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| **Instructions for Submitting the Contractor’s SDVOB Utilization Plan (Form BDC 328S)** |

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| 1. | Contractors are required to submit a Contractor’s SDVOB Utilization Plan on Form BDC 328S (hereinafter referred to as the “Plan”) to the NYS Office of General Services (OGS) within five (5) calendar days after the opening of bids for construction contracts exceeding $100,000.Failure to submit the Utilization Plan or to obtain a waiver could result in non-award of the contract. Complete *all* items on the form with the exception of the sections marked “For OGS Use Only”. List *certified* SDVOB firms only. Only SDVOB firms certified by OGS Division of Service-Disabled Veterans’ Business Development can be used to meet SDVOB good faith efforts participation goals on this contract. The use of non-certified firms that have submitted applications for certification but are not approved prior to completion of this contract are not acceptable for goal attainments. Contractors agree that OGS may withhold payment pending receipt of the required documentation.  Submit the completed Plan to:  [DCSDVOB@ogs.ny.gov](mailto:DCSDVOB@ogs.ny.gov)  NYS Office of General Services  Design and Construction  Office of Business Diversity  29th Floor, Corning Tower, Empire State Plaza  Albany, NY 12242  Phone: (518) 473-7083  Fax: (518) 486-2679 |
| 2. | Contractors must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the contract and ensure that the SDVOBs utilized under the Contract perform commercially useful functions. For guidance on how OGS will determine a contractor’s “good faith efforts,” refer to 9 NYCRR §252.2(n). The directory of New York State Certified SDVOBs can be viewed at: <https://online.ogs.ny.gov/SDVOB/search>. *For additional information regarding this directory, please contact Division of Service-Disabled Veterans’ Business Development at (518) 474-2015.* Additionally, you may contact the OGS OBD office Designated Contacts at (518) 473-7083 which will, upon request, provide you with a listing of certified SDVOB firms in the Counties and under the Trades requested. |
| 3. | In accordance with 9 NYCRR §252.2(s), any Contractor found to have willfully and intentionally failed to comply with SDVOB participation goals set forth in the Contract shall be found to have breached the contract and Contractor shall pay damages as set forth therein. |
| 4. | OGS will review the submitted SDVOB Utilization Plan and advise Contractor of OGS’ acceptance or deficiency within twenty (20) days of its receipt. Contractor shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to OGS a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by OGS to be inadequate, OGS shall notify Contractor and direct Contractor to submit, within five (5) business days, a request for a partial or total waiver of SDVOB participation goals on Form BDC 333S. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal. The approved Utilization Plan will be posted on the OGS website within ten (10) days of Contract Award. |
| 5. | Any changes to the Plan must be approved by OGS. |
| 6. | Contractors are required to report monthly SDVOB contractor compliance to OGS during the term of the contract for the preceding month’s activity, documenting the progress made towards achievement of the SDVOB goals of the Contract. Contractor must submit Contractor’s Monthly SDVOB Payment Report on Form BDC 58S to OGS, by the 10th day of each month during the term of the Contract, for the preceding month’s activity to:  NYS Office of General Services  Design and Construction  Office of Business Diversity  GNARESP, Corning Tower, 29th Floor  Albany, NY 12242  Submit completed responses: [ogs.sm.sdvobcomp@ogs.ny.gov](mailto:ogs.sm.sdvobcomp@ogs.ny.gov) |