

I. EXECUTIVE SESSION 4:30 p.m.			
	1.1:	Legal Updates – Mr. John Emerson, General Counsel -Pending Cases <i>The Board will receive legal updates.</i>	Information/ Action
	1.2:	Staffing Recommendations -Interim Appointments -Consultant's Recommendation <i>The Board will discuss interim appointments and a consultant's recommendation.</i>	Information
II.	CALL TO ORDER, INVOCATION/MOMENT OF SILENCE, & PLEDGE of ALLEGIANCE		
III.	ADOPTION OF AGENDA		
IV.	APPROVAL OF MINUTES/EXECUTIVE SESSION AGENDA ITEMS		
	4.1:	A. Open Session Minutes of September 8, 2015 Special Called Meeting <i>The Board will vote on the open session minutes of September 8, 2015.</i>	Action
		B. Open Session Minutes of September 14, 2015 <i>The Board will vote on the open session minutes of September 14, 2015.</i>	Action
	4.2:	Executive Session Action Items of September 28, 2015 <i>The Board will consider a recommendation to approve executive session action items of September 28, 2015.</i>	
V.	SPECIAL RECOGNITIONS (15 minutes) – Mrs. Erica Taylor, Executive Director of Strategy & Communications		
VI	VISITORS, PUBLIC COMMUNICATIONS		
VII.	SUPERINTENDENT'S REPORT – Dr. Gerrita Postlewait – Superintendent of Schools		
VIII.	COMMITTEE REPORT(S)		
	8.1:	Audit & Finance Committee – Mr. Todd Garrett	
		A. Audit and Finance Committee Update – Mr. Todd Garrett <i>The Committee Chair will provide information and receive input from Board members.</i>	Information
		B. Reallocation of Fiscal Year 2016 Fixed Cost of Operations Funds <i>The Board will consider a recommendation to approve the reallocation of FY 2016 Fixed Cost of Operations – Classroom Modernization Project funds from Printer Replacement to Classroom Technology Upgrades.</i>	Action
		C. Small, Women and Minority Business Enterprise Utilization Plan Revision – Mr. Michael Bobby, Chief Finance, Operations & Capital Programs Officer <i>The Board will consider a recommendation to approve the revision to the SWMBE Utilization Plan.</i>	Action

	8.2:	Policy & Personnel Committee – Mr. Tripp Wiles	
		A. Policy Committee Update - Mr. Tripp Wiles <i>The Committee Chair will provide information and receive input from Board members.</i>	Information
		B. Hearing Officers – Mr. John Emerson, General Counsel <i>The Board will consider a recommendation to approve a slate of Hearing Officers for teacher appeal hearings.</i>	Action
		C. Revision to Policy BE – School Board Meetings – Mr. John Emerson, General Counsel <i>The Board will consider a recommendation to approve the first reading of the Revision to Policy BE.</i>	Action
	8.3:	Strategic Education Committee – Rev. Chris Collins	
		A. Strategic Education Committee Update – Rev. Chris Collins <i>The Committee Chair will provide information and receive input from Board members.</i>	Information
IX.	AD HOC COMMITTEE REPORTS		
X.	POTENTIAL CONSENT AGENDA ITEMS		
	10.1:	Financial Minutes of September 8, 2015 Special Called Meeting <i>The Board will consider a recommendation to approve the financial minutes of September 8, 2015.</i>	Action
	10.2:	Financial Minutes of September 14, 2015 <i>The Board will consider a recommendation to approve the financial minutes of September 14, 2014.</i>	Action
	10.3:	Student Discipline Appeals – Collins, Darby, Miller, and Staubes <i>The Board will consider a recommendation to allow the Strategic Education Committee to oversee the Student Discipline Hearing process.</i>	Action
XI.	CHARLESTON ACHIEVING EXCELLENCE (CAE) UPDATE		
	11.1:	Approval of Preliminary Goals for further development <i>The Board will receive and approve an updated list of priority goals.</i>	Action
	11.2:	Supports Provided to Induction Teachers – Mrs. Anita Huggins, Executive Director - Office of Educator Effectiveness <i>The Board will receive a presentation on supports provided to induction teachers</i>	Presentation
XII.	WRAP UP COMMENTS		

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75 Calhoun Street, Charleston, SC 29401

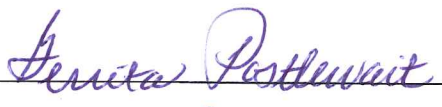

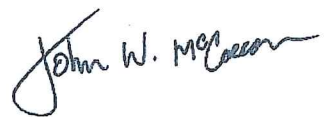
INFORMATION TECHNOLOGY DEPARTMENT
Board Agenda Item

TO: Board of Trustees
FROM: Michael L. Bobby
DATE: September 28, 2015
SUBJECT: Reallocation of Fiscal Year 2016 Fixed Cost of Operations Funds

RECOMMENDATION: It is recommended that the CCSD Board of Trustees approve reallocation of FY 2016 Fixed Cost of Operations - Classroom Modernization Project funds from Printer Replacement to Classroom Technology Upgrades.

The material is submitted for: ☒ Action ☐ Information
☒ Open ☐ Executive

Respectfully submitted:

Gerrita Postlewait, Ed.D. Superintendent of Schools	
Michael L. Bobby Chief Finance, Operations & Capital Programs Officer	
John W. McCarron Chief Information Officer	

Committee Recommendation(s):

Mr. Todd Garrett, Chair Audit & Finance Committee	
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**Information Technology Department
September 28, 2015**

SUBJECT:

Reallocation of Fiscal Year 2016 Fixed Cost of Operations

BACKGROUND:

Classroom Modernization is a capital project annually funded through Fixed Cost of Operations (FCO). The project includes 3 focus areas: Classroom Technology, Computer Replacement, and Media Center Technology. Classroom Modernization was expanded to include Sound Enhancement, Printer Replacement, Video Distribution, and Wireless Network Upgrades.

DISCUSSION:

Each year, the District must make difficult decisions on what should be funded with scarce FCO funds. Initially, printer replacement was included as a part of the Classroom Modernization budget submission. The original FY 2016 FCO budget submission with printer replacement highlighted is shown below:

FY 2016 Classroom Modernization Budget				\$9,652,000
PROJECT	PROJECT NAME	PROJECT DESCRIPTION	BUDGET	ACCUMULATIVE BUDGET
1	Classroom Technology Upgrades	District-wide Classroom Technology Upgrades	\$6,251,000	\$6,251,000
1a	SMART Software Licensing and Support		\$100,000	
1b	Projector/Bulb Replacement		\$500,000	
	Classroom Technology Bedfit:			
	SMART Boards, Projectors, Teacher Laptops, student iPads, Document			
1c	Cameras, Data Cabling, and Building Modifications		\$100,000	
	Student Computer Replacement with iPads:			
1d	iPads, cases, carts, apps, deployment, and supporting equipment		\$1,500,000	
1e	1:1 Learning Break Fix, Support and Maintenance		\$240,000	
1g	1:1 Deployment and Support Technicians		\$192,000	
1h	Teacher Laptops		\$1,896,750	
1i	Wireless Upgrades		\$1,407,700	
1j	Transfer to Project Contingency 6a		\$312,580	
2	PC Replacement	District-wide PC Replacement	\$1,250,000	\$7,501,000
2a	Administrative Computer Replacement		\$237,500	
2b	General Lab Replacement		\$441,750	
2c	Career and Technology Education (CTE) Lab Replacement		\$475,000	
2d	Future Lab Pilots		\$33,250	
2e	Transfer to Project Contingency 6a		\$62,500	
3	Media Center Technology Upgrades	District-wide Media Center Technology Upgrades	\$1,100,000	\$8,601,000
3a	Media Center Technology		\$1,045,000	
3b	Transfer to Project Contingency 6a		\$55,000	
4	Sound and Video System Replacement	District-wide Sound and Video Distribution Replacement	\$471,000	\$9,072,000
4a	Sound and Video Replacement		\$347,450	
4b	Technical Support Services/Salary		\$50,000	
4c	Boardroom A/V Upgrade		\$50,000	
4d	Transfer to Project Contingency 6a		\$23,550	
5	Printer Replacement	District-wide Printer Replacement	\$580,000	\$9,652,000
5a	Printer Replacement		\$551,000	
5b	Transfer to Project Contingency 6a		\$29,000	
6	Classroom Modernization Contingency	District-wide 5% Classroom Modernization Contingency		\$9,652,000
5a	Project Management, Implementation, and Deployment Resources		\$482,800	
TOTAL BUDGET				\$9,652,000

After budget adoption, the Classroom Technology Upgrades committee recognized that critical teacher laptop computer replacements planned required more funds than allocated. As a result, a recommendation to defer printer replacement and reallocate the funding to teacher laptop replacement was brought forward.

As the District moves toward personalized learning supported by wireless one-to-one computing, the need for a printer in every classroom is greatly reduced. Additional time is needed to study the issue and determine if there are cost-effective alternatives. For example, we have been using shared use multi-function printer/copiers in teacher workrooms in place of classroom printers in new one-to-one schools.

