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**RESOLUTION TO APPROVE THE UNIVERSITY'S  
SWAM PROCUREMENT PLAN FOR FISCAL YEAR 2014**

RESOLVED, that upon the recommendation of the Administration and Finance Committee, the Board of Visitors approves the University's proposed SWaM Procurement Plan for Fiscal Year 2014.



**Department of Construction and  
Procurement Services**

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**SWaM Procurement Plan  
Fiscal Year 2014**

**PURPOSE:** The purpose of the Old Dominion University Small, Women-Owned, and Minority-Owned (SWaM) owned program is to increase opportunities, participation and contract awards for Department of Minority Business Enterprise (DMBE) certified SWaM businesses in order to achieve the Commonwealth of Virginia's SWaM Aspirational Targets. Further, the FY14 SWaM Plan incorporates the Secretary of Administration's supplier diversity memo dated April 20, 2012 as a goal statement for the University.

- I. The University's FY 2012, 2013 and 2014 SWaM aspirational target expenditures for Small, Women-Owned and Minority-Owned businesses as a percentage of projected discretionary expenditures are listed below. These targets include expenditures with both prime contractors and subcontractors.

	MBE	WBE	SBE	TOTAL
<b>FY2012</b> Aspirational Targets	8%	6.5%	33%	47.5%
<b>FY2012</b> Actual Expenditures	8.72%	8.98%	37.03%	54.73%
<b>FY2013</b> Aspirational Targets	8%	6.5%	33 %	47.50%
<b>FY2013</b> Projected Expenditures*	7.63%	8.13%	32.29%	48.05%
<b>FY2014</b> Aspirational Targets	8%	6.5%	33%	47.5%

\*FY13 4<sup>th</sup> Quarter has been projected based on expenditures reported for the first half of the 4<sup>th</sup> Quarter.

University SWaM reporting for fiscal year 2012 was as follows:

FY2012 Quarterly Expenditure History - <b>DMBE</b> Certified Vendors								
Qtr	Total Quarterly Expenditures	MBE Expenditures		WBE Expenditures		SBE Expenditures		Total SWaM
	Amount	Amount	%	Amount	%	Amount	%	%
1 <sup>st</sup>	\$14,048,747	\$1,346,363	9.58%	\$1,154,746	8.22%	\$5,505,968	39.19%	56.99%
2 <sup>nd</sup>	\$6,870,363	\$892,150	12.99%	\$743,885	10.83%	\$2,537,873	36.94%	60.75%
3 <sup>rd</sup>	\$7,184,191	\$450,836	6.28%	\$773,371	10.76%	\$2,594,647	36.12%	53.16%
4 <sup>th</sup>	\$10,926,428	\$714,383	6.54%	\$834,267	7.64%	\$3,812,805	34.90%	49.07%
<b>FY12</b>	<b>\$39,029,729</b>	<b>\$3,403,732</b>	<b>8.72%</b>	<b>\$3,506,270</b>	<b>8.98%</b>	<b>\$14,451,293</b>	<b>37.03%</b>	<b>54.73%</b>
<b>FY12 ASPIRATIONAL TARGETS</b>			<b>8.00%</b>	<b>6.50%</b>		<b>33.00%</b>		<b>47.50%</b>

University SWaM reporting for fiscal year 2013 was as follows:

