

Related Entries: 6.071

Small Business Enterprise

It is the Policy of the Board to take all necessary, reasonable, and legal action to prevent discrimination and ensure that all businesses are afforded the maximum equitable opportunity to participate in the District's purchasing process. The School District shall resort to the use of race and gender conscious means for addressing inequities and/or disparities in levels of women and minority participation in the District's purchasing process if and when it is apparent, according to applicable Federal law, that the use of race neutral means alone will likely be insufficient to remedy the effects of identified discrimination. The Superintendent shall provide maximum legally permissible opportunities for Small Business Enterprises to participate in the award and performance of all Board contracts through administration and implementation of a race and gender-neutral program unless and until it is determined according to applicable Federal law, that the use of race neutral means alone will likely be insufficient to remedy the effects of identified discrimination.

(1) Small Business Enterprise Program. The Small Business Enterprise (SBE) Program is a race and gender-neutral program to promote greater SBE participation in Board contracts. Pursuant to this Policy staff shall develop and implement necessary administrative procedures to fully implement this policy including but not limited to the following programs;

- (a) The use of sheltered markets for small prime contracts that are below competitive dollar thresholds for bidding exclusively among certified SBE businesses and also establishing mandatory subcontracting goals for the participation of certified SBE subcontractors or those construction contracts that are above the competitive bidding threshold and that have commercially useful subcontract opportunities.
- (b) Waiver of bonding requirements, accordance with F.S. 255.05, for performance and payment bonds for projects having a dollar value up to \$200,000.00 or less.
- (c) Joint venture/teaming/partnerships incentives.
- (d) Evaluation preferences in ranking and evaluating proposals for "best value" contracts in which factors other than price are relevant to the selection process.
- (e) Development and implementation of prompt payment procedures, upon receipt of proper documentation, including an approved invoice for the amount

44 due and confirmation that the goods or services have been received and
45 accepted by the appropriate District staff.

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47 **(2) Eligibility and Certification.** The Board may honor a valid SBE and/or Minority
48 Business Enterprise (MBE) Certification granted by the Office of Supplier Diversity
49 and other agencies if the agency's requirements are consistent with the District's
50 SBE/MBE certification criteria. The Superintendent shall develop procedures to
51 implement this policy.

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53 **(3) Suspension, Certification Revocation, and/or Debarment**

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55 (a) SBE/MBE eligibility may be revoked pursuant to Board Policy 6.071 if it fails to
56 perform a commercially useful function under a contract, or if it allows its SBE
57 status to be fraudulently used for the benefit of a non-SBE firm or the owners of a
58 non-SBE firm to provide the non-SBE firm or firm owners benefits from Affirmative
59 Procurement Initiatives for which the non-SBE firm and its owners would not
60 otherwise be entitled.

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62 (b) Upon suspension from the SBE program, Staff shall provide written notice to the
63 SBE including specific findings constituting the basis for suspension, certification
64 revocation, and/or debarment. The notice must also provide the applicable
65 sanctions and the process to appeal the decision.

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67 **(4) Appeals.** A business that is denied eligibility, whose eligibility is revoked, or who has
68 been denied a waiver request, may appeal the decision to the Superintendent. A
69 written notice of appeal must be received by the Superintendent within 15 business
70 days of the date of the written notice. Timely appeals will be reviewed pursuant to
71 procedures developed and implemented by the Superintendent. The Superintendent
72 shall make a recommendation on the appeal to the Board which shall make a final
73 determination.

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75 **(5) Complaints.** Complaints alleging discrimination maybe filed according to Board
76 Policy against employees and companies doing business with the Board in the
77 solicitation, selection or treatment of subcontractors, suppliers, vendors, or
78 commercial customers on the basis of race, color, ethnic or national origin, religion,
79 marital status, disability, genetic information, age, political beliefs, sexual orientation,
80 gender, gender identification, social and family background, linguistic preference,
81 pregnancy, and any other legally prohibited basis. The anti-discrimination prohibitions
82 must be included in every contract under this policy and each contractor must certify
83 that it will comply with anti-discrimination provisions.

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85 **(6) Policy Review.** The Board shall review and revise this policy as often as necessary
86 to ensure that it complies with State and Federal law, as well as other legal
87 requirements such as applicable current standards of binding decisions of the
88 Eleventh Circuit Court of Appeals and the United States Supreme Court.

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90 **(7) Severability.** If any section, paragraph, sentence, clause, phrase, or word of this
91 policy is for any reason held by a court to be unconstitutional, inoperative, or void, it
92 is intended that to the maximum extent practicable, such holding shall not affect the
93 remainder of this policy.
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96 **STATUTORY AUTHORITY:** 218.735, 287.093, 607.11 F.S. 1001.41(2) and
97 1013.46(1)(b)
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99 Adopted: 12/7/2021