**Information Technology Department
September 28, 2015**

The updated FY 2016 budget with the reallocated funding from printer replacement to Classroom Technology Upgrades in support of teacher laptop replacement is highlighted below:

FY 2016 Classroom Modernization Budget				\$9,652,000
PROJECT	PROJECT NAME	PROJECT DESCRIPTION	BUDGET	ACCUMULATIVE BUDGET
1	Classroom Technology Upgrades	District-wide Classroom Technology Upgrades	\$8,831,000	\$8,831,000
1a	SMART Software Licensing and Support		\$100,000	
1b	Projector/Bulb Replacement		\$500,000	
1c	Classroom Technology Backlit: SMART Boards, Projectors, Teacher Laptops, student iPads, Document Cameras, Data Cabling, and Building Modifications		\$100,000	
1d	Student Computer Replacement with iPads: iPads, cases, carts, apps, deployment, and supporting equipment		\$1,500,000	
1e	1:1 Learning Break Fix, Support and Maintenance		\$240,000	
1g	1:1 Deployment and Support Technicians		\$192,000	
1h	Teacher Laptops		\$2,478,750	
1i	Wireless Upgrades		\$1,407,700	
1j	Transfer to Project Contingency 6a		\$312,550	
2	PC Replacement	District-wide PC Replacement	\$1,250,000	\$8,081,000
2a	Administrative Computer Replacement		\$237,500	
2b	General Lab Replacement		\$441,750	
2c	Career and Technology Education (CTE) Lab Replacement		\$475,000	
2d	Future Lab Pilots		\$33,250	
2e	Transfer to Project Contingency 6a		\$62,500	
3	Media Center Technology Upgrades	District-wide Media Center Technology Upgrades	\$1,100,000	\$9,181,000
3a	Media Center Technology		\$1,045,000	
3b	Transfer to Project Contingency 6a		\$55,000	
4	Sound and Video System Replacement	District-wide Sound and Video Distribution Replacement	\$471,000	\$9,652,000
4a	Sound and Video Replacement		\$347,450	
4b	Technical Support Services/Salary		\$50,000	
4c	Boardroom A/V Upgrade		\$50,000	
4d	Transfer to Project Contingency 6a		\$23,550	
5	Printer Replacement	District-wide Printer Replacement	\$0	\$9,652,000
5a	Printer Replacement		\$0	
5b	Transfer to Project Contingency 6a		\$0	
6	Classroom Modernization Contingency	District-wide 5% Classroom Modernization Contingency		\$9,652,000
6a	Project Management, Implementation, and Deployment Resources		\$482,800	
TOTAL BUDGET				\$9,652,000

RECOMMENDATION:

It is recommended that the CCSD Board of Trustees approve reallocation of FY 2016 Fixed Cost of Operations - Classroom Modernization Project funds from Printer Replacement to Classroom Technology Upgrades.

FUNDING SOURCE/COST:

FY 2016 Fixed Cost of Operations – \$580,000 Classroom Modernization Reallocation

FUTURE FISCAL IMPACT: N/A

DATA SOURCES:

Information Technology

PREPARED BY:

John McCarron, Chief Information Officer

REVIEWED BY LEGAL SERVICES: N/A

REVIEWED BY PROCUREMENT SERVICES: N/A

ATTACHMENTS: N/A

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75 Calhoun Street, Charleston, SC 29401

**Contracts, Procurement, Archive & Records
Board Agenda Item**

TO: Board of Trustees
FROM: Michael L. Bobby
DATE: September 28, 2015
SUBJECT: Small, Women and Minority Business Enterprise Utilization Plan Revision

RECOMMENDATION: It is hereby recommended that the Charleston County School District Board of Trustees approve the revision to the SWMBE Utilization Plan.

The material is submitted for: ☒ Action ☐ Information
☒ Open ☐ Executive

Respectfully submitted:

Gerrita Postlewait, Ed.D. Superintendent of Schools	<i>Gerrita Postlewait</i>
Michael L. Bobby Chief Finance, Operations & Capital Programs Officer	<i>Michael L Bobby</i>
Wayne Wilcher Director, Contracts, Procurement, Archive & Records	<i>Wayne Wilcher</i>

Committee Recommendation(s):

Mr. Todd Garrett, Chair Audit & Finance Committee	<i>Todd P. Garrett</i>
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Contracts, Procurement, Archive & Records
September 28, 2015

SUBJECT: Small, Women and Minority Business Enterprise Utilization Plan Revision

BACKGROUND: The Board of Trustees approved CCSD's MBE Utilization Plan on October 13, 2008 and a revision on Dec. 10, 2012. As part of this plan, CCSD provides annual reports to the Board regarding the progress of this plan. The plan included the following as a goal for SWMBE utilization: the Charleston County School District will establish goals that include expending, with Minority Business Enterprises (MBEs/SWMBEs) certified by the Office of Small and Minority Business Assistance, a verifiable amount equal to ten percent (10%) and likewise with non-certified MBEs/SWMBEs, a verifiable amount equal to ten percent (10%) of CCSD's total procurements (with the exclusion of debt service, salary, benefits, telephones, water and sewer, electric & gas, transfers, solid waste fees, and settlements/claims) for the procurement of supplies, services, information technology and construction. This will mean a total CCSD verifiable goal of twenty percent (20%).

In recent years, the participation by minority businesses in the procurements of Charleston County School District has been well below the expected participation by this segment of our society. Staff believes it is in CCSD's best interest to assist minority-owned businesses to develop fully as a part of CCSD's policies and programs encouraging minority participation in the procurement of goods and services by CCSD. Staff wishes to ensure that those businesses owned and operated by minorities are afforded the opportunity to fully participate in the overall procurement process of Charleston County School District."

DISCUSSION: This revision includes changing the name from Minority Business Enterprise (MBE) to Small, Women and Minority Business Enterprises and to adopt the same business classification used by the South Carolina division of Small and Minority Business Contracting and Certification (SMBCC). This will prevent vendors from being miss classified. There are several changes that address organizational name changes and the change in the SWMBE Liaison Officer.

The primary changes involve the total CCSD verifiable 20% goal. Currently, this goal is a district-wide goal and the Contracts and Procurement Services Department is presumed to have ownership of this goal. However, the schools and departments are the requestors of goods and services. In order to obtain the goal, each school or department must be assigned a percentage of that goal and submit a plan to achieve the goal established for the school or department.

Staff will include in all solicitation a requirement for contractors to include a SWMBE Plan in their proposal when subcontracting opportunities are available.

RECOMMENDATION: It is hereby recommended that the Charleston County School District Board of Trustees approve the revision to the SWMBE Utilization Plan.

FUNDING SOURCE/COST: N/A

FUTURE FISCAL IMPACT: N/A

DATA SOURCES: Wayne Wilcher, CCSD Procurement Code, SMBCC

PREPARED BY: Wayne Wilcher, CPPO, CPPB

REVIEWED BY LEGAL SERVICES: N/A

REVIEWED BY PROCUREMENT SERVICES: N/A

ATTACHMENTS: SWMBE Utilization Plan (Red Line)
SWMBE Utilization Plan

SMALL, WOMEN AND MINORITY BUSINESS ENTERPRISE UTILIZATION PLAN

Charleston County School District
Contracts & Procurement Services
3999 Bridge View Drive
North Charleston, SC 29405

Adopted: October 13, 2008
Revised: August 31, 2015

SMALL, WOMEN AND MINORITY BUSINESS ENTERPRISE (SWMBE) UTILIZATION PLAN

1. General Information:

a. Plan Prepared By: Charleston County School District (CCSD).

b. Authority: Article 21, CCSD Procurement Code.

c. Scope and Application: This plan shall apply to all schools and departments of the Charleston County School District and shall encompass all funds which support the procurement of supplies, construction, information technology and services. Every contract or duty within the CCSD Procurement Code imposes an obligation of good faith in its negotiation, performance or enforcement. "Good faith" means honesty in fact and in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing.

2. Approved Policy Statement

The Board of Trustees, Charleston County School District, on August 8, 2005, approved the following policy statement regarding the use of Small, Women and Minority Business Enterprises (SWMBEs) in all aspects of procurement: "The South Carolina General Assembly has declared that business firms owned and operated by minority persons have been historically restricted from full participation in our free enterprise system to a degree disproportionate to other businesses, and the board concurs in that finding by the state. In recent years, the participation by minority businesses in the procurements of Charleston County School District has been well below the expected participation by this segment of our society. The board believes that it is in CCSD's best interest to assist minority-owned businesses to develop fully as a part of CCSD's policies and programs encouraging minority participation in the procurement of goods and services by CCSD. The board, therefore, wishes to ensure that those businesses owned and operated by minorities are afforded the opportunity to fully participate in the overall procurement process of Charleston County School District."