FY2013 Quarterly Expenditure History - <b>DMBE</b> Certified Vendors								
Qtr	Total Quarterly Expenditures	MBE Expenditures		WBE Expenditures		SBE Expenditures		Total SWaM
	Amount	Amount	%	Amount	%	Amount	%	%
1 <sup>st</sup>	\$16,215,776	\$1,598,364	9.86%	\$946,902	5.84%	\$5,315,571	32.78%	48.48%
2 <sup>nd</sup>	\$9,741,363	\$692,918	7.11%	\$1,052,478	10.80%	\$2,954,495	30.33%	48.25%
3 <sup>rd</sup>	\$8,620,503	\$522,455	6.06%	\$998,080	11.58%	\$3,181,214.94	36.90%	54.54%
4 <sup>th</sup> *	\$11,525,881	\$703,434	6.10%	\$749,365	6.50%	\$3,435,384	29.81%	42.41%
<b>FY13YTD</b>	<b>\$46,103,523</b>	<b>\$3,517,172</b>	<b>7.63%</b>	<b>\$3,746,825</b>	<b>8.13%</b>	<b>\$14,886,665</b>	<b>32.29%</b>	<b>48.05%</b>
<b>FY13 ASPIRATIONAL TARGETS</b>			<b>8.00%</b>	<b>6.50%</b>		<b>33.00%</b>		<b>47.50%</b>

\*FY13 4<sup>th</sup> Quarter has been projected based on expenditures reported for the first half of the 4<sup>th</sup> Quarter.

## II. Designation of Procurement Champion

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### III. SWaM Procurement Processes and Strategies

#### A. Summary of the Purchasing Process

Old Dominion University has implemented a combination of centralized and decentralized purchasing processes. The University utilizes the Commonwealth of Virginia's e-Procurement system, eVA, as its primary procurement tool, supplemented by the purchasing charge card, unless otherwise allowed by University policies and procedures. Therefore, eVA is the University's primary mechanism to; (1) solicit competition from DMBE certified small businesses, and (2) identify SWaM contract award information.

*Note: Small businesses shall include businesses that have received the DMBE small business certification, which shall not exclude women-owned and minority-owned businesses when they have received DMBE small business certification.*

All decentralized departments authorized to use eVA shall have \$5,000 delegated purchasing authority.

#### B. Procurement Process

##### **Mandatory**

##### **Sources**

The University recognizes and will use those mandatory sources defined in the *Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and their Vendors*.

##### **Contract**

##### **Procurements**

The University will utilize Old Dominion University, Commonwealth VaPP, VASCUPP and other cooperative contracts when deemed advantageous.

##### **All Departmental Users:**

\$0 - \$5,000

Transactions under \$5,000 may be processed via small purchase procedure (up to \$500 or as otherwise approved by Procurement Services), purchasing charge card (PCard) up to the cardholder's transaction limit, generally not to exceed \$4,999.99, or eVA.

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All departments shall utilize a Department of Minority Business Enterprise (DMBE) certified small business up to their delegated limit where available and when prices are fair and reasonable.

>\$5,000-\$50,000 All procurement transactions that exceed \$5,000 shall be submitted to Procurement Services via eVA (eVA users) or paper requisitions (non-eVA users) for appropriate processing, unless otherwise allowed by University policies and procedures.

Procurement Services' Procurement Officers are authorized to use independent judgment, analysis and eVA procurement tools available, and may award to a DMBE certified small business up to \$10,000 where available and when prices are fair and reasonable.

All non-contract, non-exempt purchase transaction requests between \$5,000 - \$50,000 may be processed via eVA QuickQuote, unless award can be made to a DMBE certified business up to \$10,000, as described above, unless otherwise allowed by University policies and procedures. eVA has proven to be the most efficient and effective tool to increase SWaM vendor participation in procurement processes.

\$50,001+ Procurement Services shall utilize eVA's "Virginia Business Opportunities" (VBO) to post all formal solicitations.

**Sole Source**

Sole source procurements shall be reviewed to ensure that only one source is practicably available. Sole source documentation is requested from University Departments, reviewed/approved by the appropriate Buyer, and the Executive Director of Construction & Procurement Services. Sole source procurements over \$500,000 require additional approval by the Vice President of Administration and Finance. All sole source procurements that exceed \$50,000 shall be posted on eVA's VBO website. The Procurement Services staff shall make every effort to encourage SWaM participation whenever available.

