fair opportunity to present evidence and argument.

After the hearing has been conducted, the Appeals Committee will make its recommendations to Superintendent or his/her designee, who will make the final decision, in consultation with the District's Legal Counsel. All decisions of the Superintendent or his/her designee are final.

P. DEFINITIONS

- 1. Historically Underutilized Business (HUB)

A HUB is defined as:

a. A for-profit business which is one of the following:

i. A small business, which, in the Madison Metropolitan School District's definition, is one with gross annual receipts of \$2 million or less in the most recent calendar/fiscal year, and with 25 or fewer employees.

ii. A business which is at least 51% owned, managed and controlled by an individual or individuals who are minority group members (African American, Hispanic, Asian, Native American) or a business which is at least 51% owned, managed and controlled by a female;

2. Minority or women business enterprise means a business which is one of the following:

a. A sole proprietorship owned and controlled by an individual who is a female or minority group member.

b. A partnership, joint venture or corporation in which at least 51% of the beneficial ownership interest is legitimately held by a female or minority group member.

3. Owned and controlled means the minority/female ownership in the firm must be real, substantial and continuing. There must also exist a risk or loss/share of profit commensurate with the proportional minority/female's ownership in the firm. A minority/female owner must have and exercise the authority of independently controlling the business.

4. Minority designations. This *Contract Compliance Plan* adopts those race and ethnic categories developed by the Federal Government (i.e., the Office of Management and Budget; [OMB], Circular #32) and includes:

a. Black (B) - A person having origins in any of the Black racial groups of Africa.

b. Hispanic (H) - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origins, regardless of race.

c. Asian or Pacific Islander (A) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands and Samoa.

d. Native American or Alaskan Native (NA) - A person having origin in any of the original people of North America, and who maintain cultural identification through tribal affiliation or community recognition.

5. Small business - For the purposes of the District's Contract Compliance Plan, a small business is one which has had \$2 million in gross annual sales or less in the most recent calendar/fiscal year and one which has 25 or less employees. The business concern must also be independently owned and operated, and cannot be dominant in its field of operation.

For the purpose of economic development, the District reserves the right to declare as a small business any firm which meets the following conditions:

a. The firm's principal place of operation is within the boundaries of the Madison Metropolitan School District; and

b. The firm can further qualify under the criteria set forth in the Small Business Administration Small Business Size Standards Regulation, Title 13, Part 121 of the Code of Federal Regulations.

6. Affirmative Action Plan – A plan that is designed to facilitate the contractor's/vendor's efforts to provide equal employment opportunities to all persons and to provide that Affirmative Action be taken to hire and/or promote underrepresented target group individuals consistent with their availability in the relevant labor market area.

7. Equal Employment Opportunity – The absence of employment discrimination on the basis of gender, race, religion, color, creed, national origin, ancestry, age, disability, or association with a person with a disability, marital status, handicap, source of income, arrest or conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, gender expression, political beliefs or the fact that a person is a student.

8. Compliance Waiver - An exemption given by the District to contractors/vendors who either have demonstrated a "good faith effort" but were unable to meet the minimum

employment or business participation goals as determined by the District, or for cause were unable to demonstrate a good faith effort to meet the minimum employment or business participation goals as determined by the District.

9. Contractor/Vendor - Any sole proprietorship, partnership, corporation, association, joint venture or other entity including a contractor, vendor, or supplier which enters into a contract with the Madison Metropolitan School District.

10. Debarment - Formal action by the Board of Education denying a vendor's/contractor's right to enter into future contracts with the District until compliance has been achieved.

11. Desk Audit - A thorough analysis distinguished from an on-site review, which reviews a contractor's/vendor's Affirmative Action Plan, project records and other materials to determine the overall extent of compliance with the Contract Compliance Plan.