"The superintendent or his/her designee shall establish regulations designed to increase contract opportunities for Small, Women and Minority Business Enterprises (SWMBE) as assessed each year based on a percentage of awarded in a fiscal year. A report shall be made annually to the board about those results. The increase of opportunity is expected to affect the awarding of contracts and subcontracts to these businesses which shall, in turn, provide an equal business opportunity and then foster overall economic development within the district, county and state. The established regulations shall include specific annual goals to measure performance and the systematic reporting of progress towards these goals." This statement shall be distributed to all personnel directly or indirectly involved in procurement activities of the Charleston County School District. CCSD will strive to make the procurement process inclusive and available to all businesses with out regard to race, gender, age, religion, national origin, or disability.

It is the intent of this plan to establish procedures designed to assure SWMBEs access to information and opportunities available to other business enterprises. It is not the intent of this plan to establish procedures that will increase the cost of the school system's construction and purchasing programs. A standard process of evaluation will be used to assess performance of all vendors who provide services and products to CCSD. Evaluation will assess quality of service or product, on time delivery or completion of the work, responsiveness to CCSD requests, willingness to correct or fix problems or discrepancies and overall ability to work with the owner. It is the intent of this policy to widen opportunities for participation, to increase competition, and to reduce costs.

3. Operational Procedures Definitions

a. **"Minority person"** means a United States Citizen who is economically and socially disadvantaged. A person who is a citizen or lawful permanent resident of the United States, and who is:

1. Black, that is, a person having origins in any of the black racial groups in Africa;
2. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
3. Asian American, that is, a person having origins in any of the original peoples of the Far east, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
4. American Indian or Alaskan Native, that is, a person having origins in any of the original peoples of North America; or
5. Female.

b. **"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, Women and other minorities to be designated by the South Carolina Budget and Control Board or designated agency.

c. **"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 that are not socially disadvantaged.

d. **"A socially and economically, disadvantaged small business"** means any small independent business concern which:

- (1) At a minimum is fifty-one (51) percent owned by one or more citizens of the United States who are determined to be socially and economically disadvantaged and who also exercise control over the business per 49 CFR Part 26, Subpart D (2006), as amended.
- (2) In the case of a corporation, a minimum, fifty-one (51) percent of all classes of voting stock of such corporation must be owned by an individual or individuals determined to be socially and economically disadvantaged who also exercise control over the business.
- (3) In the case of a partnership, at a minimum, fifty-one (51) percent of the partnership interest must be owned by an individual or individuals determined to be socially and economically disadvantaged who also exercise control over the business.

e. **"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. Gross sales receipts do not exceed \$7,500,000 annually as averaged over the preceding three (3) year period. The eligible Owner is actively involved in the day-to-day management and control of the business enterprise and the delivery of its products and services. The enterprise has been actively in

operation, providing goods and/or services for at least the preceding twelve (12) month period. The enterprise has a current business license.

f. **“Small, Women and Minority Business Enterprise”** is a business which has been certified as a socially and economically disadvantaged small business.

g. **“SMBCC”** means the Division of Small and Minority Business Contracting and Certification (SMBCC).

4. SWMBE Liaison Officer

The SWMBE Liaison Officer will implement the program and monitor the procurement process for compliance with established guidelines.

The Director of Contracts and Procurement Services, Wayne Wilcher, phone (843) 566-8131, is hereby appointed the MBE Liaison Officer and overall SWMBE Coordinator for CCSD.

5. Duties of the MBE Liaison Officer:

Duties of the MBE Liaison Officer shall include those outlined in Section 5220 and Section 5240 of the CCSD Procurement Code. These duties include but are not limited to:

a. The Contracts and Procurement Services Director shall provide appropriate staff to assist SWMBEs with CCSD's procurement procedures and in the interpretation of this code.

b. The Contracts and Procurement Services Director in cooperation with other appropriate private and state agencies may issue supplementary instructions designed to assist SWMBEs with CCSD's procurement procedures.

c. The Contracts and Procurement Services Director shall maintain special source lists of SWMBEs detailing the products and services, which they provide. These lists must be made available to all CCSD individuals involved directly or indirectly with purchasing and Construction Management firms.

d. The Contracts and Procurement Services Director shall include and identify certified South Carolina based SWMBEs on CCSD's bidders list and shall ensure that these firms are solicited on an equal basis.

e. The Contracts and Procurement Services Director shall work with appropriate state offices and minority groups in conducting bi-annual seminars to assist minority business owners in learning how to do business with CCSD. *This may also include seminars regarding applications for becoming State Certified and information regarding financing sources as necessary for projects.*

f. Upon request by an SWMBE certified by the South Carolina Division of Small and Minority Business Contracting and Certification (SMBCC), user or subscription fees for services provided by the Contracts and Procurement Services Director may be waived for an SWMBE.

g. Establish and maintain records on the number of Invitations for Bid (IFB), Request for Proposals (RFP) and Request for Quotations (RFQ) sent to minority firms, number of responses

received and contracts awarded when applicable to the dollar procurement limit of the Charleston County School District.

h. Subscribe to and maintain on file South Carolina Business Opportunities as a reference.

i. Maintain records to indicate the number and dollar value of small purchases made from certified, non- certified, qualified and responsive minority firms.

6. SWMBE Designated Procurement Plan

The regulations and procedures for implementation of this program are outlined in the procurement code approved by the Board of Trustees. The Charleston County School District will establish annual goals that include expending, with Small, Women and Minority Business Enterprises (SWMBEs) certified by the Office of Small and Minority Business Assistance a verifiable amount equal to ten (10%) of CCSD's total procurements (Total Spend) (with the exclusion of debt service, employee salaries and benefits, telephones, water and sewer, electric & gas, transfers, solid waste fees, and settlements/claims) for the procurement of supplies, construction, information technology and services and likewise with non-certified MBEs/SWMBEs, a verifiable amount equal to ten (10%) of CCSD's total procurements (Total Spend) (with the exclusion of debt service, employee salaries and benefits, telephones, water and sewer, electric & gas, transfers, solid waste fees, and settlements/claims) for the procurement of supplies, construction, information technology and services. This will mean a total CCSD verifiable goal of twenty (20%).

The 20% goal shall be obtain by requiring each school or department to submit an annual SWMBE Plan. Each school principal or department head must work with the SWMBE Liaison and Director of Finance to prepare the SWMBE Plan. The SWMBE Plan will include a goal based on dollar amount budgeted for new procurements and plan to achieve the goal established. The SWMBE Plan must be included and submitted annually with the school or department budget request application. School principals and department heads will be evaluated and held accountable for not reaching the goals established. In addition, all CCSD solicitation will require Contractors to include in their proposal a SWMBE Plan when subcontracting opportunities are available. This requirement will be included in the award criteria.

It is the intent of the Charleston County School District to provide equal opportunity to small, minority, and woman-owned businesses in every aspect of procurement. In all contract procurements for services and construction, the Good Faith Effort will be required of all prime Contractors submitting a bid. The Good Faith Effort requires prime Contractors to make a documented effort to provide contract opportunities to Small, Women and Minority Business Enterprises. The prime Contractor shall make documented contacts to certified and non –certified firms for contracting opportunities as set forth in solicitations. A Good Faith Effort is action taken by a vendor to meet the contract requirements set forth. Non-compliance with the policy, or failure to document compliance with the policy, may result in a bid or proposal being deemed non-responsive.

Procurements in the amount of \$2,500 or less do not require a solicitation or quote process. Purchases up to this amount may be made via Procurement Card (P-Card) at the departmental level. The SWMBE Liaison Officer will ensure that all departments within CCSD are made aware of the goals of the SWMBE Program and will encourage utilization of SWMBEs for purchases via P-Cards. School Principals and Department Heads will ensure the use of SWMBEs for P-Card purchases whenever an SWMBE is available.

On contracts valued over \$2500 up to \$10,000 three quotes are required. The SWMBE Program further requires at least one of the three quotes be obtained from an SWMBE. SWMBE goals will not be

required where there are no SWMBEs certified to perform the scopes of work that CCSD regards as realistic opportunities for subcontracting.

All solicitations that require advertisement must include publication in "South Carolina Business Opportunities" (SCBO) and/or an appropriate newspaper(s) of general, local or statewide circulation and/or posted on the CCSD website. SCBO is a free service provided by the State of South Carolina.

Business firms seeking certification as a minority business should contact the Governor's Office of South Carolina Division of Small and Minority Business Contracting and Certification, 1205 Pendleton Street, Suite 453C, Columbia, South Carolina 29201, telephone (803) 734-5010.

CCSD may designate such procurement contracts as it may deem appropriate for negotiation with MBE/SWMBE firms. Among the criteria that shall be used to determine such designations are:

- A. The total dollar value of procurements in CCSD;
- B. The availability of South Carolina-based minority firms;
- C. The potential for breaking the contracts into smaller units, where necessary, to accommodate such firms;
- D. Ensuring that CCSD shall not be required to sacrifice quality of goods or services;
- E. Ensuring that the price has been determined to be fair and reasonable, and competitive both to CCSD and to the contractor.

