

DES BDAG Meeting Minutes

Location: Virtual
Date: September 20, 2022
Time: 10 AM to 12 PM

Attendance

Agenda Items

Time	Topic	Presenter(s)
10:00 AM – 10:05 AM (5 Minutes)	Welcome and Overview	Kim Sauer
10:05 AM – 10:40 AM (35 Minutes)	2023 Proposed Legislation	Rebecca Linville
10:40 AM – 10:50 AM (10 Minutes)	Supplier Diversity Policy Update	Drew Zavatsky
10:50 AM – 11:00 AM (40 Minutes)	Upcoming contract opportunities	Bart Potter
11:00 AM – 11:10 PM (10 Minutes)	ACCA Conference/Report Out	PIE team
11:10 AM – 11:55 AM (45 Minutes)	PIE Program Activities/Update	PIE team
11:55 AM – 12:00 PM (5 Minutes)	Closing & Future Meetings	

Meeting Minutes

- **Welcome and overview**
 - BDAG was established in 2019 to facilitate the feedback received from the vendor community.
 - BDAG shapes policymaking and the approach to achieving “spending equity.”
- **2023 Proposed Legislation -Input/Feedback**
 - We are putting forward legislation modifying our state procurement procedures for “goods” and “services.” This proposed bill is intended to:
 - Provide clarity around “sole source” and “convenience” contracts.
 - Provide more time for agencies to report “emergency purchases” to DES.
 - Lengthens the time “sole source” contracts are made available to the public.


- Removes an “outdated reference” and removes language restricting “in-state preferences” by other states.
- Section 1 - Amends RCW 39.26.010 definitions by:
 - Replacing “spelled out” numeric values for “small business” definitions with “enumerated” numeric values, i.e., using numerals (1,2,3...) in the definitions.
 - We are proposing to amend the definition of a “sole source” contract by “striking” specific language in the definition, such as removing (~~at the location required~~) from the RCW (39.26.010) because agencies, when they are requesting a “sole source” contract may be unnecessarily leaning heavily on the “justification” of the need of the contract.
- Section 2 – Amends RCW 39.26.070 Convenience Contracts.
 - DES is changing the language to clarify and provide fewer restrictions for agencies to enter into a “convenience contract.”
 - DES has struck from the language and added to it to allow agencies more freedom when entering into a “convenience contract.” Agencies will have more freedom to create a convenience contract with more than one vendor. Still, they will be revised to allow agencies the power to select and establish a “pool” of vendors, notwithstanding the pool of vendors that are regularly selected in the competitive solicitation process that DES uses to show a “pool” of vendors for the “Statewide” Contracts.
 - DES proposes to revise the language (a specific agency or) to allow a “specified group” of agencies for specific procurement needs relevant to those particular agencies.
 - Clarifies that when agencies wish to enter into a “convenience contract,” it must be approved by DES and the Director of DES.
- Section 3 – Amends RCW 39.26.130 Emergency Purchases
 - Amends the time that an agency head must file a written notification “emergency request” notice within three days of the purchase and replaces it to be made within ten days of the purchase to file the written notification request.
 - States that DES has the authority to make exceptions to section 3 under exigent circumstances.
 - Defines “emergency” as an unforeseen circumstance beyond the control of the agencies.
- Section 4 – Amends RCW 39.26.140 Sole Source Contracts.
 - Amends the number of days sole source contracts must be made available for public inspection from ten days, increase the number to 15 days before the proposed contract starting date, and provide documented justification.
 - This will allow the vendor community more time to analyze and evaluate the sole source contracts and make (more informed) capability statements.
 - This will lay the foundation for changes surrounding the “policy” and the requirements of posting a sole source contract in DES WEBS.
 - This will provide more transparency around posting “sole source” contracts.