12. On-Site Visit - A visit to the contractor/vendor's place of business, construction site, etc.

13. Target group individuals - Individuals who are racial or ethnic minorities, and women.

14. Good faith effort - Defined as actions or steps taken by the contractor/vendor to subcontract with HUBs or to implement all phases of its Affirmative Action Plan and/or other measures to employ underrepresented target group individuals consistent with their availability in the relevant labor market area. The Contract Compliance Officer shall make the final determination of whether sufficient good faith efforts have been demonstrated. There are many ways to attract HUBs for subcontracting opportunities and individuals for employment which, by their very nature, indicate or show a "good faith effort." The following activities are indicators of a good faith effort. This list is not intended to be exhaustive.

a. Advertise in a timely manner with respect to the projects/bids in the community media and/or trade journals relative to employment opportunities for target group individuals or subcontracting opportunities for HUBs.

b. Send request for quotes by mail to HUB businesses and request for employment referrals from community outreach agencies. The contractor/vendor must maintain records of such mailing or requests and, where feasible, conduct follow-up by telephone with HUBs to offer bidding assistance.

c. Solicit telephone, fax or electronic quotes from HUBs, where applicable. The contractor/vendor must retain a list of all subcontracts awarded in this manner.

d. Conduct any other recruitment practices which would be standard operating procedures in their respective industry.

15. Self-Certification

Written affirmation by the organization that it is:

a. a sole proprietorship, corporation, joint venture owned, operated and fully controlled on a daily basis by a minority group member;

b. a sole proprietorship, corporation, joint venture owned, operated and fully controlled on a daily basis by a woman; or

c. a small business, meeting the District's definition contained herein.

In addition, the District recognizes the certification done by certain entities which include, but are not limited to, the following:

City of Madison, Wisconsin

Dane County, Wisconsin

Milwaukee Joint Certification Program

State of Wisconsin, Department of Commerce, Bureau of Minority Business Development

State of Wisconsin, Department of Transportation, Office of Disadvantaged Business Enterprise Programs

Wisconsin Minority Supplier Development Council

U. S. Small Business Administration and its recognized private certifiers

APPENDIX A

POLICY AFFIRMATIVE ACTION REQUIREMENTS FOR VENDORS AND CONTRACTORS 6600 Operation

The BOARD of EDUCATION is committed to fair and equal employment opportunities for all persons. Affirmative Action policies and procedures govern the hiring of District staff. By this policy, the BOARD requires major vendors to adopt and implement similar policies as a condition of doing business with the District.

PROCEDURE AFFIRMATIVE ACTION REQUIREMENTS FOR VENDORS AND CONTRACTORS 6600 Operation

1. Definitions:
 - a. "Target group individuals" means women, individuals who identify themselves as of Hispanic, African, Asian, or American Indian descent, and individuals with a disability as defined in s. 111.32(8) Wis. Stats.
 - b. "Major Vendor" means a person who sells, or offers to sell, goods or services to the Madison Metropolitan School District through the District's negotiated or bidding process in an aggregate amount of \$25,000 per year or more, and who employs at least fifteen persons. The definition of major vendor also does not include (1) vendors whose goods or services are selected by the District under other non-Madison School District procedures such as the State of Wisconsin Procurement Policy and Procedure. BOARD approval is not required to select such vendors provided that the procedures under which the vendors were selected include an Affirmative Action Requirement for vendors, or (2) vendors from whom the District purchases books and other learning materials that are approved by the "Learning Materials" Committee pursuant to the evaluation process set forth in BOARD Policy [3611](#).
 - c. A "Good faith effort" means action satisfactory to the District that is taken by a vendor to meet the District's contract requirements as set forth in Paragraph 3 of this policy.
2. Plan Required to be Adopted, Filed, and Certified:

Each major vendor shall adopt a plan to employ target group individuals consistent with their availability in the relevant labor market. This plan shall include a reasonable grouping of jobs in the vendor's workforce, an analysis of the availability of members of each target group for each job group, an analysis of the utilization of target group members in the vendor's workforce and steps which are being, or will be taken to remedy any underutilization shown by whether or not the employment goals in the plan have been met. A plan may be on file with the following agencies: State of Wisconsin Department of Administration,

Development, or Transportation; County of Dane or Milwaukee; City of Milwaukee, Milwaukee Metropolitan Sewerage District; Milwaukee Joint Certification Program; City of Madison or the Madison Metropolitan School District.