7. Dividing Larger Projects into Smaller Units

Each Procurement Official at the Charleston County School District will review all contracts/potential contracts in their commodity/functional area prior to releasing a Request for Quotation, Invitation for Bid/Request for Proposal to assure that the range/scope of the contract does not restrict SWMBEs participation. Where possible, divisions into smaller units will be made to assure SWMBE participation. Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the special source lists to assure that a competitive price is established and to award contracts to the lowest responsible bidder. SWMBEs will be sought for construction, building, renovation, remodeling, alteration, repair, or improvement of real property. The following procedures will be followed when dividing larger projects into smaller units:

- a. Goods/Services: Where practical, large orders for goods and services, where many classes of goods/services are being procured in one bid, should be divided into smaller groups to stimulate bidding by minority vendors.
- b. Construction: The plan includes instructions to prime contractors concerning the use of minority subcontractors. Solicitations shall require all bidders to address the use of minority subcontractors on school construction and renovation projects and to provide documentation demonstrating that they have met the verifiable goal for participation by minority business or that they have made good faith efforts to do so. Minority subcontractor joint ventures should be encouraged and documented. Such utilization of minority subcontractors shall be made a part of the quarterly and annual reports. Nothing in the plan is to be construed to require contractors to award subcontracts to, or make significant material purchases from SWMBEs who are not considered a responsible bidder and/or who do not submit the Best Value sub-bid. CCSD shall

send notification of solicitations to all construction related firms certified by the SMBCC and listed in that offices online directory.

Published notice of the contract shall include a statement that all contractors submitting bids will be required to provide either (1) an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal or (2) documentation of its good faith effort that was identified in the bid to meet this goal, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority business for participation in the contract.

8. Assistance to SWMBEs/Progress Payments

a. Referral Services: The SWMBE Liaison Officer or their designee will provide referral services to minority firms by identifying federal and state agencies which are available to render assistance to such firms.

b. Letter of Contract Award: Upon request, when an SWMBE receives a CCSD contract, the Procurement Officer shall furnish a letter to the SWMBE contractor, stating the dollar value, the duration of, the payment schedule, a copy of the contract or proposal and other information concerning the contract, which may be used by the certified minority firm to negotiate lines of credit with lending institutions.

c. Projects: CCSD also wishes to give minority subcontractors an opportunity to bid on renovation projects that are coordinated.. Contractors who appear on a prequalified list maintained by CCSD would be sent invitations to bid on portions of the work for which they qualify.

c. Progress Payments: Under certain conditions and in accordance with the provisions of Section 5250 of the CCSD Procurement Code, special provisions for progress payments to minority firms may be made on a monthly basis or upon completion of a stated percentage of the contract.

9. Annual Report Procedures

a. Construction Managers shall submit data to show implementation of the goals of the SWMBE Utilization Plan and establish and maintain records on the number of Invitations for Bid (IFB), Request for Proposals (RFP) and Request for Quotations (RFQ) sent to minority firms, number of responses received and contracts awarded where applicable to the Charleston County School District. This report shall be completed and submitted to reach the SWMBE Liaison Officer no later than 30 days after the last day of the fiscal year. CCSD will provide an annual report to the board regarding the progress of this plan.

10. Subcontracting Procedures

CCSD, in consultation with the architect-engineer assigned to the project, shall identify by specialty in the invitation for bids all subcontractors who are expected to perform work to the prime contractor to or about the construction when those subcontractors' contracts are each expected to exceed three percent (3%) of the prime contractor's total base bid. In addition, CCSD, in consultation with the architect-engineer assigned to the project, may identify by specialty in the invitation for bids any additional

subcontractors who are expected to perform work which is vital to the project. The determination of which subcontractors are included in the list provided in the invitation for bids is not protestable pursuant to § 4210 (Protests) or another provision of this Code. A bidder in response to an invitation for bids shall set forth in his bid the name of only those subcontractors to perform the work as identified in the invitation for bids. If the bidder determines to use his own employees to perform a portion of the work for which he would otherwise be required to list a subcontractor and if the bidder is qualified to perform that work under the terms of the invitation for bids, the bidder shall list himself in the appropriate place in his bid and not subcontract that work except with the approval of CCSD for good cause shown.

The Charleston County School District, through its contract documents, strongly encourages all general contractors or bidders to meet the verifiable 20% goal and to utilize certified and non-certified SWMBE subcontractors on its new construction projects as these projects are approved and funded for construction, making every effort to subcontract with qualified, certified and non-certified SWMBEs.

Contractor's efforts shall consist of, but are not limited to:

- a. Seek Small, Woman and Minority Business Enterprise (SWMBE) participation in newspapers, trade papers, minority focus papers and to send bid notices to all construction related firms certified by the OSMBA and listed in that office's online directory.
- b. Show the items of work which were made available to SWMBE firms, and the information furnished to SWMBEs such as plans, specifications and requirements for the work.
- c. Provide the names of SWMBEs who submitted bids which were not accepted, a summary of the bidder's discussions and/or negotiations with them, the name of the firm selected for that portion of the work and the reasons for the bidder's choice of firm(s). A contractor, including a first-tier subcontractor on a project that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection.
- d. The apparent lowest responsible, responsive bidder, within the time specified in the bid documents, shall also provide either (1) an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal or (2) documentation of its good faith effort that was identified in the bid to meet the goal, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract. Failure to file the required affidavit or documentation that demonstrates that the contractor made the required good faith effort may be grounds for rejection of the bid.
- e. Make the following forms a part of all solicitations for construction or services for CCSD;
 1. Small, Women, and Minority Business Enterprise (SWMBE) Utilization Commitment (Attachment A).
 2. Statement of Intent to perform Work without Subcontracting (Attachment B).
 3. Certificate of Minority Business Enterprise Unavailability. (Attachment C).

ATTACHEMENT A

SMALL, WOMEN AND MINORITY BUSINESS ENTERPRISE (SWMBE) UTILIZATION COMMITMENT

Firm Name: _____

Project: _____

Bid/Proposal #: _____

Signature: _____

The bidder/proposer will utilize the following SWMBE firms:

Name/address/city/telephone/ of SWMBE Firm	Type of SWMBE *	Trade/service category	Dollar Value
Name:			
Address:			
City & State:			
Telephone:			
Name:			
Address:			
City & State:			
Telephone:			
Name:			
Address:			
City & State:			
Telephone:			
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Name:			
Address:			
City & State:			
Telephone:			
Name:			
Address:			
City & State:			
Telephone:			
		Total	\$

This SWMBE total is _____ % of total anticipated work
 _____ % with ethnic minority firms
 _____ % with women-owned firms

WMBE – Minority Business Enterprise, a business concern that is at least fifty-one percent owned and daily managed by one or more of the following citizens of the United States: B-Black/African Americans, H-Hispanic Americans, N-Native Americans (includes American Indians, Eskimos, Aleuts and Native Hawaiians), AP-Asian Pacific Americans, A-Asians, W-Woman citizen of the United States, regardless of race or origin.

Code by type of MBE: B, H, N, AP, A, W.

NOTE: A business that presents itself as a minority business may participate in the project. The Program Manager accepts firms that have SWMBE certification from the South Carolina Division of Small, Women and Minority Business Contracting and Certification, a non-certified Minority Business, a SDB certification from the U.S. Small Business Administration or certified by the appropriate office of another state, and others as approved.

e responding firm agrees to furnish additional information as required by Program Manager.

ATTACHMENT B

STATEMENT OF INTENT TO PERFORM WORK WITHOUT SUBCONTRACTING

Firm Name: _____

Project: _____

Bid/Proposal #: _____

Signature: _____

It is the intent of the above named firm to self-perform 100% of the work as outlined in this bid/proposal.

The bidder/proposer states the following:

1. That it is a normal business practice of the bidder to perform all elements of this type contract with its own employees.
2. That if it should become necessary to subcontract some portion of the work at a later date, the bidder/proposer will notify program manager and provide documented good-faith efforts to comply with all requirements of the SWMBE program in providing equal opportunities to SWMBE firms.
3. Bidder/proposer will provide equal opportunity for SWMBEs to participate in significant material-supplier opportunities available under this scope of work and will document good faith efforts as required by program manager.

ATTACHMENT C

CERTIFICATE OF SMALL, WOMEN, AND MINORITY BUSINESS ENTERPRISE UNAVAILABILITY

Firm Name: _____

Project: _____

Bid/Proposal #: _____

Signature: _____

<u>Trade/Service Category</u>	<u>Name of SW/MBE Firm</u>	<u>Address, City, & Contact Person</u>	<u>Date of Contact & Contact Person</u>	<u>Reason Not Participating</u>
-------------------------------	----------------------------	--	---	---------------------------------

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Bidder/proposer in accordance with the bid/proposal documents, states that the above SW/MBE firm(s): a) are capable subcontractor(s) and (b) were contacted in good faith and (c) that the MBE firm(s) are not participating in this bid/proposal as indicated above. Form may be copied and supplemental information attached.

