

BACKGROUND

1. Implementation of new data collection procedures and clarification of "rules"

Most departments have implemented the new standardized procedures, which are designed to capture all the relevant data concerning contract or purchase awards that fall within the program.¹

However, It continues to be necessary for remaining departments to adopt the standard SBE reporting format which will now capture the details of all the SBE baseline transactions.

The data collection techniques that have been implemented in 2014 and 2015 are more comprehensive and easier to use than the formats that were put in place in 2007. The forms that were developed in 2007 did not capture effectively all of the relevant transactions, namely, all of the baseline transactions constituting the "pool" of SBE program awards. **This data is essential for the effective operation of the SBE program.**

Over time, some departments have become accustomed to reporting only a list of "SBE transactions," without also reporting their overall pool of eligible transactions. The underlying pool of transactions is important to examine in order to both (1) correctly determine the department's SBE participation rate, as a percentage of all awards that qualify for the program, and (2) identify any awards made in the past (including renewals and amendments) that could be subject to SBE outreach in the future.

2. Proposal to ratify and re-issue existing Board Order, including List of Exemptions

The SBE program was approved by Board Order in 1999. Since that time, additional directives and guidelines have been issued (see, e.g. CAO Memoranda of 12/29/2006 and 1/29/2007 - Attachments 1 and 2). The 1999 Board Order included specific program criteria that have since been modified, and established roles for the CAO, Purchasing Director, and Affirmative Action Officer that may have changed over time. For these reasons, CAO staff recommends that the Board Order be updated and re-issued to reflect current program operations.

Among the items to be updated is the list of "exemptions". Exemptions are certain types of contracts (or purchase order awards), as listed in the SBE Board Order approved in 1999, that are

¹ The SBE data collection formula is:

All qualifying SBE program transactions, net of all exempt (types of) transactions, sorted by the vendor's SBE status. Based on this formula, total awards made to SBE vendors and non-SBE vendors, respectively, are then calculated to determine the SBE participation rate.

considered outside the scope or purpose of the SBE program and are therefore excluded from program statistics.²

The 1999 Board Order also authorized the CAO to approve new exemptions under certain circumstances. Nonetheless, some departments are reluctant to modify the scope of exempt transactions they are currently using without a specific directive from the Board of Supervisors. Therefore, a new Board Order should update and ratify the list of exemptions.

3. Recommendation to Prepare an SBE Administrative Bulletin

The Purchasing Division's "County Purchasing Guide" (which describes County-wide procurement policies and procedures) incorporates references to SBE outreach requirements. However there is not a central source of current information concerning SBE program requirements. The SBE program requirements should be incorporated into formal operating procedures for easier reference and to increase compliance.

Because of the specificity of SBE administrative requirements, it would be helpful if the program requirements were included in an Administrative Bulletin³. This would serve as an authoritative source of information across departments, create long-term institutional history, and would be the most appropriate tool for implementing and communicating systematic program changes in the future.

4. Greater SBE Outreach focus needed by procurement agents and/or fiscal officers.

The purpose of the semi-annual SBE program report is to evaluate each department's past "success or failure" to meet the County's **SBE program participation** goal [namely, that 50 percent of all (new or renewed) eligible, non-exempt awards should be awarded to SBE contractors].⁴

Each department is -- more importantly -- also responsible for an **SBE outreach effort** to increase the number of qualified firms that are contacted in the initial stages of vendor identification or solicitation, to increase the SBE participation rate for future awards, in order to meet the Board of Supervisor's stated goal of 50 percent participation by SBEs.

² The correct identification of "SBE contracts" (those to be included for outreach or reporting) by departments depends heavily on correctly sorting out 'exemptions;' therefore, updating and re-issuing the policy on exemptions will greatly improve data collection and data quality.

³ This suggestion was previously made by a former Assistant County Administrator in a memo dated 12/29/2006 (attachment 2).

⁴ Until very recently, detailed information was included in the Semi Annual SBE reports to describe outreach that was conducted in connection with new, amended, or renewed contracts. Since the departure of the County's long term Affirmative Action Officer in 2010, the CAO has not conducted intensive oversight of SBE outreach by the departments, but has focused primarily on correctly identifying the "baseline" awards and standardizing data collection to increase ease of administration. A renewed focus on SBE outreach by departments is now needed.

Over the last several years, relatively few of the departments have achieved the 50 percent participation rate goal. The continued success of the Health Services Department in meeting the goal has been due primarily to the inclusion of a large number of individual physicians and other health care practitioners (serving the Regional Medical Center) as "contractors" in the SBE program.

In order for the SBE program to operate effectively, each department's contract and fiscal officers must actively incorporate the SBE outreach requirements prospectively (based on Purchasing Division guidelines) for new, amended, and renewed contracts and purchase orders (as well as single purchases) in their procurement activities -- and not merely report retrospectively in the Semi-Annual report on the percentage of these awards that have been made to SBEs.

5. Proposal to clarify "set-aside" provision

Clarify whether the Board's policy shall continue to be, as stated in the Board Order and County Purchasing Manual, whether departments shall "set aside contracts [under the threshold] for only SBEs to submit bids, proposals, or enter into negotiated contracts" (emphasis added). If a set-aside program for SBE contractors is not currently desired, amendment to the Board Order should be made accordingly.

6. Measurements of Department Performance

With the recent expansion of data collection to require (and facilitate) identification of all eligible/potential SBE transactions, and to capture the level of activity for individual vendors, a more intensive focus on departmental performance will be possible.

Department data that is submitted in the future should reflect:

- (a) **Whether all "SBE-eligible" transactions (under \$100,000; not exempt) are included in the "pool" of potential SBE awards.**

If the total number and amount of "eligible" transactions is not provided, the department's SBE participation rate will not be accurate

- (b) **Whether individual vendor payments have been "double-counted".**

Frequently, departments report individual payments to SBE vendors, in addition to the initial (underlying) Blanket Purchase Order or contract award that was awarded. This problem of counting both awards and payments (in connection with a single contract or purchase order, when only the "award" is relevant) is thought to have been a source of substantial error in prior reports.

