

SMALL, WOMEN AND MINORITY BUSINESS ENTERPRISE UTILIZATION PLAN

Charleston County School District
Department of Procurement Services
3999 Bridge View Drive
North Charleston, SC 29405

Adopted: October 13, 2008
Revised: August 12, 2024

1. General Information:

- a. Plan Prepared By: Charleston County School District (CCSD).
- b. Authority: Section 5240, CCSD Consolidated Procurement Code, dated January 1, 2022.
- c. Scope and Application: This plan shall apply to all schools and departments of CCSD and shall encompass all funds which support the procurement of supplies, construction, information technology and services. Every contract or duty within the CCSD Consolidated Procurement Code imposes an obligation of good faith in its negotiation, performance or enforcement. "Good faith" means honesty in fact and in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing.

2. Approved Policy Statement:

The Board of Trustees, Charleston County School District, on August 8, 2005, approved the following policy statement regarding the use of Small, Women and Minority Business Enterprises (SWMBEs) in all aspects of procurement: "The South Carolina General Assembly has declared that business firms owned and operated by minority persons have been historically restricted from full participation in our free enterprise system to a degree disproportionate to other businesses, and the board concurs in that finding by the state. In recent years, the participation by minority businesses in the procurements of CCSD has been well below the expected participation by this segment of our society. The board believes that it is in CCSD's best interest to assist minority-owned businesses to develop fully as a part of CCSD's policies and programs encouraging minority participation in the procurement of goods and services by CCSD. The board, therefore, wishes to ensure that those businesses owned and operated by minorities are afforded the opportunity to fully participate in the overall procurement process of Charleston County School District."

"The superintendent or his/her designee shall establish regulations designed to increase contract opportunities for Small, Women and Minority Business Enterprises (SWMBE) as assessed each year based on a percentage of awarded in a fiscal year. A report shall be made semi-annually to the board about those results. The increase of opportunity is expected to affect the awarding of contracts and subcontracts to these businesses which shall, in turn, provide an equal business opportunity and then foster overall economic development within the district, county and state. The established regulations shall include specific annual goals to measure performance and the systematic reporting of progress toward these goals." This statement shall be distributed to all personnel directly or indirectly involved in procurement activities within the district. CCSD will strive to make the procurement process inclusive and available to all businesses without regard to race, gender, age, religion, national origin, or disability.

It is the intent of this plan to establish procedures designed to assure SWMBE access to information and opportunities available to other business enterprises. It is not the intent of this plan to establish procedures that will increase the cost of the district's construction and purchasing programs. A standard process of evaluation will be used to assess performance of all

vendors who provide services and products to CCSD. Evaluation will assess quality of service or product, on time delivery or completion of the work, responsiveness to CCSD requests, willingness to correct or fix problems or discrepancies and overall ability to work with the owner. It is the intent of this policy to widen opportunities for participation, to increase competition, and to reduce costs.

3. Operational Procedures Definitions

a. "Minority person" means a United States Citizen who is economically and socially disadvantaged. A person who is a citizen or lawful permanent resident of the United States, and who is:

- (1) Black, that is, a person having origins in any of the black racial groups in Africa;
- (2) Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
- (3) Asian American, that is, a person having origins in any of the original peoples of the Far east, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
- (4) American Indian or Alaskan Native, that is, a person having origins in any of the original peoples of North America; or
- (5) Female.

b. "Socially disadvantaged individuals" means 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, Women and other minorities to be designated by the South Carolina Budget and Control Board or designated agency.

c. "Economically disadvantaged individuals" means 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 that are not socially disadvantaged.

d. "A socially and economically, disadvantaged small business" means any small independent business concern which:

(1) At a minimum is fifty-one (51) percent owned by one or more citizens of the United States who are determined to be socially and economically disadvantaged and who also exercise control over the business per 13 CFR Part 124, Subpart A, as amended.

(2) In the case of a corporation, a minimum, fifty-one (51) percent of all classes of voting stock of such corporation must be owned by an individual or individuals determined to be socially and economically disadvantaged who also exercise control over the business.