3. Contract Requirements:

Whenever a major vendor submits a bid or enters into negotiations for the sale of goods or services to the School District, it shall indicate (1) with what agency the plan is on file, (2) whether or not the plan is certified, and (3) whether the employment goal(s) stated in the plan has/have been achieved. If a major vendor has not met each one of the above stated three enumerated requirements, the vendor shall submit a statement and documentation which demonstrates that the vendor has made, is making or will make a good faith effort to meet each one of the requirements that has not been met. In order to demonstrate that the vendor has made, is making or will make a good faith effort in a timely manner as determined by the MMSD, the vendor shall properly analyze appropriate job classifications within the organization to determine if women or minorities are being underutilized (i.e., if fewer minorities or women are employed in a particular job classification than would be expected by their availability in the labor market area). (Seek technical assistance from the District's Contract Compliance Officer if you do not know how to properly analyze the job classifications or if you are not sure which job classifications are appropriate). In order to demonstrate that the vendor will make a good faith effort after such analysis, if there is an underrepresentation of minorities or women in any job classification in a timely manner as determined by the MMSD, the vendor will:

- a. Develop realistic goals for the employment of women and minorities who are underrepresented in such job classifications.
- b. Develop a timetable for achieving the goals.
- c. (1) Develop a written recruitment activity plan which is a detailed strategy that outlines specific steps that will be taken to attract minorities and women in the appropriate job classifications in which minorities and women are underrepresented and
(2) Implement the written recruitment activity plan at a minimum by:
 - i. Prominently displaying on your bulletin boards or in common areas the fact that you are an equal opportunity employer.
 - ii. (If minorities are underrepresented in certain job classifications, for each vacancy in such job classification) placing an advertisement in a media outlet that caters to minorities. Such advertisement should describe the job and

- indicate that the vendor is an equal opportunity employer and that minorities are encouraged to apply.
- iii. (If women are underrepresented in certain job classifications, for each vacancy in such job classification) placing an advertisement in a media outlet that caters to women. Such advertisement should describe the job and indicate that the vendor is an equal opportunity employer and that women are encouraged to apply.
 - iv. (If minorities are underrepresented in certain job classifications) corresponding in writing to local advocacy agencies such as community-based organizations, minority trade unions, etc., that you have job vacancies in job classifications for which minorities are underrepresented, describe the job and indicate that you are an equal opportunity employer and that minorities are encouraged to apply.
 - v. If women are underrepresented in certain job classifications, corresponding in writing to local advocacy agencies such as community-based organizations, local trade unions, etc., that you have job vacancies in job classifications for which women are underrepresented, describe the job, indicate that you are an equal opportunity employer and that women are encouraged to apply.
 - vi. Writing a letter encouraging current racial/ethnic minorities and women employees to assist in the recruitment of prospective racial/ethnic minorities and women employees.
 - vii. Ensuring that all job descriptions reflect actual job duties and are job related.
 - viii. Having a written discrimination complaint procedure in place that is publicized to all employees.
 - ix. Reviewing all hiring policies and practices to ensure that they are non-discriminatory.
 - x. Hiring, where possible, minorities and women in job classifications in which they are underrepresented.

A vendor may be prequalified to meet the requirements set forth herein. Instructions for being prequalified and for providing the necessary documentation shall be included in the Request for Proposals, Request for Information, or other solicitation issued by the District. A vendor may request and receive technical assistance from the District as to what is required by this policy, including what constitutes a good faith effort.

4. Reporting:

The Contract Compliance Officer of the District may require reports from vendors awarded contracts to determine whether they are in compliance with their plans

and/or good faith efforts. Vendors shall maintain and submit records at the request of the District for purposes of compliance review. The District shall follow established Office of Federal Contract Compliance Programs and Equal Employment Opportunity Commission procedures for on-site visits, desk audits, project reviews and other compliance and reporting requirements.

Employment goals for construction contracts shall be measured in total hours expended on the projects by target group individuals by job group, broken out for race, sex, and disability. All other employment goals shall be reported by showing the number of employees by position, broken out for race, sex, and disability.

5. Noncompliance and Penalties:

If a vendor:

- a. Indicates that it has made, is making or will make a good faith effort; and
- b. Is awarded a contract with the District, but such vendor subsequently fails to make a good faith effort in a timely manner as determined by the District, then the [SUPERINTENDENT](#) or his/her designee may, after hearing the vendor's defense or justification, declare the vendor ineligible for future District contracts until such noncompliance is remedied and may take any other action the [SUPERINTENDENT](#) or his/her designee deems appropriate.

