

RECOMMENDED PRACTICES FOR PREVENTING SB/DVBE PROGRAM ABUSE

1. Accept Responsibility

a. Before Procurement:

Responsibility for a department's purchasing program resides with the department's staff (executive, management staff and all staff involved in the procurement).

All personnel involved in the procurement process must have the appropriate training, experience, level of responsibility, and accountability as necessary to ensure compliance with all State laws, regulations, executive orders, and with all DGS/PD policies, procedures, and recommended practices.

b. During Performance:

Notify all DVBE subcontractors directly that they were listed as subcontractors for specific prime contractors on awarded contracts, along with basic contract details and information on how to file a complaint. If an awarding department does not notify the DVBE firm on the front end, program abuse may go unreported and unaddressed.

c. After Performance:

Recognize that businesses that do not meet the SB/DVBE requirements spelled out in the procurement or contract are not or have not performed on the procurement or contract and corrective action is required.

2. Have established written procedures for recording, tracking and addressing complaints received regarding the SB/DVBE program.

a. Identify a single point of contact for complaints regarding the SB/DVBE program. (SB/DVBE Advocate recommended)

b. Identify the logistics for getting all complaints received within the department to the single point of contact. Consider designated phone message lines and email boxes. Identify these to all staff.

c. Track the complaint.

- Date Received
- Evaluation
- Did it involve potential SB/DVBE Program violations?
- Was it investigated? By whom.
- What was the disposition?

d. Consult with the DGS Office of Small Business and DVBE Services (OSDS) whenever possible.

3. Recognize the Importance of the SB/DVBE Advocate Role

- a. Recognize SB/DVBE Advocate role as a key role within department.
- b. Maintain your Department's SB/DVBE Advocate contact information within the statewide directory of advocates and widely distribute this contact information within your department.
- c. SB/DVBE Advocate duties should include:
 - Processing DVBE substitution requests.
 - Researching complaints and allegations involving the SB/DVBE program. (recommended in #2a above)
 - Writing and submitting reports of violations to OSDS.
 - Identifying potential SB and/or DVBE prime contractors or subcontractors and potential contracting opportunities.
 - Making information regarding pending solicitations available to and considering offers from certified SB and/or DVBE firms capable of meeting the State's business need.
 - Ensuring that payments due on purchase documents with SB/DVBE suppliers are promptly made as provided by GC section 927 et seq.
 - Working diligently to build working relationships with SB/DVBE firms who provide diverse services and products.

4. Maintain detailed contract and procurement files.

- a. General

It is absolutely essential to maintain good records and information relating to the decisions made during the initial planning phase. This is the beginning of establishing the paper trail that should continue throughout the procurement process from the department request through contract conclusion and closure.
- b. Have an internal policy and procedures outlining where buyers should file required procurement documents including CUF evaluations and DVBE Substitution Requests.
- c. The Statement of Work (SOW) must be included for all goods and services transactions. A clear and concise SOW protects the state and the contractor by identifying and documenting the details of the work to be performed.
- d. Declarations shall be obtained and kept within the file.