- Section 5 – Amends RCW 39.26.200 Authority to fine or debar.
 - Removes outdated language to fine or debar during the 2017 – 2019 fiscal biennium.
- Section 6 – Proposes to repeal three different statutes surrounding “in-state preferences.”
 - Repeals RCW 39.26.260 – (Preferences in-state procurement).
 - Repeals RCW 39.26.270 – (Requires DES to maintain a list of state statutes and regulations that grant preference to in-state vendors).
 - Repeals RCW 39.26.271 – (Rules for reciprocity in bidding).
- **Supplier Diversity Policy**
 - The official launch of the Supplier Diversity Policy and the Supplier Diversity Handbook is scheduled for early October.
 - The Supplier Diversity Policy answers the “what,” and the Handbook answers the “how.”
 - The Supplier Diversity Policy will be approximately 3 – 3 ½ pages, and the handbook will be 40 + pages.
 - The Supplier Diversity Policy and Handbook can be matched (section for section).



- **C&P Updates -Upcoming Contracts**

STATEWIDE CONTRACTS IN PROGRESS

This is a summary overview of statewide contracts approaching their term end in the next 12 months, as well as new statewide contracts we're working on.  = strong potential for small-business participation.

Title	Status Note	Max Term on Previous Contract
Vehicle Accident Management and Repair	In progress – no responsive bids; reposting by 8/26	3/10/2022
Cutting Edges for Snow Plows and Graders	ASB named – award pending	5/31/2022
ADA Vans, Mini-vans and Specialty Vehicles	In progress – solicitation drafting	6/30/2022
Walk-In Step Vans, Various Sizes	In progress – solicitation drafting	8/4/2022
Online Auction Services (NASPO) 	In progress – contract negotiations	8/19/2022
Electrical Supplies	In progress – solicitation drafting	8/30/2022
Native Plants	AWARDED – 5 of 7 vendors small biz	8/31/2022
Automatic External Defibrillator (NASPO)	In progress - strategy development	10/4/2022
Geotechnical Drilling Services	In progress – solicitation drafting	10/25/2022
Park & Recreation/Playground Equipment (NASPO)	In progress	11/30/2022
Less-Lethal Munitions	In progress – solicitation opens 8/17	12/9/2022
Storage Tanks	In progress - strategy development	12/16/2022
Mailing Equipment, Supplies and Maintenance (NASPO)	In progress – contract awards	12/31/2022
Lodging Program (NASPO)	Determination/research	12/31/2022
Office Furniture	In progress - strategy development	1/21/2023
Vehicle Lifts and Garage Associated Equipment (NASPO)	Determination/research	2/10/2023
Communication Access Real-time Transcription 	Contract research/sourcing team	2/20/2023
Computer Equipment (NASPO)	In progress	2/28/2023
Medical Products (MMCAP)	Determination/research	3/1/2023
Derelict Vessel and Marine Salvage	Determination research – re-bid	3/31/2023
Lab Equipment and Supplies (NASPO)	Determination research	3/31/2023
Sign Support Materials	In progress – strategy development	4/30/2023
Heavy Construction Equipment (Sourcewell)	Determination/research	5/13/2023
Electronic Monitoring of Offenders (NASPO)	Determination/research	5/31/2023
Scrap Metal Collection and Recycling 	Sourcing team – strategic planning	5/31/2023
Medical Products (MMCAP)	Determination/research	6/25/2023
Communication Tower Engineering Analysis Services	Determination/research	6/30/2023
Janitorial/Industrial Paper Supplies - Green	In progress – strategy development	6/30/2023
Process Server Service 	Sourcing team – strategic planning	6/30/2023
Professional Grade Tools and Diagnostic Equipment	Determination/research	6/30/2023
Facilities Maintenance, Repair, and Operations (NASPO)	In progress	6/30/2023
Spoken Language Interpreter Services 	Sourcing team – strategic planning	6/30/2023
Condoms (MMCAP)	Determination/research	6/30/2023
Pharmaceutical Returns (MMCAP)	Determination/research	6/30/2023
Food Service Disposables	In progress – strategy development	7/8/2023
Impact Attenuators	Determination/research	7/31/2023
Security Alarm Technology Services	Determination/research	7/31/2023
Personal Protective Equipment (PPE)	In progress - strategy development	NEW
Project Management (IT Professional Services)	In progress – solicitation drafting	NEW
IT Security (IT Professional Services)	In progress – solicitation drafting	NEW
IT Development (IT Professional Services)	In progress – solicitation drafting	NEW
Radio Frequency Identification (RFID)	In progress - strategy development	NEW
Discovery Services 	In progress - solicitation drafting	NEW
Portable sanitation services 	Vendor and stakeholder research	NEW
Adobe Small/Diverse Resellers (Add-on Contract)	In progress – strategy development	NEW
Auto Repair Services	In progress – strategy development	NEW
Litter Pickup 	Vendor research	NFW