6. Records and Reports:

Purchasing officers and/or the Contract Compliance Officer of the District shall maintain records of the District's activities under this policy, including:

- a. Operating procedures for notifying potential vendors of the requirements of this policy;
- b. Technical assistance forms;
- c. List of District vendors;
- d. Assessment data on vendor compliance with their plans;
- e. Staff direction, program policies and priorities, and problem areas;
- f. An annual report to the BOARD of EDUCATION, [SUPERINTENDENT](#), and [ASSISTANT SUPERINTENDENT](#) for BUSINESS on activities undertaken by staff in furtherance of this policy.

7. This policy shall take effect January 1, 1991.

6/2/03

APPENDIX B

POLICY

UTILIZATION OF HISTORICALLY UNDERUTILIZED BUSINESSES

6601

The Board of Education is committed to providing fair and equal opportunities for all contractors and vendors, including Historically Underutilized Businesses (HUBs). The Board recognizes that in some instances, Historically Underutilized Businesses have not done their fair share of business with the District. By this policy, the Board supports, promotes and encourages participation by Historically Underutilized Businesses in the District's competitive bid and other District procurement processes to ensure that such businesses are being utilized by the District at the appropriate utilization level.

PROCEDURE

UTILIZATION OF HISTORICALLY UNDERUTILIZED BUSINESSES 6601

The Contract Compliance Officer shall implement the District's Contract Compliance Plan, which includes, but is not limited to, the following. The Contract Compliance Officer shall:

1. Identify capable, responsive, and responsible HUB firms interested in doing business with the District.
2. Provide technical assistance to HUBs to maximize their opportunity to provide goods and services to the District.
3. Ensure that the District keeps a list of all HUBs and sends each HUB that can provide the goods or services under a contract a copy of a bid or other information to notify the HUB of the opportunity to contract with the District.
4. Ensure that the District advertises in the community media in an effort to make HUBs aware of opportunities to do business with the District.
5. Make recommendations regarding how to enhance HUB's ability to be awarded contracts by the District.
6. Monitor the District's efforts to provide and encourage the use of HUBs and make an assessment of the District's compliance with the Contract Compliance Plan.
7. Prepare an Annual Report, which includes information relative to the District's utilization of HUBs.

APPENDIX C

AFFIRMATIVE ACTION & EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Statement of Commitment

As an employer, this company welcomes the opportunity to affirm our continuing policy to provide equal employment or advancement opportunity and to dedicate ourselves to establishing a work environment which is free from discrimination.

Equal Employment Opportunity

It is the policy of this company that all employees and applicants for employment are guaranteed equality of employment opportunity. Essentially, this means that, as an employer, we will not discriminate against any worker or job applicant on the basis of race, color, religion, gender, age, national origin, ability status or veteran status.

Recruitment, selection, placement, transfer, promotion, reinstatement, training and education, tuition assistance, compensation, benefits and layoff decisions made by the supervisors or managers of this company will be based upon the job-related qualifications and abilities of candidates. In some cases, seniority may be treated as a factor to be considered in the selection process. Employees who apply for a promotion or transfer will be given equal consideration.

It is our policy that supervisors shall be made aware that they must use only objective, job-related criteria when selecting workers for any employment-related action, including hiring, training, promotions and terminations. They also shall be informed that certain types of pre-employment inquiries may lead to problems when interviewing candidates for positions.

All other personnel policies and practices of this company, including compensation, benefits, discipline, safety and health programs, as well as other activities, will be administered and conducted without regard to an individual's race, color, religion, gender, age, national origin, ability status or veteran status.

To the extent possible, reasonable accommodation shall be made for religious needs and for individuals with ability challenges.

As an employer, we will continually review our personnel practices and procedures to ensure that all supervisors and managers are adhering to our commitment to Equal Employment Opportunity principles.

Affirmative Action

As an employer, it is our policy to utilize Affirmative Action as a tool to ensure Equal Employment Opportunity.

_____ has been designated as the Affirmative Action Officer and shall maintain responsibility for establishing, monitoring and evaluating our Affirmative Action efforts at all company establishments.

Our commitment to Affirmative Action means that we will do more than examine our policies and procedures to ensure against discrimination on the basis of race, color, religion, gender or national origin.

We will make a good faith effort to provide hiring opportunities for minorities and women.

APPENDIX C

- A. In order to demonstrate that we will make a good faith effort in a timely manner as determined by the MMSD, we will:

Properly analyze appropriate job classifications within the organization to determine if women or minorities are being underutilized (i.e., if fewer minorities or women are employed in a particular job classification than would be expected by their availability in the labor market area). (Seek technical assistance from the District's Contract Compliance Officer if you do not know how to properly analyze the job classifications or if you are not sure which job classifications are appropriate).