(c) **Whether all exempt transactions are excluded.**

Including exempt transactions in the baseline will adversely affect the department's SBE participation rate; these need not be a focus of the program.

(d) **Whether renewals and amendments that were executed during the period have been reported.**

(e) **Whether the department has performed the required outreach to SBE firms in connection with new, amended, or renewed contracts or blanket purchase orders.**

7. Results for Calendar Year 2014

The attached tables evaluate the departments' performance in meeting a 50 percent target SBE participation rate for contracts and purchases that were awarded or renewed during 2014 (January to December). Table 1 reflects total expenditures made to SBE and non-SBE firms, Table 2 reflects the number of awards made to SBE and non-SBE firms, and Table 3 presents information (for the first time) on the average size of SBE and non-SBE awards that were reported.

RECOMMENDATION(S)/NEXT STEPS

1. **CONTINUE** the enclosed SBE report (for the 2014 Calendar year) for additional IOC review in the Spring of 2016, in order to address the quality and sufficiency of data that is being submitted by departments.
2. **REQUEST** that prior to the next review in Spring 2016, the SBE Coordinators, working with their departmental fiscal and or procurement officers, should verify that the data meets the specifications described above; or, if necessary, submit additional data to conform to the stated data requirements.
3. **DIRECT** CAO and County Departments also to compile SBE program and outreach data for calendar year 2015 during the first quarter (January to March) of 2016.
4. **CALENDAR** a simultaneous review of 2014 and 2015 data by department for the second quarter of 2016, as a basis for ongoing future review of SBE outreach and SBE program participation rates.
5. **DIRECT** CAO to draft a proposed Administrative Bulletin for the SBE program, to take effect 1-1-2017 if possible, reflecting guidelines as well as further program direction provided by IOC and BOS.

**TABLE 1: SBE and Non-SBE Awards by Departments in CY2014
(\$ Amounts)**

Sum of Amount	Non SBE awards	SBE Awards	Grand Total*	Pct. of \$ Awarded to SBE firms
Agriculture	221,632	97,022	318,654	30.4%
purchasing	143,602	70,522	214,124	32.9%
svcs contract	78,030	26,500	104,530	25.4%
Animal Services	264,979	15,671	280,650	5.6%
purchasing	103,017	421	103,438	0.4%
svcs contract	161,962	15,250	177,212	8.6%
Assessor	2,426	5,385	7,811	68.9%
credit card	2,070	5,385	7,455	72.2%
warrant request	356		356	0.0%
CAO-CCTV	123,625	1,500	125,125	1.2%
purchasing	62,145	1,500	63,645	2.4%
svcs contract	61,480		61,480	0.0%
CCC Fire	1,272,177	585,142	1,857,319	31.5%
purchasing	792,170	216,933	1,009,102	21.5%
svcs contract	480,008	368,209	848,216	43.4%
Clerk Recorder Admin		51,467	51,467	100.0%
purchasing		51,390	51,390	100.0%
svcs contract		77	77	100.0%
Clerk-Recorder Elections		192,681	192,681	100.0%
personal services		52,675	52,675	100.0%
purchasing		97,355	97,355	100.0%
svcs contract		42,651	42,651	100.0%
County Counsel		16,330	16,330	100.0%
purchasing		1,844	1,844	100.0%
svcs contract		14,486	14,486	100.0%
District Attorney	33,450	90,153	123,603	72.9%
purchase order - blanket		44,900	44,900	100.0%
purchase order - one sh	33,450	45,253	78,703	57.5%
Library	56,484	104,320	160,804	64.9%
personal services	4,425	59,050	63,475	93.0%
purchasing	52,059	45,270	97,329	46.5%
Probation	323,342	151,110	474,452	31.8%
purchasing	176,656	135,928	312,584	43.5%
svcs contract	146,686	15,182	161,868	9.4%
Public Works	1,914,433	4,359,592	6,274,025	69.5%
construction	161,551	130,854	292,405	44.8%
purchase order - blanke	214,899	50,855	265,754	19.1%
purchase order - one sh	33,364	2,919	36,283	8.0%
purchasing	548,489	293,348	841,837	34.8%
svcs contract	737,000	3,261,416	3,998,416	81.6%

Sum of Amount				Pct. of \$ Awarded to SBE firms
	Non SBE awards	SBE Awards	Grand Total*	
svcs contract amended		26,200	26,200	100.0%
svcs contract new	218,500	594,000	812,500	73.1%
warrant request	630		630	0.0%
Sheriff	5,818,369	1,551,926	7,370,295	21.1%
CONTRACT	2,703,500		2,703,500	0.0%
purchasing	3,114,869	1,551,926	4,666,795	33.3%
Grand Total*	\$ 10,030,917	\$ 7,222,299	\$ 17,253,216	41.9%

*exclusive of Health Services Department

Health Services Department statistics are reported separately

**TABLE 2: Number (Count) of SBE and Non-SBE Awards
by Departments in CY2014**

	Non_SBE awards	SBE Awards	Grand Total* - No. of Awards	Pct. of No. of All Awards, Awarded to SBE firms
Agriculture	75	45	120	37.5%
purchasing	64	41	105	39.0%
svcs contract	11	4	15	26.7%
Animal Services	55	3	58	5.2%
purchasing	40	1	41	2.4%
svcs contract	15	2	17	11.8%
Assessor	7	1	8	12.5%
credit card	5	1	6	16.7%
warrant request	2		2	0.0%
CAO-CCTV	29	1	30	3.3%
purchasing	24	1	25	4.0%
svcs contract	5		5	0.0%
CCC Fire	1,383	563	1,946	28.9%
purchasing	818	326	1,144	28.5%
svcs contract	565	237	802	29.6%
Clerk Recorder Admin		45	45	100.0%
purchasing		44	44	100.0%
svcs contract		1	1	100.0%
Clerk-Recorder Elections		25	25	100.0%
personal services		11	11	100.0%
purchasing		5	5	100.0%
svcs contract		9	9	100.0%
County Counsel		74	74	100.0%
purchasing		5	5	100.0%
svcs contract		69	69	100.0%
District Attorney	14	15	29	51.7%
purchase order - blanket		2	2	100.0%
purchase order - one shot	14	13	27	48.1%
Library	44	20	64	31.3%
personal services	5	4	9	44.4%
purchasing	39	16	55	29.1%
Probation	24	21	45	46.7%
purchasing	11	15	26	57.7%
svcs contract	13	6	19	31.6%
Public Works	81	119	200	59.5%
construction	2	2	4	50.0%
purchase order - blanket	8	6	14	42.9%
purchase order - one shot	4	2	6	33.3%
purchasing	46	30	76	39.5%
svcs contract	14	62	76	81.6%

