



Disabled Veteran Business Enterprise DVBE Subcontracting Report

▶ RESOURCE AND TRAINING

Office of Small Business and DVBE Services
October 2020

TRAINING OUTLINE

- Background
 - ❖ Website Resources
 - ❖ Statutes & Regulations
- DVBE Reporting Requirements
- Revised DVBE Reporting Forms
- New 2020 Legislation Impacting the Report
- DVBE Program Compliance

DVBE SUBCONTRACTING REPORT WEBPAGE

- ▶ Go To [DGS Homepage](#)
- ▶ Search for “DVBE Subcontracting Report”
- ▶ Click on [File a DVBE Subcontracting Report](#)

- ▶ Information Available:
 - ❖ Steps in Reporting Process
 - ❖ Report Forms and Instructions
 - ❖ Training and FAQs

DVBE SUBCONTRACTING REPORT WEBPAGE LINKS

Reports Forms and Instructions (Updated 2020)

- Prime Contractor DVBE Subcontracting Form (DGS PD 810P)
- Department DVBE Subcontracting Form (DGS PD 810D)
- Department DVBE Subcontracting Form Instructions

Training and FAQ (Updated 2020)

- DVBE Subcontracting Forms Training
- DVBE Subcontracting Training FAQs

STATUTORY AND REGULATORY REQUIREMENTS

- ▶ **Military and Veterans Code Section 999.5(d)**
- ▶ **Government Code Section 14841**
- ▶ **Code of Regulations Section 1896.78(e)**
- ▶ **State Contracting Manual (SCM) Section 8.16(c)
Volume 2,3,F- Chapters 3 & 12**

Upon completion of the contract, the awarding department shall require the prime contractor to certify, in detail, information regarding payments to the DVBE(s).

AUTHORITY - STATUTES

MVC 999.5

(d) Upon completion of an awarded contract for which a commitment to achieve a disabled veteran business enterprise goal was made, an awarding department shall require the prime contractor that entered into a subcontract with a disabled veteran business enterprise to certify to the awarding department all of the following:

- (1) The total amount the prime contractor received under the contract.
- (2) The name and address of the disabled veteran business enterprise that participated in the performance of the contract.
- (3) The amount and percentage of the work the prime contractor committed to one or more disabled veteran business enterprises under the requirements of the contract and the amount each disabled veteran business enterprise received from the prime contractor.
- (4) That all payments under the contract have been made to the disabled veteran business enterprise. Upon request by the awarding department, the prime contractor shall provide proof of payment for the work.

DVBE SUBCONTRACTING REPORTS

PRIME CONTRACTOR DVBE SUBCONTRACTING REPORT

Form DGS PD 810P

Prime contractor to submit to the awarding department upon completion of a contract on which DVBE subcontracting was used/committed

DEPARTMENT DVBE SUBCONTRACTING REPORT

Form DGS PD 810D

Department to submit to DGS each November 1st the consolidation of all the prime contractor's DVBE subcontracting reports received for the fiscal year.

PRIME CONTRACTOR'S DVBE SUBCONTRACTING REPORT FORM DGS PD 810P

PRIME CONTRACTOR'S REPORT DGS PD 810P

- Captures DVBE subcontracting information
- ONLY one contract per form
- Includes all DVBE firms that performed an element of the work on this contract.
- Departments fill out prior to emailing to the prime contractor
 - * Contract Number
 - * Department Information
 - * Date Contract Completed
 - * Contract Award Amount
 - * All listed DVBE Subcontractors' Name, address and Certification Number
 - * Total Contracted Amount to Each Listed DVBE
- * Prime Contractor Name, Address

PRIME CONTRACTOR'S REPORT DGS PD 810P

- ✓ Multi-Year Contracts due at the end of the contract (not every year).
- ✓ On Statewide Contracts, information on DVBE is reported by prime contractors directly to DGS PD, not awarding departments.
- ✓ Awarding departments must ensure receipt of the report from the prime contractor within 60 days from the issuance of the final payment.

Per AB 1365, departments retain ALL DGS PD 810P and supporting information reported in their procurement and reporting files for 6 years.

**STATE DEPARTMENT'S
DVBE SUBCONTRACTING REPORT
FORM DGS PD 810D**



STATE DEPARTMENT'S REPORT DGS PD 810D

NOTES:

- The report is due annually to OSDS on November 1st
- All information for this report is captured from the Prime Contractors' Reports (Form DGS PD 810P)
- All contracts and POs with DVBE subcontracting completed within the reporting Fiscal Year for which you received an 810P.
- Prime contractor reports received after the department's submission to OSDS shall be included in the next fiscal year report.
- Include contracts issued by DGS or any other department on behalf of your department, except statewide contracts.



