



I. Minority Business Mission Statement

It is the intent of Lander University to utilize minority-owned businesses for purchases of goods and services whenever feasibly possible provided the goods and services meet the required needs of the procurement.

Lander University will contact minority-owned businesses that are not currently certified to encourage them to take advantage of a renewed commitment by the state's offering of new long term incentives available with certification.

II. Minority Expenditure Goal.

Lander University's goal is to achieve spending 10% of the total dollar amount of expenditures with Minority Business Enterprises certified by the Division of Small and Minority Business Contracting and Certification.

III. MBE Operational Procedure Definition.

1. Minorities are defined as United States citizens who are economically and socially disadvantaged.

a. Socially disadvantaged individuals are those individuals, who have been subject to racial or ethnic prejudices or cultural bias because of their identification as a member of a certain group, without regard to their individual qualities. Such groups include, but are not limited to: Black Americans, Hispanic Americans, Native Americans including American Indians, Eskimos, Aleuts and Native Hawaiians, Asian Pacific Americans and Women.

b. Economically disadvantaged individuals are those who are socially disadvantaged and whose abilities to compete in the free enterprise system have been impaired due to diminished capital and credit

opportunities as compared to others in the same business area who are not socially disadvantaged.

2. A socially and economically disadvantaged small business is defined as any small business concern which:
 - a. At least fifty-one (51) percent owned by one or more citizens of the United States who are determined to be socially and economically disadvantaged.
 - b. In the case of a corporation, at least fifty-one (51) percent of all classes of voting stock of such corporation must be owned by an individual determined to be socially and economically disadvantaged.
 - c. In the case of a partnership, at least fifty-one (51) percent of the partnership interest must be owned by an individual or individuals determined to be economically disadvantaged and whose management and daily business operations are controlled by individuals determined to be socially and economically disadvantaged. Such individuals must be involved in the daily management and operations of the business concerned.

IV. MBE Liaison

Lander University's Director of Procurement shall serve as the MBE Liaison Officer to implement, develop, and supervise the utilization of MBEs in all aspects of procurement except as outlined in Section 11-35-5240 of the Consolidated Procurement Code.

Current Liaison Officer:

Mary W. McDaniel, Director
Procurement & Retail Services
CPO 6023
320 Stanley Avenue
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Phone 864.388.8242
Fax 864.388.8891

V. Duties of the MBE Liaison Officer

Duties of the MBE Liaison Officer shall include those outlined in Section 11-35-5240 of the Consolidated Procurement Code and Section 19-445.2160, subsection E, item 2(b) of the Procurement Rules and Regulations.

These duties include, but are not limited to:

1. Maintain all records and submit all reports required by Section 11-35-5240 of the Consolidated Procurement Code.
2. Develop, manage, and implement the MBE program on a day-to-day basis.
3. Maintain a directory of minority firms who wish to do business with the State.
4. Disseminate information on available business opportunities so that MBEs are provided an equal opportunity to bid on services, supplies and construction to be procured by Lander University.
5. Establish and maintain records on the number of Invitations for Bid (IFB), Request for Proposals (RFP) and Request for Quotations (RFQ) sent to minority firms, answers received and contracts awarded when applicable to the dollar procurement limit of Lander University, currently \$200,000 for goods and services, \$150,000 for information technology, and \$200,000 for construction services.
6. Maintain records to indicate the number and dollar value of small purchases made from certified, qualified and responsive minority firms including local purchase orders and service orders.

VI. MBE Designated Procurements Plan

Lander University will identify and designate MBE procurements exceeding the agency's procurement certification (\$200,000 for goods and services, \$150,000 for information technology, and \$200,000 for construction services) for MBE solicitation by the State Fiscal Accountability Authority.

These MBE procurement designations will occur on a regular basis. Once these MBE designated procurements are forwarded to Procurement Services for solicitation to MBEs, it is expected that Procurement Services will assure

1. the minority firms have the capability to provide the desired quality; and
2. the price is fair and reasonable, as well as competitive both to the State and the contractor and results in no loss to the State.