	Non_SBE awards	SBE Awards	Grand Total* - No. of Awards	Pct. of No. of All Awards, Awarded to SBE firms
svcs contract amended		2	2	100.0%
svcs contract new	5	15	20	75.0%
warrant request	2		2	0.0%
Sheriff	105	16	121	13.2%
CONTRACT	9		9	0.0%
purchasing	96	16	112	14.3%
Grand Total* - No. of Awards	1817	948	2765	34.3%

*exclusive of Health Services Department

Health Services Department statistics are reported separately

TABLE 3: Average SBE and Non-SBE Awards by Departments in CY2014

Average of Amount			
	Non_SBE awards	SBE Awards	Grand Total Average
Agriculture	2,955	2,156	2,655
purchasing	2,244	1,720	2,039
svcs contract	7,094	6,625	6,969
Animal Services	4,818	5,224	4,839
purchasing	2,575	421	2,523
svcs contract	10,797	7,625	10,424
Assessor	347	5,385	976
credit card	414	5,385	1,243
warrant request	178		178
CAO-CCTV	4,263	1,500	4,171
purchasing	2,589	1,500	2,546
svcs contract	12,296		12,296
CCC Fire	920	1,039	954
purchasing	968	665	882
svcs contract	850	1,554	1,058
Clerk Recorder Admin		1,144	1,144
purchasing		1,168	1,168
svcs contract		77	77
Clerk-Recorder Elections		7,707	7,707
personal services		4,789	4,789
purchasing		19,471	19,471
svcs contract		4,739	4,739
County Counsel		221	221
purchasing		369	369
svcs contract		210	210
District Attorney	2,389	6,010	4,262
purchase order - blanket		22,450	22,450
purchase order - one shot	2,389	3,481	2,915
Library	1,284	5,216	2,513
personal services	885	14,763	7,053
purchasing	1,335	2,829	1,770
Probation	13,473	7,196	10,543
purchasing	16,060	9,062	12,022
svcs contract	11,284	2,530	8,519
Public Works	23,635	36,635	31,370
construction	80,776	65,427	73,101
purchase order - blanket	26,862	8,476	18,982
purchase order - one shot	8,341	1,460	6,047
purchasing	11,924	9,778	11,077
svcs contract	52,643	52,603	52,611
svcs contract amended		13,100	13,100
svcs contract new	43,700	39,600	40,625

Average of Amount

	Non_SBE awards	SBE Awards	Grand Total Average
warrant request	315		315
Sheriff	55,413	96,995	60,912
CONTRACT	300,389		300,389
purchasing	32,447	96,995	41,668
Grand Total Average	\$ 5,521	\$ 7,618	\$ 6,240

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Attachment 1

COUNTY OF CONTRA COSTA
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

DATE: January 29, 2007

ARCHIVED DOCUMENT

TO: Department Heads

cc: Department SBE and Outreach Liaisons
Emma Kuevor, Affirmative Action Officer
Kevin Berenson, Purchasing Manager
David Schmidt, Deputy County Counsel

FROM: Sara Hoffman, Assistant County Administrator

SUBJECT: ADMINISTRATIVE DIRECTIVES ON REPORTING PROCESS FOR SBE & OUTREACH
PROGRAMS

This directive details changes to the reporting process for the SBE and Outreach Programs that Departments must follow when submitting information regarding their **professional/ personal services contracts, construction contracts, and purchasing transactions**. These changes have been made in order to streamline the data submitted by the Departments, consistent with Board-directed program parameters. The changes relate to the following areas:

- 1) Reporting frequency and deadlines;
- 2) Report format; and
- 3) Method used to submit report data.

Reporting Frequency and Deadlines – Departments are no longer required to submit their SBE and Outreach reports quarterly. Departments will submit SBE and Outreach data to the Affirmative Action Office and Purchasing Division semi-annually. The deadline for submitting the data will be 10 business days following the last day of the reporting period (i.e., June 30 and December 31).

Recognizing that a Department's internal process for authorizing the SBE and Outreach reports may require more than ten days, Departments must submit at least a *draft* report by the 10-day deadline and a *finalized* report no later than 15 business days following the last day of the reporting period.

SBE Report Format – Departments are no longer required to: 1) submit SBE award data using the existing SBE report format or award forms; or 2) report amounts paid to SBEs. Instead, Departments will provide information regarding their contract activity and transactions on one consolidated form that details:

- Date (or Month) of Transaction
- Contract or Transaction Number
- Firm Name
- Dollar Amount of Contract/Transaction

Departments will provide this information for each of their contracts and transactions and identify which of the contracts/transactions were awarded to County- or State-certified SBEs.

In lieu of requiring and reviewing separate award forms, the County Administrator's Office (CAO) will verify information reported by the Departments using contract/transaction records. As such, Departments must be prepared to demonstrate at a later time that the information provided in the Department report corresponds with its records.

Outreach Report Format – Departments are no longer required to submit Outreach data for their purchasing transactions, since transactions within program thresholds are now handled through the e-Outreach system administered by the General Services Department (Purchasing Division). Departments, however, will provide information regarding their outreach activity for construction and professional/personal services on a consolidated form that details:

- Number of Contracts/Transactions
- Dollar Amount of All Contracts/Transactions
- Total Number of Business Contacts
- Number of Contacts by type of business (MBE, WBE, SBE, LBE, DVBE, and etc.)

