

*Commonwealth of Virginia*  
**Virginia Department of Minority Business Enterprise**

**ANNUAL SWaM PROCUREMENT PLAN**  
**Fiscal Year 2008**

Agency/Institution: Norfolk State University

Director/Agency Head/President: Dr. Carolyn W. Meyers, President

Secretariat: Dr. Thomas R. Morris

Date of Submission: November 9, 2007

**A. SWaM Procurement Champion**

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Norfolk State University's Director of Procurement Services is the designated SWaM Procurement Champion for the University (Champion for Purchases & Supply and Building/Construction). The University's requirements and responsibilities for Procurement and SWaM are unilateral in terms of its commitment to the establishment, preservation and strengthening of small, women and minority-owned business opportunities in the University's procurement process. The Director of Procurement Services serves as the University's SWaM Champion, having the authority to implement SWaM initiatives and training; implement appropriate State SWaM requirements/initiatives in the University's procurement process; advise and make recommendations to the President and Executive Cabinet on the University's SWaM Plan; and SWaM monitoring, evaluating and reporting responsibilities.

**B. SWaM PROCUREMENT PROCESSES AND STRATEGIES**

**SWaM BUSINESS OUTREACH**

Norfolk State University encourages SWaM vendor participation by utilizing the following strategies:

1. Membership in programs committed to increasing certified minority vendors to include the Virginia Regional Minority Supplier Development Council. The Council holds

monthly meetings inviting minority suppliers to attend, as well as corporate and government agencies, to encourage networking and business opportunities. Special functions held by VRMSDC such as Matchmaker sessions provide an opportunity for SWaM companies to meet with government buyers to discuss their products/services. These one-on-one sessions are attended by two of the University's Purchasing Officers each year.

2. Including small, minority or women-owned businesses in each solicitation issued based on the dollar value of services or goods to be procured:

- i. Norfolk State University solicits up to \$5,000 - a minimum of one (1) quote is obtained from a small, minority or women-owned business.
- ii. Solicitations of \$5,000 to \$50,000 - a minimum of two (2) small, minority or women-owned businesses are solicited, as practicable, using the invitation for bids, quick quote or request for proposals .
- iii. Solicitations over \$50,000 - a minimum of four (4) small, minority or women owned businesses are solicited, as practicable, utilizing the invitation for bids or request for proposals.

3. Statements in formal solicitations as required by the Virginia Department of General Services Division of Purchases and Supply for procurements over \$100,000. The following statement is included:

It is the policy of the Commonwealth of Virginia to contribute to the establishment, preservation, and strengthening of small business and businesses owned by women and minorities and to encourage their participation in State procurement activities. Toward that end, Norfolk State University encourages these firms to compete and further encourages non-minority firms to provide for the participation of small businesses and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, and other contractual opportunities. Submission of a report of past efforts to utilize the goods and services of such businesses and plans for involvement on these contracts are required. By submitting a proposal, offerors certify that all information provided in response to the RFP is true and accurate. Failure to provide information required by the RFP will ultimately result in rejection of the proposal.

4. Networking is promoted by Norfolk State University among small, women and minority business owners. The University provides an agency manual on "How to Conduct Business with Norfolk State University" at trade shows, vendors' fairs and other agency's vendor fairs and also conducts on-campus vendor fairs annually. Norfolk State University sponsors advertisements with agencies and companies promoting small, women-owned and minority businesses through vendor fairs, etc. For some solicitations, newspaper advertisements are targeted to reach SWaM vendors.

