

# BOARD OF EDUCATION

CINCINNATI, OHIO

PROCEEDINGS

SPECIAL PUBLIC MEETING

August 19, 2009

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## SPECIAL PUBLIC MEETING

The Board of Education of the City School District of the City of Cincinnati, Ohio, met in special public session pursuant to notice by the Treasurer in Rosa E. Blackwell Interactive Learning Center at the Cincinnati Public Schools Education Center, 2651 Burnet Avenue, Monday, August 19, 2009 at 3:07 p.m., President Reed in the chair. The pledge to the flag was led by President Reed.

### ROLL CALL

Present: Members Bates, Bolton, Cranley, Flannery, Ingram, Nelms, President Reed (7)

Absent: None

Superintendent Ronan was present.

### **A RESOLUTION ADOPTING AMENDED POLICY 3324 DETERMINATION OF LOWEST RESPONSIBLE BIDDER AND ADOPTING AMENDED POLICY 3325 EQUAL AND FAIR OPPORTUNITY IN CONTRACT EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR GENERAL PURPOSES AND RELATED TO ITS ACCELERATED URBAN SCHOOL BUILDING ASSISTANCE PROGRAM PROJECT**

**WHEREAS**, the Cincinnati Public Schools (hereinafter called the "School District"), County of Hamilton, Ohio, on a continuous basis, contracts for numerous goods, services and supplies and is bidding and awarding construction contracts related specifically to its Ohio School Facilities Commission Accelerated Urban School Building Assistance Program (hereinafter called the "Project"); and

**WHEREAS**, the School District's Board of Education (hereinafter called the "Board of Education") has entered into an Accelerated Urban School Building Assistance Program Project Agreement (hereinafter called the "Project Agreement") with the Ohio School Facilities Commission (hereinafter called the "Commission") as authorized under Section 3318.38 of the Ohio Revised Code pursuant to the receipt of State of Ohio's monies for basic project costs set aside and approved by the Ohio Controlling Board under Section 3318.04 of the Ohio Revised Code; and

**WHEREAS**, Section 3313.46 of the Ohio Revised Code requires School Districts to award contracts to contractors submitting the lowest responsible bids after competitive bidding; and

**WHEREAS**, Section 3318.10 of the Ohio Revised Code provides discretion for the Board of Education, subject to Commission approval, to determine which contractor is the lowest responsible bidder; and

**WHEREAS**, the Board of Education has been and continues to be committed to ensuring that Project schools are built by responsible contractors employing a qualified workforce; and

**WHEREAS**, the Board of Education has previously adopted Policy 3324 Determination of Lowest Responsible Bidder (hereinafter called "Policy 3324") on July 15, 2002 and has to date been adhering to the Commission's Instructions To Bidders' responsible Bidder factors in IB 3.5 in the award of competitively bid Project construction contracts under Chapters 3313.46 and 3318.10 of the Ohio Revised Code; and

**WHEREAS**, the Board of Education has previously adopted Policy 3325 Equal and Fair Opportunity in Contract Employment and Business Opportunities (hereinafter called "Policy 3325") on May 8, 1989 and has previously adopted on June 28, 2004 a Resolution on Equal and Fair Opportunity in Contract Employment and Business Opportunities (hereinafter called the "Cincinnati Public Schools Supplier Diversity Program") and has had success meeting or exceeding its inclusion goals for the Supplier Diversity Program; and

**A RESOLUTION ADOPTING AMENDED POLICY 3324 DETERMINATION OF LOWEST RESPONSIBLE BIDDER AND ADOPTING AMENDED POLICY 3325 EQUAL AND FAIR OPPORTUNITY IN CONTRACT EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR GENERAL PURPOSES AND RELATED TO ITS ACCELERATED URBAN SCHOOL BUILDING ASSISTANCE PROGRAM PROJECT**

(cont.)

**WHEREAS**, the Board of Education where applicable, in its continuing commitment to use responsible contractors and provide for equal and fair contract employment and business opportunities including but not limited to the creation of internships and employment opportunities for participants and graduates of the Woodward Career Technical Program, now desires to amend Policy 3324 and Policy 3325 to enhance its current bidder responsibility standards and to even further strengthen its Cincinnati Public Schools Supplier Diversity Program, where possible within established Project Budgets and, where consistent with the Board of Education's Project Owner-Controlled Insurance Program (OCIP); and

**WHEREAS**, The Bidder shall certify that its employees working on this Project are covered by a health and welfare plan and the Bidder shall provide the policy or evidence thereof upon request. The Bidder with average gross revenues of \$350,000 or less in any of the preceding three years shall be exempt; and

**WHEREAS**, The Bidder shall certify that its employees working on this project are covered by a retirement plan and the bidder shall provide the policy or evidence thereof upon request. The Bidder with average gross revenues of \$350,000 or less in any of the preceding three years shall be exempt; and

**WHEREAS**, The Bidder shall certify that it, and its subcontractors or any other contractor performing work on the project covered under the contract of the Bidder, shall pay the prevailing wage rate and comply with the other provisions set forth in Ohio's Prevailing Wage Law, R.C. 4115.03 through 4115.16, and O.A.C. 4101:9-4-01 through 4101:9-4-28. This includes, but is not limited to, the filing of certified payroll reports; and

