

Doing Business  
with the  
Commonwealth of  
Pennsylvania



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a manual for small businesses  
2011



# Doing Business with the Commonwealth of Pennsylvania

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a manual for small businesses

2011

PA Department of General Services  
**Bureau of Minority and Women Business Opportunities**  
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Doing Business with the Commonwealth of Pennsylvania: a manual for small business was prepared by the staff of the PA Department of General Services, Bureau of Minority & Women Business Opportunities, North Office Building, 401 North Street, Room 611, Harrisburg, PA 17120-0500.

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# Introduction



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## DEPARTMENT AND BUREAU OVERVIEW

# Department of General Services

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## **General Services’ Mission is to . . .**

*. . . provide high quality services at a good price to support the operation of state government. It is imperative that we make cost-effective service our primary mission. In addition, we will work to make government more friendly for its users, expand opportunity for minority and women-owned businesses and reduce operating costs for the agencies of state government that we support.*

**S**ince its inception in 1975, the Pennsylvania Department of General Services (DGS) has become the Commonwealth’s chief services, purchasing, and construction agency. It establishes purchasing policies and procedures for most Commonwealth Agencies through five functional areas:

- **Executive**  
This branch includes the DGS Secretary and the Secretary’s immediate staff, the departmental press secretary, and the legislative liaison.
- **Administration**  
The Administration branch provides the Department’s administrative support in areas such as: budget, personnel, travel, information technology, the Bureau of Minority & Women Business Opportunities, the Office of Equal Opportunity, and more.
- **Procurement**  
The Bureau of Purchases acts as the Commonwealth’s “purchasing coordinator,” controlling supply and service acquisitions.
- **Property Management**  
Among its various functions, this branch handles the Commonwealth’s house-keeping, building maintenance, and land and building leases. It also oversees the Capitol Police, providing security and protection to those under the Department’s jurisdiction.
- **Public Works**  
This Bureau advertises projects for bid, obtains construction bids, executes construction contracts, and manages budgets for construction projects.

# Bureau of Minority & Women Business Opportunities

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**T**he Bureau of Minority and Women Business Opportunities (BMWBO) fulfills its mission through three organizational divisions:

- **Certification Division**

Certification of minority- and woman-owned business enterprises (MBEs and WBEs) is at the heart of BMWBO's mission. By becoming certified, MBEs and WBEs can more readily identify and use the opportunities available to small businesses through state contracting.

Certification application is a comprehensive process, which assures only qualified companies are approved. In addition to owning at least 51% of their companies, MBE and WBE owners must be U.S. citizens, must have training or experience in their business fields, and must have management and operational control of their companies.

- **Business Development Division**

BMWBO's Business Recruitment Division promotes successful involvement of MBEs and WBEs in state contracting through education and information. Free training programs, consulting, and resource materials are made available to certified companies, the business community, and organizations assisting small businesses.

Division staff provide technical assistance and consulting to all small business owners, especially minority- and women-owned businesses, to increase their opportunities to compete successfully in the state purchasing system.

- **Supplier Diversity Division**

Division staff review bid submissions, ensuring adherence to Commonwealth programs promoting opportunities for MBEs, WBEs and other small businesses. The Division also monitors overall program compliance.

The Division performs on-site reviews of firms that apply for certification, responds to complaints, and investigates alleged fraud in state programs promoting opportunities for MBEs and WBEs.

*Our mission is to promote and facilitate the involvement of minority-owned and women-owned businesses in state purchasing.*



# Section I



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# DOING BUSINESS WITH THE COMMONWEALTH



# Doing Business with the Commonwealth

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**H**ave you ever thought about doing business with the Commonwealth of Pennsylvania? Well, you should! You might assume you have nothing that the Commonwealth needs, but you would be surprised. Think about it. Do you sell cutlery, bed linens, or draperies? Pennsylvania has state-run prisons, hospitals, and universities to supply. Do you do embroidery or silk screening? The Commonwealth always needs flags and banners. Do you do bookbinding? The State Library might be happy to use your services. The Commonwealth has wide-ranging needs. Perhaps your business could fill one of them.

## Where to Start?


### Vendor Registration


If you want to do business with the Commonwealth, you must first register your business with SRM. How? Through the PA Supplier Portal. You can register two ways:


- Online: Go to [www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us)

After registering as a vendor, your company will receive a 6-digit Vendor Number, which you will need when seeking bids or payment.


For more information and answers to frequently asked questions, visit the Supplier Service Center at [www.portal.state.pa.us/portal/server.pt/community/supplier\\_service\\_center/5104](http://www.portal.state.pa.us/portal/server.pt/community/supplier_service_center/5104).


 **Website:**  
[www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us)


 **Email:**  
[ra-psc\\_supplier\\_requests@pa.gov](mailto:ra-psc_supplier_requests@pa.gov)

 **Phone:**  
(717) 346-2676

**Toll Free:**  
(877) 435-7363

 **Website:**  
[www.patreasury.org/  
eContracts.html](http://www.patreasury.org/eContracts.html)

 **Email:**  
[contractinfo@  
patreasury.org](mailto:contractinfo@patreasury.org)

 **Phone:**  
(717) 787-2990

**Toll Free:**  
(800) 252-4700

### ***To create a winning proposal***

- *Find agencies that need your products or services*
- *View winning proposals*
- *Discover future subcontracting opportunities*

## **PA Department of Treasury**

If you have never done business with the Commonwealth, a good place to start is the PA Department of Treasury. A particularly valuable resource, Treasury's Bureau of Contracts, Public Records and Affirmative Action maintains and provides information on *awarded* state contracts over \$5,000. Among the information you can find:

- Contract Description
- Previous Bidders
- Pricing Breakdowns
- Issuing Agency
- Expiration Date
- Copy of the Winning Proposal

You may even discover when contracts on which you want to bid come up for renewal. If so, you can find full copies of those contracts.

**What else can you do?** Use your imagination. Request a list of all state contracts in your field during the past year and find out:

- How often the state purchases what you sell.
- Which departments most often need your products or services.
- Which projects take place in your part of the state.
- Who your competitors are.
- Who may need subcontractors or partners when the contract comes up for rebid.

There are many possibilities.

Learn more about services the Department of Treasury extends to small businesses. Search for contract information online at [www.patreasury.org/eContracts.html](http://www.patreasury.org/eContracts.html) by clicking on *Search Public Contracts*, or go directly to the online database at <http://contracts.patreasury.org/search.aspx>. For contracts awarded prior to June 1, 2008, submit a request for information under Pennsylvania's Right To Know law by contacting Contract e-Library staff at [contractinfo@patreasury.org](mailto:contractinfo@patreasury.org), or call (800) 252-4700 (toll free), or (717) 787-2990.

The Commonwealth publicizes bidding opportunities using several media: purchasing agents, online databases, electronic notifications, and the *Pennsylvania Bulletin*. We will discuss each, and we will start with Commonwealth Purchasing Agents.

## Commonwealth Purchasing Agents

Purchasing agents play a very important role in the Commonwealth's procurements. After the Department of General Services, they handle most of the Commonwealth's purchases. They are the primary source for bidding opportunities under \$10,000. Every agency has at least one agent; many have several.

Most purchasing offices use some form of vendors' list to notify businesses of bidding opportunities. Some maintain formal lists and require that companies submit an application before adding them to their lists. Others use less formal means.

### Purchasing agent pointers:

- Find purchasing agents online at [www.portal.state.pa.us/portal/server.pt/community/procurement/1271/points\\_of\\_contact/258044](http://www.portal.state.pa.us/portal/server.pt/community/procurement/1271/points_of_contact/258044) or see a brief list in **Appendix 4-1**.
- Focus your efforts on those departments that will most likely need your products and/or services.
- Determine which departments have offices in your area (some prefer to purchase locally).
- Be very positive when contacting the purchasing agents. Let them know why your company is special.
- Ask to be notified of upcoming contracting opportunities.
- If your company is certified as a Minority Business Enterprise (MBE) or Women Business Enterprise (WBE), mention it and include it on your company literature.

Do not become discouraged. There may be many purchasing agents to contact. Some may be hard to reach. Some may respond with interest and others with disinterest. Remember that one small purchase can lead to larger purchases in the future and even lead to business relationships with other state departments.


Before contacting any purchasing agents, first make sure you have your vendor registration number. All businesses must have this number if they wish to do business with the state. See **page 1-3** for more information.



### Website:

[www.portal.state.pa.us/portal/server.pt/community/procurement/1271/points\\_of\\_contact/258044](http://www.portal.state.pa.us/portal/server.pt/community/procurement/1271/points_of_contact/258044)

- *Commonwealth purchasing agents are the primary source for bid opportunities under \$10,000.*

 **Website:**  
[www.emarketplace.state.pa.us](http://www.emarketplace.state.pa.us)

- Vendors can find most Commonwealth bid opportunities over \$10,000 online.

## Online Bid Opportunities

Contractors can find most current bidding opportunities over \$10,000 on the DGS website. Updated weekly, you can search the site for contracts by content, number, issuing department, type or county. Some of the information you can find includes:

- a contract requirements summary.
- basic contact information.
- contract duration.
- project location.
- project point of contact.

### To find online bidding opportunities:

1. Go to [www.emarketplace.state.pa.us](http://www.emarketplace.state.pa.us) and click on *Solicitations*.
2. Enter a solicitation number or a brief description and click *Submit*. For more specific information, enter data in the appropriate fields before clicking on *Submit*. Leaving all fields blank will bring up all contracts for bid.
3. Scroll to the bottom of the page to view the search results.
4. Click on the solicitations numbers to see the contracts' specific requirements. Some solicitations include downloadable copies of the opportunities in the area *Related Solicitation Files*. Others require that interested vendors visit the PA Supplier Portal at [www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us) to view and complete the opportunities.

## Electronic Alerts

The Department of General Services (DGS) has created an electronic bid notice system called eAlerts. Registered vendors receive electronic notices of DGS Bureau of Procurement (BOP) online bid opportunities.

Any business owner may subscribe to eAlerts following a simple two-step process.

### The Registration Form:

1. Go to the DGS eAlert Subscription Service page at [www.itqrp.state.pa.us/EAlerts\\_V2/Login.aspx](http://www.itqrp.state.pa.us/EAlerts_V2/Login.aspx).
2. You have the option of registering for eAlerts through the PA Supplier Portal or registering separately.
3. If not already registered as a vendor on the PA Supplier Portal, select the option "If you are **not** registered in the PA Supplier Portal, but want to use EAlerts".
4. Fill in the online form and click the *Submit* button.
5. Select a category (*Materials* or *Services*), check the bid notices you would like to receive, and click *Submit*. Repeat the process for the second category, if desired.


And that's it! You will receive your subscription confirmation by email.


### A few things to keep in mind:


- eAlerts sends notifications only on *BOP online bid opportunities*.
- Bid opportunities under \$10,000 do not post online, and therefore, do not fall under the eAlerts system.
- Vendors interested in bid opportunities through other departments or under \$10,000 must still search the DGS website or contact purchasing agents.

### But I don't have internet access

Suppliers that do not have access to the Internet can obtain a copy of an individual Invitation for Bids (IFB) or Request for Proposals (RFP) by calling Supplier Services at (717) 787-2199 or (717) 787-4705 or by visiting us at 555 Forum Place, 6th Floor, Harrisburg, PA 17101.


 **Website:**  
[www.itqrp.state.pa.us/EAlerts\\_V2/Login.aspx](http://www.itqrp.state.pa.us/EAlerts_V2/Login.aspx)


 **Email:**  
[gs-procure@pa.gov](mailto:gs-procure@pa.gov)


 **Phone:**  
(717) 787-5733

- *eAlerts enhances, but does not replace, the search for bid opportunities online or through purchasing agents.*

## The Pennsylvania Bulletin

 **Website:**  
[www.pabulletin.com](http://www.pabulletin.com)

 **Email:**  
[info@pabulletin.com](mailto:info@pabulletin.com)

 **Phone:**  
(717) 776-0211, Ext. 2340

**Toll Free:**  
(800) 524-3232, Ext. 2340  
(In-State)  
(800) 334-1429, Ext. 2340  
(Out-of-State)

- For a complete listing of bid opportunities, vendors must still search online or contact a purchasing agent.

If you do not have Internet access, you can find information on bid opportunities through *The Pennsylvania Bulletin*. This publication provides a weekly listing of contracts coming up for bid. You may find the current issue at your local library. If you would rather subscribe, contact:

Fry Communications  
Attn: Pennsylvania Bulletin  
800 W. Church Road  
Mechanicsburg, PA 17055-3198

You may also call (717) 776-0211, (800) 334-1429 (out-of-state), or (800) 524-3232 (in-state). Dial extension 2340.

*Note: Because Commonwealth agencies are no longer required to advertise through this publication, it will not have a complete listing of bid opportunities. For a complete listing, you must either search online or contact a purchasing agent.*

## Commonwealth Purchasing Procedures

The Commonwealth has established purchasing policies, procedures, and guidelines that all departments must follow. We will highlight some of these briefly, but you can find more complete information in the *Field Procurement Handbook*. Go to [www.portal.state.pa.us/portal/server.pt/community/procurement\\_handbook/14304](http://www.portal.state.pa.us/portal/server.pt/community/procurement_handbook/14304) and click on *Procurement Handbook*.