5. Reports on the University's SWaM expenditures are provided to senior administrators quarterly.
6. Directories and brochures maintained by the Virginia Department of Minority Business Enterprises and the Virginia Regional Minority Supplier Development Council are used as resources for locating SWaMs when soliciting goods and services. The University also maintains directories and company brochures of small, women-owned and minority businesses.
7. Notifications to the University Community are sent to faculty and staff to inform them of resources for contacting SWaM vendors at the Virginia Department of Minority Business Enterprises website at [www.dbme.state.va.us](http://www.dbme.state.va.us) and the Virginia Regional Minority Supplier Development Council website at [www.vrmsdc.org](http://www.vrmsdc.org).
8. Meetings are held with small, women-owned and minority vendors. The University's procurement staff also meets with these vendors periodically during the year
9. Identification of downsizing opportunities for University projects which allow the inclusion of small, women-owned and minority business participation as long as the downsizing does not cause a meaningful increase in price, a significant degradation in terms and conditions, a significant decrease in administrative efficiency, or non-compliance with applicable federal contracting requirements or funding conditions. The following activities will be utilized to achieve this goal:
  - a. Conducting meetings with University Departments to determine if downsizing will effect the over-all objective of the project; and
  - b. Providing minority sub-contractors with prime contractor contact information to inquire about upcoming projects or projects in the solicitation phase.
10. Training opportunities are provided for small, women-owned, and minority owned businesses on how to conduct business with Norfolk State University.
11. Opportunities to meet with small, women and minority owned businesses are part of our services.

#### UTILIZATION OF RACE AND GENDER-NEUTRAL OPTIONS

1. **Prime Contractor Small Business Subcontracting Procurement Plan** - Norfolk State University has a SWaM Procurement Plan with specific goals as pre-qualification requirements to the terms and conditions for the award of non-professional and professional services over \$100,000. The contractor is required to prepare a SWaM plan as part of their response to formal solicitations. Failure to submit this information may cause the contractor to be non-responsive or disqualified from receiving the award. All Virginia certified SWaM Contractors who serve as prime contractors will receive credit

for SWaM subcontracting work performed by the prime contractor. The SWaM requirement is also included as an evaluation criteria in scoring and ranking proposals. Failure to respond to the requirements will result in a lower score.

2. **Small Procurements** – A minimum of one (1) quote is obtained from a minority or women-owned business for small procurements for goods/services up to \$5,000. Two (2) or more minority or women-owned businesses are solicited for goods and services between \$5,000 to \$50,000. When good and services over \$50,000 are procured, four (4) minority or women-owned businesses are solicited.
3. **Set-Asides** - Setting aside procurements over \$5,000 and up to \$50,000 exclusively for DMBE-certified small businesses unless there is not a reasonable expectation that the NSU will receive at least two competitive bids or offers from DMBE-certified small businesses. NSU will document the procurement file if the procurement does not qualify for a set-aside.

Setting aside procurements over \$50,000 for DMBE-certified small businesses, in whole or in part, when there is a reasonable expectation that NSU will receive at least two competitive bids or offers from DMBE-certified small businesses

4. **Evidence of Compliance** - Prime Contractors awarded contracts, where the SWaM Procurement Plan is a condition of the award, are required to deliver to Norfolk State University, on or before request for final payment, evidence and certification of compliance with the SWaM plan from the Virginia Department of Minority Business Enterprises. Final payment for services rendered or goods delivered under the contract in question may be withheld until such certification is delivered and, if necessary, confirmed by Norfolk State University. Other appropriate penalties may be assessed in lieu of withholding such payment.
5. **Assessing Bundled Contracts** - For goods provided under statewide or regionally bundled contracts for which there are qualified available SWaM vendors, but when, with respect to the size of such contract, the bundled contract appears to limit SWaM vendors from bidding or winning such contracts, Norfolk State University may seek to reduce the size of the contracts to increase the pool of potential bidders to include SWaM vendors. If the effect of reducing the size of such contracts causes a meaningful increase in price, a significant degradation in terms and conditions, a significant decrease in administrative efficiency or non-compliance with applicable federal contracting requirements or funding conditions, then Norfolk State University shall not be obligated to so reduce the contract size.
6. **Construction Contracts** - If the size of vertical or horizontal construction contracts appear to limit SWaM vendors from bidding or winning such contracts, then Norfolk State University may seek to reduce the size of the contracts to increase the pool of potential SWaM bidders. If the effect of reducing the size of such contracts causes a meaningful increase in price, a significant degradation in terms and conditions, a significant decrease in administrative efficiency or non-compliance with applicable

federal contracting requirements or funding conditions, then Norfolk State University shall not be obligated to so reduce the contract size. In the case of construction contracts awarded to non-SWaM primes, the prime contractor shall seek to size the subcontracts so as to enable qualified SWaM subcontractors to bid effectively for such work, so long as the effect of reducing the size of such contracts does not cause a meaningful increase in price, a significant degradation in terms, conditions or other applicable contract factors. In the case of non-highway construction and when appropriate for a construction job in question, Norfolk State University may consider using a Construction Manager at Risk instead of a prime contractor in order to afford opportunities for SWaM contractors to bid effectively for the work in question. Nothing contained in this paragraph shall require the contracting agency to accept contractors who do not meet applicable quality, safety and performance standards.