A finding that any of the information submitted is false will constitute grounds for recommending that the bid/proposal not responsive

SMALL, WOMEN AND MINORITY BUSINESS ENTERPRISE UTILIZATION PLAN

Charleston County School District
Contracts & Procurement Services
3999 Bridge View Drive
North Charleston, SC 29405

Adopted: October 13, 2008
Revised: ~~June 2012~~ August 31, 2015

SMALL, WOMEN AND MINORITY BUSINESS ENTERPRISE (SWMBE) UTILIZATION PLAN

1. General Information:

a. Plan Prepared By: Charleston County School District (CCSD).

b. Authority: Article 21, CCSD Procurement Code.

c. Scope and Application: This plan shall apply to all ~~levels~~ schools and departments of the Charleston County School District and shall encompass all funds which support the procurement of ~~goods, services, supplies, construction, information technology~~ ~~technology~~ and ~~construction services~~. Every contract or duty within the CCSD Procurement Code imposes an obligation of good faith in its negotiation, performance or enforcement. "Good faith" means honesty in fact and in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing.

2. Approved Policy Statement

The Board of Trustees, Charleston County School District, on August 8, 2005, approved the following policy statement regarding the use of **Small, Women and Minority Business Enterprises (SWMBEs)** in all aspects of procurement: "The South Carolina General Assembly has declared that business firms owned and operated by minority persons have been historically restricted from full participation in our free enterprise system to a degree disproportionate to other businesses, and the board concurs in that finding by the state. In recent years, the participation by minority businesses in the procurements of Charleston County School District has been well below the expected participation by this segment of our society. The board believes that it is in CCSD's best interest to assist minority-owned businesses to develop fully as a part of CCSD's policies and programs encouraging minority participation in the procurement of goods and services by CCSD. The board, therefore, wishes to ensure that those businesses owned and operated by minorities are afforded the opportunity to fully participate in the overall procurement process of Charleston County School District."

"The superintendent or his/her designee shall establish regulations designed to increase contract opportunities for Small, Women and Minority Business Enterprises (SWMBE) as assessed each year based on ~~both~~ percentage of ~~contract dollars~~ awarded ~~and as a percentage of all contracts awarded in a~~ **fiscal year**. A report shall be made annually to the board about those results. The increase of opportunity is expected to affect the awarding of contracts and subcontracts to these businesses which shall, in turn, provide an equal business opportunity and then foster overall economic development within the district, county and state. The established regulations shall include specific annual goals to measure performance and the systematic reporting of progress towards these goals." This statement shall be distributed to all personnel directly or indirectly involved in procurement activities of the Charleston County School District. CCSD will strive to make the procurement process inclusive and available to all businesses with out regard to race, gender, age, religion, national origin, or disability.

It is the intent of this plan to establish procedures designed to assure **SWMBEs** access to information and opportunities available to other business enterprises. It is not the intent of this plan to establish procedures that will increase the cost of the school system's construction and purchasing programs. A standard process of evaluation will be used to assess performance of all vendors who provide services and products to CCSD. Evaluation will assess quality of service or product, on time delivery or completion of the work, responsiveness to CCSD requests, willingness to correct or fix problems or discrepancies and overall ability to work with the owner. It is the intent of this policy to widen opportunities for participation, to increase competition, and to reduce costs.

3. Operational Procedures Definitions

a. **"Minority person"** means a United States Citizen who is economically and socially disadvantaged. A person who is a citizen or lawful permanent resident of the United States, and who is:

1. Black, that is, a person having origins in any of the black racial groups in Africa;
2. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
3. Asian American, that is, a person having origins in any of the original peoples of the Far east, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
4. American Indian or Alaskan Native, that is, a person having origins in any of the original peoples of North America; or
5. Female.

b. **"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, Women and other minorities to be designated by the South Carolina Budget and Control Board or designated agency.

c. **"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 that are not socially disadvantaged.

d. **"A socially and economically, disadvantaged small business"** means any small independent business concern which:

- (1) At a minimum is fifty-one (51) percent owned by one or more citizens of the United States who are determined to be socially and economically disadvantaged and who also exercise control over the business per 49 CFR Part 26, Subpart D (2006), as amended.
- (2) In the case of a corporation, a minimum, fifty-one (51) percent of all classes of voting stock of such corporation must be owned by an individual or individuals determined to be socially and economically disadvantaged who also exercise control over the business.
- (3) In the case of a partnership, at a minimum, fifty-one (51) percent of the partnership interest must be owned by an individual or individuals determined to be socially and economically disadvantaged who also exercise control over the business.

e. **"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. Gross sales receipts do not exceed \$7,500,000 annually as averaged over the preceding three (3) year period. The eligible Owner is actively involved in the day-to-day management and control of the business

enterprise and the delivery of its products and services. The enterprise has been actively in operation, providing goods and/or services for at least the preceding twelve (12) month period. The enterprise has a current business license.

f. "**Small, Women and Minority Business Enterprise**" is a business which has been certified as a socially and economically disadvantaged small business.

g. "OSMBA" means the Office of Small and Minority Business Assistance (OSMBA).

4. SWMBE Liaison Officer and Coordinators

The ~~Superintendent's designee~~ SWMBE Liaison Officer will implement the program and monitor the procurement process for compliance with established guidelines.

The Director of Contracts and Procurement Services, Frederick N. Feil, Sr. Wayne Wilcher phone (843) 566-72708131, is hereby appointed the MBE Liaison Officer and overall SWMBE Coordinator for CCSD. ~~Lawrence Luttrio, Construction and Facility Procurement Officer, phone (843) 566-8150, is hereby appointed the MBE Coordinator for procurements involving architect-engineer services, construction, and land surveying services.~~

5. Duties of the MBE Liaison Officer:

Duties of the MBE Liaison Officer shall include those outlined in Section 5220 and Section 5240 of the CCSD Procurement Code. These duties include but are not limited to:

a. The Contracts and Procurement Services Director shall provide appropriate staff to assist ~~MBEs~~ SWMBEs with CCSD's procurement procedures and in the interpretation of this code.

b. The Contracts and Procurement Services Director in cooperation with other appropriate private and state agencies may issue supplementary instructions designed to assist ~~MBEs~~ SWMBEs with CCSD's procurement procedures.

c. The Contracts and Procurement Services Director shall maintain special source lists of ~~MBEs~~ SWMBEs detailing the products and services, which they provide. These lists must be made available to all CCSD individuals involved directly or indirectly with purchasing and Construction Management firms.

d. The Contracts and Procurement Services Director shall include and identify certified South Carolina based ~~MBEs~~ SWMBEs on CCSD's bidders list and shall ensure that these firms are solicited on an equal basis.

e. The Contracts and Procurement Services Director shall work with appropriate state offices and minority groups in conducting bi-annual seminars to assist minority business owners in learning how to do business with CCSD. *This may also include seminars regarding applications for becoming State Certified and information regarding financing sources as necessary for projects.*

f. Upon request by an SWMBE certified by the Office of South Carolina Division of Small and Minority Business Assistance Contracting and Certification (SMBCC), user or subscription fees for services provided by the Contracts and Procurement Services Director may be waived for an SWMBE.

g. Establish and maintain records on the number of Invitations for Bid (IFB), Request for Proposals (RFP) and Request for Quotations (RFQ) sent to minority firms, number of responses received and contracts awarded when applicable to the dollar procurement limit of the Charleston County School District.

h. Subscribe to and maintain on file South Carolina Business Opportunities as a reference.

i. Maintain records to indicate the number and dollar value of small purchases made from certified, non-certified, qualified and responsive minority firms.

6. SWMBE Designated Procurement Plan

The regulations and procedures for implementation of this program are outlined in the procurement code approved by the Board of Trustees. The Charleston County School District will establish annual goals that include expending, with Small, Women and Minority Business Enterprises (MBEs/SWMBEs) certified by the Office of Small and Minority Business Assistance a verifiable amount equal to ten (10%) of CCSD's total procurements (Total Spend) (with the exclusion of debt service, employee salaries and benefits, telephones, water and sewer, electric & gas, transfers, solid waste fees, and settlements/claims-) for the procurement of supplies, services, Information Technology and construction, information technology and services and likewise with non-certified MBEs/SWMBEs, a verifiable amount equal to ten (10%) of CCSD's total procurements (Total Spend) (with the exclusion of debt service, employee salaries and benefits, telephones, water and sewer, electric & gas, transfers, solid waste fees, and settlements/claims-) for the procurement of supplies, services, Information Technology and construction, information technology and services. This will mean a total CCSD verifiable goal of twenty (20%).

The 20% goal shall be obtain by requiring each school or department to submit an annual SWMBE Plan. Each school principal or department head must work with the SWMBE Liaison and Director of Finance to prepare the SWMBE Plan. The SWMBE Plan will include a goal based on dollar amount budgeted for new procurements and plan to achieve the goal established. The SWMBE Plan must be included and submitted annually with the school or department budget request application. School principals and department heads will be evaluated and held accountable for not reaching the goals established. In addition, all CCSD solicitation will require Contractors to include in their proposal a SWMBE Plan when subcontracting opportunities are available. This requirement will be included in the award criteria.