### The Purchasing Hierarchy

When a state agency makes a purchase, it cannot simply skim through the yellow pages and choose the first vendor it sees. This method holds certain risks. To guard against things like \$500 letter openers, state agencies must follow a purchasing hierarchy:


1. DGS Warehouse or In-House
2. Statewide Requirements Contract
3. Competitive Bidding Process


When an agency has a service, supply, or construction need, it must decide if it can be done in-house or purchased through the DGS warehouse. If not, the agency must then check for a Statewide Contract. If still not available, the competitive bidding process can begin.

Other factors agencies consider before entering the competitive bid process:

- Is the need necessary to fulfill a departmental mission or objective or a specific program?
- Will the resulting contract justify the cost?
- Will the resulting contract violate labor agreements?

 **Website:**  
[www.portal.state.pa.us/portal/server.pt/community/procurement\\_handbook/14304](http://www.portal.state.pa.us/portal/server.pt/community/procurement_handbook/14304)


 **Email:**  
[gs-procure@pa.gov](mailto:gs-procure@pa.gov)


 **Phone:**  
 (717) 787-5733

### **Purchasing Hierarchy**

1. *DGS Warehouse or In-House*
2. *Statewide Requirements Contract*
3. *Competitive Bidding Process*

 **Website:**  
[www.portal.state.pa.us/portal/server.pt/document/642822/pt\\_i\\_ch\\_07\\_thresholds\\_and\\_delegations\\_pdf](http://www.portal.state.pa.us/portal/server.pt/document/642822/pt_i_ch_07_thresholds_and_delegations_pdf)

 **Email:**  
[gs-procure@pa.gov](mailto:gs-procure@pa.gov)

 **Phone:**  
 (717) 787-5733

## Procurement Thresholds

Part 1, Chapter 7 of the *Procurement Handbook* establishes the Commonwealth's procurement thresholds. Visit [http://www.portal.state.pa.us/portal/server.pt/document/642822/pt\\_i\\_ch\\_07\\_thresholds\\_and\\_delegations\\_pdf](http://www.portal.state.pa.us/portal/server.pt/document/642822/pt_i_ch_07_thresholds_and_delegations_pdf) for more information.

Dollar Threshold	Supplies	Services	Construction
\$0 - \$5,000	<ul style="list-style-type: none"> <li>No bids are required.</li> </ul>		
<i>Small, No Bid Procurement (also called Sole Source Purchasing)</i>	<ul style="list-style-type: none"> <li>Many state employees are authorized to purchase, not just purchasing agents/buyers.</li> <li>Purchases are frequently made with the Commonwealth Purchasing Card (VISA).</li> <li>Minority and Women Business Enterprises (MBEs/WBEs) should be considered.</li> </ul>		
\$5,000.01 - \$10,000	<ul style="list-style-type: none"> <li>Three bids are required.</li> </ul>		
<i>Small, Informal Procurement</i>	<ul style="list-style-type: none"> <li>Telephone, FAX, and email bids accepted; winning bid must be put in writing.</li> <li>One bid in every three must be from a certified MBE or WBE.</li> </ul>		
\$10,000.01	- \$20,000	- \$250,000	- \$100,000
<i>Competitive, Sealed Bidding (also called Delegated Agency Procurement)</i>	<ul style="list-style-type: none"> <li>Formal purchasing procedures are required.</li> <li>DGS participation is not required.</li> <li>Contracts for bid must be advertised on the DGS website.</li> <li>Certified MBEs and WBEs must be notified of the bidding opportunity.</li> </ul>		
	<i>Over \$20,000</i>	<i>Over \$250,000</i>	<i>Over \$100,000</i>
	<ul style="list-style-type: none"> <li>DGS participation is required.</li> <li>Remaining requirements same as \$10,000.01 threshold.</li> <li>Bureau of Construction handles all construction contracts.</li> <li>Vendors must complete annual Contractor's Questionnaire.</li> </ul>		

## Statewide Contracts and COSTARS


The Commonwealth purchases some supplies, services, and construction needs through Statewide Requirements Contracts. Why are they important? Look at the facts:

- They occupy one of the first steps in the Commonwealth's purchasing hierarchy.
- They eliminate the need for separate bidding and contracting.
- When available, all state agencies must purchase through them.
- Most are open to any businesses qualified and willing to accept the terms of the contract.
- Those labeled Cooperative Purchasing or COSTARS contracts are also available for use by local public procurement agencies not part of state government.

Since these contracts serve so many, they provide vendors broader opportunities than other contract types.


Vendors can view statewide contracts online at [www.emarketplace.state.pa.us](http://www.emarketplace.state.pa.us) by clicking on *Search Contracts*. They can also find more COSTARS information and up-coming bid opportunities at by visiting [www.dgs.state.pa.us/costars](http://www.dgs.state.pa.us/costars).


### Statewide Contracts

 **Website:**  
[www.emarketplace.state.pa.us](http://www.emarketplace.state.pa.us) | *Search Contracts*

OR

[www.dgs.state.pa.us/costars](http://www.dgs.state.pa.us/costars) | *Bid Opportunities*


 **Email:**  
[gs-procure@pa.gov](mailto:gs-procure@pa.gov)

 **Phone:**  
(717) 787-5733



### COSTARS


 **Website:**  
[www.dgs.state.pa.us/costars](http://www.dgs.state.pa.us/costars)

 **Email:**  
[gs-pacostars@pa.gov](mailto:gs-pacostars@pa.gov)

 **Phone:**  
(866) 768-7827 (toll free)

### Statewide Requirements Contracts

- *Require No Bidding*
- *Save Time*
- *Save Money*
- *Often open to local procurement agencies*

 **Website:**  
[www.emarketplace.state.pa.us](http://www.emarketplace.state.pa.us) | *Solicitations*

**Definition**

- **Invitation for Bid (IFB)** - All documents, including those either attached or incorporated by reference, used for soliciting bids.

**Formal Purchasing Procedures**

Not all purchasing needs are the same. They vary by type and complexity, and so do the formal purchasing procedures they follow. For instance, integrating the Commonwealth’s entire computer network will require a much different process than repairing the roof of the visitor’s center at Nockamixon State Park.

We will discuss some of the Commonwealth’s formal purchasing procedures in the following section.

**Invitation for Bid**

One of the more common formal purchasing procedures is the Invitation for/to Bid (IFB or ITB). Also known as competitive sealed bidding, an IFB is a formal request inviting prospective vendors to submit price quotations or bids. A few key facts:

- The lowest *responsive* and *responsible* bidder wins.
- A *responsible* vendor can reliably do what it has contracted to do.
- A *responsive* vendor submits a bid that fulfills the IFB requirements.

IFBs over \$50,000 include participation thresholds encouraging Minority and Women Business Enterprise (MBE/WBE) involvement. Called Minimum Participation Levels (MPLs), they require that vendors seek out MBE/WBE suppliers and subcontractors.

A few other things you should know:

- Only MBE/WBE subcontractors and suppliers, not prime contractors, count toward MPLs.
- A firm certified as both a Minority and Woman Business Enterprise does not count as double credit.
- Bidders record their efforts to meet MPLs using the *MBE/WBE Subcontractor and Supplier Solicitation and Commitment Form: STD-168* (non-construction projects) or *GSMWBE-16* (construction projects).
- MPLs only help determine bidder responsibility; bidders not meeting MPLs will not necessarily be rejected.

How can prime contractors remain responsive while not meeting MPLs? They meet the minimum solicitation requirements.

Minimum Solicitation Requirements			
Construction Projects		Non-Construction Project	
<i>Subcontractors:</i>		<i>Subcontractors/Suppliers:</i>	
MBEs	5	MBEs	5
WBEs	5	WBEs	5
<i>Suppliers:</i>			
MBEs	5		
WBEs	5		
<b>Total:</b>	<b>20</b>	<b>Total:</b>	<b>10</b>

## Request for Proposal (RFP)

Another common purchasing procedure: the Request for Proposal (RFP). Unlike IFBs, RFPs solicit proposals rather than bids. Further, the proposals are scored using point system. Contracts do not go to the lowest responsive and responsible bidder: they go to the proposal earning the most points.

Vendor proposals earn points in various areas. Some examples:

- Cost
- Technical
- Participation in the Disadvantaged Business program


The proposal scoring the most total points wins the contract.

A few brief words on Disadvantaged Businesses. The Disadvantaged Business program is to RFPs what MPLs are to IFBs. It encourages small, emerging, or disadvantaged businesses to engage in state contracting. Most RFPs, no matter their size, include Disadvantaged Businesses. The only exceptions are those funded through federal monies.

**Section 1-20** discusses the Disadvantaged Business program more fully.


### IFBs vs. RFPs:

IFB	RFP
<ul style="list-style-type: none"> <li>• Method most commonly used when selecting a contractor.</li> <li>• Spells out exactly how vendors must fulfill the contract; defines the need and the solution.</li> <li>• Price determines contract award.</li> <li>• Lowest responsive and responsible bidder wins contract.</li> <li>• Promotes minority, woman, and disadvantaged business involvement through MPLs.</li> </ul>	<ul style="list-style-type: none"> <li>• Used when IFB method considered impractical; usually used for larger contracts.</li> <li>• Gives vendors more leeway in how they propose to fulfill the contract; defines the need but considers multiple solutions.</li> <li>• Points determine contract award; proposals earn points on various factors: price, technical, Disadvantaged Business participation, etc.</li> <li>• Proposal with the most points wins contract.</li> <li>• Promotes minority, woman, and disadvantaged business involvement through the Disadvantaged Business program.</li> </ul>

 **Website:**  
[www.emarketplace.state.pa.us/Solicitations](http://www.emarketplace.state.pa.us/Solicitations)

### Definition

- **Request for Proposal (RFP)**  
*A formal document that generally describes the supply, service, or construction required and provides interested contractors with sufficient information to enable them to prepare and submit proposals for evaluation and selection. This is also known as the competitive sealed proposals method.*
- **Proposal -**  
*An offer made in response to a request for proposal which may be subject to negotiation and award criteria set forth in the request for proposal.*

 **Website:**  
[www.emarketplace.state.pa.us](http://www.emarketplace.state.pa.us) | Solicitation

### **Strategic Sourcing**

- *Streamlines state-wide purchasing practices.*
- *Cuts waste and costs by consolidating individual agencies' needs.*
- *Gives the Commonwealth increased bargaining power.*

### **Strategic Sourcing**

Cross a traditional RFP with a Statewide contract and you have Strategic Sourcing, the Commonwealth's answer to rising procurement costs. Strategic Sourcing RFPs operate very much like the traditional RFPs. The Commonwealth:

- advertises a need.
- solicits proposals.
- evaluates proposals using a point system.

The difference: while traditional RFPs cover individual agencies, Strategic Sourcing RFPs cover every agency in the Commonwealth.

Strategic Sourcing reduces costs by eliminating redundancy. For instance, before Strategic Sourcing, every time an agency needed office furniture, it would issue an RFP. Since all agencies need office furniture now and then, the Commonwealth could have had numerous RFPs floating about at the same time, all fulfilling the same need.

Enter Strategic Sourcing. This new process consolidates the Commonwealth's requirements. Rather than reinventing the wheel every time an agency needs a popular commodity— like office furniture—the Commonwealth issues a single RFP. Not only does the resulting contract cover every Commonwealth agency, it also covers local agencies and other related organizations.

## Invitation to Qualify (ITQ)/Request for Quote (RFQ)


State agencies traditionally sought Information Technology (IT) and other certain supplies and services using the RFP process, but that took too much time. Then came the Invitation to Qualify (ITQ). ITQ shortcuts the RFP process by pre-qualifying vendors to provide Master IT Services, Consulting Services, Creative/AV/Production Services, Recreation & Fitness Equipment, Training Services, and Tree Trimming & Stump Cutting.

### How does it work?

- **Pre-qualification**  
During a monthly open-enrollment, a vendor completes and submits an online and hardcopy proposal to qualify for one or more IT service categories.
- **Evaluation and Approval**  
The ITQ Program Office evaluates the proposal, ensuring the vendor can fulfill the selected service category's needs. Once approved, the vendor and the Commonwealth form a non-negotiable contract based on terms and conditions the vendor accepted when submitting the proposal.
- **Request for Proposal (RFQ)**  
When an agency has an IT need, it develops an RFQ, inviting pre-qualified vendors to submit bids. Since the agency chooses which vendors receive the RFQ, vendors should market their services to agencies, securing contacts and business opportunities.


The estimated IT cost determines which procedures agencies follow:


- *\$50,000 and under* - Agency selects any pre-qualified vendor
- *\$50,000.01—\$250,000* - Agency uses an expedited RFQ process, sending the RFP to all vendors in the category. The agency selects the winning vendor based on the best value.
- *Over \$250,000* - Agency follows the standard RFQ process. This process mirrors the RFP process in which Disadvantaged Business participation is weighted at 20% of the total RFQ points. All vendors within a category receive the RFQ. The agency selects the winning vendor based on the best value.
- **RFQ Response**  
Vendors explain exactly how they will meet the RFQ's terms. The agency evaluates each response, selecting the one that best meets its needs.
- **The Contract**  
Every three months until the contract ends, the agency evaluates the vendor's performance. This performance evaluation monitors both the quality of service and helps other agencies when selecting vendors for future IT needs.

