

**PROSPECTIVE BIDDERS NOTICE**

**SERVICE DISABLED VETERAN-OWNED BUSINESS ENTERPRISE REQUIREMENTS:**

**COMMODITY AND SERVICE CONTRACTS**

To Prospective Bidders:

Consistent with the State University of New York (SUNY) ’s commitment and in accordance with Article 17-B of the New York State Executive Law and its implementing regulations, state agencies and contractors are required to ensure that good faith efforts are made to include meaningful participation by Service Disabled Veteran-Owned Business. The requirements apply to all SUNY commodity and service contracts in excess of $25,000.

**Bidders must submit SDVOB documentation *with all of the bids or proposals* for commodities and services contracts when SDVOB goals apply.** The SDVOB forms identified below shall be submitted by all bidders.

1. SDVOB Utilization Plan ([Form 7564-107](http://www.suny.edu/sunypp/lookup.cfm?lookup_id=618))

If the Bidder’s SDVOB participation rate shown on its SDVOB Utilization Plan is below 6%, the campus MWBE Program Coordinator will provide a written notice of deficiency of the Utilization Plan within twenty (20) business days of its submission to the Contractor, as required under 9 NYCRR § 252.2(l)(4).

The notice will include but not be limited to the following:

1. A list of NYS certified SDVOBs that the Contractor could potentially use within the contract scope of work.
2. Any other information which the MWBE Program Coordinator determines to be relevant to developing an approvable SDVOB Utilization Plan.

The Contractor shall respond to the notice of deficiency by submitting a revised SDVOB Utilization Plan within seven (7) business days, as required by 9 NYCRR § 252.2(l)(5) to the MWBE Program Coordinator.

If the deficiency is not corrected and the SDVOB participation rate on the SDVOB Utilization Plan is still below 6%, the Contractor should request a waiver.

The Waiver Request Form submitted by the Contractor will include but not limited to the following:

1. A request for partial or total waiver of SDVOB goals are required by (9 NYCRR § 252.2(m) (2) on Request for Waiver Form ([Form 7564-114](http://www.suny.edu/sunypp/lookup.cfm?lookup_id=625)) provided by the University-wide MWBE Program Office.
2. Copy of the deficient Utilization Plan.
3. Work Scope of this contract. If there are subcontracting opportunities, please provide documentation d, e, and f.
4. Screenshot of searching result for available SDVOBs in [Directory of NYS Certified SDVOBs](http://ogs.ny.gov/Core/docs/CertifiedNYS_SDVOB.pdf).
5. Copy of email messages containing the request for quote along with the responses from MWBEs.
6. Forms recommended to obtain this information are:

[7564-101](http://www.suny.edu/sunypp/lookup.cfm?lookup_id=612) – SDVOB Contractor Solicitation Letter

[7564-102](http://www.suny.edu/sunypp/lookup.cfm?lookup_id=613) – SDVOB Participation Quote

[7564-103](http://www.suny.edu/sunypp/lookup.cfm?lookup_id=614) – SDVOB Contractor Unavailability Certification

Please submit the above documentations by mail, fax, or email:

State University of New York at Fredonia

Shannon Moore, Campus MWBE Program Coordinator

280 Central Avenue

406 Maytum Hall

Fredonia, NY 14063

Email: univserv@fredonia.edu

OR - IF APPLICABLE

SUNY System Administration at State University Plaza, Office of Diversity, Equity and Inclusion

University-wide MWBE Program

Albany, NY 12246 Fax: (518)-320-1548 Tel: (518)-320-1452

Email: MWBEProgram@suny.edu

Please submit the above documentation to the Campus MWBE Program Coordinator:

Information regarding this legislation may be found at: [Division of Service-Disabled Veterans’ Business Development](http://www.ogs.ny.gov/Core/SDVOBA.asp) on the New York State Office General Services web site.

**STATE UNIVERSITY OF NEW YORK**

**SDVOB UTILIZATION PLAN**

A letter of explanation and documentation of efforts must accompany any SDVOB Utilization Plan that falls short of the stated goals. Without an approved Utilization Plan, SUNY’s Notice of Award and Contract may be withheld.

If you have questions or need assistance related to the SUNY’s Service-Disabled Veteran-Owned Business requirements call the University-wide MWBE Program Office at 518-320-1452 or email [MWBEprogram@suny.edu](mailto:MWBEprogram@suny.edu).