It is the intent of the Charleston County School District to provide equal opportunity to small, minority, and woman-owned businesses in every aspect of procurement. In all contract procurements for services and construction, the Good Faith Effort will be required of all prime Contractors submitting a bid. The Good Faith Effort requires prime Contractors to make a documented effort to provide contract opportunities to Small, Women and Minority Business Enterprises. The prime Contractor shall make documented contacts to certified and non-certified firms for contracting opportunities as set forth in solicitations. A Good Faith Effort is action taken by a vendor to meet the contract requirements set forth. Non-compliance with the policy, or failure to document compliance with the policy, may result in a bid or proposal being deemed non-responsive.

Procurements in the amount of \$2,500 or less do not require a solicitation or quote process. Purchases up to this amount ~~are may be~~ made via Procurement Card (P-Card) at the departmental level. The SWMBE Liaison Officer will ensure that all departments within CCSD are made aware of the goals of the SWMBE Program and will encourage utilization of SWMBEs for purchases via P-Cards. School

Principals and Department Heads will ensure the use of SWMBEs for P-Card purchases whenever an SWMBE is available.

Quote Requirement. On contracts valued overbetween \$25040 and up to \$10,000 three quotes are required. The MBE/SWMBE Program further requires at least one of the three quotes be obtained from an MBE/SWMBE. SWMBE goals will not be required where there are no MBEs/SWMBEs certified to perform the scopes of work that CCSD regards as realistic opportunities for subcontracting.

All solicitations that require advertisement must include publication in "South Carolina Business Opportunities" (SCBO) and/or an appropriate newspaper(s) of general, local or statewide circulation and/or posted on the CCSD website. SCBO is a free service provided by the State of South Carolina.

Business firms seeking certification as a minority business should contact the Governor's Office of South Carolina Division of Small and Minority Business Assistance Contracting and Certification, 1205 Pendleton Street, Suite 440-A53C, Columbia, South Carolina 29201, telephone (803) 734-06575010.

CCSD may designate such procurement contracts as it may deem appropriate for negotiation with MBE/SWMBE firms. Among the criteria that shall be used to determine such designations are:

- A. The total dollar value of procurements in CCSD;
- B. The availability of South Carolina-based minority firms;
- C. The potential for breaking the contracts into smaller units, where necessary, to accommodate such firms;
- D. Ensuring that CCSD shall not be required to sacrifice quality of goods or services;

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- E. Ensuring that the price has been determined to be fair and reasonable, and competitive both to CCSD and to the contractor.

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7. Dividing Larger Projects into Smaller Units

Each Procurement Official at the Charleston County School District will review all contracts/potential contracts in their commodity/functional area prior to releasing a Request for Quotation, Invitation for Bid/Request for Proposal to assure that the range/scope of the contract does not restrict MBEs/SWMBEs participation. Where possible, divisions into smaller units will be made to assure MBE/SWMBE participation. Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the special source lists to assure that a competitive price is established and to award contracts to the lowest responsible bidder. MBEs/SWMBEs will be sought for construction, building, renovation, remodeling, alteration, repair, or improvement of real property. The following procedures will be followed when dividing larger projects into smaller units:

- a. Goods/Services: Where practical, large orders for goods and services, where many classes of goods/services are being procured in one bid, should be divided into smaller groups to stimulate bidding by minority vendors.
- b. Construction: The plan includes instructions to prime contractors concerning the use of minority subcontractors. Solicitations shall require all bidders to address the use of minority subcontractors on school construction and renovation projects and to provide documentation demonstrating that they have met the verifiable goal for participation by minority business or that

they have made good faith efforts to do so. Minority subcontractor joint ventures should be encouraged and documented. Such utilization of minority subcontractors shall be made a part of the quarterly and annual reports. Nothing in the plan is to be construed to require contractors to award subcontracts to, or make significant material purchases from ~~MBEs~~/SWMBEs who are not considered a responsible bidder and/or who do not submit the Best Value sub-bid. CCSD shall send notification of solicitations to all construction related firms certified by the ~~OSMBA/SMBCC~~ and listed in that offices online directory.

Published notice of the contract shall include a statement that all contractors submitting bids will be required to provide either (1) an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal or (2) documentation of its good faith effort that was identified in the bid to meet this goal, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority business for participation in the contract.

8. Assistance to SWMBEs/Progress Payments

a. Referral Services: The SWMBE Liaison Officer ~~and MBE Coordinator~~ or their designee will provide referral services to minority firms by identifying federal and state agencies which are available to render assistance to such firms.

b. Letter of Contract Award: Upon request, when an SWMBE receives a CCSD contract, the ~~Contracts and Procurement Services Director~~ Procurement Officer shall furnish a letter to the SWMBE contractor, stating the dollar value, the duration of, the payment schedule, a copy of the contract or proposal and other information concerning the contract, which may be used by the certified minority firm to negotiate lines of credit with lending institutions.

c. Split Projects: CCSD also wishes to give minority subcontractors an opportunity to bid on renovation projects that are coordinated, ~~in-house by the Facility Services Department.~~ SubContractors who appear on ~~thea prequalified special source~~ list maintained by CCSD would be sent invitations to bid on portions of the work for which they qualify.

c. Progress Payments: Under certain conditions and in accordance with the provisions of Section 5250 of the CCSD Procurement Code, special provisions for progress payments to minority firms may be made on a monthly basis or upon completion of a stated percentage of the contract.

9. Quarterly Annual Report Procedures

a. Construction Managers shall submit data to show implementation of the goals of the SWMBE Utilization Plan and establish and maintain records on the number of Invitations for Bid (IFB), Request for Proposals (RFP) and Request for Quotations (RFQ) sent to minority firms, number of responses received and contracts awarded where applicable to the Charleston County School District. This report shall be completed and submitted to reach the SWMBE Liaison Officer no later than ~~1030~~ days after the last day of ~~the each~~ fiscal quarter/year. CCSD will provide quarterly ~~and an~~ annual reports to the board regarding the progress of this plan.

10. Subcontracting Procedures

CCSD, in consultation with the architect-engineer assigned to the project, shall identify by specialty in the invitation for bids all subcontractors who are expected to perform work to the prime contractor to or about the construction when those subcontractors' contracts are each expected to exceed three percent (3%) of the prime contractor's total base bid. In addition, CCSD, in consultation with the architect-engineer assigned to the project, may identify by specialty in the invitation for bids any additional subcontractors who are expected to perform work which is vital to the project. The determination of which subcontractors are included in the list provided in the invitation for bids is not protestable pursuant to § 4210 (Protests) or another provision of this Code. A bidder in response to an invitation for bids shall set forth in his bid the name of only those subcontractors to perform the work as identified in the invitation for bids. If the bidder determines to use his own employees to perform a portion of the work for which he would otherwise be required to list a subcontractor and if the bidder is qualified to perform that work under the terms of the invitation for bids, the bidder shall list himself in the appropriate place in his bid and not subcontract that work except with the approval of CCSD for good cause shown.

The Charleston County School District, through its contract documents, strongly encourages all general contractors or bidders to meet the verifiable 20% goal and to utilize certified and non-certified MBE/SWMBE subcontractors on its new construction projects as these projects are approved and funded for construction, making every effort to subcontract with qualified, certified and non-certified MBEs/SWMBEs.

Contractor's efforts shall consist of, but are not limited to:

- a. Seek Small, Woman ~~&~~and Minority Business Enterprise (SWMBE) participation in newspapers, trade papers, minority focus papers and to send bid notices to all construction related firms certified by the OSMBA and listed in that office's online directory.
- b. Show the items of work which were made available to SWMBE firms, and the information furnished to SWMBEs such as plans, specifications and requirements for the work.
- c. Provide the names of SWMBEs who submitted bids which were not accepted, a summary of the bidder's discussions and/or negotiations with them, the name of the firm selected for that portion of the work and the reasons for the bidder's choice of firm(s). A contractor, including a first-tier subcontractor on a project that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection.
- d. The apparent lowest responsible, responsive bidder, within the time specified in the bid documents, shall also provide either (1) an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal or (2) documentation of its good faith effort that was identified in the bid to meet the goal, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract. Failure to file the required affidavit or documentation that demonstrates that the contractor made the required good faith effort may be grounds for rejection of the bid.

e. Make the following forms a part of all solicitations for construction or services for CCSD;

1. Small, Women, and Minority Business Enterprise (SWMBE) Utilization Commitment (Attachment A).

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2. **Statement of Intent to perform Work without Subcontracting (Attachment B).**
3. **Certificate of Minority Business Enterprise Unavailability. (Attachment C).**

ATTACHEMENT A

SMALL, WOMEN AND MINORITY BUSINESS ENTERPRISE (SWMBE) UTILIZATION COMMITMENT

Firm Name: _____

Project: _____

Bid/Proposal #: _____

Signature: _____

The bidder/proposer will utilize the following SWMBE firms:

Name/address/city/telephone/ of <u>SW</u> MBE Firm	Type of <u>SW</u> MBE *	Trade/service category	Dollar Value
Name:			
Address:			
City & State:			
Telephone:			
Name:			
Address:			
City & State:			
Telephone:			
Name:			
Address:			
City & State:			
Telephone:			
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City & State:			
Telephone:			
Name:			
Address:			
City & State:			
Telephone:			
Total			\$

This SWMBE total is _____ % of total anticipated work
 _____ % with ethnic minority firms
 _____ % with women-owned firms

WMBE – Minority Business Enterprise, a business concern that is at least fifty-one percent owned and daily managed by one or more of the following citizens of the United States: B-Black/African Americans, H-Hispanic Americans, N-Native Americans (includes American Indians, Eskimos, Aleuts and Native Hawaiians), AP-Asian Pacific Americans, A-Asians, W-Woman citizen of the United States, regardless of race or origin.
 Code by type of MBE: B, H, N, AP, A, W.