- B. In order to demonstrate that we will make a good faith effort after such analysis, if there is an underrepresentation of minorities or women in any job classification we will in a timely manner as determined by the MMSD:

1. Develop realistic goals for the employment of women and minorities who are underrepresented in such job classifications.
2. Develop a timetable for achieving the goals.
3. a) Develop a written recruitment activity plan which is a detailed strategy that outlines specific steps that will be taken to attract minorities and women in the appropriate job classifications in which minorities and women are underrepresented and
 - b) Implement the written recruitment activity plan at a minimum by:
 - i) Prominently displaying on your bulletin boards or in common areas the fact that you are an equal opportunity employer.
 - ii) If minorities are underrepresented in certain job classifications, for each vacancy in such job classification place an advertisement in a media outlet that caters to minorities. Such advertisement should describe the job and indicate that the vendor is an equal opportunity employer and that minorities are encouraged to apply.
 - iii) If women are underrepresented in certain job classifications, for each vacancy in such job classification place an advertisement in a media outlet that caters to women. Such advertisement should describe the job and indicate that the vendor is an equal opportunity employer and that women are encouraged to apply.
 - iv) If minorities are underrepresented in certain job classifications, correspond in writing to local advocacy agencies such as community-based organizations, minority trade unions, etc., that you have job vacancies in job classifications for which minorities are underrepresented, describe the job and indicate that you are an equal opportunity employer and that minorities are encouraged to apply.
 - v) If women are underrepresented in certain job classifications, correspond in writing to local advocacy agencies such as community-based organizations, local trade unions, etc., that you have job vacancies in job classifications for which women are underrepresented, describe the job, indicate that you are an equal opportunity employer and that women are encouraged to apply.

APPENDIX C

- vi) Write a letter encouraging current racial/ethnic minorities and women employees to assist in the recruitment of prospective racial/ethnic minorities and women employees.
- vii) Ensure that all job descriptions reflect actual job duties and are job related.
- viii) Have a written discrimination complaint procedure in place that is publicized to all employees.
- ix) Review all hiring policies and practices to ensure that they are non-discriminatory.
- x) Hire, where possible, minorities and women in job classifications in which they are underrepresented.

It is our expectation that all employees shall demonstrate respect for and awareness of the diversity of all our employees and model our corporate commitment to diversity.

EEO/AA Communication

This Affirmative Action and Equal Employment Opportunity Policy Statement shall be communicated to all supervisors and managers. It shall also be posted conspicuously (on company bulletin boards or common areas) and in areas where applicants are typically screened, interviewed and tested. The intent of this communication of the Policy Statement is that all of the company's employees are alerted and that job applicants are informed of our commitment. It is also the company's intent to include this Policy Statement in employee handbooks or orientation literature and to keep employees informed of Policy Statement changes or updates.

The terms "Equal Opportunity Employer" shall be utilized in recruitment advertisements and literature.

EEO Complaint Handling Procedures

It is this company's policy to regularly inform employees that the organization's dispute resolution system is available for handling discrimination complaints or problems. Employees who have Equal Employment Opportunity-related questions, problems or complaints should first communicate their concern to their immediate supervisor. If they are dissatisfied with the supervisor's handling of the matter, they may pursue their complaint in the company's formal dispute resolution procedure.

All complaints will be handled fairly and expeditiously. No employee shall suffer reprisals for seeking resolution of a problem through the procedure.

Disqualification

As a condition of being awarded contracts for goods and services the District needs in the future, it is understood that by signing this Statement, the vendor agrees that the District may disqualify the vendor from being awarded such contracts, if it is determined by the District that no good faith effort was made in that the vendor cannot demonstrate to the District's satisfaction that it has in a timely manner as determined by the MMSD:

1. Properly analyzed appropriate job classifications within the organization to determine if women or minorities are being underrepresented.