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**Emergency**

Emergency purchases exist when an immediate purchase is required to protect life, safety or property, to prevent substantial economic loss or prevent interruption of services. Emergency requests are generated by University departments, reviewed/approved by the appropriate Procurement Officer, and the Executive Director of Construction & Procurement Services. Emergency procurements over \$500,000 require additional approval by the Vice President of Administration and Finance. All emergency procurements that exceed \$50,000 shall be posted on eVA's VBO website. The Procurement Services staff shall make every effort to encourage SWaM participation whenever available.

**Subcontractors**

The University has strengthened and revised previous language that requires bidders and offerors to provide their proposed plan of intent to utilize SWaM businesses during the performance of the contract. (See Attachment A) This information may be required with bid/proposal submittals.

The University requires reports from vendors that have been awarded contracts indicating intent to utilize SWaM businesses as subcontractors during the performance of the contract. These reports indicate the amount of spend to SWaM vendors by the appropriate category. Reports are collected by the Department of Procurement Services. The University may deem the vendor to be in breach of contract and may withhold final payment or a part of the retainage should the vendor fail to provide required reports.

**IV. SWaM Business Outreach**

The University will:

- Actively participate in SWaM Vendor Fair opportunities which may include but is not limited to the following:
  - annual SWaMFest sponsored by the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP)
  - Virginia Business Opportunities Fair sponsored by the Virginia Minority Supplier Development Council (VMSDC)

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- Grow Sales Seminars sponsored by Department of Business Assistance
  - City of Virginia Beach Minority Business Council Expo
  - Power Breakfast and Profits in Partnerships Luncheons sponsored by VMSSDC
  
  - Identify and encourage, SWaM vendors to:
    - register in eVA
    - certify as a SWaM vendor with DMBE
    - meet centralized and decentralized purchasing staff
    - participate in vendor fair opportunities
    - better understand University and Commonwealth procurement laws, policies and procedures
  
  - conduct a SWaM/Procurement training program for all major decentralized buyers to better achieve SWaM aspirational targets.
  
  - work with the University's prime contractors to encourage subcontracting opportunities, partnerships and joint ventures with certified SWaM firms.
  
  - expand efforts with major University contractors to capture Tier III SWaM expenditures.
  
  - communicate and identify supplier diversity opportunities, mentor new vendors, make referrals, capture, and monitor utilization results.
  
  - reach out to alumni business owners to provide information regarding DMBE certification and future business opportunities.
  
  - compare the University's self-certified vendor database with the Commonwealth of Virginia Department of Minority Business Enterprise (DMBE) database and identify self certified vendors who are not DMBE certified. Mail information to these vendors encouraging them to complete the DMBE certification process in an effort to more accurately report the University's spend to DMBE SWaM certified vendors.
  
  - distribute information regarding SWaM certification to the University's term contractors who identified their business as small, woman-owned or minority-owned but are not currently certified through DMBE.
  
  - contact local Chamber of Commerce offices and obtain new business registration information. Provide DMBE certification and eVA registration information to these new businesses.

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## V. Internal Monitoring Mechanisms

The University utilizes the Commonwealth of Virginia e-Procurement system, eVA, as its primary procurement tool, supplemented by the Purchasing Charge Card. eVA, therefore, is the University's primary mechanism to:

- solicit competition from DMBE certified small businesses
- identify SWaM contract award information.