Method of Submitting Information – Using the attached excel templates, Departments will submit their SBE and Outreach reports electronically to the following individuals:

- Nina Bodway, Affirmative Action Office - Nbodw@cao.cccounty.us
- Kevin Berenson, Purchasing Division - Kberenson@gsd.cccounty.us

Additional instructions on using the SBE and Outreach report templates are contained within those forms.

Directive Effective Date – This directive is effective retroactively to January 1, 2007. (These changes do not impact the 4th quarter report for 2006. That report was due to the CAO by January 12, 2007, using the existing report format and process.) The changes outlined in this directive will be implemented as a 6-month pilot, after which the reporting process will be evaluated.

The participation of all Departments is critical to ensure a thorough evaluation of the pilot and accurate measure of the County's progress toward its SBE goals and Outreach requirements. In the event reports are not submitted within the established timeframes, the CAO may discontinue the new reporting frequency and instead reinstate the prior requirement of quarterly reports.

If you have any questions regarding the use of the templates, please contact Celia Pedroza at 335-1037.

COUNTY OF CONTRA COSTA
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

DATE: December 29, 2006

To: Department Heads

cc: Department SBE and Outreach Liaisons
Emma Kuevor, Affirmative Action Officer
Kevin Berenson, Purchasing Manager
David Schmidt, Deputy County Counsel

FROM: Sara Hoffman, Assistant County Administrator

SUBJECT: ADMINISTRATIVE DIRECTIVES ON OUTREACH AND SBE PROGRAMS

ARCHIVED DOCUMENT

Thank you for commenting on the draft *e-Outreach* implementation issues paper. All comments were considered in formulating this administrative directive.

In addition to administrative implementation issues, the paper identified a policy issue which will be presented to the Board of Supervisors for their consideration at the January 9, 2007 Board meeting. The Internal Operations Committee will be recommending that the Board of Supervisors accept State certified SBEs and well as County certified SBEs in assessing compliance with County SBE goals and Outreach requirements. This recommendation was also unanimously endorsed by the Advisory Committee on Equal Employment Opportunity.

Duplicative Databases – Effective immediately, all departments should send their databases of County certified “BEs” (SBE, MBE, WBE, etc) to Purchasing for integration into a single database. All Self Certification Forms should be sent to Purchasing as well.

Effective January 1, 2007, only the firms identified as County-certified SBEs in the Purchasing Vendor Database will count toward the SBE program. Thus, it is critical that the Departments forward their databases and Self Certification Forms to Purchasing to ensure a full count of qualified SBE awards. In addition, assuming the Board of Supervisors approves use of State-certified SBEs, state-certified SBEs will also be accepted when assessing SBE program compliance. The RFP Depot database will be used to verify state-certified SBEs.

Community Development has expressed concern that some of their professional services contractors may not be covered by the NIGP coding system. Purchasing will be contacting them to resolve this issue. If other departments have similar concerns, they should contact Kevin Berenson, Purchasing Manager, 313-7326 kberenson@gsd.cccounty.us.

Please note that the RFP Depot system *automatically* sends out bid opportunity notices for transactions initiated by the Purchasing Division on a department’s behalf. That function is not available through the Purchasing Vendor Database, which is hosted on the County’s Intranet. Instead, the Department

itself must identify qualified vendors and send out notices of bid opportunities when choosing to initiate their own contracts/transactions. Remember that all County-certified BE vendors listed in RFP Depot's database are listed in the Purchasing Vendor Database, but not all County-certified BE vendors in the Purchasing Vendor Database will be in the RFP Depot database (County-certified BEs who chose not to register with RFP Depot will be listed in the Purchasing Vendor Database only).

SBE and Outreach Program Reports – Effective January 1, 2007, departments should send the Purchasing Division their Purchasing SBE and Outreach program reports on **commodity purchases** that are *not* handled on their behalf by Purchasing (such as Procurement Card and warrant request purchases). Reports should be submitted semi-annually, no later than 10 business days following the end of reporting period (June 30th and December 31st). Reports will be presented to the Advisory Council on Equal Employment Opportunity prior to submittal to the Internal Operations Committee. SBE reports on commodity purchases will continue to report department level data. Outreach reports will be by type of commodity, not by department.

For **professional/personal services** and **construction contracts**, departments should continue to submit their SBE and Outreach program reports to Affirmative Action. For the 4th Quarter of 2006, please submit your quarterly report no later than January 12, 2007.

Sole Source Justifications and Exemption Requests – For commodity purchases, departments will continue to be responsible for preparing sole source justifications. If the department is handling the purchase, then the department should prepare the exemption request and submit it to the County Administrator's Office. If Purchasing makes the purchase decision, then Purchasing is responsible for the exemption request to the County Administrator's Office.

No changes are being made for professional/personal services or construction contract sole source justifications or exemption requests.

Access to RFP Depot Database – Purchasing will be providing access codes so the departments can access the RFP Depot Database to confirm that their vendors have successfully completed the enrollment process and for other purposes. Access will be provided as soon as possible. Please contact Kevin Berenson, Purchasing Manager, with the name, telephone number and email address of the individual(s) who should get access.

In addition, several issues arose during review of the issues paper:

IT Standards and Security Requirements – Purchasing will be working with DoIT to ensure that commodities purchased by the County comply with County IT standards and security best practices.

Reporting transactions in both SBE and Outreach Programs – Effective January 1, 2007, transactions that qualify for both SBE and Outreach programs should be counted in *each* program. This directive applies to all transactions: purchase of commodities, professional/personal services and construction contracts. (For the 4th quarter report ending December 31, 2006, continue the current practice of counting transactions that qualify for the SBE and Outreach programs in only one program area.)

