NY GovBuy

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

OGS Division of Service-Disabled Veterans’ Business Development

Anthony Tomaselli, Assistant Director
Dan Daley, Contract Management Specialist

May 4 & 5, 2022
SDVOB Program Overview
Program History

- SDVOB Act signed into law in May 2014
- Over 950 businesses now certified
- Many SDVOBs listed on OGS centralized contracts
- Over $500 million in total disbursements to SDVOBs
- 22% increase in reported disbursements from 2020 to 2021
Diverse Group of SDVOBs

- Consulting & Other Services (Transportation & Equipment): 5%
- Consulting & Other Services (IT & Media): 15%
- Consulting & Other Services (Miscellaneous): 12%
- Financial Services: 5%
- Commodities: 16%
- Construction: 24%
- Construction Professional Services: 9%
The Goal

All NYS agencies and authorities will meet or exceed the legislated 6% SDVOB participation rate.
Agency/Authority Requirements & Responsibilities

@NYS_OGS  @NewYorkStateOGS  #2022NYGovBuy
Contract Inclusion Requirements

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

- Sample SDVOB solicitation and contract language is available on the web at: [https://ogs.ny.gov/veterans/](https://ogs.ny.gov/veterans/)
  - Samples available for contracts *with and without* required SDVOB participation goals and SDVOB set-aside contracts
ABOUT

The Service-Disabled Veteran-Owned Business Act, signed into law on May 12, 2014, allows eligible Veteran business owners to get certified as a New York State Service-Disabled Veteran-Owned Business (SDVOB). The goal of the Act is to encourage and support eligible SDVOBs to play a greater role in the state’s economy by increasing their participation in New York State’s contracting opportunities. The OGS Division of Service-Disabled Veterans’ Business Development is responsible for certifying eligible SDVOBs and assisting and promoting their participation in the state’s procurement activities.
Directory of New York State-Certified Service-Disabled ...

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

Get Certified

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

CERTIFICATION ELIGIBILITY
CERTIFICATION APPLICATION
RECERTIFICATION APPLICATION

Compliance and Reporting

Guidelines and forms for state agency and contractor reporting.

STATE AGENCY GUIDELINES
STATE AGENCY REPORTING FORMS
CONTRACTOR REPORTING FORMS

SEARCH DIRECTORY
LEARN MORE
Sample Solicitation & Contract Language

Sample SDVOB Solicitation and Contract Language

Contractor Reporting Forms

SDVOB 100 - Utilization Plan
Sample SDVOB Solicitation & Contract Language

• When you open the word document you will find:
  o Instructions for Using Sample SDVOB Contract Language (p. 1)
  o Attachment A – SDVOB Goals (p. 2)
  o Attachment B – No SDVOB Goals (p. 6)
  o Attachment C – SDVOB Set-Aside (p. 7)

• These are samples!
  o 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
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Directory of New York State Certified Service-Disabled Veteran-Owned Businesses

Search by Keyword or Certification Number
Enter a keyword, business name, or SDVOSB Certification Number.

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

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

Your search returned **26 certified Service-Disabled Veteran-Owned Businesses**

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address</th>
<th>Phone</th>
<th>Email</th>
<th>Category</th>
<th>Home Region</th>
<th>NYS Centralized Contract Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resilient Support Services Inc</td>
<td>44 Dalliba Ave, Suite 2046</td>
<td>(518) 858-2611</td>
<td>Primary Contact: David Kuk</td>
<td>Administrative &amp; Technical Construction Vertical: Building Construction: Rehabilitation &amp; New Construction Facilities, Maintenance, Repair &amp; Building Operations</td>
<td>Capital Region</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Watervliet, New York 12189</td>
<td></td>
<td><a href="mailto:david.kuk@resilientsupportservices.com">david.kuk@resilientsupportservices.com</a></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Directory of NYS Certified SDVOBs