 **Website:**  
*www.pasupplierportal.state.pa.us (click on the Bidders tab)*

*www.emarketplace.state.pa.us (click on the ITQ tab)*

*www.dgs.state.pa.us/procurement*

 **Email:**  
*dbauer@pa.gov (IT/ITQ)*  
*gs-procure@pa.gov (general)*

 **Phone:**  
*(717) 787-4719*


### Key Points


- *Vendors must first apply for a vendor number at www.pasupplierportal.state.pa.us before they can pre-qualify under ITQ.*
- *Pre-qualification does not guarantee RFQs or contracts; remember to market your business!*

### Current ITQ Contracts

- *Consulting Services*
- *Creative/AV/Production Services*
- *Master IT Services*
- *Recreation & Fitness Equipment*
- *Training Services*
- *Tree Trimming & Stump Cutting*

 **Website:**  
[www.portal.state.pa.us/portal/server.pt/community/construction\\_and\\_public\\_works/1235](http://www.portal.state.pa.us/portal/server.pt/community/construction_and_public_works/1235)

 **Email:**  
[gs-construction@pa.gov](mailto:gs-construction@pa.gov)

 **Phone:**  
 (717) 787-7095  
 (717) 787-6984 (Central)  
 (610) 894-4820 (Eastern)  
 (412) 820-0215 (Western)

- *The Bureau of Professional Selections and Administrative Services administers the selection of architects and engineers, advertises projects for bid, obtains construction bids, executes construction contracts, and manages budgets for construction projects.*

## Commonwealth Construction Contracts

The Commonwealth awards most construction projects using the Invitation for Bid process (see **Section 1-12**). Others, such as construction management projects, follow the Request for Proposal process (See Section **Section 1-13**). And still others—specifically, complex projects, multiple-prime projects, and projects exceeding \$5 million—follow the Best Value process, a procurement method that considers qualification and performance factors in addition to lowest cost during the contractor selection process (essentially, the RFP process with a few tweaks).

The Bureau of Professional Selections and Administrative Services administers the selection of architects and engineers, advertises projects for bid, obtains construction bids, executes construction contracts, and manages budgets for construction projects.

### To find construction projects:

- **eAlerts**  
 Vendors who subscribe to DGS Public eAlerts will can receive advanced electronic notification of upcoming bid opportunities relative to DGS Public Works construction projects. Visit [www.itqrp.state.pa.us/EAlerts\\_V2/Login.aspx](http://www.itqrp.state.pa.us/EAlerts_V2/Login.aspx).
- **Go Online**  
 As with all other bid opportunities, the Commonwealth posts current construction bid opportunities online at [www.emarketplace.state.pa.us](http://www.emarketplace.state.pa.us) (click *Solicitations*). You can also search construction projects, plan holders, and bid results at [www.dgsweb.state.pa.us/imaginopa/construction/search.asp](http://www.dgsweb.state.pa.us/imaginopa/construction/search.asp). For more information, visit Construction and Public Works' *Project Administration* portal and click on *Contract and Bidding*.

## Design Professional Services

What happens when the state needs architecture, geology, landscape architecture, or land surveying services? It follows a specific process. As in the ITQ process, those interested in providing such services must be pre-qualified. Unlike ITQ, they can only become pre-qualified per project.


### How does it work?


- Finding Current Projects**  
 Since the Commonwealth only pre-approves vendors for specific projects, they must first find a project. The Bureau of Professional Selections & Administrative Services (BPSAS) advertises these projects through *The Pennsylvania Bulletin* and online at [www.portal.state.pa.us/portal/server.pt/community/construction\\_and\\_public\\_works/1235](http://www.portal.state.pa.us/portal/server.pt/community/construction_and_public_works/1235). Just click on *Project Administration*, then *Professional Selections*, and select *Currently Advertised Projects*.
  - Pre-Qualification**  
 Once they find a project, interested professionals must complete Form 150-ASP, *Application for Specific Project*, documenting their expertise, experience, and suitability for the project. Select Forms on the Professional Selections portal to access Form 150-ASP.
  - Selection Committee**  
 A selection committee evaluates the completed 150-ASP forms. Gauging the applicants' ability and experience, the committee picks at least three vendors considered the most highly qualified.
- NOTE: The Commonwealth strongly encourages MBE/WBE participation. The selection committee will view vendor submittals that include MBEs or WBE participation more favorably than those without.
- Choosing a Professional**  
 The purchasing agency and the base contract amount dictate how the Commonwealth chooses a professional.


Departments of Transportation, Conservation & Natural Resources, and Environmental Protection	All Projects \$20,000,000 or Greater	All Other Agency Projects Under \$20,000,000
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- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>Purchasing agency negotiates a contract with the highest qualified vendor.</li> <li>If unsuccessful, the agency chooses the next highest qualified vendor, and so on.</li> <li>If still unsuccessful, the selection committee approves three more vendors.</li> <li>Process continues until the agency negotiates a successful contract.</li> </ul> | <ul style="list-style-type: none"> <li>Purchasing agency chooses one of the three pre-approved vendors.</li> <li>Fee established by Selection Committee or negotiated by purchasing agency.</li> </ul> |
|--|--|

For more detailed information on how the Commonwealth chooses design professional services, see part IV Chapter 4 of the *Procurement Handbook* at [www.dgs.state.pa.us/procure](http://www.dgs.state.pa.us/procure) by selecting *Procurement Handbook*.

 **Website:**  
[www.portal.state.pa.us/portal/server.pt/community/professional\\_selections/1466](http://www.portal.state.pa.us/portal/server.pt/community/professional_selections/1466)

 **Email:**  
[gs-construction@pa.gov](mailto:gs-construction@pa.gov)

 **Phone:**  
 (717) 783-8568 or  
 (717) 787-6200

### Key Points

- Vendors must first apply for a vendor number at [www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us) before they can submit Form 150-ASP, *Application for Specific Project*.
- Vendors can only pre-qualify for specific projects.
- Recommended and appointed vendors posted on the BPSAS site.

## Public Record

Awarded contracts become a matter of public record. Anyone can view a winning contract's details. They can find out who won, with what, and for how much (see *PA Department of Treasury, Section 1-4*).

But what happens before a contract award? Well, some of that information becomes public record, too:

- Bid awards
- Recommended or appointed design professionals
- Vendors' RFP requests
- IFB responses

What good does this information do? Think about it. Savvy contractors can gauge their competition. Small business can seek subcontracting opportunities. Disappointed vendors can learn the terms of a winning contract and better prepare their own when it next comes due.

### Where to Find Information:

• <b>Invitation to Bid Responses</b>	□ <a href="http://www.emarketplace.state.pa.us">www.emarketplace.state.pa.us</a>   <i>Solicitation Tabulations</i>
• <b>Bid Awards</b>	
• <b>Recommended and Approved Design Professionals</b>	□ <a href="http://www.portal.state.pa.us/portal/server.pt/community/construction_and_public_works/1235">www.portal.state.pa.us/portal/server.pt/community/construction_and_public_works/1235</a>   <i>Project Administration</i>   <i>Professional Selections</i> (click on <i>Recommended Firms</i> )
• <b>Statewide Contract Approved Vendors and Contract Terms</b>	□ <a href="http://www.emarketplace.state.pa.us">www.emarketplace.state.pa.us</a>   <i>Search Contracts</i> (click on individual contracts to view information)
• <b>Invitation to Qualify Approved Vendors</b>	□ <a href="http://www.emarketplace.state.pa.us">www.emarketplace.state.pa.us</a>   <i>ITQ</i>   <i>Search Suppliers</i>
• <b>Invitation to Qualify Contracts</b>	□ <a href="http://www.pasupplierportal.state.pa.us">www.pasupplierportal.state.pa.us</a>   <i>Bidder's Tab</i>
• <b>Contracts Under \$10,000 or Not Posted Online</b>	□ Invitation to Bid point of contact □ Agency Purchasing Agent, / <a href="http://www.portal.state.pa.us/portal/server.pt/community/procurement/1271">www.portal.state.pa.us/portal/server.pt/community/procurement/1271</a>   <i>Points of Contact Search</i> (far right)

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## Timely Payments

Act 266 of 1982 ensures the Commonwealth pays its small contractors promptly. If a “qualified small business concern” does not receive payment by a required payment date or within a 15 day grace period, the Commonwealth must pay interest penalties.

A few definitions:

### Small Business Concern

- Independently owned and operated
- For-profit
- 100 or fewer employees

### Required Payment Date

- The date a payment is due under the terms of the contract,
- Forty-five (45) days after receipt of a proper invoice if the contract does not specify a payment date, or
- The net payment date listed on the invoice if it occurs after either date established above

*Note: To claim penalties, every invoice submitted to the Commonwealth must include the following statement: “[Name of Vendor] is a qualified small business concern as defined in 4 PA Code 2.32.”*

The Commonwealth also requires that its contractors (and subcontractors who themselves subcontract to other companies) pay their subcontractors promptly. “Promptly” means

- By the payment date specified within the subcontract, or
- Within fourteen (14) days after the contractor or subcontractor receives a progress payment.

Any point after this, Act 266 may impose interest penalties.

The Commonwealth does not pay subcontractors directly. Although Act 266 offers some payment protection, subcontractors should ideally develop written subcontracts with the contractors before the contracts begin. Signed subcontracts specifying payment arrangements and agreements ultimately provide the best protection.

## Special Programs for Small and Emerging Businesses

**Many small businesses never consider** government contracting. After all, how can they compete against the global giants? More money, more resources, more experience—it would be like David and Goliath, but without the sling shot. Well, not quite.

The Commonwealth has developed several programs that foster small business contracting opportunities. While they will not guarantee contracts, they do accord qualified businesses a powerful tool.

### The Minority and Woman Business Enterprise Program

A Minority or Woman Business Enterprise (MBE/WBE) is a small business that is at least 51% minority- and/or woman-owned. It plays a prominent role when it comes to state contracting, ensuring that both state agencies and other contractors consider qualified businesses.\* Its primary vehicles:

- Minimum Participation Levels (see **Section 1-12**)
- The Disadvantaged Business program

Section 2 will examine the MBE/WBE program and its benefits more fully.

#### ***Special Programs for Small and Emerging Businesses***

- *Minority Business Enterprise Certification*
- *Woman Business Enterprise Certification*
- *The Disadvantaged Business program*

\* Please read the section on *Commonwealth Purchasing Procedures*

## The Disadvantaged Business Program

**State contracting.** Many small businesses find the concept intimidating, and no wonder. Most state contracts require more resources and experience than they can deliver. How can they possibly bid on a Request for Proposal (RFP) knowing they cannot compete?

The Disadvantaged Business (DB) program offers a solution. While many state contracts lie beyond the average small company's capabilities, they provide excellent joint venture and subcontracting opportunities. The DB program acts as a conduit, helping qualified businesses reel in these opportunities.

### Defining a Disadvantage Business

What makes a DB? The Commonwealth has two DB designations: Small Disadvantaged Business and Socially Disadvantaged Business.

#### Small Disadvantaged Business

1. DGS-certified Minority or Woman Business Enterprise (MBE/WBE), OR
2. U.S. Small Business Administration (SBA)-certified 8(a) business concern.

In addition, a company must:

- Gross no more than \$20 million per year (or \$25 million for Information Technology (IT) companies).\*
- Have no more than 100 full-time or full-time equivalent employees.


#### Socially Disadvantaged Business


- Business must have suffered prejudice or bias due to business owner's color, ethnic origin, or gender.
- Prejudice or bias must:
  - Be chronic and substantial.
  - Have occurred within the United States.
  - Have hindered the business owner's entry or advancement in the business world.
- Limited to prime contractors.
- No revenue or size restrictions.


Both Small and Socially Disadvantaged Businesses must be for-profit, independent and owned by U.S. Citizens.

Note that the Commonwealth has no DB certification. Any company meeting the above criteria can consider itself a Disadvantaged Business.

\* If the company has subsidiaries or is the subsidiary of another company, the total revenue of the company and its subsidiaries must be under \$20 million (\$25 million for IT companies).

 **Website:**  
[www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd)  
 | Disadvantaged Business Program

 **Email:**  
[gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov)

 **Phone:**  
 (717) 783-3119

- *There is no DB certification; companies meeting the DB requirements are considered DBs.*

## DB Incentive

To understand how the DB program works, you must first understand how the Commonwealth evaluates and awards RFP-based and ITQ-based contracts (see **Section 1-13**):

- Contracts are awarded using a point system.
- Proposals earn points in many areas: technical, cost, experience, qualifications, DB participation, etc. (selection criteria vary by RFP).
- Total available points and their distribution are confidential.
- Total earned points determines which proposal wins.

DB participation is not mandatory. Prime contractors who do not meet the DB criteria themselves or through joint venture partners or subcontractors can still submit proposals. They can even win contracts, though they must do so without benefit of DB points.

**How do we score DB points?** DB participation has five levels:

Ranking Level	Type of Participation
1	Small Disadvantaged prime contractor
2	Non-disadvantaged prime contractor establishing a joint venture with a Small Disadvantaged Business
3	Non-Disadvantaged prime contractor subcontracting to a Small Disadvantaged Business(es)
4	Socially Disadvantaged prime contractor
5	No Disadvantaged Business participation

Those qualifying under Ranking Level 1—Small Disadvantaged prime contractors—can earn up to 100% of the available DB points. Each succeeding level will earn incrementally less down to no points for no DB participation

Real Estate Solicitations for Proposals (SFPs) use a modified ranking system. Visit the BMWBO website for more information.

## DB and Joint Ventures

You may understand joint ventures, but does your definition match BMWBO's? If not, you may risk your DB points.

Joint ventures arise when at least two companies establish a contract. They combine their resources—their money, labor, and skills—in a common enterprise. Unlike subcontracting relationships, they equally share risks, obligations, and benefits, splitting the project's profits and losses.