- Contracts with potential for small businesses are:
 - Online auction services (NASPO)
 - Communication access real-time Transcription.

- Scrap-Metal Collection and Recycling.
 - Process Server Service
 - Spoken Language Interpreter Services
 - Discovery Services
 - Portable sanitation services
 - Litter Pickup
 - ****Native Plants has been awarded 5 out of 7 total going to “small businesses”**

- Question and point by Shana Barehand to Bart Potter – Do you know if they have determined what commodity codes will be used for most of the Contracts (previewed above)?
 - Bart Potter’s answer – Commodity codes can be added to all contracts on the sheet presented in the BDAG meeting.
- Point made by Shana Barehand – Commodity codes are critical when we are telling prospective vendors (outreach) to register in WEBS. We want to give them the specific commodity codes (about the planned procurement(s) that are marketed to prospective and current vendors).
- Planned procurement page link below:
 - <https://apps.des.wa.gov/DESContracts/Home/PlannedProcurement>
- **ACCA “American Contracts Compliance Association” conference/report out**
 - Shana Barehand - The ACCA is a national supplier diversity organization that consists of municipalities, higher educational organizations, states, and various compliance organizations.
 - It was an excellent opportunity to see what other organizations are doing nationally.

SUSTAINABILITY PROFITABILITY EFFECTIVENESS

ACCA National Training Institute



ACCA is the nation's preeminent compliance and certification training organization. Over a 36-year history, our Training Institutes have provided hundreds of thousands of contact hours to thousands of industry practitioners. Our graduates come from all industries and experience levels and leave with an elevated education on the topics of affirmative action, contract compliance, certification, labor compliance, economic & business development, and civil rights. **August 20-26, 2022 Charlotte, NC-617+ attendees**

- | | | |
|-------------------------|----------------------------|---------------------------------|
| ✓ Bonding | ✓ Fair Housing Act | ✓ Leadership Development |
| ✓ Capacity Building | ✓ Industry Legal Update | ✓ Mentor/Protégé Programs |
| ✓ Certification | ✓ Investigations | ✓ Project Labor Agreements |
| ✓ Certified Payrolls | ✓ Goal Setting | ✓ Race-Neutral Initiatives |
| ✓ Compliance Monitoring | ✓ Good Faith Efforts | ✓ Title VI |
| ✓ Disparity Studies | ✓ Large Project Management | ✓ U.S. DOT DBE & ACDBE Programs |
| ✓ Economic Development | | |



- NIGP “ National Institute of Governmental Purchasing.”

CONNECTING PROCUREMENT COMMUNITIES

NIGP Annual Forum and Products Exposition

Forum is the largest North American educational conference designed exclusively for individuals in public procurement. ➡ August 20 - 24, 2022, Boston, MA and virtual – 2,000+ attendees



Connect. Collaborate. Inspire.

At Forum like-minded public procurement professionals from across the country and Canada come together for best-of-class training and to share experiences, challenges, solutions, and best practices with a common goal - to be the best public servant they can be. They are bound by their commitment and passion for public procurement and look forward for this once-a-year opportunity to catch up with colleagues and/or make new meaningful connections.

Diversity, Equity & Inclusion – a top priority! Class examples:

- Community Impactful Procurement - Ensuring Positive Community Impact, Equity, And Best Value
- Let's Talk About Small Business!
- Sourcing For Diversity: How to Listen, Learn From, And Engage SMB, Minority, And Female-Owned Businesses in Your Community
- Advancing Equity Through Cooperative Procurement
- Creating A Small Woman Veteran Diverse Business Program with Impact
- Diversity Study Contract: Start to Finish
- DEI - The Vital Link in The Supply Chain



- Discussion: Mentor/protege/small business support ideas
 - Port of Portland “Mentor protégé program.”