Future directions for the SBE and Outreach Programs – It is our intent to streamline the SBE and Outreach reporting requirements, consistent with Board-directed program parameters. We are particularly interested in developing an on-line reporting system for SBE awards, which would be submitted semi-annually. The new reporting system would replace the current quarterly report summary sheet and individual award forms. We also intend to memorialize requirements and responsibilities through the

promulgation of new Administrative Bulletins, so that information is readily accessible through the County's Intranet. Celia Pedroza, Management Analyst, is taking the lead on this effort. Please contact her at 335-1037 if you have ideas or suggestions.

Also, if you have any questions regarding these administrative directives, please contact me at 335-1090, Kevin Berenson at 313-7326 or Emma Kuevor at 335-1045.

Thank you for your cooperation.

Attachment 3: Prior SBE Board Orders

TO: BOARD OF SUPERVISORS
FROM: INTERNAL OPERATIONS COMMITTEE
DATE: December 19, 2000

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SUBJECT: CLARIFICATION OF REPORTING REQUIREMENTS UNDER
THE COUNTY'S OUTREACH PROGRAM



SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS:

1. APPROVE recommendations for reporting under the County's Outreach Program and SBE Program, as detailed in Background below.
2. DIRECT the County Administrator to adjust the program language and forms, as necessary, to implement the recommendations.

BACKGROUND:

As directed by the Board, the Internal Operations Committee continues to maintain policy oversight for the Small Business Enterprise and Outreach Programs. Our Committee receives periodic reports from the County Administrator and Affirmative Action Officer on the status of the programs, and also has requested and received input from the Advisory Council on Equal Employment Opportunity, which is responsible for advising the Board on affirmative action programs.

Occasionally, our Committee has been asked to provide guidance to staff on issues that have arisen in the implementation of the programs. One such issue is the reporting requirement under the Outreach Program and SBE Program. This was addressed in the December 1, 2000 report received by our Committee.

Reporting under the Outreach Program logically should relate to the goal of the program, which is to provide an equal opportunity for vendors, service providers, and contractors to compete for business with the County. Thus, the reporting requirement should focus on outreach or solicitation

CONTINUED ON ATTACHMENT: ☒ YES

SIGNATURE:

☐ RECOMMENDATION OF COUNTY ADMINISTRATOR ☒ RECOMMENDATION OF BOARD COMMITTEE
☐ APPROVE ☐ OTHER

SIGNATURE(S):

Gayle B. Uilkema
GAYLE B. UILKEMA

MARK DeSAULNIER

ACTION OF BOARD ON December 19, 2000 APPROVE AS RECOMMENDED ☒ OTHER ☐

VOTE OF SUPERVISORS

☒ UNANIMOUS (ABSENT **)

AYES: _____ NOES: _____
ABSENT: _____ ABSTAIN: _____

CONTACT: JULIE ENEA (925) 335-1077
cc: INTERNAL OPERATIONS COMMITTEE STAFF
AFFIRMATIVE ACTION OFFICER
COUNTY ADMINISTRATOR
GENERAL SERVICES DEPARTMENT
COUNTY COUNSEL

** Supervisor seat V is vacant at this time

I HEREBY CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF AN ACTION TAKEN
AND ENTERED ON THE MINUTES OF THE
BOARD OF SUPERVISORS ON THE DATE
SHOWN.

ATTESTED December 19, 2000
PHIL BATCHELOR, CLERK OF THE BOARD
OF SUPERVISORS AND COUNTY
ADMINISTRATOR

BY *Phil Batchelor* DEPUTY

efforts, which are the main focus of the Outreach Program. Our Committee recommends, therefore, that staff establish a procedure to compile and report the number of vendors, service providers, and contractors contacted under the program by the following categories: MBE, WBE, OBE, SBE, and LBE.

Another issue discussed by our Committee was the reporting of those firms that choose not to identify themselves as MBE, WBE, or SBE or whose status is otherwise unknown. In the past, such undesignated firms presumably have been included under the OBE (Other Business Enterprise) category. To accommodate such firms and to ensure that they are properly reported, our Committee recommends that staff be directed to adjust the categories or definitions, as necessary.

The Purchasing Outreach Program presently requires periodic reports listing "the number and dollar value of all contracts, including those contracts given to identified MBE, WBE, SBE, and LBE vendors."

Our Committee recommends against compiling and reporting statistics of contract awards and purchases by those categories, especially since the Outreach Program does not include specific goals or requirements for contract award by category.

To implement the above-described requirements, staff should be directed to adjust the program language and forms, as necessary.

FROM:

1999 INTERNAL OPERATIONS COMMITTEE

DATE:

December 13, 1999

SUBJECT:

SMALL BUSINESS ENTERPRISE PROGRAM

Contra
Costa
County

ARCHIVED DOCUMENT

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS:

1. APPROVE the attached Small Business Enterprise Program.
2. DIRECT the County Administrator to provide appropriate instructions to County Departments on the implementation of the Small Business Enterprise Program.
3. REMOVE this subject as a referral to the 1999 Internal Operations Committee and instead REFER it to the 2000 Internal Operations Committee for continuing policy oversight, as is provided for on the last page of the attached.

BACKGROUND:

This subject was referred to our Committee nearly a year ago and we have met on it with staff on several occasions throughout the year. Our goal was to put together a program that would provide small businesses with a fair share of the County's businesses. We believe we have done that. To briefly summarize the content of the attached report:

- The program covers construction contracts of \$25,000 or less and purchasing transactions of \$50,000 or less and professional/personal services contracts of \$50,000 or less.

CONTINUED ON ATTACHMENT: ☐ YES

SIGNATURE:

RECOMMENDATION OF COUNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

APPROVE

OTHER

SIGNATURE(S):

GAYLE B. UILKEMA

JOHN GIOIA

ACTION OF BOARD ON

January 25, 2000

APPROVED AS RECOMMENDED ☒ XXOTHER ☐ XX

The following people offered public comment on this matter:

Oren Sellshorn, 301 Mission Street, #400, Lawyer's Committee for Civil Rights; and Jonothan Dumas, 41 Carter Court, Equal Employment Opportunity Advisory, El Sobrante;

The Board discussed the issues and took the following action:

ACCEPTED staff's Recommendations Nos. 1 and 2; and DIRECTED No. 3 include the language "and for potential broadening of the Program as the Committee determines".