STATE DEPARTMENT'S REPORT

DGS PD 810D

State Department's Contractor DVBE Subcontracting Consolidation Report											STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES			
DGS PD 810D (Rev. 10/2019) Formerly GSPD 810D						Fiscal Year							PROCUREMENT DIVISION	
Agency						City								
Department						Zip								
Address														
Preparer's Information						Approver's Information								
Name		Title				Name		Title						
Signature						Signature								
Telephone		Date				Telephone		Date						
Email						Email								
										Total Number of Completed Contracts				
Purchase Order Number or Contract Number	Prime Contractor Name	Prime Contractor FEIN	Date Final Payment Received by Prime	Date Prime Contractor Certification Form Received	Received Contractor Form within 60 Days?	Total Contract Award Amount	Total Amount Paid to Prime	DVBE Contract Commitment Amount	Total Amount Paid DVBE Sub(s)	Total Percentage Committed to DVBE Sub(s)	Total Percentage Paid DVBE Sub(s)			
Grand Total					0	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.00%	0.00%			
						\$	\$	\$	\$	0.00%	0.00%			
						\$	\$	\$	\$	0.00%	0.00%			
						\$	\$	\$	\$	0.00%	0.00%			
						\$	\$	\$	\$ 14	0.00%	0.00%			
						\$	\$	\$	\$	0.00%	0.00%			
						\$	\$	\$	\$	0.00%	0.00%			

NEW!

STATE DEPARTMENT'S REPORT DGS PD 810D

NOTES:

- Each line represents **ONE** prime contractor's report.
- Additional lines are available on separate tabs.
- The grand total is calculated on the first tab.
- Blue cells are calculation cells and are locked from editing.
- **NEW!** Enter the total Number of Contracts with DVBE subcontractors completed during the fiscal year.
- **NEW!** No longer on legal sized paper or format.
- **NEW!** Supports electronic signature.
- Email to OSDSReports@dgs.ca.gov

REPORTING REQUIRED!

- All Agencies/Departments must report.
- If an Agency/Department does not believe they should report, they must show the specific statute demonstrating they are exempt from reporting.
- If you did not receive any DGS PD 810Ps from prime contractors, fill out the 810D including the total number of contracts completed during the fiscal year, state “*Nothing to Report*” and submit.
- If no contracts were completed during the fiscal year, enter 0 in the number of contracts completed field.



PREFERRED METHOD:

Email to OSDSReports@dgs.ca.gov

Mail or deliver to:

Department of General Services
Procurement Division
Office of Small Business and DVBE Services
Attn: OSDS Reports Coordinator
707 3rd Street, Room 1-400, IMS Z-1. MS 210
West Sacramento, CA 95605

Note: Do NOT include the Prime Contractor's DVBE subcontracting reports (DSG PD 810P) with this report.

SAVE these in your records!

**DUE DATE
NOVEMBER 1st**

DVBE Subcontracting Report and DVBE Program Compliance

COMPLIANCE MEASURES

- **AB 230 (effective January 2020)**
 - ❖ **Added Public Contract Code Section 10230 regarding notification to contractors**
 - ❖ **Strengthen Military and Veterans Code Section 999.5 regarding DVBE subcontractor use**
- **System Generated Subcontract notifications in Fi\$Cal (effective May 2020)**
- **SB 588 (effective January 2021)**
 - ❖ **Added withholding until DVBE subcontract use has been certified.**
- **Important actions moving forward**
 - ❖ **OSDS to use of DVBE Subcontracting Reports as a tool to identify prime contractors not utilizing subcontractors.**

AUTHORITY - STATUTES

NEW MVC 999.7

(a) The awarding department shall withhold, on a contract entered into on or after January 1, 2021, ten thousand dollars (\$10,000) from the final payment, or the full final payment if less than ten thousand dollars (\$10,000), until a prime contractor complies with the certification requirements of subdivision (d) of Section 999.5. A prime contractor that fails to comply with the certification requirement shall, after notice, be allowed to cure the defect. Notwithstanding any other law, if, after at least 15 calendar days but not more than 30 calendar days from the date of notice, the prime contractor refuses to comply with the certification requirements, the awarding department shall permanently deduct ten thousand dollars (\$10,000) from the final payment, or the full payment if less than ten thousand dollars (\$10,000). For contracts awarded for use by multiple state agencies, the Department of General Services may prescribe additional or alternative mechanisms for enforcing the certification requirement.

STATUTORY AND REGULATORY REQUIREMENTS

NEW SB 588 added Military and Veterans Code Section 999.7

- On contracts entered into on or after January 1, 2021
- Awarding departments shall withhold \$10,000 from the final payment, or the full final payment if less than \$10,000
- Until the prime contractor complies with the certification requirements of section 999.5 of the Military and Veterans Code.

If the prime contractor fails to comply with the certification requirements:

- The awarding department shall give notice to the prime contractor of the requirement
- The prime will be allowed to cure the defect
- However, after at least 15 calendar days but no more than 30 calendar days from the notice, the prime contractor fails to provide certification, the awarding department shall permanently deduct \$10,000 from the final payment or the full payment if less than \$10,000

ASSISTANCE AVAILABLE

- **Information posted of DGS Website:**

[How to File a Complaint to OSDS webpage](#)

Or search “File Complaint regarding Small Business and Disabled Veteran Business Enterprise (SB/DVBE) Program”

- **Training programs being developed for release in 2021**

- **Personalized trainings available upon request**

Contact: Carl Josephson at Carl.Josephson@dgs.ca.gov for details

CONTACT INFORMATION

For SB/DVBE Reporting Questions:

OSDSReports@dgs.ca.gov

For DVBE Substitutions and other Compliance Questions:

SB.DVBECompliance@dgs.ca.gov

THANK YOU!

Questions?