### A joint venture does not exist when:

- All parties do not agree to the contract terms.
- One company invests or contributes nothing to the project.
- One company, merely providing goods or services, has no financial interest in the enterprise beyond compensation.
- All parties do not share in the profits and losses.

### Examples of evidence indicating a joint venture include:

- A checking account with the joint venture's name.
- A copy of a contract establishing the joint venture.
- An individual income tax return showing the joint venture income.
- Documentation showing the common enterprise's merged assets and shared profits.
- Evidence demonstrating like interest in direction and management.
- Proof of insurance in the joint venture's name.

For more information on Joint Ventures, contact BMWBO's Supplier Diversity Division at (717) 787-7380.

 **Phone:**  
(717) 783-3119

### Definition

- **Joint Venture -**  
*A Joint Venture is an association of two or more companies to carry out a project for profit; a Joint Venture generally requires a shared interest in the performance of a common purpose; after the project is completed, the Joint Venture terminates.*

### Confirming DB Status and Commitment

Since the Commonwealth has no SERB certification, contractors must submit documentation confirming DB status *with each contract*. Failing this, they forfeit their DB points. Just what type of documentation do we need? That depends: how does the company qualify as disadvantaged?

If the DB is . . .	The documentation is . . .
<ul style="list-style-type: none"> <li>• Certified as an MBE/WBE by DGS</li> </ul>	<ul style="list-style-type: none"> <li>▫ A copy of the BMWBO certificate</li> <li>▫ A copy of the most recent tax or audited financial statement</li> <li>▫ Proof of citizenship*</li> <li>▫ Proof of no more than 100 full-time or full-time equivalent employees*</li> </ul>
<ul style="list-style-type: none"> <li>• Certified as an 8(a) by the SBA</li> </ul>	<ul style="list-style-type: none"> <li>▫ A copy of a certificate or letter from the SBA</li> <li>▫ A copy of the most recent tax or audited financial statement</li> <li>▫ Proof of citizenship*</li> <li>▫ Proof of no more than 100 full-time or full-time equivalent employees*</li> </ul>
<ul style="list-style-type: none"> <li>• Socially Disadvantaged</li> </ul>	<ul style="list-style-type: none"> <li>▫ Clear and convincing evidence confirming a social disadvantage*</li> <li>▫ Proof of citizenship*</li> </ul>

#### Key Points

- Contractors must prove DB status with each proposal they submit or risk sacrificing their DB points.
- Contractors must name specific DBs and specify DB commitments.
- DB commitments become part of the awarded contracts; only BMWBO can approve DB changes.

The financial or tax statement element occasionally elicits some concerns. In such cases, the Disadvantaged Business can submit the financial or tax statement, blacking out everything but gross annual revenues and company name and address.

Prime contractors working with Small Disadvantaged Businesses as joint venture partners or subcontractors must make *specific* commitments to *specific* businesses:

- Identify each Small Disadvantaged Business by company name, address, and telephone number; listing several companies and stating you will select one later will not earn DB credit.
- Specify the type of goods or services the Small Disadvantaged Business will provide, plus the timeframe and place in which the DB will provide them.

\* Type of documentation not specified.

Since the Commonwealth has no Disadvantaged Business certification, contractors must submit documentation confirming DB status *with each contract*. Failing this, they forfeit their DB points. Just what type of documentation do we need? That depends: how does the company qualify as disadvantaged?

The financial or tax statement element occasionally elicits some concerns. In such cases, the Disadvantaged Business can submit the financial or tax statement, blacking out everything but gross annual revenues and company name and address.

Prime contractors working with Small Disadvantaged Businesses as joint venture partners or subcontractors must make *specific* commitments to *specific* businesses:

- Identify each Small Disadvantaged Business by company name, address, and telephone number; listing several companies and stating you will select one later will not earn DB credit.
- Specify the type of goods or services the Small Disadvantaged Business will provide, plus the timeframe and place in which the DB will provide them.
- Specify an estimated dollar commitment to each Small Disadvantaged Business.
- Estimate a percent of the total value of the products or services purchased that each Small Disadvantaged Business will provide.
- Include a copy of the subcontracting agreement, letter of intent, or joint venture agreement.
- DB commitments are binding; BMWBO must approve all proposed DB changes.


This is not a complete list. The DB information the must be submitted as part of a proposal is always listed in part two of every RFP.


**MBEs/WBEs**

 **Websites:**  
[www.portal.state.pa.us/portal/server.pt/community/mbe\\_wbe\\_\\_\\_certification/1359/finding\\_certified\\_companies/260278](http://www.portal.state.pa.us/portal/server.pt/community/mbe_wbe___certification/1359/finding_certified_companies/260278)


OR

[www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx](http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx)

 **Email:**  
[gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov)

 **Phone:**  
 (717) 783-3119


**8(a)s**


 **Website:**  
[http://dsbs.sba.gov/dsbs/dsp\\_dsbs.cfm](http://dsbs.sba.gov/dsbs/dsp_dsbs.cfm)

 **Email:**  
[pronet@sba.gov](mailto:pronet@sba.gov)

**Enterprise Zones**

 **Website:**  
[www.newpa.com](http://www.newpa.com)

 **Email:**  
[akartorie@pa.gov](mailto:akartorie@pa.gov)

 **Phone:**  
 (717) 720-7409

**Finding DBs**

Since we have no Disadvantaged Business “certification”, we have no actual list of Small Disadvantaged Businesses. You can narrow down your Small Disadvantaged Business search, however, using one of several different methods.

**Finding MBEs/WBEs:**

- Go to [www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx](http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx) and follow the instructions.

**Finding 8(a)s:**

- Go to SBA’s online database, [www.ccr.gov](http://www.ccr.gov), move your cursor to “Search” at the top of the page, and click on *Dynamic Small Business Search* when it appears.
- The database has both certified and non-certified businesses; you must limit your search to bring up only 8(a)s.
- Scroll down to *SBA 8(a) Certification* and *Small Disadvantaged Business* and mark “Required” in one or both boxes.
- You can also limit your search by state, NAICS codes, area code, zip code, business type, bonding level, size, and name.

Remember, to qualify as Small Disadvantaged Business, a company must meet *one* of the above criteria, *plus* it must be a for-profit business, have 100 or fewer full-time or full-time equivalent employees, and gross less than \$20 million (or \$25 million for information Technology businesses) annually. Additionally, it must be capable of doing the work it will be contracted to do, and the primary owner must be a U.S. citizen.

## Doing Business with Surrounding States


After successfully doing business with the Commonwealth of Pennsylvania, many business owners hit upon an amazing fact: this country has 50 states. If they can do business with Pennsylvania, what about New Jersey—or Maryland, Delaware, and New York?


The following section discusses purchasing procedures for some of Pennsylvania's neighbors.

### Delaware

#### Department of Administrative Services

*Division of Support Services  
820 Silver Lake Blvd.  
Suite 100  
Dover, DE 19904*

 **Website:**  
<http://gss.omb.delaware.gov>

 **Phone:**  
(302) 739-5371


#### Purchasing Key Points:


- The Department of Administrative Services (DAS) purchases *common* supplies/services for all state agencies.
- Individual agencies maintain their own bidders' lists.
- Vendors on bidders' lists receive automatic bid notices.
- Vendors can access general purchasing information and the vendor registration application on the DAS website

### Maryland

#### Department of General Services

*Office of Procurement and Logistics  
301 W. Preston Street  
Baltimore, MD 21201*

 **Website:**  
[www.dgs.maryland.gov](http://www.dgs.maryland.gov)

 **Phone:**  
(410) 767-4600

#### Purchasing Key Points:

- The Department of General Services (DGS) is the state's central purchasing agency.
- Bid opportunities are posted online.
- Interactive bidding is allowed through *eMaryland Marketplace* at [www.emarylandmarketplace.com](http://www.emarylandmarketplace.com).


- *Pennsylvania's is not the only state purchasing program; all states offer prime contracting opportunities.*
  - *Delaware*
  - *Maryland*
  - *New Jersey*
  - *New York*
  - *Ohio*
  - *Virginia*
  - *West Virginia*

## New Jersey

### Department of the Treasury

*Purchase Bureau  
Division of Purchase and Property  
33 West State Street  
P.O. Box 230  
Trenton, NJ 08625-0230*

 **Website:**  
[www.state.nj.us/treasury/purchase](http://www.state.nj.us/treasury/purchase)

 **Phone:**  
(609) 292-4700

#### Purchasing Key Points:

- State's primary purchaser for goods and services.
- Vendors on the Bidders Mailing List receive automatic bid notices.
- All corporations must register with the Division of Revenue before receiving contract awards.
- Vendors can browse basic state contracting information at [www.state.nj.us/treasury/purchase/doingbusiness.shtml](http://www.state.nj.us/treasury/purchase/doingbusiness.shtml)


## New York

### Office of General Services

*Procurement Services Group  
Customer Services  
37th Floor, Corning Tower  
Empire State Plaza  
Albany, NY 12242*

 **Website:**  
<http://ogs.ny.gov>

 **Email:**  
[customer.services@ogs.state.ny.us](mailto:customer.services@ogs.state.ny.us)

 **Phone:**  
(518) 474-6717



#### Purchasing Key Points:

- Finding bid opportunities:
  - Bid Calendar (commodity, service, and IT opportunities):  
<http://ogs.ny.gov/BU/PC/Default..asp>
  - The Empire State Builder (construction opportunities):  
<http://ogs.ny.gov/BU/DC/>
  - Alerts and Special Bulletins:  
<http://ogs.ny.gov/BU/PC/Alerts.asp>

## Ohio

### Department of Administrative Services

General Services Division  
Office of State Purchasing  
4200 Surface Road  
Columbus, OH 43228

 **Website:**  
<http://procure.ohio.gov/proc>  
 **Phone:**  
(614) 466-5090



#### Purchasing Key Points:

- The Department of Administrative Services (DAS) manages all major bid opportunities and contracts.
- Vendors register online to receive automatic bid notices.
- Bid opportunities and general purchasing information posted on the DAS website.

## Virginia

### Department of General Services

Division of Purchases & Supply  
Eight Street Office Building  
805 East Broad Street  
P.O. Box 1199  
Richmond, VA 23218-1199

 **Websites:**  
[http://dgs.virginia.gov/  
DivisionofPurchasesandSupply/DPS/  
tabid/418/Default.aspx](http://dgs.virginia.gov/DivisionofPurchasesandSupply/DPS/tabid/418/Default.aspx)  
 **Phone:**  
(804) 786-3842

#### Purchasing Key Points:

- The Department of General Services (DGS) is the primary purchasing agency.
- Service and construction projects generally go through individual agencies.
- Vendors must register online or call 804-786-3842 for a registration application before submitting bids.
- Bid opportunities and awards are posted on the DGS website and the new e-procurement website, eVA, [www.eva.state.va.us](http://www.eva.state.va.us).


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## West Virginia

### Purchasing Division

Acquisition & Contract Administration  
Section  
2019 Washington Street East  
P.O. Box 50130  
Charleston, WV 25305-0130

 Website:  
[www.state.wv.us/admin/purchase/  
default.html](http://www.state.wv.us/admin/purchase/default.html)

 Phone:  
(304) 558-2306

### Purchasing Key Points:

- The Acquisition & Contract Administration Section (ACAS) oversees the purchase of all commodities and services.
- The Vendor Resource Center assimilates all information vendors need to do business with the State.
- Before receiving purchase orders, vendors must register with the Purchasing Division online or call (304) 558-2311 for a registration application.
- Bid opportunities are posted online.
- The weekly *West Virginia Purchasing Bulletin*, available with a \$45 annual fee, also posts all bid opportunities over \$10,000.

## Federal Contracting

Government contracting has several levels: local, state, and federal. So many local governments exist that we cannot adequately review their purchasing procedures here. Suffice it to say that interested vendors can find most information online. State contracting, we already discussed. What about federal?

While state and federal purchasing procedures follow similar guidelines, they have differences. The following pages will examine a few of them briefly. You can learn more about federal contracting through your local Procurement Technical Assistance Center (see **Appendix 4-11**) or visit the PTAC website at [www.jari.com/paptac](http://www.jari.com/paptac).

### Federal Acquisition Regulation (FAR)

You and the Federal Government may have had little contact beyond your annual taxes. Where do you begin if you want to do business? The best place is probably the federal government's version of Pennsylvania's *Field Procurement Handbook*: the *Federal Acquisition Regulation* or FAR. Published through the General Services Administration, Federal Acquisition Policy Division, this system governs all federal executive agencies' purchases.


You can learn more about and download the FAR at [www.acquisition.gov/far](http://www.acquisition.gov/far).


#### PTAC

 **Website:**  
[www.jari.com/paptac](http://www.jari.com/paptac)



#### FAR

 **Website:**  
[www.acquisition.gov/far](http://www.acquisition.gov/far)


 **Phone:**  
(202) 501-4755

- *The Federal Acquisition Regulations System sets down purchasing guidelines that all federal executive agencies must follow.*

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## Data Universal Numbering System (DUNS)

 **Website:**  
[www.dnb.com](http://www.dnb.com)

 **Phone:**  
*(888) 814-1435 (Customer Service)*  
*(800) 333-0505 (All other questions)*

- *Each individual location and legal entity of an organization must have its own DUNS number before they can do business with the Federal Government.*

If you wish to work as a federal contractor, you must have an ID number. The Federal Government uses Dun & Bradstreet's Data Universal Numbering System (DUNS). Unlike Pennsylvania, which assigns one vendor number per company, federal contractors must have unique DUNS numbers for each physical location and each legal division.