VOTE OF SUPERVISORS

UNANIMOUS (ABSENT ☐ - - - - -)

AYES: I, IV, V & VII

NOES:

ABSENT: II

ABSTAIN:

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

ATTESTED January 25, 2000

PHIL BATCHELOR, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR

Contact:
cc:

County Administrator
Julie Enea, Staff to the Internal Operations Committee
Affirmative Action Officer

BY

DEPUTY

- For those contracts and transactions that are not exempt from the program, 50% of the dollar amount will be awarded to small businesses, as a small business is defined. Businesses which do not qualify as a small business will not be able to bid on the contract or transaction.
- All other factors being substantially the same, contracts are to be awarded to a local small business.
- The County Administrator is to make a report to the Board annually by March 30 on the success of the program.

ARCHIVED DOCUMENT

Consider WJ
D.4

Contra Costa County Small Business Enterprise Program

I. Scope of Program

- A. Contra Costa County values the contributions of small businesses in County contracting and will assist in the development, solicitation, and contract awards to small businesses.
- B. The Small Business Enterprise (SBE) Program applies to:
- construction contracts of \$25,000 or less;
 - purchasing transactions of \$50,000 or less;
 - professional/personal service contracts of \$50,000 or less;
- at the time of contract award.
- C. The program would not apply to any contracts or purchasing funded in whole or in part by the federal government to which Disadvantaged Business Enterprise (DBE) requirements apply as a condition of federal funding.
- D. The County Administrator may exempt emergency construction projects, purchasing transactions, professional/personal service contracts, and other

particular projects or contracts, such as sole source contracts, from the SBE Program requirements, where the County Administrator is satisfied that: (1) the exemption is required to avoid unreasonable expense or delay to the County; (2) the project(s), transaction(s), or contract(s) in question cannot reasonably be performed by an SBE; (3) no valid purpose would be served by applying the SBE Program requirements; or (4) the exemption is justified by special or unique circumstances. Whenever the County Administrator decides to exempt a project or class of projects, that decision shall be reported to the Board of Supervisors' Internal Operations Committee or, if appropriate, to the Board.

E. Departments with purchasing source discretion ("PSD") will:

- identify those contracts under the threshold amount for each SBE Program area (i.e., construction, purchasing transactions, and professional and personal service contracts) and set-aside contracts for only SBEs to submit bids, proposals or enter into negotiated contracts;
- determine if contracts will be informal bids/proposals, formal bids/proposals, or negotiated contracts;
- will review all construction contracts, purchasing transactions, and professional and personal services contracts under the threshold amounts

for the SBE program on a reasonable basis to ensure that the County meets the goal of this program; and

- make every effort to maintain a large base for SBE contracting.

F. The SBE Program does not apply to the following, which are exempt from the SBE Program base amount:

- Association dues and membership fees;
- Postage, Federal Express, and UPS;
- Lodging;
- Registration and conference booths;
- Bus fares, Bay Area Rapid Transit District (BART) tickets, fares for other forms of public transportation, and bridge tolls;
- Permits, fees, and licenses paid to governmental agencies;
- Utility installation fees;
- Pre-employment screening and fitness for duty exams;
- Legal notices;
- Purchases or contracts with other public (local, state, or federal) agencies such as the State of California and the Los Angeles County Joint Purchasing Group;

- Contracts between divisions in a department or contracts between two different departments;
- Contract consultants who answer "yes" to any of the questions on the Questionnaire for Determining Independent Contractor Payment Method form; unless it is determined and certified that they are SBEs, as defined in Section D of Part III of this Program; and
- Contracts with private non profit organizations and agencies.

G. The program will be implemented and monitored by the General Services Director (Purchasing Agent), Department Heads with purchasing source discretion ("PSD"), and the County's Affirmative Action Officer. Departments with "PSD" will submit quarterly reports of their "PSD" transactions in a timely manner to the County Administrator or designee, and a draft annual report prepared by the Affirmative Action Officer will be submitted to the County Administrator. On or before March 30 of each year, a final annual report by the County Administrator will be submitted to the Board of Supervisors on the County's SBE Program. Departments with "PSD" who do not meet a 50% SBE participation in the "PSD" transactions applicable to their departments shall report to the County Administrator on this area.

- II. An SBE contractor may appeal to the Department Head or designee within 10 days of the award of a contract. If the complaint is not resolved within the department, the SBE firm may file a complaint with the County's Affirmative Action Officer. If it is not resolved with the Affirmative Action Officer, the County Administrator will review the complaint and take appropriate actions.

II. Program Requirements

- A. The total dollar base amount is the number of non-exempt contracts under the SBE Program threshold for construction (total contracts at \$25,000 or less), purchasing (total contracts at \$50,000 or less), professional/personal services (total contracts at \$50,000 or less).
- B. At least fifty percent (50%) or more of the total dollar base amount for the calendar year of :
- construction contracts;
 - purchasing transactions; and
 - professional/personal services contracts

available to the program should be awarded to SBEs, as provided in Section A above.

- C. Where the purchasing and professional/personal services SBE Program overlap with the purchasing and professional/personal services Outreach Program, the 50% non SBE purchasing transactions and professional/personal services contracts should meet the Outreach Program requirements.
- D. To the extent allowed by law, the General Services Director (Purchasing Agent) and County departments with PSD shall maximize business opportunities for local SBEs to compete and shall give a contracting priority to such local SBEs for County construction contracts, professional/personal service contracts, and purchasing transactions covered by the SBE Program where there is no significant difference between the local SBE's bid, proposal, or price and other bids, proposals, or prices for the contract or purchasing transaction.

