

December 7, 2016

**EXTEND THE REMEDIAL PROGRAM FOR MINORITY AND WOMEN-OWNED BUSINESS
ENTERPRISE PARTICIPATION IN GOODS AND SERVICES CONTRACTS**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board extend the Remedial Program for Minority and Women-Owned Business Enterprises

Approved for Consideration:

Respectfully submitted:

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The Board of Education of the City of Chicago



**REMEDIAL PROGRAM
FOR
MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE
PARTICIPATION
IN
GOODS AND SERVICES CONTRACTS**

[January 1, 2017]

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**REMEDIAL PROGRAM FOR
MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE
PARTICIPATION IN GOODS AND SERVICES CONTRACTS**

POLICY STATEMENT

This Remedial Program for Minority and Women Owned Business Enterprises ("Program") is continued by the Chicago Board of Education (the "Board"), upon the recommendation of the Chief Executive Officer ("CEO"),

social and ethnic minorities and women in the procurement of goods and services in districts in Chicago and that it

1.5 The focus groups conducted by Ms. Holt confirm that M/WBEs continue to face barriers to

participation in the CPS procurement process for goods and services. Specifically, the findings from the focus groups demonstrate that those barriers include:

- Difficulty obtaining public sector prime contracts
- Difficulty obtaining bonding and insurance
- Difficulty securing subcontracting opportunities in the public sector
- Difficulty obtaining contracts in the private sector
- Difficulty working with vendors who use M/WBE information for purposes of securing a bid or putting together a proposal submission and who do not ultimately utilize the services of the M/WBEs

1.6 A review of the April 2006 focus group information and the related reports from expert Colette Holt further demonstrates that the following race- and gender-neutral measures help the narrow tailoring aspect of a race-conscious preferential procurement program and should be used to overcome these barriers and assist in the growth and development of financially stable

- Improving the timeliness of payments
- Creating a small and local business target market program

II. DEFINITIONS

2.1 **Affiliate:** A person or entity that directly or indirectly through one or more intermediaries

whether persons or entities are affiliates, the Board shall consider all appropriate factors,

CONFIDENTIAL

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

ADMINISTRATION, MONITORING, AND REVIEW OF THE PROGRAM

4.1 Aspirational Goals

Upon the effective date of this Program, the annual Aspirational Goals shall be to award thirty

percent (30%) of the annual dollar value of all goods and services contracts to qualified MBEs and seven percent (7%) of the annual dollar value of all goods and services contracts to qualified

- j. Reviewing and facilitating the resolution of issues concerning the Program with Prime Vendors or Suppliers, subcontractors and CPS departments.

Collection data to evaluate the Program, including data on Prime Vendors and

Suppliers and subcontractor bids/proposals and awards of CPS contracts. Periodically

reviewing this data to ensure that the Board continues to have a compelling interest in
preventing discrimination and that the resources it has chosen remain narrowly tailored

potential contractors and pre-qualified M/WBEs to promote joint ventures and subcontractor and supplier relationships.

- j. letting of a representative sample of Board goods and services contracts without goals to determine MBE and WBE utilization in their absence.