You can register for a free DUNS Number by going online to <http://smallbusiness.dnb.com>. Registration will take several days.

For more information, visit Dun & Bradstreet at [www.dnb.com](http://www.dnb.com).

## Central Contractor Registration (CCR) and Commercial and Government Entity (CAGE) Codes

The DUNS Number, while required, will only get you so far. Consider these four federal agencies:

- Department of Defense (DoD)
- Department of Transportation (DoT)
- Department of Treasury
- National Aeronautics and Space Administration (NASA)

Until you register in the Central Contractor Registration (CCR) database, you cannot do business with them. Operated and maintained by DoD, all four agencies use CCR as their primary vendor database.

CCR registration has another advantage: CAGE Code assignments (also known as Commercial and Government Entity Codes). CAGE Codes identify contractors by location and division. Like DUNS numbers, if your company operates multiple locations or divisions, you will have multiple CAGE codes.

Most Federal agencies use CAGE Codes extensively. Even if you never do business with DoD, DoT, NASA, or Treasury, you might still find the CCR registration worthwhile.

### How to register?

- Online: Visit [www.ccr.gov](http://www.ccr.gov)  
By phone: Contact the CCR Assistance Center at (866) 806-8220 (toll free)

### CAGE Code

- 🌐 **Website:**  
[www.dlis.dla.mil/cage\\_welcome.asp](http://www.dlis.dla.mil/cage_welcome.asp)
- ✉ **Email:**  
[cagemail@dlis.dla.mil](mailto:cagemail@dlis.dla.mil)
- ☎ **Phone:**  
(888) 352-9333



### CCR

- 🌐 **Website:**  
[www.ccr.gov](http://www.ccr.gov)
- ✉ **Email:**  
[dlis\\_support@dlis.dla.mil](mailto:dlis_support@dlis.dla.mil)
- ☎ **Phone:**  
(866) 806-8220

- *All potential contractors must complete the CCR registration before bidding on DoD, DoT, NASA, or U.S. Treasury contracts.*
- *Most Federal agencies use CAGE codes extensively to identify contractors.*

## U.S. General Services Administration (GSA)

**“The federal government’s business manager, buyer, real estate developer, telecommunications manager, and IT [Information Technology] solutions provider.”**

The U.S. General Services Administration (GSA) and the PA Department of General Services (DGS) have many similarities:

	GSA	DGS
<i>Function</i>	<ul style="list-style-type: none"> <li>Federal government’s main purchasing agency</li> </ul>	<ul style="list-style-type: none"> <li>Commonwealth’s main purchasing agency</li> </ul>
<i>Primary Purchases</i>	<ul style="list-style-type: none"> <li>General supplies, equipment, and services; building construction, repair, and maintenance; IT and network services</li> </ul>	<ul style="list-style-type: none"> <li>General supplies, equipment and services; building construction, repair, and maintenance (IT supplies/services provided through ITQ process)</li> </ul>
<i>Goal/Mission</i>	<ul style="list-style-type: none"> <li>Efficiently and effectively provide agencies and tax payers superior services and solutions at the best possible value</li> </ul>	<ul style="list-style-type: none"> <li>Effectively provide quality services, support, commodities, and facilities at the greatest value to the Commonwealth</li> </ul>
<i>Bid Opportunities</i>	<ul style="list-style-type: none"> <li>Advertises bid opportunities over \$25,000 online</li> </ul>	<ul style="list-style-type: none"> <li>Advertises bid opportunities over \$10,000 online</li> </ul>
<i>Disadvantaged Businesses</i>	<ul style="list-style-type: none"> <li>Establishes goals, set-asides, and other programs advocating small, disadvantaged, women-owned, and veteran-owned businesses in federal contracting</li> </ul>	<ul style="list-style-type: none"> <li>Provides various programs and incentives encouraging small, minority-, and women-owned businesses in state contracting</li> </ul>

-  **Website:**  
[www.gsa.gov](http://www.gsa.gov)
  
- Bid Opportunities:**  
[www.fedbizopps.gov](http://www.fedbizopps.gov)
  
-  **Contact:**  
[vendor.support@gsa.gov](mailto:vendor.support@gsa.gov)
  
-  **Phone:**  
(877) 495-4849 (Vendor Support Center)  
(866) 606-8220 (Federal Service Desk)

## Finding Federal Bid Opportunities

Like Pennsylvania, the federal government advertises bid opportunities using multiple methods. This section briefly discusses several of them.

### Federal Business Opportunities

The best single source for federal contracting opportunities: the Federal Business Opportunities (FBO) site at [www.fedbizopps.gov](http://www.fedbizopps.gov). Primary benefits:

- Lists all federal bidding opportunities over \$25,000
- Supplies downloadable, detailed bid information and documents
- Allows searches by bid description or number, location, set-aside code, classification code, agency, and more

### Federal Supply Schedules Program


Federal Supply Schedules (also known as Multiple Award Schedules or MAS) operate along the same lines as Pennsylvania Statewide Contracts. Take a look at some key points:


- Long-term, government-wide contracts
- Eliminate need for separate bidding and contracting
- Open to all interested vendors
- Supply discounted, commercial services and products on a direct order and direct delivery basis
- Offer customers greater choice and flexibility than traditional contracts

You can learn more about the GSA program by visiting [www.gsa.gov](http://www.gsa.gov) and selecting *Doing Business with GSA | Purchasing Programs*. To get on a Schedule, go to [www.gsa.gov](http://www.gsa.gov) and click on *For Businesses | Getting on a Schedule*.

#### FBO

 **Website:**  
[www.fedbizopps.gov](http://www.fedbizopps.gov)


 **Email:**  
[fbo.support@gsa.gov](mailto:fbo.support@gsa.gov)


 **Phone:**  
(866) 606-8220



#### MAS

 **Website:**  
[www.gsa.gov](http://www.gsa.gov)

 **Email:**  
[mashelpdesk@gsa.gov](mailto:mashelpdesk@gsa.gov)

 **Phone:**  
(800) 488-3111

#### MAS Benefits

- Saves Time
- Saves Money
- Reduces Inventories

 **Website:**  
[www.dod.gov](http://www.dod.gov)

### **Key Points**

- *Bid opportunities posted through [www.fedbizopps.gov](http://www.fedbizopps.gov)*
- *Largest purchaser in the world*
- *98% of all purchases fall below \$100,000*

## **Department of Defense**

The U.S. Department of Defense (DoD) is just one among many federal agencies. It makes purchases like any other agency. It follows the Federal Acquisition Regulation (FAR) guidelines. It posts bid opportunities through FedBizOpps.

It is also the largest purchaser of goods and services *in the world*.

DoD purchases total billions of dollars annually. As a small business, you may find this discouraging. What could you possibly offer? Plenty. Nearly 98% of DoD's purchases fall under \$100,000. DoD especially encourages small, disadvantaged, and woman-owned businesses.

Learn more about DoD's purchasing practices and procedures through its by visiting [www.acq.osd.mil](http://www.acq.osd.mil), selecting *Programs*, *DoD Small Business*, and *Doing Business with DoD*.

## Section 2



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# MINORITY & WOMEN BUSINESS ENTERPRISE CERTIFICATION



# Minority & Women Business Enterprise Certification

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**H**ave you ever thought about Minority and/or Woman Business Enterprise certification? If your business is at least 51% minority and/or woman-owned, it may be eligible for certification from the Pennsylvania Department of General Services (DGS), Bureau of Minority & Women Business Opportunities (BMWBO). This free program has numerous benefits and can be a valuable tool for marketing your business.

## Why Become Certified?

### Benefits

The Minority and Woman Business Enterprise Program (MBE/WBE) has many uses you may never have considered.

#### BMWBO MBE/WBE Database

- Lists all certified MBE/WBEs.
- Is regularly accessed by contractors, state and local government agencies, and other organizations for contracting opportunities.
- Functions as a form of continuous, free advertising.

#### Contract Incentives

- Help contractors reach Minimum Participation Levels (see **Section 1-12**).
- Qualify for the Disadvantaged Business Program (see **Section 1-21**).
- Help purchasing agents meet Commonwealth Procurement Thresholds (see **Section 1-10**).
- Help county and municipal governments meet MBE/WBE contracting goals.

-  **Website:**  
[www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd)
-  **Email:**  
[gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov)
-  **Phone:**  
(717) 783-3119

**Training Programs**

- Free BMWBO State contracting workshops
- Networking events

**Consultations & Referrals**

- Individual consultations with BMWBO staff
- Referrals to other resources and sources of information

**Bid Notifications**

- Notification of Commonwealth bid opportunities
- Notification of certain non-Commonwealth bid opportunities

**Equal Contracting Opportunities**

- Ensure new contracts follow guidelines assisting MBE/WBEs and other small businesses
- Investigate fraud and unfair practices against certified MBE/WBEs

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## Who is Eligible?

Any business meeting the following criteria may seek certification:

- At least 51% minority and/or woman-owned and controlled
- Minority or woman owner(s) holds highest position within company
- 100 or fewer employees
- Owned by United State citizens
- For-profit
- In business at least one year or has a two-year business plan reviewed by a Small Business Development Center (see **Section 3-8** and **Appendix 4-14**)
- Independent of other business entities
- Provides and is qualified to provide goods/services for which seeking certification

Additionally, out-of-state businesses must first have their home state certification (if available). For a more complete definition, please see the *Statement of Policies* in **Appendix 4-23**.

### **A Note on the Streamlined Certification Process:**

If a Pennsylvania company is currently certified by the PA Unified Certification Program (PA UCP), the Minority Supplier Development Council (MSDC) or the Women Business Enterprise National Council (WBENC), they may avail themselves of the streamlined certification application available to them. This enables the applications to be processed quickly. Moreover, nine (9) entities comprising the PA UCP will accept DGS certified companies on their state or turnpike funded projects.

The application is entitled “Specialized Application” and is available on the DGS website at [www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd) (click on *Forms & Publications*).

## Review Process

Meeting the eligibility requirements does not guarantee certification, even when company documents support the basic criteria. Thoroughly reviewing each application and supporting documentation, BMWBO examines:

- **Ownership**  
BMWBO must confirm who truly owns the business. Is it as it seems on paper or does some other entity—a non-minority male or a business—actually hold the reins? Elements confirming ownership might include:
  - *Capitalization* - How did the owner initially finance the business, or under what circumstances did the owner acquire the business as a gift?
  - *Stock ownership* - Who holds company stock and what percentage?
  - *Risk/Profit distribution* - Who shares in the risks and profits and what is the amount shared?
- **Management control**  
Management control means making key decisions—day-to-day and long-term. It means having authority to direct management, policies, and operations. Who really dictates and determines the company's future? Records that might reveal formal and informal restrictions include:
  - Bylaws
  - Partnership agreements
- **Operational control**  
Minority and women owners must know and understand their business. They must demonstrate expertise beyond office management, administration or bookkeeping. Some indicators that may imply operational control include:
  - Expertise, experience, and knowledge relating to the principal business activities.
  - Licenses or certifications that their type of business requires.
  - Ultimate supervisory responsibility.

If BMWBO determines that business operations do not reflect the ownership shown on paper—that the minority and/or woman ownership is not *real, substantial, or likely to continue*—the Bureau may deny certification.

Though it may seem a good idea to some, remember, deception leading to MBE or WBE certification violates Pennsylvania Law # 1984-230 and can lead to prosecution.

## Application Instructions

You can obtain the *Application and Instruction Guide for Certification as a Minority or Women Business Enterprise* three ways:

- Online: Go to [www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd)
- By email: Request an application at [gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov)
- By Phone: Request an application by calling (717) 783-3119

Copy the completed and notarized application for your files and send the original to:

Department of General Services  
Bureau of Minority & Women Business Opportunities  
North Office Building  
401 North Street, Room 611  
Harrisburg, PA 17120-0500

*A word of advice:* submit as complete an application as possible. Incomplete information or missing documentation slows down the certification process. If you cannot answer certain questions or supply requested documents, explain why. If you need help completing the information, call us, and we will answer any questions you have.


### What you can expect after submitting your application:


- Review period: 45 - 60 days (incomplete applications may take longer)
- Request for additional information
- On-site visit


The BMWBO Certification Board makes the final decision to approve or deny an application.

- Approval:
  - Approval letter and MBE/WBE certificate
  - Listing in BMWBO's MBE/WBE database
- Denial
  - Denial letter and reasons
  - Instructions explaining appeal process

Certification lasts two years. Shortly before it expires, you must submit a recertification affidavit and current required documentation. In certain situations (e.g. a change of ownership) we may require a full application.

 **Website:**  
[www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd)

 **Email:**  
[gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov)

 **Phone:**  
(717) 783-3119

- *Certification generally takes 45 - 60 days and expires after two years*
- *BMWBO does not return incomplete applications but may request additional information or an on-site visit*

## Veteran-Owned Business Enterprise Certification

The Commonwealth of Pennsylvania now offers Veteran-Owned Business Enterprise (VOBE) and Service Disabled Veteran business (SDV) certifications.


These certifications were established with and tied to the American Recovery and Reinvestment Act (ARRA) by Executive Order 2009-02. Because of this, they can only be used with those contracting opportunities receiving ARRA funding. Although ARRA funding and outreach ended on September 30, 2011, the certifications remain. It is hoped that eventually VOB and SDV participation will extend to state-funded contracting opportunities.


