

# Regulation

## ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

**Related Entries: Policies DE and DED**

**Responsible Office: BUSINESS AND MANAGEMENT SERVICES**

### **MINORITY AND SMALL BUSINESS ENTERPRISE PROGRAM**

#### **A. PURPOSE**

To provide guidance regarding the administration of the Minority and Small Business Enterprise (MSBE) Program for Anne Arundel County Public Schools.

#### **B. BACKGROUND**

Anne Arundel County Public Schools (AACPS) is committed to establishing a program that shall create competitive opportunities for minority and small business enterprises in the procurement of goods and services to positively impact economic growth and development within Anne Arundel County, which shall indirectly impact student success.

#### **C. DEFINITIONS**

1. Certified Minority Business Enterprise means a Minority Business Enterprise as defined in C (2) that holds a certification issued by the Maryland State Department of Transportation (MDOT.)
2. Minority Business Enterprise (MBE) means any legal entity except a joint venture that is (a) organized to engage in commercial transactions, and (b) at least 51 percent owned and controlled by one or more individuals who are socially and economically disadvantaged including African Americans, Alaskan Native, American Indian/Native Americans, Asians, Hispanics, physically or intellectually disabled individuals, women, or a non-profit entity organized to promote the interests of physically or intellectually disabled individuals.
3. MSBE Liaison means a full-time AACPS employee that executes the MSBE Program and reports to the Superintendent. The MSBE Liaison supervises the MSBE office.
4. Small Business means the same as defined in the Code of Maryland Regulations.

**D. PROCEDURES**

1. The goal of the MSBE Program is to increase the total annual dollar amount spent with minority and small businesses. This regulation shall not be construed as constituting a stipulation for any particular purchase or contract.
2. Construction contracts involving state-funded dollars shall have MBE participation goals consistent with the Minority Business Enterprise Procedures for State-Funded Public School Construction Projects.
3. MSBE participation goals for all other contracts awarded during any fiscal year shall be a minimum of fifteen percent (15%) of the total value for all AACPS contracts for materials, supplies, equipment, and services, excluding materials of instruction, during any fiscal year.
4. The expectation is AACPS shall strive to meet a goal of fifteen percent (15%) of all contracts being awarded to minority and small business enterprises.
5. Each division with the authority to spend or otherwise commit dollars of the Board of Education shall comply with these goals in managing funds on behalf of the schools and offices. In order to meet the goals, all schools and offices shall purchase goods, equipment, or services from vendors in accordance with the procedures set forth herein and any other applicable regulations.
6. School system staff, who willfully violate or fail to comply with this regulation, shall be subject to discipline at the discretion of the Superintendent or designee.
7. The MSBE Office shall work closely with all AACPS offices and schools to understand their procurement needs and with the Division of Purchasing to advise the Division regarding MSBE participation in contract solicitations.

**E. RESPONSIBILITIES OF THE MSBE OFFICE**

The MSBE Office, under the guidance of the MSBE Liaison, shall have the following responsibilities:

1. Ensure that the procurement process is inclusive of minority and small businesses through review of solicitations and evaluation of MSBE subcontracting waivers;

2. Maintain a database to track and analyze MSBE procurement and accounting data;
3. Expand outreach efforts to minority and small businesses, to include mentoring, with emphasis on companies in Anne Arundel County;
4. Develop and monitor the MSBE Regulations and corresponding MSBE Procedures Manual to provide guidance to AACPS schools and offices in integrating the MSBE goals into their procurement decisions; and
5. Establish and maintain an MSBE monitoring program, including review of existing contracts to identify MSBE goals, reporting requirements, and status.

**F. REPORTING**

1. The MSBE Liaison shall coordinate and monitor implementation of the MSBE program and issue an annual report to the Board of Education and the Superintendent. The Board of Education and/or Superintendent may request additional reports at their discretion.
2. Annual progress toward the goals shall be evaluated on an aggregate, system-wide basis. If the school system does not make adequate progress toward the MSBE goals, the MSBE Liaison shall identify and give support to schools and offices that have the greatest potential for increased MSBE participation.

*Regulation History:*                      *Developed by Superintendent 2/1/12*  
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