The University will:

- include terms and conditions in all formal solicitations, where appropriate, that will state the University's SWaM aspirational targets, require prime contractors to state their intent to assist in achieving these efforts, and include a mechanism to monitor actual spend to SWaM sub-contractors. (See Attachment A)
- coordinate with other agencies and organizations in an effort to enhance the University's SWaM program.
- collect and analyze prime contractor reports that will capture SWaM sub-contractor information in order to supplement BANNER SWaM spend reports.
- evaluate the size and content of blanket and term contracts prior to solicitation to ensure they are appropriately bundled and that any negative impact on SWaM vendors is considered.
- research alternate sources (U.S. Communities, various municipal contracts, etc.) to identify additional contracts that have been awarded to SWaM vendors which the University is authorized to use.
- utilize BANNER as its primary source of information for SWaM spend reporting. SWaM sub-contractor reports have been developed to capture appropriate data for construction, services, and major goods contracts.
- capture data and report based on
  - Department of Minority Business Enterprise's certified SWaM vendor list
  - vendor's W-9 self certification

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- purchasing charge card transactions with DMBE certified SWaM vendors
  - The University will collect SWaM vendor spend data and compare to the University's SWaM aspirational targets and monitor progress quarterly. Major decentralized departments will be made aware of their progress in achieving SWaM aspirational targets and will be counseled in areas where SWaM participation and awards may be increased.

## **VI. Compliance**

The University certifies that its policies and procedures comply with the SWaM purchasing regulations and/or guidelines set forth in the Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and their Vendors.

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## ATTACHMENT A

### BID/PROPOSAL CONTRACT LANGUAGE FOR GOODS, SERVICES AND CONSTRUCTION

#### Small, Woman, and Minority (SWaM) Owned Business Participation:

1. Old Dominion University is committed to the establishment, preservation, strengthening of small businesses, small businesses owned by women and minorities and to encouraging their participation in State procurement activities. The University's 2014 SWaM aspirational target for firms certified by DMBE is:
  - i. Minority Business Enterprises 8%
  - ii. Women Business Enterprises 6.5%
  - iii. Small Business Enterprises 33%Please tailor your firm's SWaM plan response to assist the University in meeting its aspirational target(s).
2. The University also encourages Bidder's/Offeror's to provide for participation of small businesses, and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, or other contractual opportunities. Submission of a report of past efforts to utilize the goods and services of such businesses, and plans for involvement on any resulting contract are required. By submitting a response, Bidder/Offeror certifies that all information provided in response to this solicitation is true and accurate. Failure to provide the information required by this solicitation may ultimately result in response being deemed non-responsive, and ultimately rejected.
3. While it is the University's intent to enter into an exclusive agreement with one Bidder/Offeror, whenever possible, all potential Bidders/Offerors are encouraged to subcontract any applicable services by partnering with qualified vendors that have also been certified as small, small woman-owned, small minority-owned, businesses through the Commonwealth of Virginia's Department of Minority Business Enterprise (DMBE).
4. In order for Bidders/Offerors to be given consideration for award of a contract, each Bidder/Offeror shall provide with their response (and/or no later than ten (10) business days after request, but prior to award, such statement(s)) setting forth:
  - a. The good faith SWaM owned business participation efforts which the Bidder/Offeror has undertaken in the past: and
  - b. The good faith SWaM owned businesses participation efforts which the Bidder/Offeror intends to undertake in connection with the performance of this contract; including name of firm, contact name and phone

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number, total dollar amount to be subcontracted, category type (small, women, or minority owned), type of product/services.

5. If, in the statement submitted in the response to above sections 4.a and 4.b, the Bidder/Offeror indicates that it has not undertaken any good faith SWaM business participation efforts in the past and/or does not intend to undertake any such efforts in connection with the performance of any resulting contract, the Bidder/Offeror must **also** submit a statement setting forth the reason why it has not undertaken such efforts in the past and/or does not intend to undertake them in connection with the performance of this contract.
6. Any Bidder/Offeror that can qualify for certification through DMBE must do so prior to the award of any contract. The qualification information shall be evidenced by that information specified in the Bidder's/Offeror's completed and submitted W-9 form.
7. Bidder/Offeror shall agree that when proposing subcontractors that **are not** certified through DMBE, it shall become the responsibility of the Bidder/Offeror to ensure those proposed subcontractors become certified through DMBE, when applicable. Failure on the part of the Bidder/Offeror to agree to this responsibility will result in the response being deemed non-responsive and rejected. Prior to the issuance of any contract and/or purchase order, the successful Bidder/Offeror shall provide support documentation to the University validating the efforts of the Bidder/Offeror to get the proposed subcontractors certified. Should the Bidder/Offeror fail to get certified through DMBE those proposed subcontractors that qualify, Bidder/Offeror may be deemed in "breach", and the contract and/or purchase order may be cancelled.
8. Regardless of whether or not the Bidder/Offeror is able to qualify for DMBE certification, selected Bidder/Offeror shall also agree to provide reports to the University's Department of Procurement Services, identifying the subcontractors used during the performance of any subsequent contract, as follows:

