

ADMINISTRATIVE POLICIES OF THE MILWAUKEE PUBLIC SCHOOLS

ADMINISTRATIVE POLICY 3.13 COMMUNITIES IN NEED INITIATIVE

(1) STATEMENT OF PRINCIPLES

(a) MPS believes that children should be given every opportunity to learn. Children who grow up in and around poverty are confronted with greater educational challenges than are children who do not face similar circumstances. MPS would like to help neighborhoods that are in need.

(b) The Communities In Need Initiative (COIN) addresses Board Strategic Goal 1, student success in further education and employment, and Strategic Goal 3, high standards and accountability, to institute high standards and accountability for the Board of School Directors, Superintendent, Central Services staff, and MPS contractors in providing greater family satisfaction within the MPS education marketplace by creating employment opportunities.

(2) DEFINITIONS

The following are definitions of major terms as described within this Policy 3.13:

(A) Historically Underutilized Business (HUB)

1. Certified HUBs are for-profit businesses 51% or more owned, controlled, and managed by minority, women or small business owners who have been certified as such by an MPS-recognized agency. MPS accepts certification from various state and local agencies who verify businesses as minority (MBE), woman-owned (WBE), small business (SBA-8A), disadvantaged business (DBE), emerging business (EBE), and other verifiable certifications.

2. HUB Participation Requirement: The requirement that a certain percentage of total contract dollars be allocated for work to be done by firms that are certified Historically Underutilized Businesses (HUBs). Participation must be commercially useful to the contracted good or service. HUB requirements are assigned to contracts over \$50,000.

(B) Communities In Need (COIN)

1. COIN-certified individuals are skilled and unskilled workers who meet specific requirements, including family income and US census tract and federal free/reduced lunch requirements. MPS COIN workers are certified through an independent agency.

2. Communities In Need (COIN) Requirement: The requirement that targeted unemployed/underemployed individuals who meet Board-approved criteria participate in certain Facilities and Maintenance Services contracts. COIN requirements are assigned when determined applicable.

(C) Student Engagement

1. Student Engagement is a means of further educating MPS students through work activities, professional experiences, and job opportunities.

2. Student Engagement Requirement: The requirement that contractors to MPS engage in activities that enhance the education of our youth. Activities may range from adopting a school and on-site visits to the jobsite, to hiring working-age students as interns. On certain MPS contracts, student engagement will be a requirement.

(3) PARTICIPATION REQUIREMENT

(a) The COIN Initiative shall require MPS construction contractors to hire a certain percentage of COIN-certified individuals whose combined family income meets federal requirements for eligibility for free and reduced lunch.

(b) The Milwaukee Board of School Directors establishes that the workforce for MPS construction projects that are bid out will include a COIN-participation requirement.

(c) The COIN-participation goal is 25% of construction labor hours. The Division of Facilities & Maintenance Services (DFMS) and the Division of Diversity and Community Engagement shall adjust the participation percentage on individual contracts based on the type of work being performed and the extent of labor engaged in performing the work. Each individual contract percentage shall be a requirement and a matter of bid responsiveness. Non-responsive bids shall not be considered.

(d) Under the provisions of the MPS COIN initiative, the following must be true:

1. the individual must be able to show he/she maintains a permanent residence in a US census tract in which 14.3% or more of the residents live below the poverty level; and
2. the individual must be able to provide proof that his/her combined family income meets federal requirements for eligibility for free and reduced lunch.

(e) Persons who are already certified under the City of Milwaukee's Resident Preference Program are eligible, provided they fit criteria under paragraph (3)(d) of this policy and are within the eligibility period.

(4) WAIVERS

Requests for waivers from this policy must be submitted in writing to the Division of Diversity and Community Engagement and DFMS. Such requests shall specify measures taken to meet the requirements and/or documented justification for waiver. In the event evidence suggests a need to adjust the percent requirement on a particular contract, an addendum will be issued prior to bid opening. Contractors must notify the Division of Diversity and Community Engagement and DFMS concerning difficulties in meeting the COIN requirement *prior* to bid opening. If a Waiver request has not been granted, Contractor will be required to meet the COIN participation levels or one or more of the following sanctions may be assessed.

(5) SANCTIONS

(a) Every MPS contract award shall contain language indicating that, if any document submitted to MPS by a contractor, subcontractor, bidder, or individual regarding COIN participation for the purpose of participating in any MPS contract contains false, misleading, or fraudulent information, DFMS, upon receiving direction from the manager of the Division of Diversity and Community Engagement and the City Attorney, will direct the imposition of any of the following sanctions on the offending contractor, subcontractor, bidder, or individual:

1. withholding of payment by the Facilities & Maintenance Services Division and the Division of Diversity and Community Engagement, under the authorization and direction of the Milwaukee Board of School Directors, to prime vendors, subcontractor, bidder, or individual in the amount that would have been paid to COIN individuals until and unless proof of participation is provided and verified. If the contractor fails to meet the identified COIN requirement, MPS shall withhold a dollar amount equal to the dollar amount that would have been appropriated to the respective COIN employee(s);
2. termination, suspension, or cancellation of the contract in whole or in part;
3. denial to participate in any further contracts awarded by MPS for specified period of time, not to exceed three years.

(b) Appeal of sanction action(s) must be directed to the manager of the Division of Diversity and Community Engagement within seven (7) business days of sanction notification. The manager shall conduct an appeals hearing within ten (10) business days of receipt of written appeals request. The hearing panel shall consist of no less than one (1) DFMS representative, one (1) Division of Diversity and

Community Engagement representative, one (1) MPS Board member, one (1) community representative, and the MPS Contract Law Specialist.

History: Adopted 4-15-03; Revised 11-28-05

Legal Ref.: Vincent v. Voight, 236 Wis. 2d 588, 638-9 (2000); Adarand Constructions, Inc. v. Pena, 15 U.S. 200, 212 (1995); Heller v. Doe, 509 U.S. 312, 320 (1993); United States v. Virginia, 518 U.S. 515, 533 (1996)

Cross Ref.: Admin. Policy 3.09 Purchasing and Bidding Requirements
3.10 Historically Underutilized Business Program

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