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Best Practices for Contracting with Service-Disabled Veteran-Owned Businesses

OGS Division of Service-Disabled Veterans'
Business Development

Anthony Tomaselli, Assistant Director

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April 30 & May 1, 2019

#2019NYGovBuy  @NYSPRO  @nysprocurement

SDVOB Program Overview

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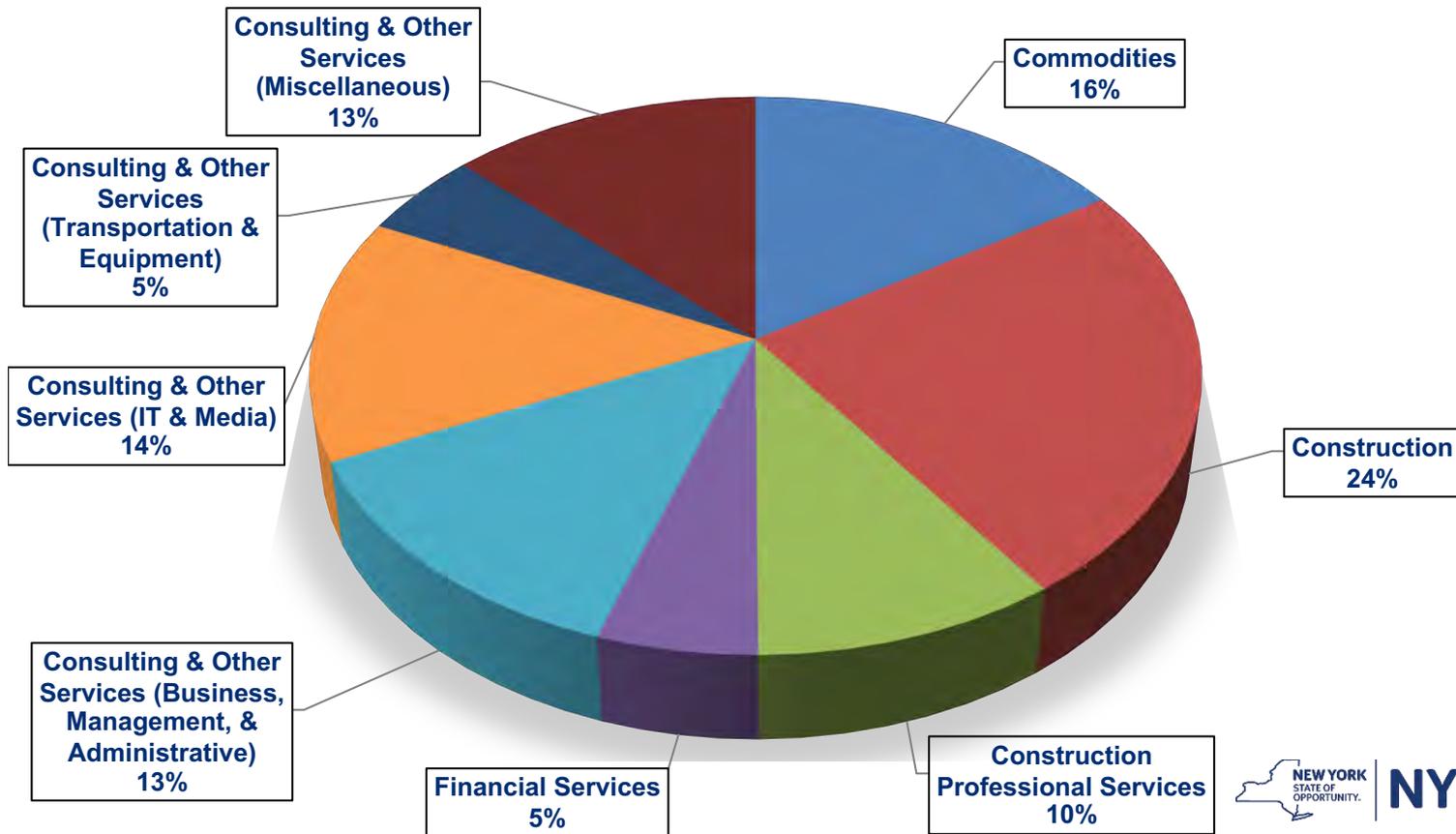
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Program History

- SDVOB Act signed by Governor Cuomo in May 2014
- Over 600 businesses now certified
- Many SDVOBs listed on OGS Centralized Contracts
- Over \$116 million in total disbursements to SDVOBs
- Over 60% increase in reported disbursements from FY2017/18 to FY2018/19



Diverse Group of SDVOBs





The Goal

All NYS agencies and authorities will meet or exceed the legislated 6% SDVOB participation rate.