(3) In the case of a partnership, at a minimum, fifty-one (51) percent of the partnership interest must be owned by an individual or individuals determined to be socially and economically disadvantaged who also exercise control over the business.

e. "Small Business" means a for-profit concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on government contracts, and qualified as a small business under the criteria and size standards in 13 CFR Part 124 as amended. Such a concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. Gross sales receipts do not exceed \$7,500,000 annually as averaged over the preceding three (3) year period. The eligible Owner is actively involved in the day-to-day management and control of the business enterprise and the delivery of its products and services. The enterprise has been actively in operation, providing goods and/or services for at least the preceding twelve (12) month period. The enterprise has a current business license.

f. "Small, Women and Minority Business Enterprise" is a business which has been certified as a socially and economically disadvantaged small business.

g. "SMBCC" means the Division of Small and Minority Business Contracting and Certification (SMBCC).

4. Duties of the Chief Procurement Officer.

a. The Chief Procurement Officer will implement the program and monitor the procurement process for compliance with established guidelines.

b. Duties of the Chief Procurement Officer shall include those outlined in Section 5220 and Section 5240 of the CCSD Procurement Code. These duties include but are not limited to:

(1) provide appropriate staff to assist SWMBEs with CCSD's procurement procedures and in the interpretation of this code.

(2) in cooperation with other appropriate private and state agencies may issue supplementary instructions designed to assist SWMBEs with CCSD's procurement procedures.

(3) maintain special source lists of SWMBEs detailing the products and services, which they provide. These lists must be made available to all CCSD individuals involved directly or indirectly with purchasing and Construction Management firms.

(4) include and identify certified South Carolina based SWMBEs on CCSD's bidders list and shall ensure that these firms are solicited on an equal basis.

(5) work with appropriate state offices and minority groups in conducting bi-annual seminars to assist minority business owners in learning how to do business with CCSD.

This may also include seminars regarding applications for becoming State Certified and information regarding financing sources as necessary for projects.

(6) establish and maintain records on the number of Invitations for Bid (IFB), Request for Proposals (RFP) and Request for Quotations (RFQ) sent to minority firms, number of responses received and contracts awarded when applicable to the dollar procurement limit of the CCSD.

(7) subscribe to and maintain on file South Carolina Business Opportunities as a reference.

(8) maintain records to indicate the number and dollar value of small purchases made from certified, non-certified, qualified and responsive minority firms.

5. SWMBE Designated Procurement Plan.

a. The regulations and procedures for implementation of this program are outlined in the CCSD Consolidated Procurement Code, dated January 1, 2022, approved by the Board of Trustees. CCSD will establish annual goals that include expending, with SWMBEs certified by the Office of Small and Minority Business Assistance a verifiable amount equal to ten (10%) of CCSD's total procurements (Total Spend) (with the exclusion of debt service, employee salaries and benefits, telephones, water and sewer, electric & gas, transfers, solid waste fees, and settlements/claims) for the procurement of supplies, construction, information technology and services.

b. The 10% goal shall be obtained by requiring each school or department to participate in an annual SWMBE training program offered by the Department of Procurement Services. This training will serve to provide a comprehensive overview of the District's annual SWMBE plan update, per policy. In completing the training, each participant will sign an affidavit indicating their understanding of specific requirements in the plan and pledge to carry out their individual role in procuring goods and services in consideration thereof. In addition, all CCSD solicitation will require Contractors to include in their proposal a SWMBE Plan when subcontracting opportunities are available. This requirement will be included in the award criteria.

c. It is the intent of CCSD to provide equal opportunity to small, minority, and woman-owned businesses in every aspect of procurement. In all contract procurements for services and construction, the Good Faith Effort will be required of all prime Contractors submitting a bid. The Good Faith Effort requires prime Contractors to make a documented effort to provide contract opportunities to Small, Women and Minority Business Enterprises. The prime Contractor shall make documented contacts to certified firms for contracting opportunities as set forth in solicitations. A Good Faith Effort is action taken by a vendor to meet the contract requirements set forth. Non-compliance with the policy, or failure to document compliance with the policy, may result in a bid or proposal being deemed non-responsive.

d. Procurements in the amount of \$10,000 or less do not require a solicitation or quote process. Purchases up to \$2,500 may be made via Procurement Card (P-Card). The Chief Procurement Officer will ensure that all departments within CCSD are made aware of the goals of the SWMBE Program and will encourage utilization of SWMBEs for purchases below \$10,000 via Purchase Order or P-Cards. School Principals and Department Heads will ensure the use of SWMBEs for P-Card purchases whenever a SWMBE is available.