Port of Portland's
Mentor-Protégé
Program
~A different
approach~
Established 1995

AMERICAN CONTRACT COMPLIANCE ASSOCIATION

Successful Mentor-Protégé Programs

Kimberly Sutton, MCA
 Equity in Contracting Manager
 Port of Portland

2022 NATIONAL TRAINING INSTITUTE



MPP Program Overview

The Port's Mentor-Protégé program is a nationally recognized small business development program that has been operating continuously since 1995.

- 3-year business development program
 - Expandable up to 5 years
- 2 Mentors – One Industry and One Financial

Developed to overcome the barriers facing small businesses trying to do business with the Port.

- Ineffective working relationships between D/M/WBEs and prime contractors
- Poor access to job notification
- Inability to accommodate size of work
- Inability to secure adequate financing
- Inability to secure adequate bonding



Protégé Requirements

- Must be small business certified by the State of Oregon (UCP)
 - DBE, MBE, WBE, SDVBE, ESB (everybody's in, nobody's out)
- Must have been in business for at least 2 years
- Must be current on all taxes
- Must be current on all licenses (if applicable)
- Must not be ineligible or debarred from public works by BOLI
- Must not be under litigation
- Must be willing to attend all classes and meetings
- Must perform type of work/services that the Port would typically contract for.
 - Construction, supplier, architectural, engineering, marketing, concession etc....



Mentor Requirements

- Must be Prime contractor/consultant
- Must perform government work
- Must be current on licenses
- Must not be affiliated with any firm associated with fraud, debarment or any other act deemed not in line with Port values.
- Must be able to demonstrate higher than normal industry knowledge
- Must complete mentoring training provided by the Port.
- Company must be willing to provide resources

- Shana Barehand – the “Protégé Mentor Program” is more geared toward “public works,” but we feel that the program can be a “model” for the “goods and services” area.
- **PIE Program Activities/Update**
 - DES/Open House - is an opportunity to have a dialogue with Contract Specialists who can share their insight on the process of making solicitations, contract language, and other insightful opportunities. Meetings occur on the 3rd Thursday monthly from 3 - 4 pm unless otherwise noted.
 - 9/15/2022
 - 10/20/2022
 - Training/Outreach Events with other business partners
 - Tabor 100
 - SWSKA (Seattle Washington State Korean Association)
 - WBEC (Women's Business Enterprise Council – Pacific)
 - PTAC (Procurement Technical Assistance Center)
 - SCORE – BizFair
 - NWMMSDC (Northwest Mountain Minority Supplier Development Council)
 - RCF (Regional Contracting Forum) Washington State Department of Transportation (WSDOT and sponsors)

- Working on the new contract equity website.
 - Shana Barehand - We are working on an externally focused webpage that will focus on the work that we are doing. Currently, there is a “business diversity” webpage, and it is on DES’s externally focused website:
 - <https://des.wa.gov/services/contracting-purchasing/doing-business-state/bid-opportunities/business-diversity>
 - We are also working on a webpage that will show the DES “internal contracts” and the data and forecasting for those “internal” contracts.
- Target 6 contracts for outreach need your help
 - Painting Services
 - Process Server
 - Spoken Language and Interpreter Services
 - Information Technology Professional Services (ITPS) – Project Manager
 - Vehicle Repair Services
 - Portable Toilet, Washing Stations, and Shower Rentals
 - Shana Barehand comments – when we look at our planned procurement page, we identify certain ones where we think there are opportunities for small, diverse, and veteran businesses to participate. We then seek out those businesses and market the opportunities for training and registration in WEBS. We will also continue to distribute the opportunities and partner with other organizations to provide training for those partnering organizations.
- WEBS Registration and Search Tips: <https://des.wa.gov/services/contracting-purchasing/doing-business-state/webs-registration-search-tips>