

Ms. Maria Teresa Rojas, Chair

**SUBJECT: HISPANIC AMERICAN WOMEN AND AFRICAN AMERICAN WOMEN –
SCHOOL BOARD POLICY 6320.02 SMALL/MICRO,
MINORITY/WOMEN, AND VETERAN BUSINESS ENTERPRISE
PROGRAMS**

COMMITTEE: FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS

**LINK TO STRATEGIC
PLAN: EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES**

The School Board of Miami-Dade, Florida, has had a strong interest in ensuring that a fair and equitable process is clearly delineated in board policies to ensure that business opportunities are afforded to all members of the Miami-Dade County community and taxpayers. Since 1985 and 1990, the School Board has determined through its own statistical analysis, contracting expenditures evaluation and sociological studies, and disparity studies that there is a disparity in contract awards to Minority/Women-Owned Business Enterprises (M/WBE).

At the Board meeting of December 6, 2017, the Board approved Agenda Item H-15- *Fostering Inclusion in the District's General Obligation Bond Program*, proffered by School Board Member Dr. Dorothy Bendross-Mindingall. This item authorized the Superintendent to a) explore the feasibility and legality of implementing additional programs that may foster increased participation by SBE/MBE and M/WBE in M-DCPS business opportunities; b) provide a report to the Board delineating the progress made as it relates to increasing participation by SBE/MBE and M/WBE businesses as part of the GOB Program within the past five years, including a detailed report on the proceeds received by SBE/MBE and M/WBE firms as a result of the District inclusion efforts; and c) report on the aforementioned items to the Board by April 25, 2018 Board meeting. A staff follow-up was submitted by the Superintendent on April 23, 2018.

Board Member Ms. Lucia Baez-Geller, proffered Agenda Item H-14 – *Exploring the Feasibility of Implementing an Equal Pay Policy for Procurement Contracts with Vendors* - at the Board meeting of March 15, 2023. An amendment was offered by the Board Chair and approved by the Board to include “a review of how African American women and Hispanic American women are identified and categorized in the M/WBE Program in School Board Policy 6320.02. A staff follow-up was submitted by the Superintendent on May 5, 2023.

Furthermore, at the last School Board meeting of May 17, 2023, Board Member Dr. Steve Gallon III proffered agenda item H-4-*Minority Participation in Procurement*, which was unanimously co-sponsored and approved by the Board. This item directed the Superintendent, in consultation with the General Counsel, to conduct a comprehensive presentation on the initial impetus, relevant quantitative data, research-based and legal framework, program development, overview, implementation, measurable impact, current status, and any additional relevant information pertaining to the District's program for local, small, micro, minority, women and veteran owned businesses programs at a School Board Workshop to be held no later than August 30, 2023.

Phase 1 of the Disparity Study was from July 1, 2006 through June 30, 2012. It covered the geographical market of the Metropolitan Statistical Area (Miami/Broward/Palm Beach counties). This report concluded that there are statistically significant disparities in the District's utilization of ready, willing, and able M/WBEs in a number of categories.

Phase 2 of the Disparity Study covered the period from July 1, 2012 through June 30, 2015. The final report was presented to the School Board on January 8, 2019, and included relevant and pertinent information, some going back to 1990, for the Board to further consider the participation of women-owned businesses in Miami-Dade County Public Schools (M-DCPS). Some of these statements include the following:

- “Based on the 1990 study, M-DCPS instituted race and gender-conscious initiatives in Construction, Construction Support Services, Professional services, and commodities and Services.”
- “Based on the Phase 1 study findings, the Board concluded that there is a strong evidentiary basis establishing that the District has a compelling interest in remedying the on-going effects of discrimination that is occurring in the broader relevant market and adversely affects the District's utilization of ready, willing, and able minority and women-owned firms in the District Construction and Construction-related contracts.”
- “The Minority/Women Business Enterprise Program is a race and gender-conscious program designed to enhance the bidding and selection opportunities for M/WBEs on certain contracts and to address findings in the 2014 Disparity Study and 2015 Subcontractor Disparity Study.”
- “M/WBE programs should not be designed as permanent fixtures in a purchasing system without regard to eradicating bias in standard purchasing operations or in private sector contracting. Consequently, each M/WBE program should have a sunset provision, as well as provisions for regular review. Additionally, there is the implication that reform of purchasing systems should be undertaken.”

On May 8, 2019, M3 Consulting was again commissioned to conduct a Comprehensive Disparity Study (2020 Disparity Study). The study period covered was July 1, 2012 to June 30, 2018. This report also included the demographics and the labor force in the Miami-Ft. Lauderdale-Palm Beach Metropolitan Statistical Area (MSA). The report findings stated: “The 2020 and prior Disparity Studies continue to find that ongoing effects of discrimination are occurring in the broader relevant market and adversely affecting the District's utilization of ready, willing, and able minority-owned and women-owned firms in construction, and construction-related, professional services, and goods and services contracts.”

School Board Policy 6320.02 – *Small/Micro, Minority/Women, and Veteran Business Enterprise Programs* includes the relevant findings of the 2020 Disparity Study and further provides recommendations to ensure that those groups that have not been properly considered to do business in Miami-Dade County Public Schools are included in the construction and procurement processes. It further explains the impact or lack of impact women-owned businesses may have in the overall participation in procurement opportunities.

The purpose of this agenda item is to provide additional information for the Superintendent, in consultation with the General Counsel, to include in the workshop presentation clarification of specific questions, topics for further discussion, and recommendations to ensure that women-owned businesses are properly given equal opportunities to engage and secure participation as delineated in School Board policy 6320.02.

This agenda has been reviewed and approved by the General Counsel's Office as to form and legal sufficiency.

ACTION PROPOSED BY CHAIR

MS. MARIA TERESA ROJAS: That the School Board of Miami-Dade County, Florida, direct the Superintendent of Schools, in consultation with the General Counsel, to include the following questions and/or topics for discussion, and recommendations at the approved workshop, pursuant to Agenda Item H-4, Board meeting of May 17, 2023:

1. Why did the Disparity Studies include the Metropolitan Statistical Areas of Miami-Dade County, Broward, and Palm Beach Counties, and not just Miami-Dade County?
2. Why is ethnicity included in the Disparity Studies and not just race and gender? What are the federal guidelines and/or Supreme Court rulings regarding race, ethnicity, and gender in M/WBE programs?
3. Why is it that Hispanic American women and African American women are not included in the final determination of the 2020 study as women-owned, which is a category delineated throughout M-DCPS policy 6320.02?
4. What is the opportunity impact or non-impact, based on data, that women-owned businesses, specifically Hispanic American and African American women, have had in the District's M/WBE program?
5. What are the legal ramifications, if any, to include women as a category in the MWBE program and not include them under ethnicity?
6. What are the federal guidelines and regulations regarding women-owned businesses under the policies established by the Office of Policy, Planning, and Liaison, U. S. Small Business Administration?
7. What actions may be recommended for the Board's consideration to ensure that all women have equal access and opportunities to participate in the M/WBE program?
8. In the event that the Board votes to do a Disparity Study, what are the next steps to follow?