NTE: A business that presents itself as a minority business may participate in the project. The Program Manager accepts firms that have SWMBE certification from the North Carolina Governor's Office of Division of Small, Women and Minority Business Contracting and Certification Assistance, a non-certified Minority Business, a SDB certification from the U.S. Small Business Administration or certified by the appropriate office of another state, and others as approved.

e responding firm agrees to furnish additional information as required by Program Manager.

ATTACHMENT B

STATEMENT OF INTENT TO PERFORM WORK WITHOUT SUBCONTRACTING

Firm Name: _____

Project: _____

Bid/Proposal #: _____

Signature: _____

It is the intent of the above named firm to self-perform 100% of the work as outlined in this bid/proposal.

The bidder/proposer states the following:

1. That it is a normal business practice of the bidder to perform all elements of this type contract with its own employees.
2. That if it should become necessary to subcontract some portion of the work at a later date, the bidder/proposer will notify program manager and provide documented good-faith efforts to comply with all requirements of the SWMBE program in providing equal opportunities to SWMBE firms.
3. Bidder/proposer will provide equal opportunity for SWMBEs to participate in significant material-supplier opportunities available under this scope of work and will document good faith efforts as required by program manager.

ATTACHMENT C

CERTIFICATE OF SMALL WOMEN, AND MINORITY BUSINESS ENTERPRISE UNAVAILABILITY

Firm Name: _____

Project: _____

Bid/Proposal #: _____

Signature: _____

<u>Trade/Service Category</u>	<u>Name of SWMBE Firm</u>	<u>Address, City, & Contact Person</u>	<u>Date of Contact & Contact Person</u>	<u>Reason Not Participating</u>
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Bidder/proposer in accordance with the bid/proposal documents, states that the above SWMBE firm(s): a) are capable subcontractor(s) and (b) were contacted in good faith and (c) that the MBE firm(s) are not participating in this bid/proposal as indicated above. Form may be copied and supplemental information attached.

A finding that any of the information submitted is false will constitute grounds for recommending that the bid/proposal not responsive

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OFFICE OF GENERAL COUNSEL
BOARD AGENDA ITEM

TO: Board of Trustees

FROM: John F. Emerson



DATE: September 28, 2015

SUBJECT: Proposed Hearing Officers

RECOMMENDATION: Approve proposed slate of hearing officers to hear teacher appeals in rotating order.

The material is submitted for: ☒ Action ☐ Information
☐ Open ☒ Executive

Respectfully submitted:

Gerrita Postlewait, Ed.D. Superintendent of Schools	
John F. Emerson General Counsel	

Committee Recommendation(s):

Mr. E. Tripp Wiles, Chair Policy and Personnel Committee	
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8.2B

Office of General Counsel
September 28, 2015

SUBJECT: Teacher Appeal Hearing Officers.

BACKGROUND: Under the Teacher Employment and Dismissal Act, continuing contract teachers who are non-renewed or dismissed are entitled to a due process hearing before the Board of Trustees. A recent legislative budget proviso authorizes school districts to delegate such hearings to hearing officers.

DISCUSSION: This board has already approved the delegation of teacher appeal hearings to hearing officers. Attached is a proposed list of attorneys this office is recommending for consideration. These attorneys have been selected based on credentials and reputation. Experience as a hearing officer or judge was preferable or experience as a mediator arbitrator.

RECOMMENDATION: Approve proposed slate of hearing officers to hear teacher appeals in rotating order.

FUNDING SOURCE/COST: GOF

FUTURE FISCAL IMPACT: Possibly a savings in that the District will no longer need to hire an attorney to advise the Board and the hearings will likely take place more quickly, reducing salary paid to appealing teachers awaiting appeal.

DATA SOURCES: N/A

PREPARED BY: John Emerson

REVIEWED BY LEGAL SERVICES: Yes

REVIEWED BY PROCUREMENT SERVICES: N/A

FY 2016 Proviso re hearing officers

1.99. (SDE: Teacher Employment) Of the funds appropriated in the current fiscal year, a local school district superintendent or his designee shall provide a teacher with notice of dismissal and an opportunity for a hearing before the local board or its designee. Further, a local board may authorize a South Carolina licensed, practicing attorney to serve as hearing officer to conduct a hearing on the matter and make a report of its recommendations to the board within 45 days after receipt of notice of appeal. A hearing officer may not be a member of the board or an employee of the district. If the board designates a hearing officer, the report and recommendations of the hearing officer must be presented to the board in the form of a written order. In considering the report and recommendations, the board must have available to it the exhibits presented at the hearing and shall permit limited oral argument on behalf of the district and the teacher, allowing each party thirty minutes to present its respective argument. The board shall uphold the decision of the hearing officer if the evidence shows good and just cause for dismissal. The board shall issue a decision affirming or withdrawing the notice of suspension or dismissal within thirty days. The decision of the board may be appealed to the circuit court.

HEARING OFFICERS (09-21-2015)

Jon L. Austen, Esq.
Pratt-Thomas Walker

Jon's principal practice revolves around mediation and arbitration though he also works as a litigator in the area employment and labor law. He has also served as a summary jury trial judge.

Wilbur Johnson, Esq.
Young Clement Rivers

Wilbur E. Johnson serves as the firm's managing partner and practices primarily in the area of employment and labor law. Until 1994, Wilbur worked as an assistant attorney general in the office of the Attorney General of South Carolina. In that capacity he served as a hearing officer for various state agency proceedings.

Meredith Selbert, Esq.
Duff, White and Turner

Concentrates on school law and has advised the CCSD Board of Trustees through many hearings. In practice for 10 years. B.S. from USC Honors College and J.D. from the University of South Carolina.

John Tiller, Esq.
Haynesworth Sinkler Boyd
He is a certified mediator. Very experienced litigator.

Nosizi Ralephata, Esq.
Turner Padget Graham & Laney

A shareholder at Turner Padget who practices in the area of litigation with a focus on employment discrimination. She has experience in mediation and in appellate court practice.

Edward Phipps, Esq.
Phipps Law Firm

Sole practitioner, who is a former municipal court judge for the Town of Seabrook Island

Thad Doughty, Esq.
Thad J. Doughty, Attorney at Law

Current part-time municipal court judge, City of North Charleston

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OFFICE OF GENERAL COUNSEL
BOARD AGENDA ITEM

TO: Board of Trustees

FROM: John F. Emerson

DATE: September 28, 2015

SUBJECT: Revision to Policy BE – School Board Meetings.

RECOMMENDATION: Approve first reading of revision of Policy BE to implement schedule of one board meeting per month.

The material is submitted for:

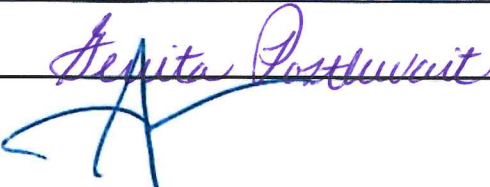
☒ Action

☐ Information

☒ Open

☐ Executive

Respectfully submitted:

Gerrita Postlewait, Ed.D. Superintendent of Schools	
John F. Emerson General Counsel	

Committee Recommendation(s):

Mr. E. Tripp Wiles, Chair Policy and Personnel Committee	
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Office of General Counsel
September 28, 2015

SUBJECT:

Revision to Policy BE – School Board Meetings.

BACKGROUND:

The current version of Policy BE – School Board Meetings indicates that the county board meetings will be held the second and fourth Monday of each month. It further indicates that the county board has no meetings the fourth Monday in the months of July and December.

DISCUSSION:

In order to completely transition to the Committee of the Whole process of holding all Committee meetings (Strategic Education, Audit and Finance and Policy and Personnel) the second Monday of each month, it is recommended that county board meetings be held the fourth Monday of each month. Since we typically only have one board meeting in the month of July and December on the fourth Monday, it is recommended that those meetings be held the second Mondays of July and December.

RECOMMENDATION: Approve first reading revision of Policy BE to implement schedule of one board meeting per month.

FUNDING SOURCE/COST:

N/A.

FUTURE FISCAL IMPACT:

N/A.

DATA SOURCES:

Office of General Counsel.