**WHEREAS**, the Board of Education directs the Administration to negotiate and enter into an inclusive community labor project agreement with the Greater Cincinnati Building Trades Council ("GCBT"), merit-shop employers, and other community organizations including, but not limited to, the Baptist Ministers Conference, the AMOS Project, MARCC, the Urban League of Cincinnati, the Workforce Investment Board, the Greater Cincinnati Apprenticeship Council, and the African American Chamber. The purpose of the agreement should be to create a partnership among parties to improve diversity in the construction workforce and effectively implement a local hire provision. The agreement shall establish a first source of hiring program for individuals living in the CPS jurisdiction and an overall framework for community, labor and management cooperation. This agreement should address training and apprenticeship opportunities and hiring of a diverse workforce among workers already trained. This effort should also promote pre-apprentice programs.

**NOW, THEREFORE BE IT RESOLVED THAT**, the Board of Education after careful consideration and evaluation of the information before it:

**Section 1.** The Board of Education in its continuing commitment to the utilization of responsible contractors and to even further strengthen its Cincinnati Public Schools Supplier Diversity Program including but not limited to the creation of internships and employment opportunities for participants and graduates of the Woodward Career Technical Program, hereby adopts Amended Policy 3324 and adopts Amended Policy 3325 on file with this Board of Education for general purposes and as specifically related to the Project. Said adopted Amended Policy 3324 and adopted Amended Policy 3325 shall be consistent with the Board of Education's June 28, 2004 Resolution on Equal and Fair Opportunity in Contract Employment and Business Opportunities (Cincinnati Public Schools Supplier Diversity Program).

**Section 2.** Subject to the approval of the Commission and as related to the Project only, the Board of Education authorizes said adopted Amended Policy 3324 and Amended Policy 3325 to be added to the responsible Bidder factors in IB 3.5.2 for Project contractor contracts competitively bid pursuant to Chapters 3313.46 and 3318.10 of the Ohio Revised Code and the applicable portions of the Special Conditions to the Commission's Standard Conditions. Said adopted Amended Policy 3324 and adopted Amended Policy 3325 shall be consistent with the Board of Education's Project Owner-Controlled Insurance Program (OCIP). Said adopted Amended Policy 3324 and adopted Amended Policy 3325 are reasonably related to performance of the Project contract work within the statutory framework set forth in Section 9.312 of the Ohio Revised Code and shall be evaluated in accordance with Section 3.5 of the Instructions to Bidders.

**A RESOLUTION ADOPTING AMENDED POLICY 3324 DETERMINATION OF LOWEST RESPONSIBLE BIDDER AND ADOPTING AMENDED POLICY 3325 EQUAL AND FAIR OPPORTUNITY IN CONTRACT EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR GENERAL PURPOSES AND RELATED TO ITS ACCELERATED URBAN SCHOOL BUILDING ASSISTANCE PROGRAM PROJECT**

(cont.)

**Section 3.** The provisions of this Resolution shall not be used to contravene Cincinnati Public Schools' Supplier Diversity Program or Ohio's Encouraging Diversity Growth and Equity ("EDGE") Program as established by the Ohio General Assembly and implemented by the Commission.

**Section 4.** This Board of Education hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of Education, and that all deliberations of this Board of Education and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 5.** This resolution shall be in full force and effect from and immediately after its adoption and shall supersede any prior resolution or act of this Board of Education, which may be inconsistent or duplicative with the provisions of this resolution.

Catherine D. Ingram

President Reed called the question.

Ayes: Members Bates, Bolton, Cranley, Flannery, Ingram, Nelms, President Reed (7)

Noes: None

President Reed declared the call to question carried.

Ms. Ingram moved and Ms. Bolton seconded the motion that the Resolution Adopting Amended Policy 3324 Determination Of Lowest Responsible Bidder And Adopting Amended Policy 3325 Equal And Fair Opportunity In Contract Employment And Business Opportunities For General Purposes And Related To Its Accelerated Urban School Building Assistance Program Project be approved as amended.

Ayes: Members Bolton, Cranley, Ingram, Nelms (4)

Noes: Members Bates, Flannery, President Reed (3)

President Reed requested clarification on number of votes required for The Resolution Adopting Amended Policy 3324 Determination Of Lowest Responsible Bidder And Adopting Amended Policy 3325 Equal And Fair Opportunity In Contract Employment And Business Opportunities For General Purposes And Related To Its Accelerated Urban School Building Assistance Program Project to pass.

