

SDC Meeting 3/28

Called to order by L. Jay Burks at 21:0pm

Adopt a strategy to execute the recommendations

- Identify resources in order to move forward
- Sakthi Vel, L. Jay Burks, Cathy Imburgia, Ken Anderson, Dawn Kurtz Crompton
- phone: Ron Tutundji, Shavonne White, Devona Williams, Dean Stotler, Carmen Hererra, (Liaison for DTI), Pam Drapier (not present Clay Hammond, Ron Frazier, Cleon Cauley, Fernando Guajardo)

Updates:

MyMarketplace.delaware.gov upgrades

- symbolic of a lot of things that GSS is implementing state-wide; most fair & transparent procurement process in the nation

MWBE mid-year report

- Devona & Dean have reviewed
- new format developed from the SDC report, along with feedback from Dean

SDC Report Status:

Governor is amenable to mostly all the recommendations

- aware of challenges; amendable to e-procurement, but the fiscal realities are limiting

Recommendations:

1. Do Not Conduct a Formal Disparity Study At This Time
 - a. Governor accepted this recommendation
2. Assure Consistency of Procurement Practices Across Agencies (Dean Stotler)
 - a. need personnel to implement → two active job posting for contract officer positions
 - b. already laid foundation (via MyMarketplace, etc.) for best practices
 - c. set expectation for vendor community for state expectations
 - d. all procurement professionals will need to go through a course in order to be able to execute a contract on behalf of the state
 - e. MWBE has met with several agencies to provide supplier diversity training
 - f. Jay has seen significant improvement with posting on bids.com (both contracts and pre-bid lists)
3. Conduct Independent Data Collection via E-Commerce Platform (Dean Stotler)
 - a. this would require a significant investment; cost is not overly excessive

- b. OMB has hired a consultant that has produced a draft report to identify need & interest from agency buyer/agency finance office for e-commerce solution
- c. want to incorporate in to First State financial system
- d. will require a project timeline
- e. data collection is occurring in that we are tracking veteran, MWBE, and Delaware based businesses
 - i. this is being done manually, largely
 - ii. e-commerce provides real-time monitoring & tracking; implementation would help to make the system even more transparent
- f. tracking & management for central contracts for cooperative spend, 2nd tier spend
- g. open market bidding & under threshold remains a market opportunity
- h. agencies should be expected to fill out awarded contract information

4. Conduct MWBE Outreach and Training

- a. Outreach:
 - i. MWBE has contacted GSS; that model has been quite effective to reach out through small business administration database & website for solicitation of bid opportunities & tracking of the types of business; that info is then sent to DEDO to explore opportunities for growth
- b. Training (L. Jay Burks with help from Ron Tutundji):
 - i. there are various partnerships, but there is nothing crafted specifically for how to submit a proposal; users may want soup to nuts “how to submit a proposal”
 - 1. may be challenging when there are various methodologies among all the agencies; highly nuanced; RFPs are not required to go with lowest price, they always have an element of subjectivity; may be best to acknowledge that there are challenges to this training but still need to familiarize people with how to do business)
 - a. use broad brush strokes to provide basics for training
 - b. use evaluation criteria; how you respond with your qualifications (Devona)
 - c. include anecdotal success stories
 - ii. “Selling to the State” guide deals with procedural and substantive (generic, basic overview)
 - 1. http://gss.omb.delaware.gov/contracting/documents/selling_to_the_state_guide.pdf
 - 2. every single RFP template states that applicants should read this manual from cover to cover

- 3. scope of work & weight of evaluation is intentionally left to each agency in their specific subject area
 - iii. is there a discrepancy between the person who is writing the technical standards as opposed to the contract officer who is selecting & evaluating the response
 - 1. the firewall may be appropriate for some reasons
 - iv. want to maintain the variables and subjectivity of individualized procurement
 - v. MWBE is not involved with contract drafting, but may be best suited to handle these trainings along with assistance from private individuals (like Cathy, Devona, and Sakthi)
 - 1. process maps, flow charts (may be adapted from the existing documents to be more user friendly & clarify)
 - 2. express clearly that each RFP is an organic process and that each agency has a different culture concerning proposals
 - a. would be helpful to publish awarded (redacted) contracts as a template; soon to be published as an extension of mymarketplace.delaware.gov
5. Develop a Race/Gender-Neutral Small Business Set Aside Program (Ken Anderson; Jay to provide him the EO)
 - a. Cleon's feedback was that this was a great idea but the Gov needs more information & how will this be implemented; race neutral and robust
 - i. maybe by Executive order
6. Sponsor Prompt Payment of Subcontractors Legislation (Dean & Jay)
 - a. something currently exists in the code but only applies to public works procurement
 - i. public works must pre-announce pre-qualified subs, whereas with prof'l svcs
 - ii. state is required to pay within 30 days after "successful completion" of job; completion may be contested
 - b. SDC would like to expand to all contracts
 - c. what is the next step
 - i. follow-up with Cleon (where do we want this legislation to come from)
 - ii. discuss with small business caucus (Cathy could present as a non-state employee)
 - iii. state does not want to be administering relationships at the contract administration level (adding additional state responsibility & administration)
 - 1. currently can assess a 1% per month/12% per annum interest rate penalty
 - 2. some vendors may be fearful to invoke this clause

- iv. encourage awareness among the agencies to reinvigorate & place priority on prompt payment
7. Strengthen the OMWBE Certification (Jay & Cathy)
 - a. strengthen benefits & visibility:
 - i. there is a lot of fine point minutiae
 - ii. incentivize certification
 - iii. currently a marketing tool
 1. MWBE sends email blasts w/contract opportunities
 - iv. what other 'bonuses' does a MWBE certified business get
 1. the agencies do not offer points for the certification (should be more than a 'feel good' benefit)
 - b. strengthen process:
 - i. affidavit language
 - ii. incentivize certification
 - iii. reaffirm to business community that vendors have been vetted
 - c. explore DelDOT & DBE certification
 - i. stringent certification
 - ii. possible synergies
 8. Restructure the Reporting of the Office of Minority and Women Business Enterprises
 - a. governor acknowledged need for advocacy but did not want to act on this recommendation
 9. Broaden the Scope of Supplier Diversity Council to Consider Veteran Owned Business Enterprises (Fernando & Jay)
 - a. Governor amenable
 - b. need to identify process and how to implement
 - i. GSS is currently tracking Veteran owned business
 1. currently included in non-collusion & W9 registry; sourcing efforts
 - ii. HB 17 proposes adding Veterans to SDC (Rep. Jakes)
 10. Make Clear the Executive Support for Sustainability
 - a. Robust recommendation
 - b. Governor's entrepreneurial conference
 - i. Megabizfest conference had 90% agency participation
 - ii. Gov should hold SDC Summit with business leaders, etc.
 1. busy time (tourism, entrepreneurial, etc.)
 2. now that we have momentum, should seize the opportunity between June & September
 - a. Make it a part of Ken's MWBE September conference
 - c. Also ask the Governor to renew his support to the cabinet secretaries
- Adjourned at 3:39pm.