Similar to MBE and WBE certification, a company must be at least 51% veteran or service disabled veteran owned to certify. A veteran is defined as someone who:


- Is a United States citizen .
- Served on active duty with the U.S. Army, Air Force, Navy, Marines, or Coast guard for any length of time and at any place.
- Was discharged or released under conditions other than dishonorable.

Reservists or members of the National Guard called to Federal activity or disabled from a disease or injury incurred or aggravated in the line of duty or while in training status also qualify as a veteran.

All other eligibility requirements and the review process are the same as those for MBE and WBE certification (see **Section 2-5**).

 **Website:**  
[www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd)

 **Email:**  
[gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov)

 **Phone:**  
(717) 783-3119

- *Certification generally takes 45 - 60 days and expires after two years*
- *BMWBO does not return incomplete applications but may request additional information or an on-site visit*

## Other Certification Programs

DGS is not the only agency that certifies minority and women-owned businesses nor is Pennsylvania the only state. Many other certification programs offer minority and women-owned businesses opportunities worth considering.

### Pennsylvania Unified Certification Program

The Pennsylvania Unified Certification Program (PA UCP) certifies minority and women-owned businesses as Disadvantaged Business Enterprises (DBE). Such certification has its advantages:

- **Universal recognition**  
All Pennsylvania public and private entities receiving federal funds through the U.S. Department of Transportation (US DOT), Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), or Federal Transit Administration (FTA), recognize DBE certification.
- **Extensive contracting opportunities**  
PA UCP-certified businesses may participate on any US DOT, FAA, FHWA, or FTA project within the state
- **Free advertising**  
Like DGS, the PA UCP lists all certified firms in an online directory

#### Some requirements eligible businesses must meet:

- For-profit small business
- At least 51% owned by socially and economically disadvantaged individuals: Black American, Hispanic American, Native American, Asian-Pacific American, Subcontinent-Asian American
- Owners must be U.S. Citizens

#### Request an application:

- Online: [www.paucp.com/DownloadForms.aspx](http://www.paucp.com/DownloadForms.aspx)
- By Phone: Request a form by contacting one of the certifying participants listed on the left.


*Note: Out-of-state businesses must first obtain their home state UCP certification. If US DOT has not yet approved your home state's UCP, PA UCP may accept certification through that state's Department of Transportation or other certifying agency. Contact one of the certifying participants for more information.*


Learn more about Pennsylvania's Universal Certification Program at [www.paucp.com](http://www.paucp.com). You can also visit <http://osdbu.dot.gov/DBEProgram/ucp.cfm> to learn the program's origins and link to other states' programs.

 **Website:**  
[www.paucp.com](http://www.paucp.com)



#### Allegheny County Department of MBE/WBE/DBE


 **Email:**  
[mwbde@county.allegheny.pa.us](mailto:mwbde@county.allegheny.pa.us)

 **Phone:**  
(412) 350-4309



#### Allegheny County Port Authority


 **Email:**  
[egreene@portauthority.org](mailto:egreene@portauthority.org)

 **Phone:**  
(412) 566-5257



#### City of Philadelphia, International Airport


 **Email:**  
[kathleen.padilla@phl.org](mailto:kathleen.padilla@phl.org)

 **Phone:**  
(215) 937-1801



#### Pennsylvania Department of Transportation


 **Email:**  
[penndotucpinfo@pa.gov](mailto:penndotucpinfo@pa.gov)

 **Phone:**  
(717) 787-5891



#### Southeastern Pennsylvania Transportation Authority

 **Email:**  
[lclaitt@septa.org](mailto:lclaitt@septa.org)

 **Phone:**  
(215) 580-7278

## Certification in Other States


Most states have certification programs, and the next few pages briefly discusses a few of them. If you would like to learn more, contact each state's certification office directly.


### Delaware

#### Department of Administrative Services

*Office of Minority and Women Business Enterprise  
Enterprise Business Park  
100 Enterprise Place, Suite 4  
Dover, DE 19904*

 **Website:**  
*<http://gss.omb.delaware.gov/owmbe/index.shtml>*


 **Email:**  
*[deomwbe@state.de.us](mailto:deomwbe@state.de.us)*

 **Phone:**  
*(302) 857-4554*


### Maryland

#### Department of Transportation

*Minority Business Enterprise Office  
Maryland Department of Transportation  
7201 Corporate Center Drive  
PO Box 548  
Hanover, MD 21076*

 **Website:**  
*[www.mdot.maryland.gov/MBE\\_Program/HomePage.html](http://www.mdot.maryland.gov/MBE_Program/HomePage.html)*

 **Email:**  
*[mbe@mdot.state.md.us](mailto:mbe@mdot.state.md.us)*

 **Phone:**  
*(410) 865-1342  
(410) 865-1269*

**Toll Free:**  
*(800) 544-6056*

#### **Other states who offer a state certification program include:**


- Delaware
- Maryland
- New Jersey
- New York
- Ohio
- Virginia


\* MBE includes both minorities and women.


## New Jersey

### Commerce and Economic Growth Commission

NJ Division of Revenue  
Business Support Services Bureau  
PO Box 455  
Trenton, NJ 08646

 **Website:**  
[www.nj.gov/njbusiness/contracting/services](http://www.nj.gov/njbusiness/contracting/services)

 **Email:**  
[www.nj.gov/njbusiness/home/contact.shtml](http://www.nj.gov/njbusiness/home/contact.shtml)

 **Phone:**  
(866) 534-7789

## New York

### Department of Economic Development

Division of Minority and Women's  
Business Development  
30 South Pearl Street  
Albany, NY 12245

or

633 Third Avenue  
New York, NY 10017

or

95 Perry Street  
Buffalo, NY 14203

 **Website:**  
[www.esd.ny.gov/MWBE.html](http://www.esd.ny.gov/MWBE.html)


 **Email:**  
[esd@empire.state.ny.us](mailto:esd@empire.state.ny.us)

 **Phone:**  
(518) 292-5250 (Albany)  
(212) 803-2414 (New York)  
(716) 846-8200 (Buffalo)

## Ohio

### Department of Administrative Services

Equal Opportunity Division  
4200 Surface Road  
Columbus, Ohio 43228

 **Website:**  
[www.das.ohio.gov/Divisions/EqualOpportunity/MBEEDGECertification/UnderstandingMBE/tabid/181/Default.aspx](http://www.das.ohio.gov/Divisions/EqualOpportunity/MBEEDGECertification/UnderstandingMBE/tabid/181/Default.aspx)


 **Phone:**  
(614) 466-8380


Note: Ohio does not certify women business enterprises.


## Virginia

### Department of Minority Business Enterprise

*1111 East Main Street, Suite 300  
Richmond, VA 23219*

 **Website:**  
*www.dmbe.virginia.gov*

 **Email:**  
*dmbe@dmbe.virginia.gov*

 **Phone:**  
*(804) 786-6585*

# Section 3



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# SMALL BUSINESS RESOURCES



# Small Business Resources

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**S**mall and emerging businesses can access many available resources, both public and private. This section lists just a few.

## Commonwealth Resources

### Agencies and Commissions

The following Commonwealth agencies provide services aiding small business development and growth. If you need help for your business or you want to find out more about what they do, contact them today.


### Department of Community and Economic Development

Center for Entrepreneurial Assistance

*Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120-0225*

 **Website:**  
[www.newpa.com](http://www.newpa.com)

 **Email:**  
[www.newpa.com/contact-us](http://www.newpa.com/contact-us)

 **Phone:**  
(717) 783-5700

**Toll Free:**  
(866) 466-3972

### What they do:

- Provide Loan and grant information and other business assistance
- Decipher State and Federal regulations
- Provide information on licensing requirements


### Commonwealth Resources

- *Department of Community & Economic Development*
- *Department of Labor & Industry*
- *Department of Revenue*
- *Department of State*

## Department of Labor & Industry

*Labor & Industry Building  
651 Boas Street  
Harrisburg, PA 17121-0750*

 **Website:**  
*www.dli.state.pa.us*

 **Phone:**  
*(717) 787-5279*


### What they do:

- Provide information on Workers' Compensation, Unemployment Compensation, and labor law
- Offer construction code services
- File business licenses, permits, and certifications
- Keep workforce information and statistics


## Department of Revenue

### Bureau of Corporation Taxes

*PO Box 280427  
Harrisburg, PA 17128-0427*

 **Website:**  
*www.revenue.state.pa.us*

 **Email:**  
*parev@pa.gov*

 **Phone:**  
*(717) 787-1064*

**Toll Free (information line):**  
*(888) PATAXES*

### What they do:


- File Pennsylvania corporate and business taxes


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## Department of State

### Corporation Bureau

North Office Building  
401 North Street, Rm. 206  
Harrisburg, PA 17120

 **Website:**  
[www.dos.state.pa.us/corps](http://www.dos.state.pa.us/corps)

 **Email:**  
[ra-corps@pa.gov](mailto:ra-corps@pa.gov)

 **Phone:**  
(717) 787-1057

**Toll Free:**  
(888) 659-9962

### What they do:

- Register fictitious names
- Set up corporations
- Provide information and resources for new and growing businesses

## Other Commonwealth Websites and Resources

- **Business-to-Business Directory** - [www.pasourcenet.com](http://www.pasourcenet.com)  
Connects buyers and Pennsylvania suppliers.
- **Business Resource Network** - [www.teampa.com](http://www.teampa.com)  
Provides access to state, local, and regional information critical to making location, expansion, and workforce development decisions.
- **Commonwealth of Pennsylvania Website** - [www.pa.gov](http://www.pa.gov)  
Find agency and bureau links and other valuable Commonwealth information.
- **The Entrepreneur's Guide— Starting and Growing a Business in Pennsylvania** - [www.newpa.com/build-your-business/start/before-you-begin?id=1275](http://www.newpa.com/build-your-business/start/before-you-begin?id=1275)  
Relates practical tips and information on all aspects of business ownership.
- **PA Open for Business** - [www.open4business.state.pa.us](http://www.open4business.state.pa.us)  
Includes various forms and information new and growing businesses may find especially useful.
- **PA Procurement Technical Assistance Centers** - [www.jari.com/paptac](http://www.jari.com/paptac)  
PTACS train and assist small businesses seeking local, state, and federal contracts. See a complete list of centers in **Appendix 4-10**.
- **PA Small Business Development Centers** - [www.pasbdc.org](http://www.pasbdc.org)  
SBDCs guide small business owners using professional business expertise and college and university resources. Services include one-on-one business management consulting, information, educational programs, and more. See a complete list of centers in **Appendix 4-14**.

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## Federal Resources

- **USA.gov** - [www.usa.gov](http://www.usa.gov)  
A one-stop source for information to federal agencies and resources.
- **Benefits.gov** - [www.benefits.gov](http://www.benefits.gov)  
A resource for over 400 Federal and 100 State government benefit programs.
- **GovLoans.gov** - [www.govloans.gov](http://www.govloans.gov)  
A gateway directing businesses and individuals to the Federal loan information the best meets their needs.
- **Grants.gov** - [www.grants.gov](http://www.grants.gov)  
Grants.gov is the single access point for over 900 Federal grant programs, allowing organizations to electronically find and apply for competitive grants opportunities from all Federal grant-making agencies.
- **WomenBiz.gov** - [www.womenbiz.gov](http://www.womenbiz.gov)  
The gateway for women-owned businesses selling to the Federal government.
- **Center for Veterans Enterprise** - [www.vetbiz.gov](http://www.vetbiz.gov)  
The Federal Web portal for Veterans in business.
- **Department of Commerce** - [www.commerce.gov](http://www.commerce.gov)  
Offers valuable information on federal grants, loans, business assistance and development, business laws and regulations, market research, industry information, etc.
- **Internal Revenue Service** - [www.irs.gov](http://www.irs.gov)  
Administers the Internal Revenue Code, applies tax law, assigns Employers Identification Numbers (EIN). and more.
- **Minority Business Development Agency** - [www.mbda.gov](http://www.mbda.gov)  
Part of the U.S. Department of Commerce, the MBDA encourage minority business creation, growth, and expansion.
- **Small Business Administration** - [www.sba.gov](http://www.sba.gov)  
An information source for federal loans, grants, and small, minority, and women-owned business development.
- **Central Contractor Registration** - [www.ccr.gov](http://www.ccr.gov)  
Businesses may register on the federal vendor database, a frequent resource for federal, state, and local government purchasing agents and private businesses seeking contractors, subcontractors, and partnerships.