**A. Goods and Services – Quarterly Reports:**

- i. **DMBE Certified subcontractors:**
  - (a) Firm name;
  - (b) DMBE certification number;
  - (c) DMBE Designation (Small, Woman, Minority);
  - (d) Value of subcontractor's contract;
  - (e) Amount paid current quarter;

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ii. **Non-DMBE Certified subcontractors – Contracts >\$200,000:**

- (a) Firm name;
- (b) DMBE certification number;
- (c) DMBE Designation (Small, Woman, Minority);
- (d) Value of subcontractor's contract;
- (e) Amount paid current quarter;

**B. Construction:**

i. **DMBE Certified subcontractors:**

- (a) Firm name;
- (b) DMBE certification number;
- (c) DMBE Designation (Small, Woman, Minority);
- (d) Value of subcontractor's contract;
- (e) Value as a percentage (%) of total contract;
- (g) Amount paid current quarter;

**Note:** *Contractor(s) may be deemed in "breach of contract" for failure to provide the required subcontractor data and reports as specified above, and the contract and/or purchase order may be cancelled. Additionally, the University may withhold payment(s) for any and all services provided and invoiced during the period, and those same services will remain unpaid until such data and reports are provided.*

9. For the purposes of this section, the following definitions shall apply:

a. **Good faith SWaM owned business participation efforts:**

The sum total of efforts by a particular business to provide for equitable participation of SWaM subcontractors in the operations and contracts of such businesses.

- i. For past efforts, this sum total shall be comprised of the record of minority participation over the past two (2) years through employment, retention and promotion: subcontracting or joint ventures in the private sector; or a combination thereof.
- ii. In connection with the performance of this contract, good faith efforts shall mean those measures which are proposed to allow equitable participation of SWaM subcontractors.

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- b. **Minority Owned Business Enterprise:** a business concern which is at least 51 percent owned by one or more minorities or in the case of a corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more minorities and whose management and daily business operations are controlled by one or more of such individuals.
- c. **Minority Individual:** "Minority" means a person who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:
- i. **Asian Americans:** means all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Marinas, the Philippines, U. S. territory of the Pacific, India, Pakistan, Bangladesh and Sri Lanka and who are regarded as such by the community of which these persons claim to be a part.
  - ii. **African Americans:** means all persons having origins in any of the original peoples of Africa and who are regarded as such by the community of which these persons claim to be a part.
  - iii. **Hispanic Americans:** means all persons having origins in any of the Spanish speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who are regarded as such by the community of which these persons claim to be a part.
  - iv. **Native Americans:** means all persons having origins in any of the original peoples of North America and who are regarded as such by the community of which these persons claim to be a part or who are recognized by a tribal organization.
  - v. **Eskimos and Aleuts:** means all persons having origins in any of the peoples of Northern Canada, Greenland, Alaska, and Eastern Siberia and who are regarded as such in the community of which these persons claim to be a part.
- d. **Small Business Enterprise:** an independently owned and operated business which, together with affiliates, has 250 or fewer employees, or average annual gross receipts of \$10 million or less averaged over the previous three years.

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- e. **Woman Owned Business Enterprise:** a business concern which is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more women, and whose management and daily business operations are controlled by one or more of such individuals.