



# Lexington County School District One

## MINORITY BUSINESS ENTERPRISE PLAN – Fiscal Year 2025/2026

### *I. INTRODUCTION*

The South Carolina Consolidated Procurement Code requires that all State agencies, or school districts that have adopted a procurement code that is substantially similar to the State code, formulate a Minority Business Enterprise Utilization Plan (“MBE Plan”). The MBE Plan is designed to ensure minority businesses are offered the opportunity to fully participate in the overall procurement process of Lexington County School District One (District).

### *II. POLICY STATEMENT*

The District believes it is in the District’s best interest for minority businesses to fully participate in all aspects of the procurement process. The District will utilize its best efforts towards assisting minority businesses with the State’s policies and programs which are designed to promote balanced economic and community growth throughout the State.

The District wishes to ensure that those businesses owned and operated by minorities are offered the opportunity to fully participate in the overall procurement process of the District. Efforts will be directed towards establishing procedures designed to result in awarding contracts and subcontracts to minority businesses in order to enhance minority capital ownership, overall State economic development, and reduce dependency on the part of minorities.

### *III. DEFINITIONS*

- (1) “Minority person” for the purpose of this article, means a United States citizen who is economically and socially disadvantaged.
  - (a) “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, and other minorities to be designated by the board or designated agency.
  - (b) “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 who are not socially disadvantaged.
- (2) A “socially and economically disadvantaged small business” means any small business concern which:
  - (a) Is at least fifty-one percent (51%) owned by one or more citizens of the United States who are determined to be socially and economically disadvantaged.

- (b) In the case of a concern which is corporation, fifty-one percent (51%) of all classes of voting stock of such corporation must be owned by an individual or individuals determined to be socially and economically disadvantaged.
  - (c) In the case of a concern which is a partnership, fifty-one percent (51%) of the partnership interest must be owned by an individual or individuals determined to be socially and economically disadvantaged and whose management and daily business operations are controlled by individuals determined to be socially and economically disadvantaged. Such individuals must be involved in the daily management and operations of the business concerned.
- (3) “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 C.F.R. Section 121 (1996), 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. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.
- (4) “Minority Business Enterprise” (“MBE”) is a business which has been certified as a socially and economically disadvantaged small business.
- (5) “OSMBA” means the Office of Small and Minority Business Assistance.
- (6) “Total Dollar Amount of Funds Expended” is based on the estimated total amount of controllable dollars that are derived from budgeted expenditures from the previous fiscal year from a predefined set of object codes. These object codes mirror the guidance provided by the SC Department of Education and reflect the District’s level of control over expenditures within each budgeted object code. The object code categories included in our controllable dollars are:
- (a) **Purchased Services:** Instructional Services, Repairs and Maintenance Services, Rentals, Technology Expenditures, Advertising, Printing, and Other Professional and Technical Services
  - (b) **Supplies and Materials:** Supplies, Technology and Software Supplies, Food Expenditures for Food Service Program
  - (c) **Capital Outlay:** Land, Construction, Buildings, Equipment, Technology Equipment
  - (d) **Other Objects:** Dues and Fees and Other Objects

The expenditure object codes excluded from our controllable dollars are:  
Utilities, Communications, Property and Workers Compensation Insurance, Travel, Food Service Commodities, Depreciation and Sales Tax on Meals.

#### IV. MBE COORDINATOR

The District’s Director of Procurement shall be the Coordinator of the MBE Plan for the District. All matters pertaining to the use of minority contractors and subcontractors shall be directed to the MBE Coordinator. In particular, the Director of Operations will provide the MBE Coordinator with information regarding the use of MBE’s to fulfill projects governed by Article 9 and Article 10 of the District’s Procurement Code. The MBE Coordinator will report directly to the Chief Procurement Officer.

V. DUTIES OF THE MBE COORDINATOR

- (1) Maintain all records and reports required by Article 21 of the District's Procurement Code.
- (2) Develop, manage, and implement the MBE program on a day-to-day basis.
- (3) Maintain a source list available for District purchasing personnel of minority firms detailing the products and services which they provide.
- (4) Establish and maintain records on the number of solicitations sent to minority firms, answers received, contracts awarded, and the dollar value of contracts awarded to a certified minority firm.
- (5) Maintain a solicitation bidders list consisting of certified minority businesses, and ensure these firms are solicited on an equal basis with nonminority firms.
- (6) Work with appropriate District offices and minority groups in conducting seminars to assist minority business owners in learning how to do business with the District.
- (7) Upon request by the MBE certified by the Small and Minority Business Assistance Office, user or subscription fees for services provided by the Chief Procurement Officer may be waived for an MBE.

