

VENDOR RELATIONS

Minority Vendors

The Board of Education shall not permit the unlawful discrimination against African-American, Hispanic-American and women business enterprises in relation to the procurement of goods and services by the district. The Board has established the Rochester City School District Minority/Women Business Enterprise Program for Public Works ("the Program") which is designed to end such discrimination and remedy its effects.

Definitions

For the purposes of the Program, the following words and phrases shall have the meanings indicated:

Minority: a person who is African-American or Hispanic-American

Minority/Women Business Enterprise (M/WBE): A private for-profit business enterprise of any type at least fifty-one percent (51%) owned and controlled by minorities or women, whose principals have a primary residence and which enterprise has an office within the Rochester Standard Metropolitan Statistical Area (RSMSA).

Public Works: The construction, reconstruction, rehabilitation, repair or maintenance (excluding janitorial or security services) of any physical facility owned or leased by the district including, but not limited to, buildings, systems within buildings (e.g., electrical, plumbing, and heating, ventilating and air conditioning), parking lots and sidewalks, recreation areas, conduits, and distribution lines. Public Works shall be subdivided into four categories, to be known as "construction: general," "construction: electrical," "construction: plumbing," and "construction: HVAC."

Office: A room or suite of rooms staffed during weekdays from 9:00 a.m. to 5:00 p.m., except holidays, by at least one person, and furnished and equipped in a manner suitable to the business of the enterprise, which room(s), person(s), furniture and equipment shall be devoted primarily to the conduct of the enterprise's business. A telephone answering service alone, however labeled or operated, shall not constitute an office.

The following percentages of all dollars spent by the district through contracts for the procurement of public works have been established for the amount of such work to be performed by M/WBE for each fiscal year of the Program, by subgroup.

	<u>African-American</u>	<u>Hispanic</u>	<u>Women</u>
Construction: General	8.8%	1.4%	1.8%
Construction: Electrical	6.7%	1.0%	1.0%
Construction: Plumbing	1.0%	0.2%	1.4%
Construction: HVAC	1.7%	0.0%	1.7%

The following percentages of dollars (including a ten percent (10%) allowance for losses attributable to waivers) in each district contract for the procurement of public works in an amount greater than twenty thousand dollars (\$20,000) shall be allocated by prime contractors to the performance of work subcontracted to the M/WBE, subject to the waivers authorized below.

	<u>African-American</u>	<u>Hispanic</u>	<u>Women</u>
Construction: General	9.7%	1.5%	2.0%
Construction: Electrical	7.4%	1.1%	1.1%
Construction: Plumbing	1.1%	0.22%	1.5%
Construction: HVAC	1.7%	0.0%	1.9%

Administrative Waivers

The Chief Financial Officer shall be authorized to establish rules and regulations for the granting of administrative waivers (full or partial) of the M/WBE requirements for contracts greater than twenty thousand dollars (\$20,000) if:

1. no M/WBE in the RSMSA is available to perform the work;
2. no M/WBE in the RSMSA is qualified to perform the work; or
3. no M/WBE in the RSMSA is willing to perform the work at a competitive price.

The burden of proof with respect to any application for a waiver shall be upon the prime contractor requesting the waiver. If a waiver is not justified, as determined by the Chief Financial Officer, a prime contractor who is low bidder shall be disqualified as non-responsive.

The Superintendent or designee will be responsible for contacting the appropriate entity (i.e. City of Rochester) at least every two years starting in 2024 to request an updated disparity study. This policy shall be reviewed upon transmittal of the revised disparity study submitted to the Board of Education.

Notes: Prior policy, Policy Manual, Minority Vendors (January 7, 1993); Revised August 20, 1998; Amended October 28, 2021 pursuant to Resolution No. 2021-22: 243; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 468

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