# Section 4



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# APPENDIX



## Commonwealth Purchasing Offices


### Administration, Office of

Office of Strategic Services  
Finance Building  
613 North Street, Room 310  
Harrisburg, PA 17120-0400

 **Website:**  
[www.oa.state.pa.us](http://www.oa.state.pa.us)

### Aging, Department of

Forum Place  
Fiscal Mgt & Support Services  
555 Walnut Street, 5th Floor  
Harrisburg, PA 17101

 **Website:**  
[www.aging.state.pa.us](http://www.aging.state.pa.us)


### Agriculture, Department of

Procurement Division  
Agriculture Building  
2301 N. Cameron Street, Room 206  
Harrisburg, PA 17110-9405

 **Website:**  
[www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)


### Attorney General

Purchasing Unit  
14th Floor, Strawberry Square  
Harrisburg, PA 17120

 **Website:**  
[www.attorneygeneral.gov](http://www.attorneygeneral.gov)


### Banking, Department of

Fiscal & Support Services  
17 North 2nd Street, 13th Floor  
Harrisburg, PA 17101

 **Website:**  
[www.banking.state.pa.us](http://www.banking.state.pa.us)

### Budget, Office of

Comptroller Operations  
Office of Administrative Services  
Purchasing & Payment Division  
Forum Place, 7th Floor  
555 Walnut Street  
Harrisburg, PA 17101-1921

 **Website:**  
[www.budget.state.pa.us](http://www.budget.state.pa.us)

### Civil Service Commission

Office of Support Services  
Bowman-Worth Building  
PO Box 569  
Harrisburg 17108-0569

 **Website:**  
[www.scsc.state.pa.us](http://www.scsc.state.pa.us)

### Claims, Board of

Office of Support Services  
Fulton Building  
200 North 3rd Street, Suite 700  
Harrisburg, PA 17101-1501

 **Website:**  
[www.boc.state.pa.us](http://www.boc.state.pa.us)

### Community & Economic Development, Department of

Budget & Administration Services Office  
4th Floor, Commonwealth Keystone Bldg.  
400 North Street  
Harrisburg, PA 17120-0225

 **Website:**  
[www.newpa.com](http://www.newpa.com)


**Conservation & Natural Resources, Department of**

*Division of Procurement & Supply  
P.O. Box 8771  
Harrisburg, PA 17105-8771*

 **Website:**  
[www.dcnr.state.pa.us](http://www.dcnr.state.pa.us)


**Corrections, Department of (Central Office)**

*P.O. Box 598  
2520 Lisburn Road  
Camp Hill, PA 17001-0598*

 **Website:**  
[www.portal.state.pa.us/portal/server.pt/community/hide\\_administration/14789](http://www.portal.state.pa.us/portal/server.pt/community/hide_administration/14789)


**Corrections, Department of**

*Go to the Department of Corrections website to find individual facility contact information.*

 **Website:**  
[www.portal.state.pa.us/portal/server.pt/community/hide\\_administration/14789](http://www.portal.state.pa.us/portal/server.pt/community/hide_administration/14789)


**PA Courts**

*Administrative Services  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 1500  
PO Box 61260  
Harrisburg, PA 17120-0901*

 **Website:**  
[www.courts.state.pa.us](http://www.courts.state.pa.us)


**Crime & Delinquency, Commission on**

*Office of Financial Mgmt. and Admin.  
3101 N. Front Street  
Harrisburg, PA 17110*

 **Website:**  
[www.pccd.state.pa.us](http://www.pccd.state.pa.us)


**Education, Department of**

*Bureau of Management Services  
5th Floor, Harristown 2 Building  
333 Market Street  
Harrisburg, PA 17126*

 **Website:**  
[www.pde.state.pa.us](http://www.pde.state.pa.us)

**Emergency Management Agency, Pennsylvania**

*Procurement/Contracting Office  
2605 Interstate Drive  
Harrisburg, PA 17110*

 **Website:**  
[www.pema.state.pa.us](http://www.pema.state.pa.us)


**Environmental Protection, Department of**

*Bureau of Office Systems & Services  
13th Floor  
Rachel Carson State Office Building  
Harrisburg, PA 17105-2063*

 **Website:**  
[www.dep.state.pa.us](http://www.dep.state.pa.us)


**Ethics Commission, State**

*Room 309, Finance Building  
P.O. Box 11470  
Harrisburg, PA 17108-1470*

 **Website:**  
[www.ethics.state.pa.us](http://www.ethics.state.pa.us)


**Fish & Boat Commission, Pennsylvania**

Bureau of Administration  
1601 Elmerton Avenue  
P.O. Box 67000  
Harrisburg, PA 17106-7000

 **Website:**  
[www.fish.state.pa.us](http://www.fish.state.pa.us)

**Game Commission, Pennsylvania**

Procurement & Automotive  
2001 Elmerton Avenue  
Harrisburg, PA 17110-9797

 **Website:**  
[www.game.state.pa.us](http://www.game.state.pa.us)

 **Phone:**  
(717) 787-6594


**General Service, Department of**

Bureau of Purchases  
414 North Office Building  
Harrisburg, PA 17125

 **Website:**  
[www.dgs.state.pa.us/procurement](http://www.dgs.state.pa.us/procurement) |  
Points of Contact Search

**Governor's Office**

Administrative Services  
Capitol Building  
501 N. 3rd Street, Room 508  
Harrisburg, PA 17120-0302

 **Website:**  
[www.governor.state.pa.us](http://www.governor.state.pa.us)


**Higher Education Assistance Agency, Pennsylvania**

Purchasing  
1200 N. 7th Street  
Harrisburg, PA 17102

 **Website:**  
[www.pheaa.org](http://www.pheaa.org)


**Historical & Museum Commission, Pennsylvania**

Purchasing  
300 North Street, Room 531  
Harrisburg, PA 17120-0024

 **Website:**  
[www.phmc.state.pa.us](http://www.phmc.state.pa.us)


**House of Representatives, Pennsylvania - Democratic**

Purchasing & Asset Control  
Capitol Building  
501 N. 3rd Street, Room 613  
Harrisburg, PA 17120-0302

 **Website:**  
[www.house.state.pa.us](http://www.house.state.pa.us)

**House of Representatives, Pennsylvania - Republican**

Purchasing & Asset Control  
Capitol Building  
501 N. 3rd Street, Room B-27  
Harrisburg, PA 17120-0302

 **Website:**  
[www.house.state.pa.us](http://www.house.state.pa.us)

**Housing Finance Agency, Pennsylvania**


211 North Front Street  
P.O. Box 8029  
Harrisburg, PA 17105-8029

 **Website:**  
[www.phfa.org](http://www.phfa.org)

Register your business on the Pennsylvania Supplier Portal at [www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us), and keep your commodity/service list updated.


**Human Relations Commission, Pennsylvania**

*Purchasing*  
*Pennsylvania Place, Suite 300*  
*301 Chestnut Street*  
*Harrisburg, PA 17101-2702*

 **Website:**  
[www.phrc.state.pa.us](http://www.phrc.state.pa.us)


**Pennsylvania Infrastructure Investment (PENNVEST)**

*Purchasing*  
*22 S. 3rd Street*  
*Harrisburg, PA 17101*

 **Website:**  
[www.pennvest.state.pa.us](http://www.pennvest.state.pa.us)

**Insurance, Department of**

*Bureau of Administration*  
*1326 Strawberry Square*  
*Harrisburg, PA 17120*

 **Website:**  
[www.insurance.state.pa.us](http://www.insurance.state.pa.us)



**Labor & Industry, Department of**

*Procurement Unit*  
*Labor & Industry Building, Room 205*  
*651 Boas Street*  
*Harrisburg, PA 17121-0750*

 **Website:**  
[www.dli.state.pa.us](http://www.dli.state.pa.us)


**Liquor Control Board, Pennsylvania**

*Procurement Division*  
*Northwest Office Building*  
*910 Capitol Street, Room 413*  
*Harrisburg, PA 17120-0801*

 **Website:**  
[www.lcb.state.pa.us/portal/server.pt/community/bid\\_opportunities/17505](http://www.lcb.state.pa.us/portal/server.pt/community/bid_opportunities/17505)  
 **Email:**  
[ra-lbprocurement@pa.gov](mailto:ra-lbprocurement@pa.gov)


**Military & Veterans Affairs, Department of**

*Military Affairs*  
*Building S-0-47*  
*Fort Indiantown Gap*  
*Annville, PA 17003-5002*

 **Website:**  
[www.dmva.state.pa.us](http://www.dmva.state.pa.us) | *DMVA Offices & Programs | Procurement & Contracting*

**Milk Marketing Board, Pennsylvania**

*Support Services*  
*110 Agriculture Building*  
*2301 Cameron Street*  
*Harrisburg, PA 17110-9408*

 **Website:**  
[www.mmb.state.pa.us](http://www.mmb.state.pa.us)


**Municipal Retirement System, Pennsylvania**

*Operations Division*  
*1010 N. 7th Street, Suite 301*  
*P.O. Box 1165*  
*Harrisburg, PA 17108-1165*

 **Website:**  
[www.pmrs.state.pa.us](http://www.pmrs.state.pa.us)


**Probation & Parole, Board of**

*1101 S. Front Street*  
*Suite 5500*  
*Harrisburg, PA 17104-2521*

 **Website:**  
[www.pbpp.state.pa.us](http://www.pbpp.state.pa.us)


**Public School Employees Retirement System**

Attn: Purchasing  
5 N. 5th Street  
Harrisburg, PA 17101

 **Website:**  
[www.psers.state.pa.us](http://www.psers.state.pa.us)

**Public Utility Commission**

Procurement  
3rd Floor North  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

 **Website:**  
[www.puc.paonline.com](http://www.puc.paonline.com)

**Public Welfare, Department of**

Bureau of Financial Operations  
Health & Welfare Building.  
625 Forster Street, Room 525  
Harrisburg, PA 17120-0701

 **Website:**  
[www.dpw.state.pa.us](http://www.dpw.state.pa.us)


**Public Welfare, Department of (Individual Facilities)**

Go to the Department of Public Welfare website and click on the various office folders to find individual facilities for each office.

 **Website:**  
[www.dpw.state.pa.us](http://www.dpw.state.pa.us)

**Revenue, Department of**

Bureau of Administrative Services  
Procurement Section  
12th Floor, Strawberry Square  
Harrisburg, PA 17128-1200

 **Website:**  
[www.revenue.state.pa.us](http://www.revenue.state.pa.us)

**Securities Commission, Pennsylvania**

Division of Management Services  
2nd Floor Eastgate Bldg  
1010 N 7th Street  
Harrisburg, PA 17102-1410

 **Website:**  
[www.psc.state.pa.us](http://www.psc.state.pa.us)

**Senate, Pennsylvania**

Purchasing,  
North Office Building  
401 North Street, Room G-6  
Harrisburg, PA 17120-0500

 **Website:**  
[www.pasen.gov](http://www.pasen.gov)

**State, Department of**

Bureau of Finance & Operations  
North Office Building,  
01 North Street, Room 308  
Harrisburg, PA 17120-0500

 **Website:**  
[www.dos.state.pa.us](http://www.dos.state.pa.us)


**State Employees Retirement System**

Ofc. of Financial Management  
Procurement & Operations  
PO Box 1147  
Harrisburg, PA 17108-1147

 **Website:**  
[www.sers.state.pa.us](http://www.sers.state.pa.us)


**State Police, Pennsylvania**

*Procurement & Supply Division  
1st Floor, Department Headquarters  
1800 Elmerton Avenue  
Harrisburg, PA 17110*

 **Website:**  
[www.psp.state.pa.us](http://www.psp.state.pa.us)

**State System of Higher Education (Individual Facilities)**

*Contact the individual facility's purchasing office. Most websites offer a link through the staff or administration directory.*

 **Websites:**  
[www.bloomu.edu](http://www.bloomu.edu) (Bloomsburg)  
[www.cup.edu](http://www.cup.edu) (California)  
[www.cheyney.edu](http://www.cheyney.edu) (Cheyney)  
[www.clarion.edu](http://www.clarion.edu) (Clarion)  
[www.esu.edu](http://www.esu.edu) (East Stroudsburg)  
[www.edinboro.edu](http://www.edinboro.edu) (Edinboro)  
[www.iup.edu](http://www.iup.edu) (Indiana)  
[www.kutztown.edu](http://www.kutztown.edu) (Kutztown)  
[www.lhup.edu](http://www.lhup.edu) (Lock Haven)  
[www.mansfield.edu](http://www.mansfield.edu) (Mansfield)  
[www.millersville.edu](http://www.millersville.edu) (Millersville)  
[www.ship.edu](http://www.ship.edu) (Shippensburg)  
[www.sru.edu](http://www.sru.edu) (Slippery Rock)  
[www.wcupa.edu](http://www.wcupa.edu) (West Chester)

**State Tax Equalization Board**

*Fiscal Officer  
5th Floor Fulton Bank Building  
200 N Third Street  
Harrisburg, PA, 17101*

 **Website:**  
[www.steb.state.pa.us](http://www.steb.state.pa.us)

**Transportation, Department of**

*Materials & Services Management  
Finance & Travel Operations  
Materials & Services Mgmt  
400 North Street  
Commonwealth Keystone Bldg, 5th Floor  
Harrisburg, PA 17120-0211*

 **Website:**  
[www.dot.state.pa.us](http://www.dot.state.pa.us)


**Treasury, Department of**

*Bureau of Support Services  
Finance Building  
613 North Street, Room 3-TA  
Harrisburg, PA 17120-0400*

 **Website:**  
[www.patreasury.org](http://www.patreasury.org)

**Turnpike Commission, Pennsylvania**

*P.O. Box 67676  
Harrisburg, PA 17106-7676*

 **Website:**  
[www.paturnpike.com/procurement/mainmenu.aspx](http://www.paturnpike.com/procurement/mainmenu.aspx) (click on Purchasing to access and complete online Bidders Application)

**Tips for using this list:**

1. Consider which departments are most likely to buy your products and/or services, and focus your efforts there. Visit their website to learn more about the department. Also consider visiting the Bureau of Contracts & Public Records' Pennsylvania Contracts e-Library, an online search for contracts awarded since July 1, 2008, at <http://contracts.pat treasury.org/search.aspx> to learn which state agencies bought your products and/or services in the past. For information on contracts awarded before July 1, 2008, call the Contract e-Library staff at (800) 252-4700.
2. Determine which departments have offices in your area (some prefer to purchase locally). You can use the Internet to search for purchasing agents by department. Go to [www.dgs.state.pa.us/procurement](http://www.dgs.state.pa.us/procurement). | Points of Contact Search. The purchasing agent's address will be listed.
3. Contact the purchasing agents. Be very positive. Let them know why your company and product/service are special. Ask to be notified of upcoming contracting opportunities. If your company is certified as a Minority Business Enterprise (MBE) or Women Business Enterprise (WBE), mention it and include it on your company literature.
4. Don't become discouraged. There may be many purchasing agents to contact. Some may be hard to reach. Some may respond with interest and others, disinterest. Remember that one small purchase can lead to larger purchases in the future and even lead to business relationships with other departments.
5. Be sure you are registered with the state as a vendor. Go to [www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us) and click on "Supplier Registration" to register online. All registered businesses receive a vendor number that is required to do business with the state. For questions on vendor registration, contact (877) 435-7363.

