



Equity in Public Purchasing and Contracting: Business Equity

I. PURPOSE

The Equity in Public Purchasing and Contracting Board policy, 8.50.095-P, has three objectives:

1. **Business Equity:** The District will provide professional, supply, construction and personal service purchasing and contracting opportunities to small businesses that have been historically underutilized, including businesses owned by people of color, service-disabled veterans and by women.
2. **Contractor Workforce Equity:** The District will ensure apprenticeship opportunities in the construction trades and will promote construction employment opportunities for people of color and for women.
3. **Career Learning Equity:** The District will continue to provide career learning opportunities for students, providing them exposure to various potential career paths, including but not limited to, architecture, engineering and related services, legal and accounting services, as well as building trades and construction work.

Each of these objectives is operationalized by an Administrative Directive (AD). This is the Business Equity AD. The other two directives are: Contractor Workforce Equity (8.50.097-AD) and Career Learning Equity (8.50.098-AD).

II. DEFINITIONS

For the purposes of this Administrative Directive, the following definitions are based on the District’s Public Contracting Rules and Definitions.

1. **“Consultant”** means a business entity that employs architectural, engineering, land surveying, photogrammetric mapping, transportation planning, land surveying services and related services contracts, or any combination of the foregoing. (PPS Public Contracting Rules Division (“PPS Rules Division”)-48-0110 (3)).



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2. Except where PPS Public Contracting rules expressly indicate otherwise, **“Contract”** means a "Public Contract" as defined in ORS 279A.010 and includes but is not limited to a sale or other disposal, or a purchase, lease, rental, or other acquisition by the District of personal property, Services, including Personal Services, Public Improvements, Public Works, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement. "Public Contract" does not include grants. (PPS Public Contracting Rules Division-46-0110 (72))
3. **“Construction”** means Construction Services including excavating, landscaping, demolishing and detaching existing structures, leveling, filling in and doing other preparation of land for the making and placement of a building, structure or superstructure; creating or making a building, structure or superstructure; and altering, partially constructing and doing repairs in and upon a building, structure or superstructure.

For the purposes of this Administrative Directive, Construction includes Public Improvements and Public Works as well as minor alterations, modifications and repairs to real property.

4. **“PPS Divisions”** as used in this Administrative Directive, refer to Divisions 45, 46, 47, 48 and 49 of the PPS Public Contracting Rules, effective March 8, 2016.
5. **“Certified Business”** means:
 - a. A company certified by the State of Oregon Certification Office of Business Inclusion and Diversity (COBID) as a Minority Business Enterprise (MBE), a Women Business Enterprise (WBE), business owned by Service Disabled Veteran (SDV) and/or an Emerging Small Business (ESB) pursuant to Oregon Revised Statutes Chapter 200; or
 - b. A company certified in the States of Oregon, Washington and California by the U.S. Department of Transportation (U.S. DOT) as a Disadvantaged Business Enterprise (DBE) pursuant to Code of Federal Regulations, Title 49, Subtitle A, Parts 23 and 26;



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- c. A company certified by the State of Washington Office of Minority and Women’s Business Enterprises (OMWBE) as a Minority Business Enterprise (MBE), and/or Woman Business Enterprise (WBE) pursuant to Washington Administrative Code, Title 326, Chapter 326-20.

- 6. **“Goods and Services or Goods or Services”** as defined in ORS 279A.010(1)(j) and PPS-46-0110(38) and means any combinations of any items identified in the definitions of “Goods” and “Services.”

- 7. **“Goods”** as defined in ORS 279A.010(1)(i) and PPS-46-0110(37) means supplies, equipment, materials, and personal property, including any tangible, intangible, and intellectual property and rights and licenses in relation thereto, and combinations of any of the items identified herein.

- 8. **“Personal Services”** as defined in PPS-46-0110(60) means the Services or type of Services performed under a Personal Services Contract as defined in PPS-46-0500. Personal Services are Services that require specialized technical, creative, professional, or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of Services depends on attributes that are unique to the service provider.

- 9. **“Services”** as defined in PPS-46-0110(94) means Services other than Personal Services designated under PPS-46-0500 and ORS279A.055.

III. BUSINESS EQUITY

The District’s goal is that this Administrative Directive will apply to all district expenditures and purchases. The full implementation of this goal will require development of processes and tracking systems that are not currently in place and will require additional resources to develop.

- 1. **Aspirational Goal for the Participation of Certified Businesses.** The aspirational goal for the participation of Certified Businesses is 18%. This aspirational goal will apply to the following categories of expenditures at this time:



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- a. Consultant Services (PPS Division 48), which includes architecture, engineering, land surveying, photogrammetric mapping, transportation planning, land surveying services and related services contracts: The 18% may include payments made by the District, its consultants or sub-consultants.
 - b. Construction Contracts (PPS Division 49): Of the total amount the District pays for Construction contracts, the District’s aspirational goal is that 18% or more is paid to Certified Businesses. Such payment may be made by the District, its prime contractors, or subcontractors.
2. In the future, the District will strive to develop processes and systems that will allow the application of the 18% aspirational goal through the following categories of expenditures:

Personal Services and other opportunities (PPS Divisions 46 and 47): The District anticipates establishing aspirational goals for the participation of Certified Businesses in its purchases and contracts for personal services, goods and services, and non-public improvement construction trades work including e-commerce and procurement card purchases, at such time as resources, systems and processes become available.

3. Business Equity Program Specifications

In order to implement the Equity in Public Contracting Policy, the District will take the following steps:

- a. Actively participate in regular meetings of local minority-owned, women-owned service-disabled veteran owned, and small business advocacy organizations. The District will participate as a member of these advocacy organizations where appropriate and where such membership is available.



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- b. Actively participate in local minority-owned, women-owned, service-disabled veteran owned and emerging small business focused trade shows, trade fairs, and similar events.
- c. Notify Certified Business vendors of District informal and formal solicitations, contracting opportunities, and vendor selections, including: Competitive Sealed Bidding (also known as “Invitation to Bid”, “ITB” or “Competitive Bidding”) and Competitive Sealed Proposals (also known as “Request for Proposals” or “RFP”), as well as Requests for Interested Consultants (“RFIC”), Requests for Qualification and Requests for Pre-qualification.
- d. Include cultural responsiveness, diversity policies, and/or company Certified Business utilization history as part of the evaluation criteria, when selecting a Consultant or Contractor on the basis of price and other factors and when contracted projected teams may be comprised of multiple companies or organizations.
- e. For purchases and expenditures below the formal dollar thresholds for PPS Divisions 48 and 49, actively seek participation of Certified Business vendors for intermediate and small dollar purchases.
 - (1) For intermediate/informal purchases. The District will incorporate into its processes that departments and schools seek one or more of the minimum three quotes required for intermediate/informal purchases from Certified Businesses.
 - (2) For small dollar purchases. The District will encourage departments and schools to use Certified Businesses for small dollar purchases and expenditures.
- f. For purchases and expenditures below the formal dollar thresholds for PPS Divisions 46 and 47, encourage departments and schools to include minority-owned, women-owned, service-disabled veteran owned and/or emerging small businesses in solicitations.



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IV. RESPONSIBILITY AND ACCOUNTABILITY

1. The District will review its performance under this directive each year. Pursuant to Board Policy 8.50.095, the Superintendent will report to the Board annually regarding the District's performance towards this objective. The annual reporting cycle will be per calendar year.

The Superintendent or designee will periodically review the aspirational goals and modify them as appropriate.

History: Adopted 9/2013, Revised 2/2015, Revised 5/2016