Agency/Authority Requirements & Responsibilities

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Contract Inclusion Requirements

- All contracts must include language referencing the SDVOB program.
 - Promotes awareness of the SDVOB program among bidders/proposers.

Sample SDVOB Solicitation & Contract Language available on the web at: <https://ogs.ny.gov/veterans/>

- Samples available for contracts *with* and *without* required SDVOB participation goals and SDVOB Set-Aside contracts.





Office of General Services

Real Estate Design & Construction Procurement Government Support Do Business State Employees Visit

Division of Service-Disabled Veterans' Business Development

Get certified or find certified businesses.



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ABOUT

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Directory of New York State-Certified Service-Disabled ...

Search for NYS-certified Service-Disabled Veteran-Owned Businesses.

[SEARCH DIRECTORY](#)

Get Certified

Eligibility and how to get certified in New York State as a Service-Disabled Veteran Owned Business

- [CERTIFICATION ELIGIBILITY](#)
- [CERTIFICATION STEPS](#)
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Compliance and Reporting

Guidelines and forms for state agency and contractor reporting.

- [STATE AGENCY GUIDELINES](#)
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Contact

Sample Solicitation & Contract Language

	Sample SDVOB Solicitation and Contract Language	 DOWNLOAD
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NEXT SECTION

[Continue](#) 

Contractor Reporting Forms

Contractor Reporting Forms

	SDVOB 100 - Utilization Plan	 DOWNLOAD
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Sample SDVOB Solicitation & Contract Language

- When you open the word document you will find:
 - Instructions for Using Sample SDVOB Contract Language (p. 1)
 - Attachment A – SDVOB Goals (p. 2)
 - Attachment B – No SDVOB Goals (p. 6)
 - Attachment C – SDVOB Set-Aside (p. 7)
- These are samples!
 - Your agency/authority may create its own customized solicitation/contract language.
- Please share any customized language developed with the DSDVBD for review before using it.

How do you find Certified SDVOBs?

- Directory of NYS Certified SDVOBs online at:

ogs.ny.gov/veterans

- To receive email notification each time the Directory of NYS Certified SDVOBs is updated, contact us at veteransdevelopment@ogs.ny.gov.

TOP  **Division of Service-Disabled Veterans' Business Develop...**

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Directory of New York State Certified Service-Disabled Veteran-Owned Businesses



KEYWORD

Search by Keyword or Certification Number

Enter a keyword, business name, or SDVOB Certification Number.



CATEGORY

Search by Business Category

Select a business category to view all certified-disabled veteran-owned businesses within that industry.



COUNTIES SERVED

Search by Where We Work

Select a county to view all certified-disabled veteran-owned businesses that do business within that county.

Search

Search NYS Centralized Contracts



Directory of NYS Certified SDVOBs

List View

Certification Number	Business Name (click for more info)	Address	Phone	Email	Category	Home Region
141001	Tolman Engineering, Architecture, & Surveying, PLLC	3610 Lawson Road Jamestown, New York 14701	(716) 484-1366	rtolman@tolmaneng.com	Architectural, Engineering & Surveying Environmental	Western New York
141004	MacDonald Land Surveying & Engineering D.P.C.	199 Wycliff Dr. Webster, New York 14580	(585) 747-3334	macdonaldlse@gmail.com	Architectural, Engineering & Surveying	Finger Lakes
141011	Invictus, LLC	30 Broad Street 40th Fl. New York, New York 10004	(917) 900-2999	mail@invictusllc.com	Administrative & Technical Construction Horizontal: Highways & Roadways; Maintenance, Repair & New Construction Construction Vertical: Building Construction; Rehabilitation & New Construction	New York City
	Clear It Out	211 Tecumseh Ave			Construction Vertical: Building Construction; Rehabilitation & New	Miri-



Directory of NYS Certified SDVOBs

Detail View

Tony Baird Electronics, Inc.