APPENDIX C

2. Developed realistic goals for the employment of women and minorities who are underrepresented in such job classifications.
3. Developed a timetable for achieving the goals.
4. a) Developed a written recruitment activity plan which is a detailed strategy that outlines specific steps that will be taken to attract minorities and women in the appropriate job classifications in which minorities and women are underrepresented and
 - b) Implemented the written recruitment activity plan at a minimum by having:
 - i) Prominently displayed on your bulletin boards or in common areas the fact that you are an equal opportunity employer.
 - ii) (If minorities are underrepresented in certain job classifications, for each vacancy in such job classification) placed an advertisement in a media outlet that caters to minorities and that the advertisement described the job and indicated that the vendor is an equal opportunity employer and that minorities are encouraged to apply.
 - iii) (If women are underrepresented in certain job classifications for each vacancy in such job classification) placed an advertisement in a media outlet that caters to women and that the advertisement described the job and indicated that the vendor is an equal opportunity employer and that women are encouraged to apply.
 - iv) (If minorities are underrepresented in certain job classifications) corresponded in writing with local advocacy agencies such as community-based organizations, minority trade unions, etc., that you have job vacancies in job classifications for which minorities are underrepresented, described the job and indicated that you are an equal opportunity employer and that minorities are encouraged to apply.
 - v) (If women are underrepresented in certain job classifications) corresponded in writing with local advocacy agencies such as community-based organizations, local trade unions, etc., that you have job vacancies in job classifications for which women are underrepresented, described the job, indicated that you are an equal opportunity employer and that women are encouraged to apply.
 - vi) Written a letter encouraging current racial/ethnic minorities and women employees to assist in the recruitment of prospective racial/ethnic minorities and women employees.
 - vii) Reviewed all job descriptions to ensure that they reflect actual job duties and are job related.
 - viii) Created a written discrimination complaint procedure that is publicized to all employees.
 - ix) Reviewed all hiring policies and practices to ensure that they are non-discriminatory.

APPENDIX C

- x) Hired, where possible, minorities and women in job classifications in which they are underrepresented.

Vendors shall maintain and submit records at the request of the District for the purposes of the District, among other things, determining if the vendor has made a good faith effort. The District may disqualify a vendor from being awarded a contract if the vendor fails to maintain or provide the information requested by the District.

Date: _____

Company Name

Location Address, Telephone Number

CEO's Typed Name & Title

Signature

Human Resource Officer or Affirmative Action Officer's Typed Name & Title

Signature

APPENDIX D

Madison Metropolitan School District

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER INFORMATION REPORT

WORKFORCE UTILIZATION PROFILE

Job Categories	Number of Employees										
	Overall Totals (Sum of Columns B-K)	Male					Female				
		White (Not Hispanic)	Black (Not Hispanic)	Hispanic	Asian/ Pacific Islander	American Indian/ Alaskan	White (Not Hispanic)	Black (Not Hispanic)	Hispanic	Asian/ Pacific Islander	American Indian/ Alaskan
Officials & Managers											
Professionals											
Technicians											
Sales Occupations											
Clerical and Administrative											
Craft Workers											
Operatives											
Laborers, Helpers, Material Handlers											
Service Workers											
Total											
Number of Employees, by race and gender, employed within the Madison School District geographic area.											
Total											

APPENDIX D
MADISON METROPOLITAN SCHOOL DISTRICT
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION -- EMPLOYER INFORMATION REPORT

Name of Company/Organization _____ Address _____ City, State and Zip Code _____

Contact Person/Name & Title _____ Area Code & Telephone Number _____ Area Code & Facsimile Number _____

Name of Parent or Affiliated Company _____ Address _____ City, State and Zip Code _____

Contact Person/Name & Title _____ Area Code & Telephone Number _____ Area Code & Facsimile Number _____

Establishment Information

How was the information on race or ethnic group obtained? Visual Survey Employment Records Other --Specify: _____

Dates or Period Used: _____ Does the establishment employ apprentices? Yes No

Is the location the same as last year? Yes No Previous report date: _____ No previous report

Business Type: *(Description of the major activity of this establishment, including the specific type of product or service provided.)*

This organization has a current Affirmative Action Plan on file with: State of Wisconsin Dane County City of Madison
 U. S. Government (Specify Agency: _____) Other (Specify: _____)

Certification

1. The contractor or vendor certifies that the information contained in this Employer Information Report is accurate.
2. The contractor or vendor has agreed that, as provided in the contract or purchase order, if not exempt, that it will complete the District's Employer Information Report, and submit it along with its Affirmative Action Plan. If the contractor/vendor does not have an Affirmative Action Plan, the contractor/vendor may sign and submit the District's Affirmative Action Policy Statement (Appendix C).
3. The contractor or vendor further agrees that, as provided in the contract or purchase order, for the duration of this or subsequent contracts with the District, accurate and timely information will be filed on an annual basis.