III. Program Responsibility

- A. Board of Supervisors: The Board of Supervisors has adopted a SBE Program to assist in the solicitation and award of contracts to small businesses (particularly those located in Contra Costa County).
- B. County Administrator: The County Administrator is responsible for the development, implementation, monitoring, and evaluation of the SBE Program and may delegate responsibility to the Affirmative Action Officer or other designee.
- C. Department Heads:
1. The County Administrator, General Services Department, Building Inspection Department, Community Development Department, Public Works Department, and any other Department that enters into construction contracts (not performed by another County Department):
 - are responsible for implementing the SBE Program for construction contracts in their respective departments.
 2. The General Services Director (Purchasing Agent)

- Is responsible for reporting on all purchasing transactions processed and the source(s) determined by that department, as provided in Section B of Part IV of this Program.

3. All Department Heads

- Are responsible for implementing the SBE Program for "PSD" purchasing transactions of the department and "PSD" professional/personal service contracts for their respective departments.

D. Program Definitions

1. Small Business Enterprise (SBE):

- a. An eligible Small Business Enterprise, as defined by the California Government Code, Section 14837, Chapter 3.5,
 - is an independently owned and operated business, which is not dominant in its field of operation;
 - the principal office of which is located in California;

- the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees; and
- average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or
- is a manufacturer with 100 or fewer employees.

2. SBEs certified by the state would qualify for participation in the County's SBE Program. An SBE that is self-certified and claims its status under penalty of perjury, and such self-certification is concurred in by the department, also would qualify.
3. The base for the total dollar amount is the total number of contracts under the SBE Program threshold for construction (total contracts at \$25,000 or less), purchasing (total contracts at \$50,000 or less), and professional/personal services (total contracts at \$50,000 or less) contracts.

4. A local SBE is an SBE whose main office is located in Contra Costa County.
5. An SBE Directory of Self-Certified firms will be developed and maintained by the Affirmative Action Office.
6. Purchasing Source Discretion ("PSD") means those transactions where a department has sole discretion to determine the source of goods, services or construction without limitation to those vendors or contractors approved by the Purchasing Agent and where the Purchasing Agent processes the transaction without exercising any discretion.

IV. Program Procedures and Implementation

- A. Department Heads with "PSD" are responsible for administration and implementation of the SBE Program (construction, purchasing transaction, and/or professional and personal service contracts) for their "PSD" transactions and shall submit quarterly reports to the County Administrator or designee in a timely manner.

- B. The General Services Department (Purchasing Agent) is responsible for reporting on and implementing the SBE Program for all purchasing transactions and contracts that are processed by that department, except for those transactions where another department exercises "PSD," as defined in Section D. 6 of Part III of this Program. Such reporting will be done on a quarterly basis in a timely manner to the County Administrator or designee by the General Services Department (Purchasing Agent).

V. Conclusion

A. County Administrator will

- On or before March 30 of each year, submit a final annual report to the Board of Supervisors indicating the total dollar amount of qualified contracts and SBE contracts (\$25,000 and less for construction; \$50,000 and less for purchasing; and \$50,000 and less for professional/personal services contracts) for the County.

- Submit SBE recommendations to the Board of Supervisors.

- B. The Internal Communications Committee of the Board of Supervisors will have continuing policy oversight and develop any recommendations for program changes.

a:sbe3

Attachments 4 through 7
Examples of Department Data Submitted

IUC 10.12.15

Attachment 4

Assessor 'SBE data'
2014

Org	Obj	Sub Obj	Description	TC Reference	Date Posted	Amount	PO #	Vendor #		
1013	2000	2251	96196644/R265590	52 G-378766	8/6/2014	\$126.00	FW238710	00001	MicroFocus	Maint-Support Rumba Software
1025	2000	2467	REG RULLODA M 9/11-9/12	52 G-379790	8/12/2014	\$75.00	FW238711	00001	CAACC	Exempt - Registration
1000	2000	2102	2014 FLSA POCKET GUIDE	52 G-381288	8/15/2014	\$30.33	FW238712	00001	UC Reg-CPER	FLSA Pocket Guide
1019	2000	2467	REG GARVEY L 9/11-9/12	52 G-387786	9/8/2014	\$75.00	FW238713	00001	CAACC	Exempt - Registration
1019	2000	2467	REG WEBBER J 9/11-9/12	52 G-387786	9/8/2014	\$75.00	FW238713	00001	CAACC	Exempt - Registration
1000	2000	2467	REG B CAMPBELL 10/6-7	52 G-391508	9/18/2014	\$150.00	FW238717	00001	SACA	Exempt - Registration
1025	2000	2467	REG M RULLODA 10/6-7	52 G-391508	9/18/2014	\$150.00	FW238717	00001	SACA	Exempt - Registration
1000	2000	2303	80201448 VERIGIN 11/4-6	52 G-400140	10/16/2014	\$400.09	FW238720	00001	Embassy Suites	Exempt - Lodging
1000	2000	2102	92871 SUBSC 2015	52 G-414334	12/1/2014	\$225.00	FW238723	00001	GASB	GASB Subscription
1015	2000	2251	0001629466/131559	52 G-385046	8/29/2014	\$1,994.25	F5311501	01271	CCH Inc	Check Cancelled Wrong Vendor#
1000	2000	2102	4801322908/4001035600	52 G-388444	9/10/2014	\$325.45	FW238714	01271	CCH Inc	GAAP 2015 Guide
1015	2000	2102	4801322908/4001035600	52 G-388444	9/10/2014	\$325.45	FW238714	01271	CCH Inc	GAAP 2015 Guide
1018	2000	2150	TICKET 779123	52 G-380268	8/13/2014	\$30.43		01296	Copper Skillet	Exempt - Human Resources
1000	2000	2310	7/1-7/11/14 CY B DRAPER	52 G-373802	7/23/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	7/14-7/25/14 B DRAPER	52 G-376453	7/31/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	7/28-8/8/14 B DRAPER	52 G-379715	8/12/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	8/11-8/22/14 B DRAPER	52 G-384062	8/27/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	8/25-9/5/14 B DRAPER	52 G-388175	9/10/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	9/8-9/19/14 B DRAPER	52 G-393161	9/25/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	9/22-10/3/14 B DRAPER	52 G-396865	10/8/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	10/6-10/17/14 B DRAPER	52 G-402585	10/24/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	10/20-10/31/14 B DRAPER	52 G-406714	11/6/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2310	11/3-11/14/14 B DRAPER	52 G-410161	11/18/2014	\$613.44	F4543604	02399	Draper, Brett	Exempt - CAO Contract
1000	2000	2303	REG E VERIGIN 11/4-11/7	52 G-400137	10/16/2014	\$325.00	FW238719	02459	Draper, Brett	Exempt - Registration
1000	2000	2303	REG B CAMPBELL 11/4-11/7	52 G-400137	10/16/2014	\$325.00	FW238719	02459	Draper, Brett	Exempt - Registration
1000	2000	2132	501753/CCCACD	52 G-402595	10/24/2014	\$3,633.82	F5388801	03147	R-Computer	APC, Systems
1010	2000	2316	SINV1500068 BOTTOMLINE C	52 G-380302	8/13/2014	\$1,940.28	F5098801	05483	Bottom Line	Exempt-DOIT
1010	2000	2270	MINV1500430 TROY 601 NBD	52 G-392239	9/23/2014	\$298.00	F5299001	05483	Bottom Line	Exempt-DOIT
1000	2000	2102	1003616 RENEWAL	52 G-389946	9/12/2014	\$429.00	FW238715	05605	Thompson Publ	FLS Handbook
1000	2000	2467	REG#6798 R CAMPBELL	52 G-410837	11/18/2014	\$99.00	FW238722	05831	ALGA	Exempt - Registration