VI. ASSISTANCE TO SMALL AND MINORITY BUSINESSES

(1) Progress Payments

The Chief Procurement Officer may make special provisions for progress payments and letters of credit, as deemed reasonable to assist minority businesses to carry out the terms of a District contract pursuant to regulations.

(2) Letter of Contract Award

Upon request, when a minority business firm certified by the Department of Revenue receives a contract with the District, the Chief Procurement Officer shall furnish a letter, upon request, stating the dollar value and duration of and other information about the contract, which may be used by the minority firm in negotiating lines of credit with lending institutions.

(3) Divide Projects

The Director of Procurement and the Director of Operations will review projects to determine whether it is feasible to divide total project requirements into smaller tasks which will permit increased MBE participation, while still complying with the District's Procurement Code and Regulations.

(4) Subcontracting

When the District subcontracts the scope of service to another District; the responsible District may set goals for the subcontractor in accordance with the MBE Goals of the District. The responsible District may allow the subcontractor to present a MBE Utilization Plan detailing its procedure to obtain minority business enterprise participation.

(5) Income Tax Credit

Firms with District contracts that subcontract with certified minority firms will be eligible for an income tax credit equal to four percent (4%) of the payments to minority subcontractors for work pursuant to a District contract. Taxpayers must maintain evidence of work performed for a District contract by the minority subcontractor. Questions regarding the tax credit and how to file are to be referred to: South Carolina Department of Revenue, (803) 898-5709. The subcontractor must be certified as to the criteria of a "Minority Firm" by the South Carolina Division of Small and Minority Business Contracting and Certification. Certificates are issued to subcontractors upon successful completion of the certification process. Questions regarding subcontractor certification are to be referred to: South Carolina Division of Small and Minority Business Contracting and Certification, (803) 734-5044.

(6) Negotiation With Certified South Carolina Based Minority Firms

Selected contracts for supplies, services, equipment, and/or construction may be negotiated with certified South Carolina based minority firms in accordance with the provisions of the Procurement Code.

Criteria for Selecting Contracts for Negotiation: When selecting contracts for negotiation, the following will be considered:

- (a) the total dollar value of the procurement in South Carolina;
- (b) the availability of certified South Carolina-based minority firms to perform the services or contracts;
- (c) the potential for breaking the contract into smaller units, where necessary, to accommodate such firms;
- (d) ensuring that the District shall not be required to sacrifice quality of goods and services.
- (e) ensuring that the price has been determined to be fair and reasonable, and competitive to both the District and the contractor.

VII. MBE GOAL


In order to foster effective broad-based competition for public procurement within the free enterprise system, the District's goal is to ensure the fair and equitable treatment of all persons who deal with the procurement system of this District. Certified minority businesses will be solicited for participation in the overall procurement process of the District. The District's goal is that ten percent (10%) of the "total dollar amount of funds expended" by the District for the procurement of supplies, services, and construction be directed towards minority vendors.

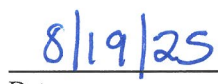
VIII. CERTIFICATION AS A MINORITY FIRM

Business firms seeking certification as a minority business should contact the South Carolina Division of Small and Minority Business Contracting and Certification (SMBCC), 246 Stoneridge Dr., Ste. 250 Columbia, SC 29210 803-333-9621.

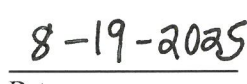
IX. FISCAL YEAR REPORTING PROCEDURES

- (a) The MBE Utilization Plan will be submitted to the Board for approval no later than the first Board meeting on or after July thirtieth, annually.
- (b) Progress reports will be submitted to the Board no later than 30 days after the end of each six-month fiscal period, and will contain the following information:
  - a. Number of minority firms solicited;
  - b. Number of minority bids received;
  - c. Total dollar amount of funds expended on contracts awarded to minority firms certified pursuant to Section 11-35-5230 of the South Carolina Code of Laws; and
  - d. Total dollar amount of funds expended.

  
Kathryn W. Henson, Chair

  
Date

  
R. Christopher Rice, Secretary

  
Date