PREPARED BY:

John F. Emerson, General Counsel.

REVIEWED BY LEGAL SERVICES:

Yes.

REVIEWED BY PROCUREMENT SERVICES:

NA.

ATTACHMENTS:

Revised Policy.

SCHOOL BOARD MEETINGS

Code **BE** Draft **9/15**

Sponsor: John Emerson

Purpose: To establish the basic structure for the conduct of board meetings.

All board meetings shall be conducted in accordance with the South Carolina Freedom of Information Act. All board meetings, except for periods in which the board is in executive sessions, are open to the public.

Annual meeting

The board holds its annual organizational meeting at the first meeting in November. The board swears in new members and elects officers at the annual meeting.

Board meetings

The board holds meetings at the district office on the ~~second and fourth~~ Monday of each month, with open session to begin at 5:15 p.m. **During the months of July and December, board meetings will take place on the second Monday of the month.** ~~There is usually no meeting held on the fourth Monday of July or December.~~

In unusual circumstances, the board may change the time and place of the regular meeting, or any regular meeting, upon a majority vote of the board and proper public notice.

Work sessions

The purpose of work sessions is for the board to have opportunities for planning and discussion without formal action. Board members may suggest topics for work sessions. Topics for discussion shall be announced publicly and sessions shall be conducted in accordance with state law.

Special meetings

The chairman of the board, or a majority of members of the board, may call a special meeting of the full board. The superintendent shall give at least 24 hours notice to all members of the board and the public except when emergency conditions make such notice impossible. The board shall not transact any business other than that which is stated in the notice.

Public hearings

The board may conduct public hearings from time to time in order for the public to express their views regarding a specific issue. The board shall conduct such meetings in an orderly manner in accordance with board policy BEE and any administrative procedures.

Parliamentary procedure

The latest edition of Robert's Rules of Order shall govern all matters not covered by the rules of the board.

Adopted 12/8/75; Revised 12/8/86, 11/11/91, 12/11/95, 7/26/04, 3/14/11

PAGE 2 - BE - SCHOOL BOARD MEETINGS

Legal references:

A. S.C. Code, 1976, as amended:

1. Sections 30-4-10 through 30-4-110 - South Carolina Freedom of Information Act.
2. Section 59-1-340 - Meetings of boards of trustees and boards of education.
3. Section 59-19-90(4) - Calling meetings of electors for consultations.
4. Section 59-19-110 - Board rule-making power includes right to conduct any hearing.

B. Acts and Joint Resolutions:

1. 1967 Act 340 - Creates the School District of Charleston County and abolishes the county board of education; sets forth the powers of the constituent district boards.
2. 1983 Act 230 - Amends 1967 Act 340 to increase the number of meetings which the trustees may be paid for attending.

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BOARD AGENDA ITEM

TO: Board of Trustees
FROM: Rev. Chris Collins, Michael Miller, Chris Staubes, and Kate Darby
DATE: September 28, 2015
SUBJECT: STUDENT DISCIPLINE APPEALS

RECOMMENDATION: It is hereby recommended that the Charleston County School District Board of Trustees approve a recommendation to allow the Strategic Education Committee to oversee the Student Discipline Hearing process.

The material is submitted for: ☒ Action ☐ Information
☒ Open ☐ Executive

Respectfully submitted:

Gerrita Postlewait, Ed.D. Superintendent of Schools	
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Committee Recommendation(s):

Rev. Chris Collins, Chair Strategic Education Committee	
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SUBJECT: Student Appeals

BACKGROUND:

The length of time students waiting for disciplinary hearings has increased over the years. Having students out of school interrupts the learning process and schedule of parents seeking decisions from the Office of Student Placement, Constituent Board, and County Board.

To reduce the amount of time students are out of school, it is recommended that the Strategic Education Committee oversee the discipline process to ensure that student discipline issues are addressed and resolved in a more timely fashion and efficient manner.

DISCUSSION:

Students perform better when they are in a stable learning environment. Reducing the discipline hearing timeline will allow students to have more seat time and possible help to reduce the achievement gap.

RECOMMENDATION:

It is hereby recommended that the Charleston County School District Board of Trustees approve a recommendation to allow the Strategic Education Committee to oversee the district's Student Discipline Hearing process.

In addition, the process will be restructured to bring clarity to decisions regarding student discipline.

Upon receipt of an appeal, the district will immediately contact the appellant and all parties involved to share information and receive input related to scheduling the appeal. Once everyone is contacted, SEC will offer to board members optional dates.

* Note: It is recommended that the board will receive and approve this recommendation even though it was not gone before the Strategic Education Committee.

FUNDING SOURCE/COST:

FUTURE FISCAL IMPACT:

DATA SOURCES:

PREPARED BY:

REVIEWED BY LEGAL SERVICES

REVIEWED BY PROCUREMENT SERVICES

ATTACHMENTS

Expulsion Appeal Process

Upon receiving an appeal to the County Board of a Constituent District (CD) Board decision regarding expulsion or placement of a student, the CCSD Office of General Counsel handles student appeals in the following manner:

1. After an appeal has been verified as being received within the designated time frame, the CD administrative assistant is asked to provide the following information:
 - The CD decision letter.
 - The audio/video of the CD Board's hearing, including all testimony.
 - The minutes from the meeting in which the student's case was heard (draft minutes are okay, if available).
 - The packet of information the CD Board received and reviewed at the hearing, as well as any other documents that may have been presented to the CD Board during the hearing.
2. The school administration, the Office of Student Placement (OSP) and the Associate Superintendent are notified of the student's appeal.
3. Notice of the student's appeal is forwarded to the County Board as follows:
 - All board members are contacted via email and telephone with a list of potential hearing dates
 - Once a quorum of the board, or a committee of three or more, agrees on a set of dates, the parent is contacted
 - Once parent selects or agrees upon a date, the board or committee meeting is scheduled
 - Proper notice under FOIA is issued
 - The Office Strategy and Communications is directed to timely post to Media Line a notice of the board meeting.
 - Board members are provided, through Google Drive, the recording of the testimony and copies of all documents
 - The telephone conference date/time and call-in number are shared with Board members through both CCSD and personal e-mail. Board members are reminded to check Google Drive for hearing materials.
 - If a committee hears the appeal, they can request a special called board meeting to present their recommendation or wait until the next regularly scheduled board meeting.
 - The results of the county board review are conveyed via telephone within twenty-four hours to the parent/guardian/attorney. The outcome is also provided to the school administration, OSP, and the Associate Superintendent via e-mail.
 - Draft, for the board chair's signature, a letter to parent/attorney advising of decision, with a copy to relevant staff.

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BOARD AGENDA ITEM

TO: Board of Trustees
FROM: Gerrita Postlewait
DATE: September 28, 2015
SUBJECT: Charleston Achieving Excellence: Proposed 2015-16 Goals

RECOMMENDATION: On September 28, 2015 the Board will be asked to approve a list of preliminary goal areas for further development.

The material is submitted for: ☒ Action ☐ Information
☒ Open ☐ Executive

Respectfully submitted:

Gerrita Postlewait, Ed.D. Superintendent of Schools	<i>Gerrita Postlewait</i>
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Board Officers

Cindy Bohn Coat Board Chair	
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**Office of Superintendent
September 28, 2015**

SUBJECT: Charleston Achieving Excellence

BACKGROUND:

- Vision 2016 has guided district staff direction and focus for the past five years.
- During the current year, CCSD will engage the broader community in developing a new strategic plan.
- Until the new strategic plan is developed, approved by the Board of Trustees and implemented, we need an agreed-upon set of goals with timelines, deliverables, and persons responsible.
- A preliminary list of 40 goals was shared with the Board, Principals, and Teacher Roundtable. Each group identified priority areas.

DISCUSSION:

The *90-Day Entry Plan* calls for the superintendent to bring recommendations, priorities, and proposed next steps to the Board on or before September 30.

Enclosed are proposed 2015-16 goals, organized in categories designated by AdvancED, the agency that will determine whether the district is deserving of accreditation.

Several district-level administrators have provided input into the development of the proposed goals. Principals reviewed the goals on September 10. Teacher Roundtable participants reviewed the goals on September 21. Board members reviewed the goals September 14th. All groups were asked to identify priority areas.

Before the September 28th Board meeting, a prioritized list of 10-15 goals will be forwarded to the Board.

RECOMMENDATION:

The Board will be asked to approve a priority list of 10-15 goals on September 28th with the understanding that further development of timelines, activities, deliverables/outcomes, and persons accountable will occur.

FUNDING, FISCSL IMPACT, ETC: There is no direct, immediate funding cost. Recommendations that require funding outside of the current budget allocations will be brought back to the Board for approval on a case-by-case basis.

DATA SOURCES: N/A

PREPARED BY: Gerrita Postlewait

REVIEWED BY LEGAL SERVICES: Yes

REVIEWED BY PROCUREMENT SERVICES: N/A

ATTACHMENTS: Original List of 40 goals
Priority areas will be forwarded to the Board ASAP.