Audio Visual Integration, Custom Cable Manufacturing

BUSINESS DETAILS	
Legal Name	Tony Baird Electronics, Inc.
Address	407 S. Warren Street Syracuse New York 13202
Phone	(315) 422-4430
Email	tbaird@tonybairdelectronics.com
Web Site	tonybairdelectronics.com
SFS Vendor ID	1100022038
Keywords	Other Electronic Component Manufacturing, Electrical Contractors, Other Wiring Installation, Computer and Computer Peripheral Equipment and Software Merchant Wholesalers, Electrical Apparatus and Equipment, Wiring Supplies, Audio Visual Equipment
Home Region	Central New York
Counties Served	Statewide

NAICS CODES	
335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing
334310	Audio and Video Equipment Manufacturing
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
238210	Electrical Contractors and Other Wiring Installation Contractors
334419	Other Electronic Component Manufacturing
423690	Other Electronic Parts and Equipment Merchant Wholesalers



Finding SDVOBs – Tips

- Try different keywords: Pest Control vs. Exterminator etc..
- Export your search results into excel for more sorting tools.
 - To export the entire directory: click “search” without entering any information into the search fields.
- Call the business and ask!
 - The NYS SDVOB Directory does not necessarily list every single product or service a business offers.
- What if the SDVOB is not responsive?
 - **Contact our office ASAP!**



Using SDVOBs

- For all contracts, consult the **Directory of NYS Certified SDVOBs** prior to issuance of bid documents.
- Each contract should be examined to determine the potential for use to achieve the 6% goal.
- Determine if the contract can be a discretionary spend or if it provides opportunities for subcontracting or a SDVOB set-aside.





Using SDVOBs

- An internal agency process must be in place to account for the following situations:
 - If it is determined that there is no opportunity for SDVOB participation on a given contract, the agency needs to document the reasons so the contract may be excluded for the agency's quarterly SDVOB activity report.
 - Waivers (where contractors are unable to meet the SDVOB goal on a given contract).



Good Faith Efforts - Things to Consider

- Does your agency have processes and procedures in place to assess the contract for SDVOB participation?
- Are there SDVOBs available to participate?
- Can the contract be unbundled or broken up?
 - Lots/Regions?
- Are joint ventures, teaming agreements, partnerships, or other arrangements between primes and SDVOBs encouraged?
 - Can be *required* through participation goals.



Good Faith Efforts - Things to Consider

- Consider the whole scope of work
 - Can SDVOBs provide *any part* of the work or materials?
- The number and types of capable SDVOBs available.
 - Multiple potential SDVOBs are necessary for goals.
- Location of the contract performance.
 - Are any capable SDVOBs nearby?
 - Can SDVOBs from other regions participate?
 - Competitively?

Discretionary Spending with SDVOBs

- State agencies may use discretionary purchasing authority with NYS Certified SDVOBs up to \$200,000.
- Discretionary purchases are not subject to formal competitive bidding requirements.
- Follow your agency's internal policies and procedures governing discretionary purchases.
- **Discretionary Purchasing Guidelines for SDVOBs** available on [our website](#).

Sub Contracting with SDVOBs

For contracts including SDVOB participation as sub contractors or suppliers, Contractor Reporting Forms are available on the [DSDVBD website](#).

- SDVOB Utilization Plan – SDVOB 100
- SDVOB Waiver Form – SDVOB 200
- SDVOB Monthly Compliance Report – SDVOB 101
- SDVOB Monthly Compliance Report Instructions

Contractor Documents Required for Waiver

- A list of SDVOBs identified who participate on the contract.
 - Local and other regions when applicable.
- Copies of solicitations to SDVOBs and any responses.
 - Telephone logs detailing date, time, results of call.
 - Were relevant plans, specs, terms, conditions provided with enough time for SDVOBs to prepare a response?
 - **One spam email is not a good faith effort.**
- Explanation why any responsive SDVOBs were not utilized.

Contractor Documents Required for Waiver

- Dates of pre-bid, pre-award, or networking events attended.
- Description of specific steps to reasonably structure the contract scope in a way that supports subcontracting or obtaining supplies from SDVOBs.
- Evidence that terms and conditions offered to SDVOBs are comparable to those ordinarily offered by the contractor.



SDVOB Set-Aside

- Set-asides for SDVOBs may be done for any \$ amount.
- At least two SDVOBs must be able to respond.
- Identify in the Contract Reporter as SDVOB set-aside.
- Proceed with procurement as usual.
- Must be competitive/reasonable/fair market value.
 - Otherwise open up to all qualified vendors
- Set-Aside Guidelines available on [our website](#).