e. On contracts valued over \$10,000, three quotes are required. The SWMBE Program further recommends at least one of the three quotes be obtained from a SWMBE. SWMBE goals will not be required where there are no SWMBEs certified to perform the scopes of work that CCSD regards as realistic opportunities for subcontracting.

f. All solicitations that require advertisement must include publication in "South Carolina Business Opportunities" (SCBO) and/or an appropriate newspaper(s) of general, local or statewide circulation and/or posted on the CCSD business opportunities portal. SCBO is a free service provided by the State of South Carolina.

g. Business firms seeking certification as a minority business should contact the Governor's Office of South Carolina Division of Small and Minority Business Contracting and Certification, 1205 Pendleton Street, Suite 372A, Columbia, South Carolina 29201, telephone (803) 734-5044 or (803) 734-5010.

h. CCSD may designate such procurement contracts as it may deem appropriate for negotiation with SWMBE firms. Among the criteria that shall be used to determine such designations are:

- (1) The total dollar value of procurements in CCSD;
- (2) The availability of South Carolina-based minority firms;
- (3) The potential for breaking the contracts into smaller units, where necessary, to accommodate such firms;
- (4) Ensuring that CCSD shall not be required to sacrifice quality of goods or services;
- (5) Ensuring that the price has been determined to be fair and reasonable, and competitive both to CCSD and to the contractor.

6. Dividing Larger Projects into Smaller Units.

a. Each Procurement Officer at the Charleston County School District will review all contracts/potential contracts in their commodity/functional area prior to releasing a Request for Quotation, Invitation for Bid/Request for Proposal to assure that the range/scope of the contract does not restrict SWMBEs participation. Where possible, divisions into smaller units can be made to assure SWMBE participation. Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the special source lists to assure that a

competitive price is established and to award contracts to the lowest responsible bidder. SWMBEs will be sought for construction, building, renovation, remodeling, alteration, repair, or improvement of real property. The following procedures will be followed when dividing larger projects into smaller units:

(1) Goods/Services: Where practical, large orders for goods and services, where many classes of goods/services are being procured in one bid, can be divided into smaller groups to stimulate bidding by minority vendors.

(2) Construction: The plan includes instructions to prime contractors concerning the use of minority subcontractors. Solicitations shall require all bidders to address the use of minority subcontractors on school construction and renovation projects and to provide documentation demonstrating that they have met the verifiable goal for participation by minority business or that they have made good faith efforts to do so. Minority subcontractor joint ventures should be encouraged and documented. Such utilization of minority subcontractors shall be made a part of the quarterly and annual reports. Nothing in the plan is to be construed to require contractors to award subcontracts to, or make significant material purchases from SWMBEs who are not considered a responsible bidder and/or who do not submit the Best Value sub-bid. CCSD shall send notification of solicitations to all construction related firms certified by the SMBCC and listed in that office online directory.

(3) Published notice of the contract shall include a statement that all contractors submitting bids will be required to provide either

- i. an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal or
- ii. documentation of its good faith effort that was identified in the bid to meet this goal, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority business for participation in the contract.

7. Annual Report Procedures.

a. Construction Managers shall submit data to show implementation of the goals of the SWMBE Utilization Plan and establish and maintain records on the number of IFBs, RFPs and RFQs sent to minority firms, number of responses received and contracts awarded where applicable to CCSD. This report shall be completed and submitted to reach the Chief Procurement Officer no later than 30 days after the last day of the fiscal year. CCSD will provide an annual report to the board regarding the progress of this plan.

8. Subcontracting Procedures.

a. CCSD, in consultation with the architect-engineer assigned to the project, shall identify by specialty in the Invitation for Bids all subcontractors who are expected to perform work to the prime contractor to or about the construction when those subcontractors' contracts are each expected to exceed three percent (3%) of the prime contractor's total base bid. In addition, CCSD, in consultation with the architect-engineer assigned to the project, may identify by

specialty in the IFB any additional subcontractors who are expected to perform work which is vital to the project. The determination of which subcontractors are included in the list provided in the IFBs is not protestable pursuant to §4210 (Protests) or another provision of this Code. A bidder in response to an IFB shall set forth in his bid the name of only those subcontractors to perform the work as identified in the IFBs. If the bidder determines to use his own employees to perform a portion of the work for which he would otherwise be required to list a subcontractor and if the bidder is qualified to perform that work under the terms of the invitation for bids, the bidder shall list himself in the appropriate place in his bid and not subcontract that work except with the approval of CCSD for good cause shown.

b. CCSD, through its contract documents, strongly encourages all general contractors or bidders to meet the verifiable 10% goal and to utilize certified SWMBE subcontractors on its new construction projects as these projects are approved and funded for construction, making every effort to subcontract with qualified and certified SWMBEs.

c. Contractor's efforts shall consist of, but are not limited to:

(1) Seek SWMBE participation in newspapers, trade papers, minority focus papers and to send bid notices to all construction related firms certified by the OSMBA and listed in that office's online directory.