**A RESOLUTION FROM THE BUILDING CINCY TASK FORCE RECOMMENDATIONS TO AMEND POLICY 3324 DETERMINATION OF LOWEST RESPONSIBLE BIDDER AND TO AMEND POLICY 3325 EQUAL AND FAIR OPPORTUNITY IN CONTRACT EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR GENERAL PURPOSES AND RELATED TO ITS ACCELERATED URBAN SCHOOL BUILDING ASSISTANCE PROGRAM PROJECT**

**WHEREAS**, the Cincinnati Public Schools (hereinafter called the "School District"), County of Hamilton, Ohio on a continuous basis, contracts for numerous goods, services and supplies and is bidding and awarding construction contracts related specifically to its Ohio School Facilities Commission Accelerated Urban School Building Assistance Program (hereinafter called the "Project"); and

**A RESOLUTION FROM THE BUILDING CINCY TASK FORCE RECOMMENDATIONS TO AMEND POLICY 3324 DETERMINATION OF LOWEST RESPONSIBLE BIDDER AND TO AMEND POLICY 3325 EQUAL AND FAIR OPPORTUNITY IN CONTRACT EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR GENERAL PURPOSES AND RELATED TO ITS ACCELERATED URBAN SCHOOL BUILDING ASSISTANCE PROGRAM PROJECT**

(cont.)

**WHEREAS**, the School District's Board of Education (hereinafter called the "Board of Education") has entered into an Accelerated Urban School Building Assistance Program Project Agreement (hereinafter called the "Project Agreement") with the Ohio School Facilities Commission (hereinafter called the "Commission") as authorized under Section 3318.38 of the Ohio Revised Code pursuant to the receipt of State of Ohio's monies for basic project costs set aside and approved by the Ohio Controlling Board under Section 3318.04 of the Ohio Revised Code; and

**WHEREAS**, the Board of Education has been and continues to be committed to ensuring that Project schools are built by the largest group of responsible contractors and subcontractors employing a qualified diverse workforce; and

**NOW, THEREFORE BE IT RESOLVED THAT**, the Board of Education after careful consideration and evaluation of the information before it:

**Section 1.** The Bidder shall employ good faith efforts to select 40% of its labor and trade personnel who live within the Cincinnati Public Schools District and 40% within the SMSA and certify that they have given priority to hiring workers who live within the CPS District and who are parents of CPS students.

**Section 2.** The Board of Education directs the Administration to negotiate and enter into an inclusive community labor project agreement with unions, merit-shop employers, and other community organizations such as, but not limited to, the Baptist Ministers Conference, the Urban League, the African American Chamber, MARCC, the AMOS Project, the Workforce Investment Board and the Greater Cincinnati Apprenticeship Council. The purpose of the agreement should be to create a partnership among the parties to improve diversity in the construction workforce and effectively implement a local hire provision. The agreement should address training and apprenticeship opportunities and hiring of a diverse workforce among workers already trained. This effort should also promote pre-apprentice programs.

**Section 3.** The Board of Education directs the Administration to strengthen its efforts to inform students about career opportunities in construction and work with staff who are counseling students about careers to insure that students are well informed about the benefits of construction careers and pathways to such careers.

**Section 4.** The provisions of this Resolution shall not be used to contravene Cincinnati Public Schools' Supplier Diversity Program or Ohio's Encouraging Diversity Growth and Equity ("EDGE") Program as established by the Ohio General Assembly and implemented by the Commission.

**Section 5.** This Board of Education hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of Education, and that all deliberations of this Board of Education and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 6.** This resolution shall be in full force and effect from and immediately after its adoption and shall supersede any prior resolution or act of this Board of Education, which may be inconsistent or duplicative with the provisions of this resolution.

Melanie Bates

**A RESOLUTION FROM THE BUILDING CINCY TASK FORCE RECOMMENDATIONS TO AMEND POLICY 3324 DETERMINATION OF LOWEST RESPONSIBLE BIDDER AND TO AMEND POLICY 3325 EQUAL AND FAIR OPPORTUNITY IN CONTRACT EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR GENERAL PURPOSES AND RELATED TO ITS ACCELERATED URBAN SCHOOL BUILDING ASSISTANCE PROGRAM PROJECT**

(cont.)

Mrs. Bates moved and Mr. Flannery seconded the motion that the Resolution From The Building Cincy Task Force Recommendations To Amend Policy 3324 Determination Of Lowest Responsible Bidder And To Amend Policy 3325 Equal And Fair Opportunity In Contract Employment And Business Opportunities For General Purposes And Related To Its Accelerated Urban School Building Assistance Program Project be approved as amended.

Ayes: Members Bates, Bolton, Flannery, Nelms, President Reed (5)

Noes: Member Ingram (1)

Abstain: Member Cranley (1)

President Reed declared the motion carried.

**OTHER BUSINESS**

1. Ms. Ronan: Overall successful opening day for the 2009-2010 school year

President Reed declared a five minute recess at 4:14 p.m.

President Reed called the meeting to order at 4:20 p.m.

2. President Reed: A Resolution Adopting Amended Policy 3324 Determination Of Lowest Responsible Bidder And Adopting Amended Policy 3325 Equal And Fair Opportunity In Contract Employment And Business Opportunities For General Purposes And Related To Its Accelerated Urban School Building Assistance Program Project failed as designated by The Board's Bylaws & Policies #0131, "Policies should be adopted, amended, or repealed by an affirmative vote of five members."

**ADJOURNMENT**

The Board adjourned at 4:22 p.m.

Jonathan L. Boyd  
Treasurer/CFO