SDVOB Set-Asides

Order of Purchasing Priority

- Preferred Source
- **SDVOB Set Asides**
 - ❖ This is not a mandate – it is an option that is available *when it makes sense*.
- OGS Centralized Contracts
- Agency or Multi-Agency Established Contracts
- Open Market (including Discretionary Purchases)



Service-Disabled Veteran-Owned Business (SDVOB) Set Aside

Article 17-B of the Executive Law, enacted in 2014, provides for more meaningful participation in public procurement by Service-Disabled Veteran-Owned Businesses (SDVOBs). [Use this link to learn about the SDVOB Set Aside Program and to get assistance in determining if this opportunity should be an SDVOB Set Aside.](#)

Check this box to indicate opportunity is reserved for SDVOBs only.

Minority / Women Business Enterprise contracting goals (MWBE)

Using the form below, enter either individual **OR** total MWBE participation contracting goals. Use individual goals if your contract requires a specific distribution for Minority and/or Women participation. Use total participation goals if your contract allows a combined Minority and Women participation goal.

Individual Participation Goals

MBE Goals (%):

WBE Goals (%):

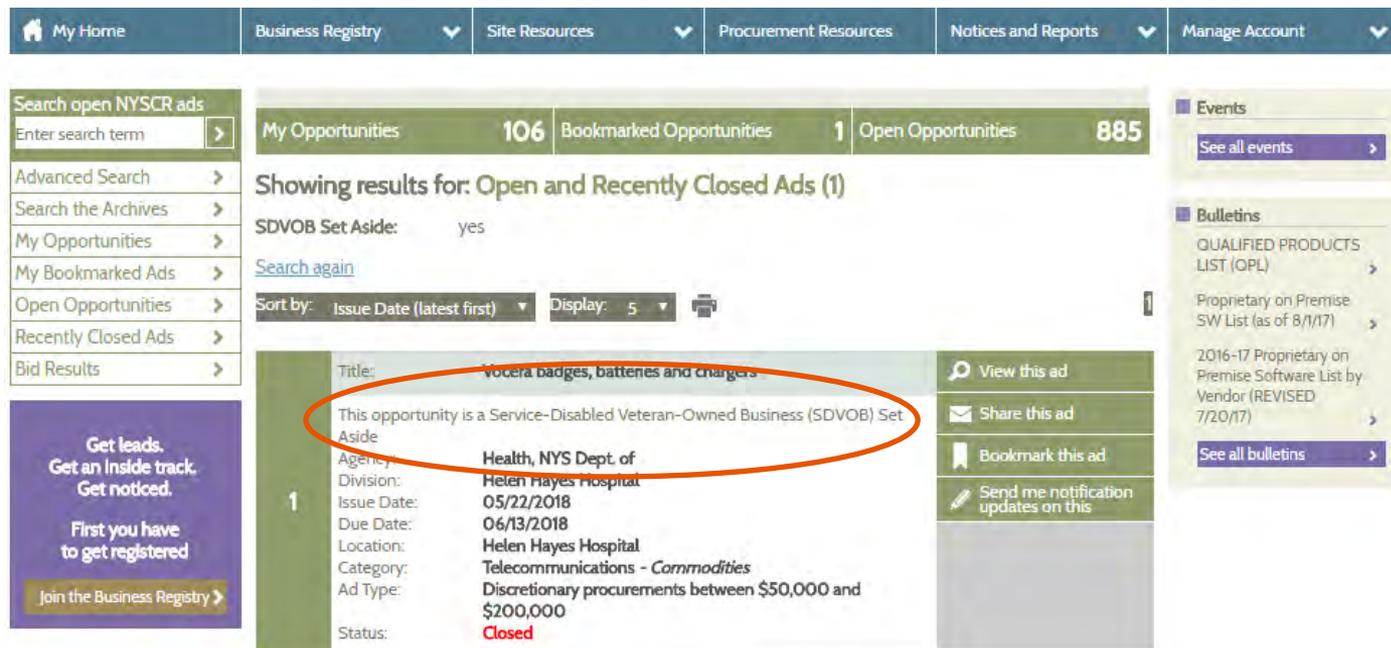
Total Participation Goals

Total MWBE Goals (%):

Example
Set-Aside
Ad on
Contract
Reporter



Example Set-Aside Ad on Contract Reporter



My Home Business Registry Site Resources Procurement Resources Notices and Reports Manage Account

Search open NYSCR ads
Enter search term

Advanced Search Search the Archives My Opportunities My Bookmarked Ads Open Opportunities Recently Closed Ads Bid Results

Get leads. Get an inside track. Get noticed. First you have to get registered. Join the Business Registry

My Opportunities 106 Bookmarked Opportunities 1 Open Opportunities 885

Showing results for: Open and Recently Closed Ads (1)