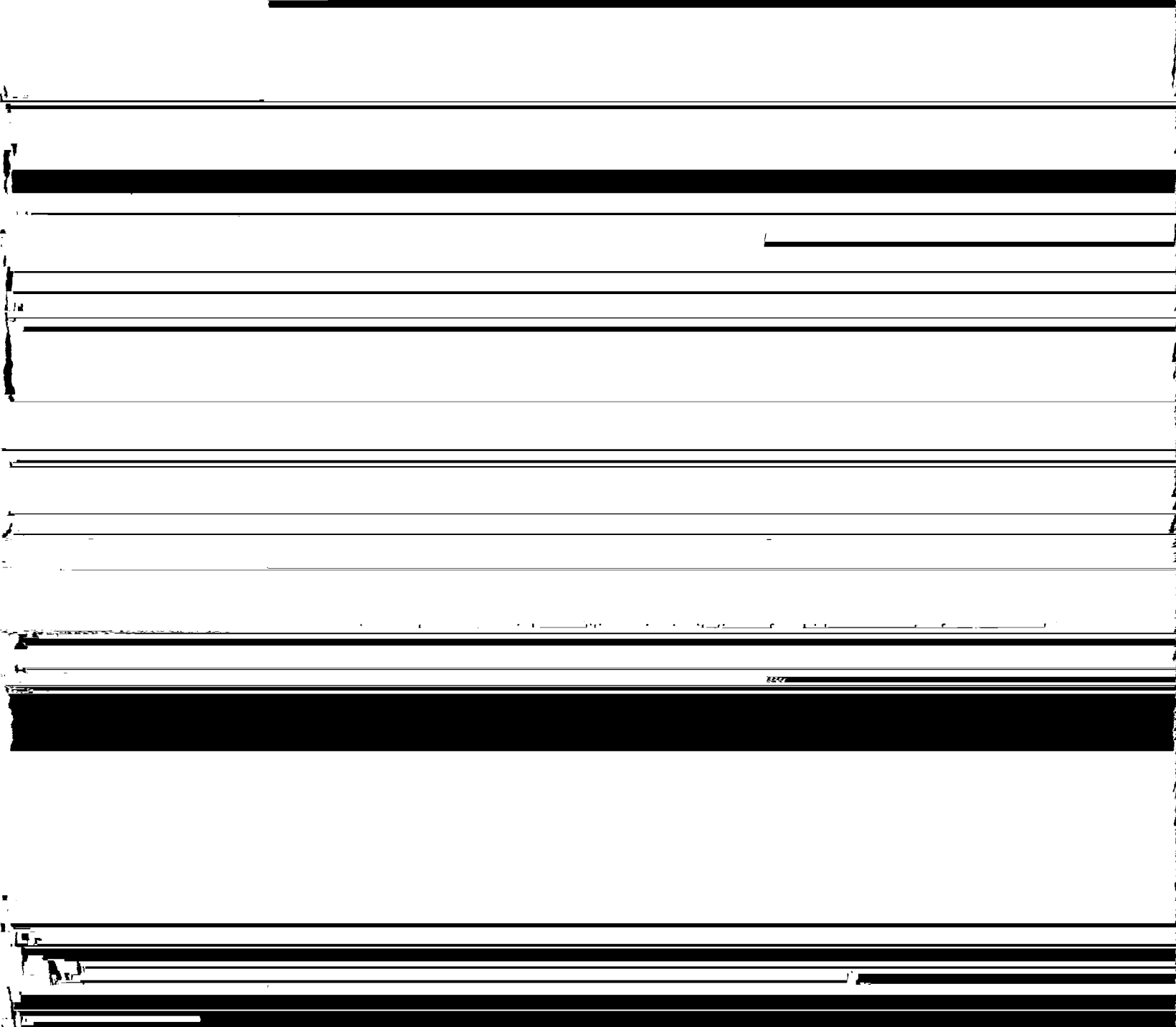
k. ~~limitation of the self-performance of Prime Vendors and Suppliers where appropriate~~

- l. advertisement of invitations to bid/propose and about the existence and purposes of the

- b. a requirement that where the vendor cannot achieve the Contract Specific Goals, it must document its Good Faith Efforts to do so.

6.2 M/WBE Compliance Proposal

a. The Department of Procurement will insert within the specifications M/WBE participation



- a. Where the Prime Vendor or Supplier cannot achieve the Contract Specific Goals, OBD will determine whether the Prime Vendor or Supplier has made Good Faith Efforts to do so.
- b. A Prime Vendor or Supplier may also submit to OBD a written request for reduction or waiver of the obligations created under the MMDP Plan or related requirements. Any

such request must be accompanied by documentation evidencing the Prime Vendor's

On 11/11/2014 at 11:11 AM (PST), [REDACTED] wrote:

related assistance or services;

Do not effectively use the services of ODD, minority or women community organizations.

7.3 Inspections

OBD may, with or without notice, periodically conduct on-site inspections of any contract performance site or the place of business of any Prime Vendor or Supplier. OBD may be

facilities, personnel, and records related to the MWBE Plan.

7.4 Substitutions

obtaining a new M/WBE subcontractor. If the Contract Specific Goal(s) cannot be

reached and Good Faith Efforts have been made, the Prime Vendor or Supplier may upon determination by the OBD Director substitute with a non-M/WBE.

IX. NON-COMPLIANCE AND SANCTIONS

9.1 Determination of Non-Compliance

- a. OBD shall monitor the Prime Vendor's or Supplier's performance under the M/WBE Plan, as well as the fulfillment of any special conditions, work order goals, or other obligations

by contract awardees.

- b. If the Prime Vendor or Supplier fails to fulfill its M/WBE Plan or other compliance-related contractual obligations, OBD will notify the Prime Vendor or Supplier of the deficiencies. Following notification, the Prime Vendor or Supplier shall have sixty (60) days to identify

how they will cure the deficiencies. If the deficiencies are not cured, OBD shall make a determination of non-compliance and recommend the imposition of sanctions.

- c. At the end of every contract, OBD shall determine at contract closeout whether a Prime Vendor or Supplier has complied with the obligations created under its M/WBE Plan and other related requirements. The Prime Vendor or Supplier has the burden of proving

- b. The Prime Vendor or Supplier may protest the OBD's determination of Section 9.3 sanctions by filing a written appeal in accordance with the Appeals Process within

such appeal and including all relevant information and documentation.

X. REVIEW

The Board intends to periodically review the preceding adopted basis to ensure that it continues to have