Date Completed: _____

Completed By: _____

APPENDIX F

AVAILABILITY ANALYSIS FOR ESTABLISHING THE DISTRICT'S CONTRACT COMPLIANCE GOALS FOR HUB'S

A. Base Availability Factor

The Base Availability Factor is the primary basis for determining the District's goals for the utilization of MBE's, WBE's, and SBE's. The Base Availability Factor is very similar to the five most common factors identified in studies done by the Urban's Institute relative to determining the availability of SBE's, WBE's, and MBE's. The Base Availability Factor is reflected in three categories for SBE's, WBE's, and MBE's.

1. For SBE's, the District has chosen the following three categories for its Base Availability Factor:
 - A. % of SBE's in the United States = 99.7%
 - B. % of SBE's in Wisconsin = 98.0%
 - C. % of SBE's in the relevant labor market area = 95%

For WBE's, the District has chosen the following three categories for its Base Availability Factor:

- A. % of WBE's in the United States = 28.2%
- B. % of WBE's in Wisconsin = 26.4%

C. % of WBE's in the relevant labor market area = 31.1%

For MBE's, the District has chosen the following three categories for its Base Availability Factor:

A. % of MBE's in the United States = 17.9%

B. % of MBE's in Wisconsin = 6.7%

C. % of MBE's in the relevant labor market area = 1.2%

B. Value Weight Factor

The value weight is the next factor used in the availability analysis to determine the District's goals for doing business with WBE's, MBE's, and SBE's. The Value Weight Factor is a comparison of one Base Availability Factor to each of the other Base Availability Factors to determine the relative importance of each such factor. Importance is defined by how likely it is that WBEs, for example, that are located within the relevant labor market area will do business with the District as compared to the WBEs that are located (outside the relevant labor market area), but in the State of Wisconsin.

The total of the value weights for all the Base Availability Factors equals 100%. The specific percentage out of 100% (e.g., 30%) that is assigned to a particular Base Availability Factor depends upon its relative importance as compared to the other Base

Availability Factors. The District determined the Value Weight Factor for MBEs, WBEs, and SBEs by using the percentage of SBE's, MBE's, and WBE's who did business with the District during the period January 1, 2006, to December 31, 2006.

1. To determine the value weight percentage of Minority Businesses in the relevant labor market area, the State of Wisconsin, and the United States doing business with the District, the District:
 - A. took the total number of minority businesses who did business with the District during the 2006 calendar year, which was (50) and divided that number by 27, which was the total number of minority businesses who had mailing addresses in the relevant market area, which resulted in a percentage of **54.0%**.
 - B. took the total number of minority businesses who did business with the District during the 2006 calendar year, which was (50) and divided that number by 4, which was the total number of minority businesses who had mailing addresses in the State of Wisconsin (with the exception of those in the relevant market area), which resulted in a percentage of **8.0%**.
 - C. took the total number of minority businesses who did business with the District during the 2006 calendar year, which was (50) and divided that number by 19, which was the total number of minority

businesses who had mailing addresses in the United States that were outside the State of Wisconsin, which resulted in a percentage of **38.0%**.

2. To determine the value weight percentage of Women Businesses in the relevant labor market area, the State of Wisconsin, and the United States doing business with the District, the District:

A. took the total number of women businesses who did business with the District during the 2006 calendar year, which was (210) and divided that number by 91, which was the total number of women businesses who had mailing addresses in the relevant market area, which resulted in a percentage of **43%**.

B. took the total number of women businesses who did business with the District during the 2006 calendar year, which was (210) and divided that number by 25, which was the total number of women businesses who had mailing addresses in the State of Wisconsin (with the exception of those in the relevant market area), which resulted in a percentage of **12%**.

C. took the total number of women businesses who did business with the District during the 2006 calendar year, which was (210) and

divided that number by 94, which was the total number of women businesses who had mailing addresses in the United States that were outside the State of Wisconsin, which resulted in a percentage of **45%**.

3. To determine the value weight percentage of Small Businesses in the relevant labor market area, the State of Wisconsin, and in the United States doing business with the District, the District:

A. took the total number of small businesses who did business with the District during the 2006 calendar year, which was (875) and divided that number by 129, which was the total number of small businesses who had mailing addresses in the State of Wisconsin (with the exception of those in the relevant market area), which resulted in a percentage of **14.7%**.