1. The three low bidding contractors (“Contractor”) are required to submit an SDVOB Utilization Plan (Form 7654-107) to the MWBE Program Coordinator within seven (7) calendar days after the opening of bids for construction contracts exceeding $100,000.
2. The MWBE Program Coordinator is required to submit the mandatory SDVOB documentation to the University-wide MWBE Program Office web based contract management system for commodity, service and construction related consultant service contracts exceeding $25,000 and for construction projects exceeding $100,000 upon contract execution.
3. The SDVOB firms included are businesses the Contractor *seriously expects* to include in the project activity.
4. The Contractor must reasonably commit to the dollar values included in the Utilization Plan for participation by SDVOB subcontractors and suppliers.
5. SDVOB firms ***must be certified*** by the Division of Service-Disabled Veterans’ Business Development. A directory of certified minority and women-owned business enterprises is available on the internet at http://ogs.ny.gov/Core/Docs/CertifiedNYS\_SDVOB.pdf. If you would like to receive an excel file containing the current the List of NYS Certified Service-Disabled Veteran-Owned Businesses and sign up to receive updates whenever we certify new businesses, please send a request to [veteransdevelopment@ogs.ny.gov](mailto:veteransdevelopment@ogs.ny.gov).
6. Contractors utilizing SDVOB firms for supplies/materials/equipment whose NYS certification profile designates them as Broker will receive an SDVOB utilization credit for the actual monetary value of the broker fees or the actual markup percentage of the items brokered.
7. SDVOB Participation:

The actual services provided by the SDVOB must be essential in the performance of the scope of work for the applicable contract. Utilization of a certified SDVOB as a conduit or pass through for participation credit is strictly prohibited. It is the discretion of SUNY University-wide MWBE Program to determine whether services are essential in the performance of the scope of work and to offer a determination of the appropriateness of work allowed for lower tier subcontracting, in accordance with practices generally accepted in the construction industry. The services the SDVOB will provide must be among those explicitly identified in the profile (codes) of the firm as listed in the SDVOB directory [Division of Service-Disabled Veterans’ Business Development](http://www.ogs.ny.gov/Core/SDVOBA.asp). Firms submitted or firms that participate in the project outside of these conditions and without specific prior approval by SUNY will not be credited toward the SDVOB Utilization Plan and goals for the contract.

1. Prior to submitting the Utilization Plan, Contractors should confirm the following:
   * 1. SDVOB firms are NYS certified;
     2. SDVOB firms are being used for item(s) within their certification product codes as indicated in their SDVOB Directory firm profile;
     3. SDVOB firms will perform work for which they have been submitted; and
     4. 2nd tier subcontractors and/or suppliers are identified as such and an SDVOB Utilization credit shall be given for 60% of the total contract value of supply purchases or services rendered (for example, when an electrical subcontractor purchases from a 3rd party supplier an SDVOB utilization credit will be given for 60% of the total contract value).

The prime Contractor is responsible for ensuring participation provided by subcontractors for 2nd and 3rd tier SDVOB participation.

Submission of a Utilization Plan which fails to meet or exceed each goal shall be accompanied by documentation of specific efforts undertaken both pre- and post-bid. The campus MWBE Program Coordinator will review and notify Contractor of its assessment.

The University-wide MWBE Program Office in collaboration with the campus MWBE Program Coordinator will review Contractors’ Utilization Plan and notify the Contractor of any deficiencies and determine necessary actions to bring the Utilization Plan into compliance. The University-wide MWBE Program Office reserves the right to require the Contractor to provide sufficient documentation of the efforts made in the development of the Utilization Plan. The documentation should meet the good faith efforts standard under 9 NYCRR § 252.2 and demonstrate the Contractor’s commitment to providing opportunities for SDVOB firms in the development of the Utilization Plan.

A copy of the approved Utilization Plan will be provided to the Contractor after issuance of Notice of Award.

**SDVOB FORM (7564-107) UTILIZATION PLAN INSTRUCTIONS**

Requested information must be completed and submitted within seven (7) days after the bid opening.

**Subcontractor Name & Address**

Name & Address of each SDVOB subcontractor or supplier.

**Federal ID**

Provide accurate Federal ID number of each SDVOB subcontractor or supplier.

**Dollar Value of Subcontract or Purchase Order**

This is the total value of the signed subcontract. If this value is different from the amount in the approved SDVOB Utilization Plan, an explanation should be provided.

**Description of Work or Supplies**

Brief description of work performed or supplies provided by the SDVOB subcontractor or supplier.

**Schedule**

This is the anticipated start and completion dates for each SDVOB subcontractor or supplier. Do not include the construction schedule for the life of the entire project.

**Signature**

To be signed by an Officer of the Company.

* The information included on Form 7564-107 is subject to verification by the campus MWBE Program Coordinator.
* The campus MWBE Program Coordinator must be notified prior to changes made to the approved SDVOB Utilization Plan.

Questions regarding this form should **first** be directed to the [campus MWBE Program Coordinator](http://www.suny.edu/meansbusiness/mwbe/mwbe-contacts/) (click the link and be directed to the SUNY MWBE Campus Contacts directory on the University-wide MWBE web site.

Questions regarding this form should be directed to the University-wide MWBE Program Office at (518) 320- 1340 or via e-mail: [MWBEprogram@suny.edu](mailto:MWBEprogram@suny.edu).

***Submit To:***

**State University of New York**

**Office of Diversity, Equity and Inclusion University-wide MWBE Program**

**353 Broadway**

**Albany, NY 12246**

**Or** [**MWBEProgram@suny.edu**](mailto:MWBEProgram@suny.edu)