

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 612

SECTION: 600 Finances

TITLE: Business Diversity
in the Procurement of
Materials and Contracted
Services

ADOPTED: January 30,
2020

612 BUSINESS DIVERSITY IN THE PROCUREMENT OF MATERIALS AND CONTRACTED SERVICES

Purpose

The Board of Education (“Board”) is committed to promoting equitable opportunity to do business with The School District of Philadelphia (“District”) under contract awards relating to, among other things, facilities, professional services, goods and supplies.

The Board recognizes that the District’s support for supplier diversity initiatives and engagement in minority business development helps to create a more diverse workforce that will enhance opportunities for employment of the District’s diverse student population and their families.

It is the intent of the Board and the District that the District and all contractors, vendors, consultants and entities contracting with the District and by extension their subcontractors (collectively “Vendors”), shall not discriminate against any person in regard to race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, handicap/disability, gender identify, or genetic information. [1][2][3][4][5][6][7][8]

Authority

The Pennsylvania Public School Code authorizes the Board to adopt policies and procedures and to make rules and regulations to manage school affairs and fiscal well-being of the District, including with respect to procurements and vendor responsibility. [9]

Delegation of Responsibility

The Board authorizes the Superintendent, through the Office of Procurement Services (“Procurement Services”), to develop administrative procedures to establish processes for requiring diversity inclusion in procurement and contracting, encompassing, among other things:

- Development and implementation of standards, staffing, benchmarks and measurements to achieve diversity goals;

- Monitoring, compliance, and enforcement guidelines, with sanctions and penalties for failure to comply; and
- Recordkeeping and reporting on outcomes of the District's diversity contracting initiatives, on individual contracts and through aggregate spending.

Mandatory Regulatory Procedures

Consistent with the values of the Board, the District shall:

- Take proactive steps through its procurement and contracting processes to maximize the inclusion and active participation of qualified and certified Minority and Women-owned Business Enterprises ("M/WBEs"), among small and other disadvantaged business enterprises to advance and promote employment opportunities for a diverse workforce;
- Establish goals for having District purchases and contracting to support the development and participation of such enterprises, while ensuring District business is conducted in accordance with the District's best interests concerning value, capacity, expertise, business dealings, and available resources of potential Vendors; and
- Require Vendors to adhere to District equitable opportunity and anti-discrimination policies through the life of District agreements.

The District and its Vendors shall provide a full and fair opportunity for the participation of disadvantaged businesses, such as M/WBEs, in the procurement and contracting processes.

The District will develop reasonably attainable participation goals, drawn from a disparity analysis of relevant businesses seeking to do business with the District.

The District will ensure that all Vendors take good faith actions to achieve the District's diversity participation goals in order to offer the maximum practicable opportunity for qualified and certified M/WBEs, small, and other disadvantaged enterprises through all phases of the contract and any subsequent contract amendment.

Vendors must demonstrate that the participation of M/WBEs and other disadvantaged businesses is meaningful and substantial in all phases of a contract and any subsequent amendment. Participation shall be measured in terms of actual dollars received for work performed and/or services provided by M/WBEs and other disadvantaged businesses, and vendor workforce management practices.

The District will maintain comprehensive records regarding the entire scope of the procurement process, post-award compliance, and administration of the M/WBE participation process.

As part of this process, the District shall require and review submission of diversity forms and documentation concerning progress toward achievement of applicable participation goals to determine whether Vendors meet or exceed their diversity requirements, including post-award monitoring and evaluation of diversity commitment. Diversity contracting and compliance

information shall be a matter of public record consistent with the Pennsylvania Right-to-Know Law. [10]

The District shall not enter into any agreements that would undermine the objectives contained in this policy. District employees at all levels are responsible and accountable for resources under their control, and all employees must adhere to this policy and its administrative procedures.

The Superintendent or designee through Procurement Services shall monitor (i) adherence to the Policy throughout all applicable offices in the District, and (ii) Vendors' obligations and performance consistent with this Policy, including sanctions for breach of agreed upon M/WBE and diversity participation obligations.

The Superintendent or designee, through Procurement Services, will provide the Board with quarterly reports reflecting the District's efforts to achieve the goals of this policy.

Legal References:

1. [43 P.S. §§ 951](#), *et seq.*
2. [20 U.S.C. §§ 1681](#), *et seq.*
3. [29 U.S.C. §§ 621](#), *et seq.*
4. [29 U.S.C. § 794](#)
5. [42 U.S.C. §§ 12101](#), *et seq.*
6. [42 U.S.C. §§ 1981](#), *et seq.*
7. [42 U.S.C. §§ 2000e](#), *et seq.*
8. [24 P.S. § 7-751](#)
9. [24 P.S. § 5-510](#)
10. [65 P.S. §§ 67.101](#), *et seq.*

Related Information:

1. Chapter 17-1600: Philadelphia Code (defining “diverse workforce”)
2. City of Philadelphia Office of Economic Opportunity (OEO) Requirements: Executive Order 03-12 (Participation of minority, women, and disabled owned businesses on City contracts)
3. Section 17-500 of The Philadelphia Code
4. Board Policy 104: - Nondiscrimination in Employment Practices
5. Policy 610 - Purchases Subject To Competitive Process
6. Policy 102 - Multiracial/Multicultural/Gender Education