10C 10.12.15
Attachment 5

Amendment Reporting Page

(CCTV) p.1

Select Department Select Period	Programs		Name of Vendor/Contractor/Consultant	Type of Contract	Term of Current Contract			Date of Initial Contract
	SBE	Outreach			1 Yr	2 Yrs	3 Yrs+	
1		x	Team People (staffing firm)	Standard S-1			x	4/1/14
2								
3								
4								
5								
6								
7								
8								
9								
10								
TOTALS:	0	1			0	0	1	

TOTAL AMENDMENTS: 1

10-10-12-15

Attachment G

Renewal Reporting Page

EHSD-2014

Employment & Human Resources	Programs		Name of Vendor/Contractor/Consultant	Type of Contract	Term of Current Contract			Date of Initial Contract	Expiration Date of Existing Contract	Date of Last Solicitation/Outreach	Number of Renewals Including Current Vendor/Contractor/Consultant	Expiration Date
	SBE	Outreach			1 Yr	2 Yrs	3 Yrs+					
1		X	Nulinx	Head Start Services	X			CSB contact	30-Apr-15	None	6	CSB Sole S
2	X		Carmazzi, Inc	CALWIN Services	X			1-Mar-12	28-Feb-15	1-Jan-12	3	Cost effectiv
3	X		Robert Lane	Consultant	X			1-Jan-13	31-Dec-14	1-Dec-12	1	Cost Effectiv
4	X		Mark Lane & Associates	Grievance Hearings	X			1-Jul-10	6/30/20115	1-May-10	3	Specialized
5	X	X	Maxwell & Associates	Investigation Services	X			1-Jul-10	30-Jun-14	1-May-10	3	Cost Effectiv
6	X		Pro-Serv	Legal Notice Ser	X			1-Feb-07	31-Mar-15	1-Feb-09	6	Interdepartm
7	X	X	Edward Solomon	Enterprise Zone	X			31-Dec-11	30-Jun-15	1-Nov-11	3	Program Exj
8	X	X	Titi Ikhile	SBDC Advisor	X			1-Feb-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
9	X		Hi-Life Janitorial	SBDC advisor	X			1-Jan-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
10	X		Cindy Turner	SBDC Advisor	X			1-Jan-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
11	X	X	Sandra Markus	SBDC Advisor	X			1-Jan-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
12	X	X	Bashir Shah	SBDC Advisor	X			1-Jan-13	31-Dec-14	1-Feb-13	1	Ongoing Pro
TOTALS:			11	6	12	0	0				30	

TOTAL RENEWALS: 12

10C-10-12-15

Attachment 7

Contra Costa County
Outreach Report Summary

DEPARTMENT: EHSD

CALENDAR YEAR:

REPORT PERIOD: Jan-Jun

Is This Your Draft or Final?

Department Contact: Elaine Burres

Final

Date Report Completed: 23-Oct-14



Categories	Number of Contracts or Transactions ²	Dollar Amount of All Contract/Transaction ³	Total Number of Business Contacts ⁴	Distribution of Business Contacts By Category ⁵						
				#MBEs	#WBEs	# County & State Certified SBEs	#LBEs	#DVBES	#DBEs (Optional)	#Federal SBEs (Optional)
Professional/Personal Services	13	\$437,700.00	13	5	7	12	5	1	0	0
Construction										
JOC (General Services Only)										
Commodities (General Svs Only) ⁶										
Commodities (Departments Only) ⁷										

Notes:

1. Enter report data in the fields that are highlighted in blue.
2. Enter the number of all contracts/transactions within program thresholds during this reporting period.
3. Enter the dollar amount of all contracts/transactions within program thresholds during this reporting period.
4. Enter the total number of business contacts during this reporting period (ie., the number of *individual* businesses contacted).
5. Of the total businesses contacted, indicate the number that were MBEs, WBEs, SBEs, LBEs, DVBES or DBEs. A business may be counted in more than one category, if applicable.
6. For commodity contracts over \$10,000--For use by Purchasing/General Services Department only.
7. For commodity contracts under \$10,000--For use by Departments other than Purchasing/General Services. Outreach is optional (not required); however Departments that outreach should complete this section.

This report is due to both AAO & Purchasing Division no more than 10 business days following the last day of the reporting period (June 30th or December 31st).

Please email to nbodw@cao.cccounty.us & Kberenson@gsd.cccounty.us.

For technical questions, please call Nina Bodway at 335-1006.