VII. Division of Larger Projects Into Smaller Units

1. In large and small construction projects where subcontract work will be involved, every reasonable effort will be made by Lander University to subcontract work with qualified minority firms where practicable.
2. Lander University will begin to seek MBEs in the Upstate area and will expand the search to all of South Carolina to produce MBEs in numbers sufficient to meet established goals.
3. Lander University will encourage all general contractors or bidders to make every effort to meet the MBE goal established for specific contracts as mentioned above. However, if a bidder submits the lowest bid without meeting the MBE goal, but submits evidence that he has made a reasonable effort to meet the MBE contract goal, then the contract will be awarded to this bidder.
4. To demonstrate reasonable efforts to meet the MBE contract goal, Lander University will require contracts to document the steps they have taken to obtain MBE participation. These steps shall include but not be limited to the following:
 - a. Efforts made to select portions of the work proposed to be performed by MBEs in order to increase the likelihood of achieving the stated goal, including, where feasible, split projects to accommodate small and minority participation.
 - b. Efforts to negotiate with MBEs for specific subcontracts including the names, addresses and telephone numbers of MBEs that were

contacted and a description of the information provided to MBEs regarding the plans and specifications for portions of the work to be performed.

c. A statement concerning each MBE the bidder contacted but rejected as not being qualified and the reason for the bidder's conclusion.

5. To ensure that all obligations under contracts awarded to MBEs are met, Lander University will review the contractor's MBE involvement efforts during the performance of the contract. The contractor shall bring to the attention of Lander University any situations in which regularly scheduled progress payments are not made to MBE subcontractors.

6. The methods by which Lander University will require contractors, subcontractors, and sub-recipients to comply with applicable MBE requirements are described as follows:

a. Periodic reviews shall be made by the MBE Liaison Officer and the MBE Coordinator or his designee to determine the extent of compliance by contractors, subcontractors and sub recipients. If either is found to be in a non-complying state, notification will be given in writing with a time limit for corrective action. Should any person advise Lander University of any belief of any class or individual being subjected to an alleged violation of this MBE program, by filing a complaint in writing, a prompt investigation will be made by the MBE Coordinator or his designee.

b. If any contractor, subcontractor or sub-recipient is found in non-compliance and does not implement corrective action within a reasonable time, further payments for any work performed will be withheld until a conciliation agreement is reached.

7. Each Lander University Procurement Officer will review all contracts and potential contracts prior to releasing a Request for Quotation, Invitation for Bid or Request for Proposal to assure that the scope of services of the contract is not restrictive to MBEs and where possible, divisions into smaller units will be made to assure MBE participation.

VIII. Minority Income Tax Credit

Lander University in compliance with the South Carolina Consolidated Procurement Code, chapter 35, sub article 3, section 11-35-5210, wishes to ensure that minority subcontractors will be given equal consideration in all bid solicitations made by this agency. Additionally, the following statement will be included in all Request for Quotations, Invitation for Bid and Request for Proposal solicitations in accordance with section 11-35-5230.

“Firms with state contracts which subcontract a portion of the work to certified minority firms will be eligible for an income tax credit equal to 4% of the total payment made to minority subcontractors for work performed on state contracts. To be eligible for the 4% income tax credit, subcontracting firms must be certified by the Small and Minority Business Assistance Office as a minority firm. Information pertaining to the income tax credit can be obtained from the South Carolina Tax Commission or the Small and Minority Business Assistance Office.”

IX. Progress Payments

Upon request from the contractor, progress payments will be processed by Lander University as expeditiously as possible upon certification of receipt of goods or progress of services within the terms of the contract or agreement. In accordance with the provisions of Section 11-35-5250 of the Procurement Code, the Chief Procurement Officer may make special provisions for progress payment to minority firms as deemed reasonable.

X. Quarterly Reporting Procedures

The MBE Utilization Plan shall be submitted to the Office of Small and Minority Business Assistance no later than July 30 annually.

1. Progress reports shall be submitted to the Office of Small and Minority Business Assistance no later than 30 days after the last day of each fiscal quarter in the format provided by that office.
2. Annual Reports shall be submitted to the Office of Small and Minority Business Assistance no later than 30 days after the end of the fiscal year in the format provided by that office.

3. When a purchase order is issued to a prime contract for construction or goods and services, a quarterly reporting form will be sent to that prime contractor. This report shall be completed and submitted to the Lander University MBE Liaison Office no later than 10 days after the last day of the fiscal quarter.

XI. Subcontracting Procedures

Minority subcontractors identified by General Services will be notified by Lander University that upon written request, they will be notified of prime contractor solicitations when issued. This will afford them the opportunity to participate as subcontractors on prime contractor bids. This activity will be monitored during the fiscal year.