(2) Show the items of work which were made available to SWMBE firms, and the information furnished to SWMBEs such as plans, specifications and requirements for the work.

(3) Provide the names of SWMBEs who submitted bids which were not accepted, a summary of the bidder's discussions and/or negotiations with them, the name of the firm selected for that portion of the work and the reasons for the bidder's choice of firm(s). A contractor, including a first-tier subcontractor on a project that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection.

(4) The apparent lowest responsible, responsive bidder, within the time specified in the bid documents, shall also provide either

i. an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal or

ii. documentation of its good faith effort that was identified in the bid to meet the goal, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract. Failure to file the required affidavit or documentation that demonstrates that the contractor made the required good faith effort may be grounds for rejection of the bid.

(5) Make the following forms a part of all solicitations for construction or services for CCSD:

i. SWMBE Utilization Commitment (Attachment A).

ii. Statement of Intent to perform work without subcontracting (Attachment B).

iii. Certificate of SWMBE Unavailability (Attachment C).

**ATTACHMENT A
 SWMBE UTILIZATION COMMITMENT**

Firm Name: _____
Project: _____
Bid/Proposal#: _____
Signature: _____

The bidder/proposer will utilize the following SWMBE firms:

Name/address/city/telephone/ of SWMBE Firm	Type of SWMBE*	Trade/Service category	Dollar Value
Name:			
Address:			
City & State:			
Telephone			
Name:			
Address:			
City & State:			
Telephone			
Name:			
Address:			
City & State:			
Telephone			

This SWMBE total is ___% of total anticipated work
 ___% with ethnic minority firms
 ___% with women-owned firms

*SWMBE - Minority Business Enterprise, a business concern that is at least fifty-one percent owned and daily managed by one or more of the following citizens of the United States: B-Black/African Americans, H-Hispanic Americans, N-Native Americans (includes American Indians, Eskimos, Aleuts and Native Hawaiians), AP-Asian Pacific Americans, A-Asians, W-Woman citizen of the United States, regardless of race or origin. Classified by type of SWMBE: B, H, N, AP, A, & W.

SWMBE: A business that presents itself as a minority business may participate in the project. The Program Manager accepts firms that have SWMBE certification from the South Carolina Division of Small, Women and Minority Business Contracting and Certification.

ATTACHMENT B
STATEMENT OF INTENT TO PERFORM WORK WITHOUT SUBCONTRACTING

Firm Name: _____

Project: _____

Bid/Proposal#: _____

Signature: _____

It is the intent of the above-named firm to self-perform 100% of the work as outlined in this bid/proposal.

The bidder/proposer states the following:

1. That it is a normal business practice of the bidder to perform all elements of this type contract with its own employees.
2. That if it should become necessary to subcontract some portion of the work at a later date, the bidder/proposer will notify program manager and provide documented good-faith efforts to comply with all requirements of the SWMBE program in providing equal opportunities to SWMBE firms.
3. Bidder/proposer will provide equal opportunity for SWMBEs to participate in significant material supplier opportunities available under this scope of work and will document good faith efforts as required by program manager.

**ATTACHMENT C
CERTIFICATE OF SMALL, WOMEN, AND MINORITY BUSINESS ENTERPRISE
UNAVAILABILITY**

Firm Name: _____

Project: _____

Bid/Proposal#: _____

Signature: _____

Trade/Service Category

Name of SWMBE Firm

Address, City, & Contact Person

Date of Contact & Contact Person

Reason Not Participating

Bidder/proposer in accordance with the bid/proposal documents, states that the above SWMBE firm(s): a) are capable subcontractor(s) and (b) were contacted in good faith and (c) that the MBE firm(s) are not participating in this bid/proposal as indicated above. Form may be copied and supplemental information attached.

A finding that any of the information submitted is false will constitute grounds for recommending that the bid/proposal not responsive.