

COMMUNITY INCLUSION PLAN PROGRAM STATEMENT

The Cleveland Metropolitan School District Capital Improvement Project (the Project) will be the largest construction project in the District's history. The Cleveland Metropolitan School District Board of Education (the Board of Education) believes that a successful Project will result in the construction of excellent educational facilities and that community involvement in all elements of the Project will best assure the achievement of that result. To facilitate community involvement in the construction portion of the Project, the Board of Education has authorized the development of a Community Inclusion Plan. That Community Inclusion Plan will require the District to partner with the community to develop and implement fair and effective programs for achieving diversity and local participation in all elements of the Project. To facilitate a portion of the Community Inclusion Plan the District has adopted a Diversity Business Enterprise Program and Workforce Participation Program.

The Diversity Business Enterprise Program

The Board of Education has established the Diversity Business Enterprise ("DBE") Program for the purpose of promoting equal business opportunity for all minorities and women doing business with the Cleveland Metropolitan School District. The DBE Program aspires to achieve the following goals: DBE participation of fifteen percent (15%) in service contracts, twenty percent (20%) in contracts for goods and supplies and thirty percent (30%) in contracts for construction provided that the District may adjust those percentages based upon data gathered relating to the percentage of DBEs available to work on the Project. All prime contractors and subcontractors are required under the DBE Program to use Good Faith Efforts to subcontract portions of the work to DBEs and to otherwise achieve the goals of the DBE Program.

Good Faith Efforts

A Bidder's compliance with the requirement to make Good Faith Efforts to locate and engage the services of DBE businesses in connection with the Project shall be a matter of Bidder responsiveness. The Bidder can demonstrate that it has complied with the requirement by certifying to the Board of Education or its designee, in writing, that as of the date of the bid submittal, that:

- (i) the Bidder has selected and engaged the services of DBEs, in which case the certification shall include:
 - (a) the names and addresses of those enterprises engaged by the Bidder
 - (b) the value of the subcontract and
 - (c) a description of the work on the Project to be performed by such firm(s) and/or individuals, or

- (ii) if despite the Bidder's Good Faith Efforts, the Bidder was not able to select and engage the services of such enterprises, in which case the Bidder shall include in its written certification the following:
 - (a) affirmation that, prior to determining that it was unable to locate DBEs, the bidder consulted business registries including identified by the School District;
 - (b) affirmation that the bidder attended any pre-bid meeting scheduled to inform DBEs of subcontracting opportunities;
 - (c) a copy of the written notifications sent to DBEs soliciting their interest in being a subcontractor or supplier on the Project;
 - (d) the names, addresses, and telephone numbers of DBEs contacted, the date of such contact and the date set for receipt of bids from those businesses;
 - (e) a copy of the information or a description of the information provided to DBEs regarding the plans and specifications for the work proposed to be subcontract and how that information could be accessed;
 - (f) a statement from the Bidder explaining why any DBEs contacted by bidder were not engaged; and

Upon written request of the Board of Education or an authorized representative thereof, an appropriate representative of the Bidder will attend a meeting of the Board of Education to discuss the specific measures the Bidder has utilized in undertaking the Bidder's Good Faith Efforts.

Definitions

DBE: A Diversity Business Enterprise (DBE) includes

- (a) A Minority Business Enterprise. "Minority Business Enterprise" means a business concern that (i) has been Certified as an MBE or (ii) is at least 51 percent owned by one or more minorities, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minorities and has its management and daily business controlled by one or more such individuals. Minorities are individuals who provide information sufficient for the School District to certify that they are members of one of the following named groups: African Americans, Hispanic Americans or Latino Americans, Native Americans, Asian-Pacific Islander Americans, Subcontinent-Asian Americans or Native Hawaiian.
- (b) A Female Business Enterprise. "Female Business Enterprise" means a business concern that (i) has been Certified as an FBE or (ii) is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women and has its management and daily business operations controlled by one or more women.

Certified means certified by the Cleveland Metropolitan School District, the City of Cleveland, Cuyahoga County, the State of Ohio or any of its instrumentalities or such other or governmental entities as the School District may designate.