7. **Identifying Set-Asides in Solicitations** – Identifying procurements as set-asides and designating in the solicitation that the procurement is set-aside for small businesses utilizing the format prescribed by the Department of General Services-DPS.
8. **Consultation with DMBE** - Norfolk State University, in consultation with DMBE where practical, may seek to identify those purchases in which contract sizing may influence the availability of purchasing opportunities to SWaM vendors. Where these purchases are identified, Norfolk State University may determine whether there are SWaM vendors capable of meeting the purchasing requirements. If Norfolk State University identifies no SWaM vendors capable of performing the contract requirements, then the agency may consult with DMBE to seek to identify available SWaM Vendors. Norfolk State University may consult with DMBE after award of a contract to develop potential SWaM vendors for the next similar procurement.

#### INTERNAL MONITORING MECHANISMS

1. The University's Department of Procurement Services is responsible for monitoring agency SWaM reviews. Reviews are conducted by Procurement Officers for the following methods of procurement and solicitations: *Invitations for Bids and Request for Proposals* (formal and informal). The Director of Procurement Services has oversight responsibilities for the University's SWaM Plan. The appropriate number of SWaMs shall be included in the solicitation based on:
  - Dollar value of the contract by the Procurement Officer,
  - Review of solicitations for accurate number of SWaMs, conducted by the Supervisor at periodic intervals;
  - Quick Quote Process through the procurement portal in electronic Virginia; and
  - Request for Proposals - Prequalification requirements from Contractors to determine subcontracting opportunities.

2. Purchases are reviewed periodically after completion of a solicitation for goods/services over \$5,000 and complex procurements are reviewed after completion and award of contract.
3. Automatic review for SWaM participation is required for purchases over \$100,000 for professional and non-professional services as required by Code of Virginia, §2.24310B.

#### **SECOND-TIER (SUB-CONTRACTING) PARTICIPATION**

Norfolk State University has an established Small Business Subcontracting Procurement Plan with identified goals as a pre-qualification requirement in the terms and conditions for the award of nonprofessional and professional services over \$100,000. The contractor is required to prepare a plan as part of their response to formal solicitations. Failure to submit this information may cause the contractor to be non-responsive or disqualified from receiving the award. All Virginia certified DMBE-certified SWaM Contractors who serve as prime contractors receive credit for SWaM subcontracting work performed by the prime.

#### **C. ETHICS**

The ethical responsibilities of Commonwealth of Virginia employees and agents of the Commonwealth of Virginia who have official responsibility for procurement transactions are identified in Code of Virginia, Article 6, Ethics in Public Contracting, §2.2-4367 through §2.2-4377, et seq. The purchasing agent is responsible for assuring that all procurement practices and transactions comply with guidelines in this Code section.

#### **D. BIDDERS LIST**

The Department of Procurement Services maintains a list of prospective bidders categorized by class and type of commodity. Vendors are required to submit a bidder's application to the Department of Procurement Services to be placed on the list. Applications are reviewed and a vendor search is conducted in DMBE's SWaM web site to ascertain if the vendor is certified before entering vendor in the University's vendor data ERP system.

Placement on the bidder's list does not guarantee receipt of a request for a quotation, invitation to bid, or request for proposal. It is the vendor's responsibility to check the bid notices posted by the Department of Procurement Services on the bid board located outside the office at 700 Park Avenue, Suite 260 Harrison B. Wilson Hall.

#### **E. EQUAL OPPORTUNITY AND MINORITY BUSINESS PARTICIPATION**

It is the University's policy to contribute to the establishment, preservation, and strengthening of small businesses and those owned by minorities and women and to encourage their participation in State Procurement activities.