SDVOB Set Aside: yes

Search again

Sort by: Issue Date (latest first) Display: 5

1

Title: **Vocera badges, batteries and chargers**

This opportunity is a Service-Disabled Veteran-Owned Business (SDVOB) Set Aside

Agency: Health, NYS Dept of
Division: Helen Hayes Hospital
Issue Date: 05/22/2018
Due Date: 06/13/2018
Location: Helen Hayes Hospital
Category: Telecommunications - Commodities
Ad Type: Discretionary procurements between \$50,000 and \$200,000
Status: Closed

View this ad
Share this ad
Bookmark this ad
Send me notification updates on this

Events
See all events

Bulletins
QUALIFIED PRODUCTS LIST (OPL)
Proprietary on Premise SW List (as of 8/1/17)
2016-17 Proprietary on Premise Software List by Vendor (REVISED 7/20/17)
See all bulletins



Title: Vocera badges, batteries and chargers

Agency: Health, NYS Dept. of

Division: Helen Hayes Hospital

Contract Number: 139362

CR Number: 2043950

Date of Issue: 05/22/2018

Due Date/Time: 06/13/2018 2:00 PM

County(ies): All NYS counties

Location: Helen Hayes Hospital

Classification(s): Telecommunications - Commodities

Opportunity Type: Discretionary procurements between \$50,000 and \$200,000

Description:

Note: this opportunity is a Service-Disabled Veteran-Owned Business (SDVOB) Set Aside. Only NYS Certified SDVOBs are allowed to respond to this opportunity.

Helen Hayes Hospital intends to procure Vocera badges, batteries and chargers for our hands-free wireless phone system. This procurement is being made under our discretionary threshold Flexibility Legislation, Chapter 505 Laws of 1995 and in compliance with Section 163 of State Finance Law. A sealed bid will not be held. Interested parties should contact the undersigned to discuss this opportunity.

Service-Disabled Veteran-Owned Set Aside: Yes

Service-Disabled Veteran-Owned Business Contracting Goal: 100%

Due date: 06/13/2018 2:00 PM

Contract term: One Time Purchase

County(ies): All NYS counties

Location: Helen Hayes Hospital

Documents:

Updates:

Bid Results:

Print to PDF

View subcontracting opportunities

Example Set-Aside Ad on Contract Reporter





SDVOB Set-Aside

- Set-Aside Report must be completed for all set-aside contracts.
- Set-Aside Report form available on [our website](#).

Agencies/Authorities are responsible for submission of set-aside reports to DSDVBD after each quarterly reporting period (send to SDVOBreports@ogs.ny.gov).



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	Service-Disabled Veteran-Owned Business Operations Guidance	DOWNLOAD
	Guidelines on Participation by Service-Disabled Veterans with Respect to State Contracts through Set-Asides	DOWNLOAD
	Discretionary Purchasing Guidelines for Service-Disabled Veteran-Owned Businesses	DOWNLOAD





We Are Here to Help

- DSDVBD is available for consultation if needed
 - 518.474.2015
 - veteransdevelopment@ogs.ny.gov
- DSDVBD should be included as a designated contact in contracts with SDVOB goals or set-aside contracts
- Be sure to include goals (or identify as a SDVOB set-aside) in NYS Contract Reporter Ad

SDVOB Compliance Reporting

- Agencies and authorities must submit quarterly SDVOB Activity Reports to the DSDVBD for the following reporting periods:

Q1: April 1 – June 30	due July 31
Q2: July 1 – September 30	due October 31
Q3: October 1 – December 31	due January 31
Q4: January 1 – March 31	due April 30

SDVOB Compliance Reporting

- The SDVOB Activity Report is made up of three forms:
 - SDVOB Awards (form 1)
 - SDVOB Disbursements/Utilization (form 2)
 - SDVOB Waivers (form 3)

The three forms are available on the [DSDVBD website](#).

- Submit completed reports via email to SDVOBreports@ogs.ny.gov

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	Service-Disabled Veteran Disbursements and Utilization Quarterly Report (Form 2)	 DOWNLOAD
	Service-Disabled Veteran Waivers Quarterly Report (Form 3)	 DOWNLOAD
	Set-Aside Report for Use of Service-Disabled Veteran-Owned Businesses	 DOWNLOAD

NEXT SECTION

Continue 

[Sample Solicitation & Contract Language](#)



SDVOB Operations Guidance Document

- Summarizes agency/authority SDVOB support and compliance expectations.
- More details on the topics discussed in this presentation.
- Most questions we receive from agencies/authorities can be answered by this document.
- Document is available on [our website](#).



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