

DELEGATED DISABLED PRODUCTS AND SERVICES PURCHASE AUTHORITY PROCEDURES

MEMORANDUM
DEPARTMENT OF ADMINISTRATION
Office of the Director

To: All Department Directors and Agency Executive Directors

From: Robert L. Carl, Jr., Ph.D.
Director/Chief Purchasing Officer

Date: July 19, 2000

Subject: **Delegated Contracting Authority - Disability Business Enterprise Program
State Preference Program for the Purchase of Goods and Services Produced by
Persons with Disabilities**

I am pleased to announce, in conjunction with a celebration of the 10th anniversary of the signing of the Americans with Disabilities Act, the implementation of Rhode Island's program to encourage and expand business opportunities for qualified businesses owned and operated by persons with disabilities or employing persons with disabilities.

Effective immediately, all state agencies are hereby notified that, in accordance with RIGL 37-2.2-3, when goods and services are available from certified Rhode Island Disability Business Enterprises (DBEs) whose workforce consists of more than 75% persons with disabilities or certified nonprofit rehabilitation facilities, the state will purchase such goods and services, subject to the following:

- All participating businesses or rehabilitation facilities must be certified by the Disability Business Enterprise Committee of the Governor's Commission on Disabilities.
- Only businesses, products and services listed in the official Disability Business Enterprise Catalog published by the Commission will qualify for preferential purchases.
- Only products and services which meet the specific requirements of the expending agency will be subject to preferential purchases.

Although a copy of the Catalog is attached to this document, to facilitate implementation of this program, the Governor's Commission on Disabilities has published the Disability Business Enterprise Catalog on its Website (www.gcd.state.ri.us). The Division of Purchases has established a Disability Business Page on its Website (www.purchasing.state.ri.us) which links to the catalog.

cc: B. Cooper, Executive Secretary, Governor's Commission on Disabilities
P. Corr, Purchasing Agent
S. McAllister, Executive Director
L. Franklin, Controller

DELEGATED DISABLED PRODUCTS AND SERVICES PURCHASE AUTHORITY PROCEDURES

37-2.2-3. Preference for products and services produced by persons with disabilities. – Whenever any products made, manufactured by, or services provided by persons with disabilities in nonprofit rehabilitation facilities, or in profit making facilities where seventy-five percent (75%) of the employees are disabled, meet the requirements of any department, institution, or agency supported, in whole or in part, by the state as to quantity, quality, and price, those products shall have preference over products or services from other providers. All departments, institutions, and agencies support, in whole or in part, by the state shall purchase articles made or manufactured and services provided by persons with disabilities. Any political subdivision of the state may purchase those articles and services directly from those agencies. A list describing the styles, designs, sizes, and varieties of articles made by persons with disabilities and describing all available services and subcontract work which can be provided by those persons shall be prepared by the governor's commission on disabilities, disability enterprise committee in cooperation with the state office of rehabilitation services. The governor's commission on disabilities shall cooperate with various facilities for persons with disabilities by submitting necessary information concerning the products and services to the state purchasing agent.

The list required per the above statute has been produced as the Disability Business Enterprise (DBE) Catalog and is available in hard copy at the Governor's Commission on Disabilities or in soft copy via their Website (www.gcd.state.ri.us). The Division of Purchases Disability Business Page at (www.purchasing.state.ri.us), also links to the Commission and the Catalog.

PROCEDURE

Solicitation of Offers: Write clear, complete specifications for goods and services, including a description of the quantity and quality of items to be purchased.

Sources/Suppliers: Departments and Agencies are required to solicit from valid, certified businesses/suppliers. For the purpose of these rules, a certified DBE may refer to a nonprofit rehabilitation facility or a private, for-profit business with a workforce seventy-five percent of which is disabled.

- Review the Disability Business Enterprise Catalog to determine if there is a qualified supplier.
- Submit specifications to all appropriate suppliers in catalog.
- Obtain offers from suppliers listed in catalog.
 - ◆ Written quotes may be obtained through normal mail, personal delivery or fax. Written quotes are required when the potential cost will exceed \$1000.
 - ◆ Telephone quotes. A State Agency official may obtain telephone quotes followed by written confirmation, including faxed quotes. Remember that, although it may seem faster to obtain telephone quotes, sometimes written solicitations are better because they are clearer to the vendors and will improve your chances of obtaining what you want.
 - ◆ It is important that the person obtaining the quotes set a deadline by which all written quotes must be received or the process may not have closure. This also ensures that the vendors have an equal opportunity to participate.
 - ◆ An official record of all quotes received must be retained with a copy of the appropriate accounting document (ME, DPO, voucher).

Disability Business Enterprise (DBE) Participation in Small Purchases. Whenever a certified DBE is qualified to provide products or services in addition to those specified in the DBE Catalog, one of the minimum three quotes solicited for small purchases must be obtained from a certified Disability Business Enterprise (DBE) in addition to a certified Minority Business Enterprise (MBE). (See State Small Purchase Procedures.)

Contract Award and Cancellation

- Award.
 - Determine if products or services meet specifications. If not, there is no obligation to award a contract.
 - Determine if pricing is reasonable (within competitive market prices). If not, there is no obligation to award a contract.

DELEGATED DISABLED PRODUCTS AND SERVICES PURCHASE AUTHORITY PROCEDURES

- Contract Terms and Conditions. A solicitation combined with an offer which results in an order being placed is deemed to be a contract between the State and the Supplier. All State contracts - including DBE purchases - are governed by State Law 37-2, State Purchasing Rules and Regulations and the General Terms and Conditions for Contracts. (The latter two documents are available on the RIVIP.)
- ◆ Cancellation. The User must cancel a contract in writing, explaining the reason for the cancellation. A copy of this document must be part of the official record of the purchase. An example of a basis for cancellation is a vendor's failure to provide what was agreed to, referred to as nonperformance.

Ordering and Payment.

- ◆ Delegated purchasing authority permits your agency to substitute either miscellaneous encumbrance documents (ME), Direct Purchase Order Vouchers or regular Vouchers for transactions previously implemented with the issuance of Purchase Orders.
 - > The ME is used when more than one payment is required. The voucher may be used when only a single payment is required.
 - > When the State's GOLDEN Mainframe Accounting System is utilized, the User Agency will contact the vendor(s) directly and order the goods or services by telephone, mail or fax. Upon issuing the order, the Agency will enter the appropriate DPO information into the GOLDEN system. Upon satisfactory completion of the order, the payment voucher will be released, printed, signed by an authorized agent and forwarded with the vendor's invoice to the Office of Accounts and Control.
- As appropriate, issue DPO(s) or ME(s) citing Disability Business Enterprise Catalog page number and RIGL 37-2.2-3 as purchasing justification/documentation.
- Issue payments citing catalog page number and RIGL 37-2.2-3 as purchasing justification/documentation in addition to other appropriate information.
- Before a payment will be honored, the Vendor must have submitted IRS Form W9 to the Controller. Vendors may download a copy of the form at the RIVIP Website. For help they may call the Help Desk at (401) 222-2142 ext 134.

Audit. All transactions made under the Delegated Disabled Business Enterprise Authority are subject to audit by the Bureau of Audits and the Division of Purchases. Audits will concentrate on documentation of solicitations, with particular emphasis on whether the specifications utilized support the use of the DBE Catalog vendor without competition.