B. took the total number of small businesses who did business with the District during the 2006 calendar year, which was (875) and divided that number by 391, which was the total number of small businesses who had mailing addresses in the relevant market area, which resulted in a percentage of **44.7%**.

C. took the total number of small businesses who did business with the District during the 2006 calendar year, which was (875) and divided that number by 355, which was the total number of small businesses who had mailing addresses in the United States that were outside the State of Wisconsin, which resulted in a percentage of **40.6%**.

C. **Use Factor**

The Use Factor represents the percentage of HUB's (MBE's, WBE's and SBE's) in the United States, State of Wisconsin and the relevant labor market area that can possibly provide the types of goods and services that are used by the District.

1. MBE Use Factor

The percentage of MBE's that can provide the goods and services that could be purchased by the District from the United States, State of Wisconsin, and relevant labor market are 24.6%, 27.7%, and 15.6%, respectively.

2. SBE Use Factor

The percentage of SBE's that can provide the goods and services that could be purchased by the District from the United States, State of Wisconsin, and relevant labor market area are 45.3%, 17.4%, and 39.6%, respectively.

3. WBE Use Factor

The percentage of WBE's that can provide the goods and services that could be purchased by the District from the United States, State of Wisconsin, and relevant labor market area are 10.4%, 16.6%, and 36%, respectively.

D. **Weighted Factor and Goal**

1. The Weighted Factor is determined by multiplying the Base Availability Factor by the Value Weight Factor. The resulting percentage (from multiplying the Base Availability Factor and the Value Weight Factor) is then multiplied by the Use Factor to get the Weighted Factor. The Weighted Factors are added together to ascertain the goal relative to the HUBs doing business with the District.
 - A. The District's Goal for WBE's is 6.6%
 - B. The District's Goal for MBE's is 1.91%
 - C. The District's Goal for SBE's is 37.6%

ATTACHMENT F₃
MBE CONTRACT COMPLIANCE
AVAILABILITY ANALYSIS

NUMBER	BASE AVAILABILITY FACTOR	VALUE WEIGHT FACTOR	“USE” FACTOR	WEIGHTED FACTOR
1	PERCENTAGE OF MBES IN THE UNITED STATES 17.9%	38%	24.6%	1.67%
2	PERCENTAGE OF MBES IN WISCONSIN 6.7%	8%	27.7%	.14%
3	PERCENTAGE OF MBES IN RELEVANT LABOR MARKET AREA ¹ 1.2%	54%	15.6%	.10%
	GOAL	100%		
				1.9%

¹ Relevant Labor Market Area is the City of Madison and Milwaukee Metropolitan Areas.

APPENDIX F₁

WBE CONTRACT COMPLIANCE AVAILABILITY ANALYSIS

NUMBER	BASE AVAILABILITY FACTOR	VALUE WEIGHT FACTOR	“USE” FACTOR	WEIGHTED FACTOR
1	PERCENTAGE OF WBES IN THE UNITED STATES 28.2%	45%	10.4%	1.3%
2	PERCENTAGE OF WBES IN WISCONSIN 26.4%	12%	16.6%	.5%
3	PERCENTAGE OF WBES IN RELEVANT LABOR MARKET AREA ¹ 31.1%	43%	36.0%	4.8%
	GOAL	100%		6.6%

¹ Relevant Labor Market Area is the City of Madison and Milwaukee Metropolitan Areas.

APPENDIX F₂

SBE CONTRACT COMPLIANCE AVAILABILITY ANALYSIS

NUMBER	BASE AVAILABILITY FACTOR	VALUE WEIGHT FACTOR	“USE” FACTOR	WEIGHTED FACTOR
1	PERCENTAGE OF SBES IN THE UNITED STATES 99.7%	40.6%	45.3%	18.3%
2	PERCENTAGE OF SBES IN WISCONSIN 98%	14.7%	17.4%	2.5%
3	PERCENTAGE OF SBES IN RELEVANT LABOR MARKET AREA ¹ 95%	44.7%	39.6%	16.8%
	GOAL	100%		37.6%

¹ Relevant Labor Market Area is the City of Madison and Milwaukee Metropolitan Areas.