SDC Meeting 3/28
Called to order by L. Jay Burks at 21:00pm

Adopt a strategy to execute the recommendations

- Identify resources in order to move forward
- Sakthi Vel, L. Jay Burks, Cathy Imburgia, Ken Anderson, Dawn Kurtz Crompton
- Phone: Ron Tutundji, Shavonne White, Devona Williams, Dean Stotler, Carmen Hererra, (Liaison for DTI), Pam Drapier (not present Clay Hammond, Ron Frazier, Cleon Cauley, Fernando Guajardo)

Updates:
MyMarketplace.delaware.gov upgrades
- symbolic of a lot of things that GSS is implementing state-wide; most fair & transparent procurement process in the nation

MWBE mid-year report
- Devona & Dean have reviewed
- New format developed from the SDC report, along with feedback from Dean

SDC Report Status:
Governor is amenable to mostly all the recommendations
- aware of challenges; amendable to e-procurement, but the fiscal realities are limiting

Recommendations:
1. Do Not Conduct a Formal Disparity Study At This Time
   a. Governor accepted this recommendation

2. Assure Consistency of Procurement Practices Across Agencies (Dean Stotler)
   a. Need personnel to implement → two active job posting for contract officer positions
   b. Already laid foundation (via MyMarketplace, etc.) for best practices
   c. Set expectation for vendor community for state expectations
   d. All procurement professionals will need to go through a course in order to be able to execute a contract on behalf of the state
   e. MWBE has met with several agencies to provide supplier diversity training
   f. Jay has seen significant improvement with posting on bids.com (both contracts and pre-bid lists)

3. Conduct Independent Data Collection via E-Commerce Platform (Dean Stotler)
   a. This would require a significant investment; cost is not overly excessive
b. OMB has hired a consultant that has produced a draft report to identify need & interest from agency buyer/agency finance office for e-commerce solution
c. want to incorporate in to First State financial system
d. will require a project timeline
e. data collection is occurring in that we are tracking veteran, MWBE, and Delaware based businesses
   i. this is being done manually, largely
   ii. e-commerce provides real-time monitoring & tracking; implementation would help to make the system even more transparent
f. tracking & management for central contracts for cooperative spend, 2nd tier spend
g. open market bidding & under threshold remains a market opportunity
h. agencies should be expected to fill out awarded contract information

4. Conduct MWBE Outreach and Training
   a. Outreach:
      i. MWBE has contacted GSS; that model has been quite effective to reach out through small business administration database & website for solicitation of bid opportunities & tracking of the types if business; that info is then sent to DEDO to explore opportunities for growth
   b. Training (L. Jay Burks with help from Ron Tutundji):
      i. there are various partnerships, but there is nothing crafted specifically for how to submit a proposal; users may want soup to nuts “how to submit a proposal”
         1. may be challenging when there are various methodologies among all the agencies; highly nuanced; RFPs are not required to go with lowest price, they always have an element of subjectivity; may be best to acknowledge that there are challenges to this training but still need to familiarize people with how to do business
            a. use broad brush strokes to provide basics for training
            b. use evaluation criteria; how you respond with your qualifications (Devona)
            c. include anecdotal success stories
      ii. “Selling to the State” guide deals with procedural and substantive (generic, basic overview)
         2. every single RFP template states that applicants should read this manual from cover to cover
3. scope of work & weight of evaluation is intentionally left to each agency in their specific subject area

iii. is there a discrepancy between the person who is writing the technical standards as opposed to the contract officer who is selecting & evaluating the response

1. the firewall may be appropriate for some reasons

iv. want to maintain the variables and subjectivity of individualized procurement

v. MWBE is not involved with contract drafting, but may be best suited to handle these trainings along with assistance from private individuals (like Cathy, Devona, and Sakthi)

1. process maps, flow charts (may be adapted from the existing documents to be more user friendly & clarify)

2. express clearly that each RFP is an organic process and that each agency has a different culture concerning proposals
   a. would be helpful to publish awarded (redacted) contracts as a template; soon to be published as an extension of mymarketplace.delaware.gov

5. Develop a Race/Gender-Neutral Small Business Set Aside Program (Ken Anderson; Jay to provide him the EO)
   a. Cleon’s feedback was that this was a great idea but the Gov needs more information & how will this be implemented; race neutral and robust
      i. maybe by Executive order

6. Sponsor Prompt Payment of Subcontractors Legislation (Dean & Jay)
   a. something currently exists in the code but only applies to public works procurement
      i. public works must pre-announce pre-qualified subs, whereas with profi svcs
      ii. state is required to pay within 30 days after “successful completion” of job; completion may be contested
   b. SDC would like to expand to all contracts
   c. what is the next step
      i. follow-up with Cleon (where do we want this legislation to come from)
      ii. discuss with small business caucus (Cathy could present as a non-state employee)
      iii. state does not want to be administering relationships at the contract administration level (adding additional state responsibility & administration)
         1. currently can assess a 1% per month/12% per annum interest rate penalty
         2. some vendors may be fearful to invoke this clause
iv. encourage awareness among the agencies to reinvigorate & place priority on prompt payment

7. Strengthen the OMWBE Certification (Jay & Cathy)
   a. strengthen benefits & visibility:
      i. there is a lot of fine point minutiae
      ii. incentivize certification
      iii. currently a marketing tool
         1. MWBE sends email blasts w/contract opportunities
      iv. what other 'bonuses' does a MWBE certified business get
         1. the agencies do not offer points for the certification (should be more than a ‘feel good’ benefit)
   b. strengthen process:
      i. affidavit language
      ii. incentivize certification
      iii. reaffirm to business community that vendors have been vetted
   c. explore DelDOT & DBE certification
      i. stringent certification
      ii. possible synergies

8. Restructure the Reporting of the Office of Minority and Women Business Enterprises
   a. governor acknowledged need for advocacy but did not want to act on this recommendation

9. Broaden the Scope of Supplier Diversity Council to Consider Veteran Owned Business Enterprises (Fernando & Jay)
   a. Governor amenable
   b. need to identify process and how to implement
      i. GSS is currently tracking Veteran owned business
         1. currently included in non-collusion & W9 registry; sourcing efforts
      ii. HB 17 proposes adding Veterans to SDC (Rep. Jakes)

10. Make Clear the Executive Support for Sustainability
   a. Robust recommendation
   b. Governor’s entrepreneurial conference
      i. Megabizfest conference had 90% agency participation
      ii. Gov should hold SDC Summit with business leaders, etc.
         1. busy time (tourism, entrepreneurial, etc.)
         2. now that we have momentum, should seize the opportunity between June & September
            a. Make it a part of Ken’s MWBE September conference
   c. Also ask the Governor to renew his support to the cabinet secretaries

Adjourned at 3:39pm.