

**RESOLUTION ON EQUAL AND FAIR OPPORTUNITY  
IN CONTRACT EMPLOYMENT AND BUSINESS OPPORTUNITIES**

**WHEREAS**, the Board of Education of Cincinnati Public Schools desires to provide all citizens or lawfully admitted permanent residents equal and fair opportunities to participate on a level playing field in employment and development opportunities sponsored by the Cincinnati Public Schools, including the Facilities Master Plan to rebuild or renovate all schools over the next ten years; and

**WHEREAS**, discrimination based on race, color, gender, national origin, and other factors as referenced in "Equal Employment Opportunity and Affirmative Action Policy" (4001) is prohibited by various federal and state laws, and by policy of the Cincinnati Public Schools Board of Education; and

**WHEREAS**, Cincinnati Public Schools recognizes its obligation concerning its employment and contracting practices, and the employment and contracting practices of its contractors and their subcontractors, to ensure that applicants, employees, bidders, and contractors are not discriminated against on the basis of race, color, gender, national origin, and other factors; and

**WHEREAS**, Cincinnati Public Schools wishes to ensure that its contractors and their subcontractors recruit, train, hire and promote all personnel in an equitable fashion and that economically disadvantaged and small business enterprises are afforded an equitable opportunity to share in all forms of contract opportunities;

**NOW THEREFORE BE IT RESOLVED**, That Cincinnati Public Schools shall encourage all of its contractors and their subcontractors to embrace goals shown in Exhibit A, to take affirmative action to achieve and maintain levels of minority and female employment, reasonably attainable by means of applying good faith efforts, subject to administrative updates annually or more frequently based on factual availability determinations; and

**FURTHER BE IT RESOLVED**, That Cincinnati Public Schools shall assure that economically disadvantaged and small business enterprises have the maximum practicable opportunity to participate in construction contracting opportunities by establishing provisional benchmarks for their participation, as shown in Exhibit B, reasonably attainable by means of applying good faith efforts, subject to administrative updates annually or more frequently based on factual availability determinations and that every effort will be made to attain the highest percentage of the ranges; and

**FURTHER BE IT RESOLVED**, That Cincinnati Public Schools shall utilize relevant and factual data to determine the availability of economically disadvantaged and small business enterprises and minority and female employees in our relevant geographic area versus our utilization levels; and

**BE IT FINALLY RESOLVED**, That the Cincinnati Board of Education directs the Superintendent and the Treasurer, in conjunction with the Supplier Diversity Office, to administer the implementation of this resolution in accordance with the Cincinnati Public Schools' Equal Opportunity Program.

Harriet Russell

## Exhibit A

### To the Cincinnati Public Schools Resolution on Equal and Fair Opportunity In Contract Employment and Business Opportunities

| <b>Provisional Contractor Employment Goals<br/>for Minorities and Women*</b> |   |
|--|---|
| <b>Trade</b>   | <b>Goal</b>   |
| All Construction Trades  | 20 percent, based on Board Resolution April 28, 2003 to be reasonably attained by means of applying good faith efforts. |
| All Other Occupations  | Targets, to be determined by CPS administration, reasonably attainable by means of applying good faith efforts.         |

\*Note: The Cincinnati Public Schools will update the above goals periodically, based on factual availability determinations. These employment goals will be used as a partial basis in determining Bidder's responsibility, except that the failure of Bidder to comply with this requirement shall not be the sole basis of the rejection of a Bidder as not responsible.

<sup>1</sup> Construction trade categories include the following: Asbestos workers, boilermakers, carpenters, elevator construction, floor layers, glaziers, lathers, marble, tile & terrazzo workers & helpers, millwrights, operating engineers, painters, pipe fitters, plasterers, plumbers, sheet metal workers, other trades.

## Exhibit B

### To the Cincinnati Public Schools Resolution on Equal and Fair Opportunity In Contract Employment and Business Opportunities

| <b>Provisional Annual Contract Benchmarks in Construction for Economically Disadvantaged and Small Business Enterprises</b> |   |   |
|---|---|---|
| <b>Business Category</b>  | <b>Goal/Benchmark Ranges</b>            |   |
| Construction—Economically Disadvantaged and Small Business Enterprise   | 25-30 percent                           |   |
| Construction—Minority Business Enterprises  | 20-25 percent                           |   |
| Construction—Women Business Enterprises   | 4-9 percent                             |   |
|   | <b>Goal/Benchmark Ranges</b>            |   |
| <b>Business Category</b>  | <b>Contracts Valued Less Than \$25K</b> | <b>Contracts Valued More than \$25K</b> |
| Professional Services   | 50%                                     | 30%                                     |
| Goods and Services  | 50%                                     | 30%                                     |
| Nonprofessional Services  | 50%                                     | 30%                                     |

The Cincinnati Public Schools will update the above goals periodically, based on factual availability determinations.

Note: CPS relies on the SBA definition of socially and economically disadvantaged business. Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities. Please see 13 CFR 124,103 for further definition.

Note: CPS will attempt to achieve these goals at both the prime and subcontractor level. CPS will utilize good faith efforts to evaluate the activity of CPS procurement agents and prime contractors. Evidence of good faith efforts is outlined below:

- 1) The purchasing agent or contractor has attended any pre-bid conference which was scheduled for this project.
- 2) The purchasing agent or contractor selected portions of the work which are commercially feasible and which reasonably could be expected to be performed by SMWBs in order to increase the likelihood of meeting the SMWB goals, (*i.e.*, breaking contracts into economically feasible units to facilitate SMWB participation).
- 3) The purchasing agent or contractor has advertised in general circulation, trade associations, and minority and women owned business-focused media concerning the prime and subcontracting opportunities.
- 4) The purchasing agent or contractor provided written, timely notice to a reasonable number of identified SMWBs that their interest in this contract was being solicited.
- 5) The purchasing agent or contractor provided interested SMWBs with adequate information about plans, specifications and requirements of the contract opportunity in a timely manner.
- 6) The purchasing agent or contractor has followed up the initial solicitations of interest by contacting SMWBs to determine with certainty whether the SMWBs were interested in providing a quote, bid or proposal, to associate with contractor either as a joint venture partner or similar business associations, subconsultant or subcontractor to provide goods and services needed by Cincinnati Public Schools.
- 7) The purchasing agent or contractor negotiated in good faith with interested SMWBs and did not reject SMWBs as unqualified without sound reasons, based on thorough exploration of SMWB capabilities.
- 8) The purchasing agent or contractor made efforts to assist interested SMWBs in obtaining bonding, lines of credit, or insurance required by Cincinnati Public Schools or the contractor.
- 9) The purchasing agent or contractor has effectively used the services of the available minority and women's community organizations; SMWB contractors' groups; local, state, and federal MFBI assistance offices; and other organizations that provide assistance in recruitment and placement of SMWBs.
- 10) The purchasing agent or contractor has effectively used the services of SMWBs in the past.