Award to Other than the Lowest Priced Bidder or Highest Ranking Offeror: Procurements up to \$100,000 that require solicitation of multiple vendors may be awarded to a reasonably

priced or reasonably ranked small, minority or women-owned bidder or offeror other than the lowest priced bidder or highest ranking offeror when such purchases are made under a remedial procurement plan established in accordance with guidelines set by the Department of Minority Business Enterprises (DMBE).

Beginning October 1, 2004, for the purposes of state procurement rules, no vendor shall be considered a Small Business Enterprise, a Minority-Owned Business Enterprise or a Women-Owned Business Enterprise, or be entitled to the benefits of the state SWAM procurement opportunities, unless certified as such by the Commonwealth of Virginia.

Definitions for Minority-Owned Business Enterprise, Minority Individual, Small Business Enterprise, Women-Owned Enterprise, and Disadvantaged Business Enterprise are found in Appendix A, of the Commonwealth of Virginia's vendor manual. A copy of the vendor's manual can be obtained by visiting the eVA website at [www.eva.state.va.us](http://www.eva.state.va.us) and clicking on the vendors' manual link.

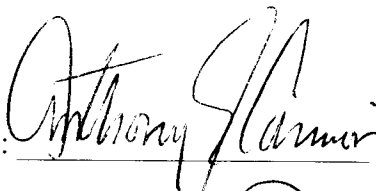
EMPLOYMENT DISCRIMINATION PROHIBITED - State Code §2.2-4311 prohibits employment discrimination by contractors hired by the University and requires that every State Contract that exceeds \$10,000 must include language to this effect, in the General Terms and Conditions for Goods and Non-Professional Services, which states, "NONDISCRIMINATION OF CONTRACTORS: A bidder, offeror, or contractor shall not be discriminated against in the solicitation or -award of this contract because of race, religion, color, sex, national origin, age, disability, faith-based organizational status, any other basis prohibited by state law relating to discrimination in employment or because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex- offenders on the specific contract is not in its best interest. If the award of this contract is made to a faith-based organization and an individual, who applies for or receives goods, services, or disbursements, the public body shall offer the individual, within a reasonable period of time after the date of his objection, access to equivalent goods, services, or disbursements from an alternative provider."

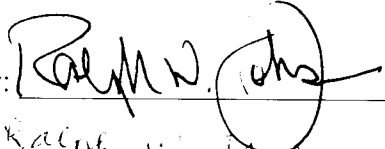
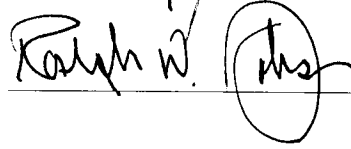
#### **F. PROJECTED SWaM EXPENDITURE GOALS**

Norfolk State University's Small, Women-Owned and Minority Business (SWaM) goals are governed by the Virginia Department of Minority Business Enterprises and the Virginia Department of General Services' Division of Purchases and Supply in Richmond, Virginia. Business operations and procedures have been established that are "results oriented," and implemented based on objectives set forth by the Governor of Virginia. This objective allows agencies and institutions to set-aside, in whole or in part, identified procurements and to target set-asides exclusively for small businesses in an attempt to achieve the Commonwealth's goal of 40% of purchases from small businesses.

**SWaM EXPENDITURE GOALS AS A PERCENTAGE OF PROJECTED DISCRETIONARY EXPENDITURES**

	<b>MBEs %</b>	<b>WBEs %</b>	<b>SBEs %</b>
FY 2007 Agency SWaM Expenditure Goals	28%	1.40%	20%
FY 2007 Agency Expenditures	\$9,753,531	\$602,353	\$8,425,263
FY 2008 Projected Spending Goals (% of Discretionary Expenditures)	28%	10%	20%
FY 2008 Projected Construction Goals (Prime Contracting)	10%	5%	5%
FY 2008 Projected Construction Goals (Subcontracting)	5%	2%	5%
FY 2008 Projected Non-Construction Goals (Prime Contracting)	10%	2%	5%
FY 2008 Projected Non-Construction Goals (Subcontracting)	3%	1%	5%

Completed by: Anthony E. Cannon Signature:  Date: 11-09-07

Reviewed by:  Signature:  Date: 11/16/07  
 Ralph W. Johnson