## Detail View

### Tony Baird Electronics, Inc.

<table>
<thead>
<tr>
<th>Business Details</th>
<th>NAICS Codes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal Name</strong></td>
<td>335999</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>All Other Miscellaneous Electrical Equipment and Component Manufacturing</td>
</tr>
<tr>
<td><strong>Phone</strong></td>
<td>334310</td>
</tr>
<tr>
<td><strong>Email</strong></td>
<td>Audio and Video Equipment Manufacturing</td>
</tr>
<tr>
<td><strong>Web Site</strong></td>
<td>423610</td>
</tr>
<tr>
<td><strong>SFS Vendor ID</strong></td>
<td>Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers</td>
</tr>
<tr>
<td><strong>Business Size</strong></td>
<td>238210</td>
</tr>
<tr>
<td><strong>Specific Function</strong></td>
<td>Other Electronic Component Manufacturing</td>
</tr>
<tr>
<td><strong>Keywords</strong></td>
<td>334410</td>
</tr>
<tr>
<td><strong>Home Region</strong></td>
<td>Other Electronic Component Manufacturing</td>
</tr>
<tr>
<td><strong>Counties Served</strong></td>
<td>423690 Other Electronic Parts and Equipment Merchant Wholesalers</td>
</tr>
</tbody>
</table>

### Primary SDVOB Contact

- **President**: Baird, Tony

### NYS Centralized Contract

- **Audio Visual Equipment & Accessories (Statewide)**
  - PC67436: Creston Electronics, Inc.
  - PC67439: FrontRow Calypso LLC
Tips for Finding SDVOBs

• Try different keywords: pest control vs. exterminator, etc.

• Export your search results into excel for more sorting tools
  o To export the entire directory: click “search” without entering any information into the search fields

• Call the business and ask!
  o The NYS SDVOB Directory does not necessarily list every single product or service a business offers

• What if the SDVOB is not responsive?
  o 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?
  o Lots/regions?

• Are joint ventures, teaming agreements, partnerships, or other arrangements between primes and SDVOBs encouraged?
  o Can be *required* through participation goals
Good Faith Efforts – Things to Consider

• Consider the whole scope of work
  o Can SDVOBs provide *any part* of the work or materials?

• The number and types of capable SDVOBs available
  o Multiple potential SDVOBs are necessary for goals

• Location of the contract performance
  o Are any capable SDVOBs nearby?
  o Can SDVOBs from other regions participate?
    ▪ Competitively?
Discretionary Spending with SDVOBs

• State agencies may use discretionary purchasing authority with NYS Certified SDVOBs up to $500,000

• 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](#)
Subcontracting with SDVOBs

• For contracts including SDVOB participation as subcontractors or suppliers, Contractor Reporting Forms are available on the DSDVBD website
  o SDVOB Utilization Plan – SDVOB 100
  o SDVOB Waiver Form – SDVOB 200
  o SDVOB Monthly Compliance Report – SDVOB 101
  o SDVOB Monthly Compliance Report Instructions
Contractor Document Required for Waiver

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

- Set-asides for SDVOBs may be done for any $ amount
- At least two SDVOBs must be able to respond
- Identify in the NYS 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 Priorities

- Preferred Sources
- 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)
Example Set-Aside Ad on Contract Reporter
Example
Set-Aside
Ad on
Contract
Reporter
Example Set-Aside Ad on Contract Reporter

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

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

- 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
Division of Service-Disabled Veterans' Business Development

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Certification Eligibility
Certification Application
Recertification Application

State Agency Guidelines
State Agency Reporting Forms
Contractor Reporting Forms

Search Directory
Learn More
Learn More
## State Agency Guidelines

| Service-Disabled Veteran-Owned Business Operations Guidance  
Updated November 13, 2020 | ![Download](Download) |
<table>
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<td><strong>Guidelines on Participation by Service-Disabled Veterans with Respect to State Contracts through Set-Asides</strong></td>
<td><img src="Download" alt="Download" /></td>
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</table>
| Discretionary Purchasing Guidelines for Service-Disabled Veteran-Owned Businesses  
Updated February 3, 2020 | ![Download](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:
  o SDVOB Awards (form 1)
  o SDVOB Disbursements/Utilization (form 2)
  o 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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# State Agency Reporting Forms

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<td>Service-Disabled Veteran Disbursements and Utilization Quarterly Report (Form 2)</td>
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</tr>
<tr>
<td>Service-Disabled Veteran Waivers Quarterly Report (Form 3)</td>
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<tr>
<td>Set-Aside Report for Use of Service-Disabled Veteran-Owned Businesses</td>
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**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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