Calculations

1. DBE participation will be counted toward meeting the goals as follows:
 - a. The total dollar value of a direct contract or subcontract or indirect subcontract awarded to a certified DBE will be counted toward the applicable goal.
 - b. In the case of a joint venture, the portion of the total dollar value of the contract equal to the percentage of the ownership and control of the DBE in the joint venture will be counted toward the applicable goal.
 - c. Only DBEs that perform a commercially useful function in the work of a contract or subcontract or indirect subcontract will be counted toward the DBE goals. A DBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of work of a contract or subcontract and carries out its responsibilities by performing, managing, and supervising the work involved. If a DBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the DBE is presumed not to be performing a commercially useful function. The DBE may present evidence to rebut this presumption.
 - d. The total dollar value of materials and supplies obtained from DBE suppliers and manufacturers will be counted toward DBE goals if the DBE assumes the actual and contractual responsibility for the provision of the materials and supplies.
 - e. The District, through its Diversity Officer will review the contractor's DBE involvement efforts throughout contract performance. Such review will include but will not be limited to, the contractor's and the DBE's quarterly statements of income from the District which shall document the portion of said income paid to DBE. The Contractor agrees to supply copies of any documentation the District requires in order to complete such a review.

The Workforce Participation Program

The Board of Education, with the Commission's approval, has established the Workforce Participation Program ("Workforce Participation Program") for the purpose of:

- (a) maximizing the involvement of the Cleveland Metropolitan School District Community in the Project;
- (b) expanding employment opportunities for students and graduates of the District;
and

- (c) promoting the participation of Minority, female and District residents in providing services in connection with the Project.

The Workforce Participation Program aspires to achieve the following goals; participation by minorities of twenty percent (20%), female participation of five percent (5%) and Cleveland Metropolitan School District resident participation of twenty percent (20%) of all Project hours worked. Contractors are required by the Workforce Participation Program to use Good Faith Efforts to employ minorities (minorities includes African Americans, Hispanic Americans or Latino Americans, Native Americans, Asian-Pacific Islander Americans, Subcontinent-Asian Americans or Native Hawaiian), females and District residents to supply services in connection with the Project and to otherwise achieve the goals of the Workforce Participation Program.

Good Faith Efforts

A Bidder's compliance with the requirement to make Good Faith Efforts to employ minority, female, and District residents to supply on-site labor in connection with the Project shall be a matter of bidder responsibility. A Bidder can demonstrate that it has complied with requirement by certifying to the School District or its designee, in writing, that as of the date of such certification, which date shall be subsequent to the opening of bids and prior to the award of the related contract, that:

- (a) the Bidder employs the services of minority, female, and/or District residents permitting it to reach Workforce Participation Program goals, in which case the Bidder shall certify that it has the ability to achieve the goals and complete the Current Employment Data Form and provide a preliminary description of the work on the Project to be performed by such individuals; or,
- (b) the Bidder does not employ minority, female, and/or District residents permitting it to reach Workforce Participation Program goals, in which case the Bidder shall include in its written certification the following:
 - (1) An estimate of the number of full and part-time employees the Bidder will be deploying on the Project and the number of new hires it anticipates needing to perform the work; and
 - (2) The Bidder attended all pre-bid meetings scheduled by the Construction Manager to inform Bidders of the availability of minority, female and District residents to provide labor for the applicable portion of the Project; and
 - (3) If the Bidder were to be awarded a contract, the Bidder shall agree in the construction contract to:
 - (i) Continue to use good faith efforts to locate and employ as new hires minority, female, and District residents to supply on-site labor in connection with the Project in accordance with Workforce Participation Program goals;
 - (ii) Maintain records of the Bidder's efforts to employ persons listed on any registry of minority, female and District residents which

may be compiled by the School District or its designee including any reason persons on that registry who were contacted by the Bidder were not subsequently employed;

- (iii) Maintain a file of minority, female and District resident job applicants and the reasons for any action taken regarding each such applicant;
- (iv) Maintain records detailing the Bidder's efforts to recruit minority, female, and District residents;
- (v) Give notice to the School District or its designee of any practice by any party encountered by the Bidder that serves to impede the employment of minority, female and District residents;
- (vi) Compile and provide to the School District or its designee weekly labor utilization reports in sufficient detail so as to allow the School District or its designee to track the Bidders good faith efforts to meet the Workforce Participation Program goals;
- (vii) Upon written request of the School District or its authorized representative, the Bidder will provide to the School District documentation (including, but not limited to, the records described above) describing the specific measures it has utilized in striving to comply with Workforce Participation Program goals;
- (viii) Upon written request of the School District or its authorized representative, an appropriate representative of the Bidder will appear at a meeting of the School District Board to discuss the specific measures the Bidder has utilized in striving to comply with Workforce Participation Program goals; and
- (ix) The Bidder agrees to bind its subcontractors and supplies to engage in Good Faith Efforts to comply with the Workforce Participation Program goals.

Determination of Good Faith Efforts

Compliance with the Workforce Participation Program is a matter of bidder responsibility. The procedures governing bid rejection based on a Bidder's failure to make the Good Faith Efforts shall be governed by the Instruction Bidders. The School District or its designees, shall monitor the bid evaluation procedure.