## Procurement Technical Assistance Centers

PTACs provide small businesses training and assistance on how to market goods and services to all levels of government.


- Some PTACs are affiliated with Small Business Development Centers (SBDCs). The SBDCs work with small businesses to help them compete and grow. To locate an SBDC near you, see **Section 4-13**.

PTACs provide training and assistance to small companies that want to learn more about doing business with government, including local, state, and federal contracting.


**Website:** [www.jari.com/paptac](http://www.jari.com/paptac)


### Government Agency Coordination Office

California University of PA  
250 University Avenue, Box 20  
California, PA 15419

 **Website:**  
[www.calu.edu/business-community/government-agency-coordination-office/gaco-service-area](http://www.calu.edu/business-community/government-agency-coordination-office/gaco-service-area)

 **Email:**  
[wojcik@cup.org](mailto:wojcik@cup.org)

 **Phone:**  
(724) 938-5881


 **Fax:**  
(724) 938-4575


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### Government Contracting Assistance Program

Indiana University of PA  
Robert Shaw Building, Room 5  
650 South 13<sup>th</sup> Street  
Indiana, PA 15705-1087

 **Website:**  
[www.iup.edu/ptac/default.aspx](http://www.iup.edu/ptac/default.aspx)

 **Email:**  
[rformoreau@iup.edu](mailto:rformoreau@iup.edu)

 **Phone:**  
(724) 357-7824

 **Fax:**  
(724) 357-3082


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### Johnstown Area Regional Industries

245 Market Street, Suite 200  
Johnstown, PA 15901

 **Website:**  
[www.jari.com](http://www.jari.com)

 **Email:**  
[pchirillo@jari.com](mailto:pchirillo@jari.com)


 **Phone:**  
(814) 535-8675

 **Fax:**  
(814) 535-8677

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### Kutztown University Procurement Technical Assistance Center (Harrisburg)

Hbg. Regional Chamber of Commerce  
3211 North Front Street  
Suite 201  
Harrisburg, PA 17110

 **Website:**  
[www.kutztownsbdc.org](http://www.kutztownsbdc.org)


 **Email:**  
[lclark@kutztown.edu](mailto:lclark@kutztown.edu)

 **Phone:**  
(484) 646-4003


 **Fax:**  
(484) 646-4009


**Kutztown University Procurement Technical Assistance Center (Exton)**

Brandywine Valley Office  
737 Constitution Drive  
Exton, PA 19341

 **Website:**  
[www.kutztownsbdc.org](http://www.kutztownsbdc.org)

 **Email:**  
[boehm@kutztown.edu](mailto:boehm@kutztown.edu)


 **Phone:**  
(610) 458-5700


 **Fax:**  
(610) 458-7770


**Lehigh University Procurement Technical Assistance Center**

125 Goodman Drive  
Bethlehem, PA 18015

 **Website:**  
[www.lehigh.edu/~insbdc](http://www.lehigh.edu/~insbdc)


 **Email:**  
[insbdc@Lehigh.edu](mailto:insbdc@Lehigh.edu)

 **Phone:**  
(610) 758-3980


 **Fax:**  
(610) 758-5205

**Northeastern Pennsylvania Alliance**


1151 Oak Street  
Pittston, PA 18640-3276

 **Website:**  
[www.nepa-alliance.org](http://www.nepa-alliance.org)

 **Email:**  
[dkern@nepa.alliance.org](mailto:dkern@nepa.alliance.org)

 **Phone:**  
(570) 655-5581

**Toll Free:**  
(866) 758-1929


 **Fax:**  
(570) 654-5137

**Northern Tier Regional Planning & Development Commission**


312 Main Street  
Towanda, PA 18848

 **Website:**  
[www.northerntier.org](http://www.northerntier.org)

 **Email:**  
[info@northerntier.org](mailto:info@northerntier.org)

 **Phone:**  
(570) 265-9103

**Toll Free:**  
(888) 868-8800


 **Fax:**  
(570) 265-7585


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**North Central PA Regional Planning & Development Commission**

651 Montmorenci Avenue  
Ridgeway, PA 15853

 **Website:**  
[www.ncentral.com](http://www.ncentral.com)

 **Email:**  
[ncprpdc@ncentral.com](mailto:ncprpdc@ncentral.com)


 **Phone:**  
(814) 773-3162

 **Fax:**  
(814) 772-7045


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**Northwestern Pennsylvania Regional Planning & Development Commission**

395 Seneca Street  
Oil City, PA 16301

 **Website:**  
[www.nwcommission.org](http://www.nwcommission.org)

 **Email:**  
[nwpaptac@nwcomission.org](mailto:nwpaptac@nwcomission.org)

 **Phone:**  
(814) 677-4800

 **Fax:**  
(814) 677-7663


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**Private Industry Council of Westmoreland/Fayette, Inc.**

Procurement Assistance Center  
219 Donohoe Road  
Greensburg, PA 15601

 **Website:**  
[www.privateindustrycouncil.com](http://www.privateindustrycouncil.com)

 **Email:**  
[info@privateindustrycouncil.com](mailto:info@privateindustrycouncil.com)

 **Phone:**  
(724) 836-2600


 **Fax:**  
(724) 836-8058


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**SEDA Council of Governments (SEDA-COG)**

201 Furnace Road  
Lewisburg, PA 17837

 **Website:**  
[www.seda-cog.org](http://www.seda-cog.org)

 **Email:**  
[rbrown@seda-cog.org](mailto:rbrown@seda-cog.org)

 **Phone:**  
(570) 524-4491


 **Fax:**  
(570) 524-9190


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**Southern Alleghenies Planning & Development Commission**

Executive Director  
3 Sheraton Drive  
Altoona, PA 16601

 **Website:**  
[www.sapdc.org](http://www.sapdc.org)

 **Email:**  
[shade@sapdc.org](mailto:shade@sapdc.org)

 **Phone:**  
(814) 949-6528

 **Fax:**  
(814) 949-6505


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**Southeast Pennsylvania Procurement Technical Assistance Program**

University of Pennsylvania—Wharton  
Vance Hall, Suite 112  
3733 Spruce Street  
Philadelphia, PA 19104

 **Website:**  
<http://whartonsbdc.wharton.upenn.edu>

 **Email:**  
[pasbdc@wharton.upenn.edu](mailto:pasbdc@wharton.upenn.edu)


 **Phone:**  
(215) 898-4861

 **Fax:**  
(215) 898-1063


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**Southwestern Pennsylvania Commission**

425 Sixth Avenue  
Suite 2500  
Pittsburgh, PA 15219-1819

 **Website:**  
[www.spcregion.org](http://www.spcregion.org)

 **Email:**  
[PTAC@spcregion.org](mailto:PTAC@spcregion.org)

 **Phone:**  
(412) 391-5590, Ext. 308


 **Fax:**  
(412) 391-9160


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**Temple University Procurement Technical Assistance Center**

1510 Cecil B. Moore Avenue  
Beech Building, Suite 200  
Philadelphia, PA 19121

 **Website:**  
[www.temple.edu/sbdc/ptac.html](http://www.temple.edu/sbdc/ptac.html)

 **Email:**  
[sbdc@temple.edu](mailto:sbdc@temple.edu)

 **Phone:**  
(215) 204-7282

 **Fax:**  
(215) 204-4554

## Small Business Development Centers


*SBDCs provide small businesses training and assistance, offering one-on-one business management consulting, information, and educational programs, and more.*

By combining professional business expertise and the resources of colleges and universities, Pennsylvania's SBDCs work with small firms to help them compete and grow.


**Website:** [www.pasbdc.org](http://www.pasbdc.org)

### State Director's Office

*University of Pennsylvania—Wharton  
Vance Hall, Suite 112  
3733 Spruce Street  
Philadelphia, PA 19104*

 **Website:**  
<http://whartonsbdc.wharton.upenn.edu>

 **Email:**  
[pasbdc@wharton.upenn.edu](mailto:pasbdc@wharton.upenn.edu)


 **Phone:**  
(215) 898-4861


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### Bucknell University

*112 Dana Engineering Building  
Lewisburg, PA 17837*

 **Website:**  
[www.bucknell.edu/SBDC.xml](http://www.bucknell.edu/SBDC.xml)

 **Email:**  
[sbdc@bucknell.edu](mailto:sbdc@bucknell.edu)


 **Phone:**  
(570) 577-1249


**Toll Free:**  
(866) 375-6010


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### Clarion University

*330 North Point Drive  
Suite 100  
Clarion, PA 16214-3873*

 **Website:**  
[www.clarion.edu/sbdc](http://www.clarion.edu/sbdc)

 **Email:**  
[sbdc@clarion.edu](mailto:sbdc@clarion.edu)

 **Phone:**  
(814) 393-2060

**Toll Free:**  
(877) 292-1843


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### Duquesne University

*Rockwell Hall, Room 108  
600 Forbes Avenue  
Pittsburgh, PA 15282-0103*


 **Website:**  
[www.sbdc.duq.edu](http://www.sbdc.duq.edu)


 **Email:**  
[duqsbdc@duq.edu](mailto:duqsbdc@duq.edu)


 **Phone:**  
(412) 396-6233

**Gannon University**

A.J. Palumbo Academic Center  
University Square  
Erie, PA 16541

 **Website:**  
[www.sbdcgannon.org](http://www.sbdcgannon.org)


 **Email:**  
[overholt001@gannon.edu](mailto:overholt001@gannon.edu)

 **Phone:**  
(814) 871-7232


**Toll Free:**  
(877) 258-6648

**Kutztown University**

3211 North Front Street  
Suite 201  
Harrisburg, PA 17110

 **Website:**  
[www.kutztownsbdc.org](http://www.kutztownsbdc.org)

 **Email:**  
[sbdc@kutztown.edu](mailto:sbdc@kutztown.edu)


 **Phone:**  
(484) 646-4003

**Lehigh University Procurement Technical Assistance Center**

125 Goodman Drive  
Bethlehem, PA 18015

 **Website:**  
[www.lehigh.edu/~insbdc](http://www.lehigh.edu/~insbdc)


 **Email:**  
[insbdc@Lehigh.edu](mailto:insbdc@Lehigh.edu)

 **Phone:**  
(610) 758-3980

**Lock Haven University**


301 West Church Street  
East Campus  
Lock Haven, PA 17745


 **Website:**  
[www.lhup.edu/sbdc](http://www.lhup.edu/sbdc)


 **Phone:**  
(570) 893-2589

**Penn State University**

200 Innovation Blvd.  
117 Technology Center  
University Park, PA 16802

 **Website:**  
<http://sbdc.psu.edu>

 **Email:**  
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- **Is the Disadvantaged Business Program the same as the Socially and Economically Restricted Business (SERB) Program?**

Yes and no. The Disadvantaged Business Program evolved from and has replaced the SERB program. While both programs have many similarities, they also have substantial differences.

- **What are the requirements to become certified as a Disadvantaged Business?**

There is no Disadvantaged Business certification: if a business meets the criteria, then it is a Disadvantaged Business. There are actually types of disadvantaged businesses: **1) Small Disadvantaged Business** and **2) Socially Disadvantaged Business**.  
Criteria:

*Small Disadvantaged Business*

- 1) Certified as either **A) a Minority or Woman Business Enterprise (MBE/WBE)** through the Bureau of Minority & Women Business Opportunities (BMWBO), or **B) an 8(a) business (SDB)** through the U.S. Small Business Administration
- 2) Grosses less than \$20 million annually (or \$25 million for those companies involved in Information Technology (IT) services or sales)
- 3) 100 or fewer full-time or full-time equivalent employees
- 4) Able to do the work in question

*Socially Disadvantaged Business*

- 1) Must be bidding as a prime contractor on the RFP
- 2) Must have suffered chronic and substantial racial or ethnic prejudice or cultural bias in the United States due to the business person's color, ethnic origin, or gender
- 3) The prejudice or cultural bias must have negatively impacted the business' establishment or growth

Both Small and Socially Disadvantaged Businesses must be for-profit and owned by U.S. Citizens.

- **Can a Socially Disadvantaged Business gross more than \$20 million per year (or \$25 million for IT companies) or have more than 100 employees?**

Yes. Only Small Disadvantaged Businesses cannot exceed the annual revenue and employee limits.

- **How can we find documents or guidelines/provisions used for disadvantaged businesses and MBE/WBEs in RFPs?**

For information on Disadvantaged Business program requirements, you can read the Disadvantaged Business sections of the RFP (should you have one) or the Disadvantaged Business handout that you will receive with the minutes of the pre-proposal conference (if one was held). You can also find information on the Bureau of Minority & Women Business Opportunities (BMWBO) website at [www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd) and clicking on *Disadvantaged Business Program*. If you still have questions after reading these documents, contact BMWBO at (717) 783-3119 or [gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov).

## Disadvantaged Business Program (DB) Frequently Asked Questions

- **What type of businesses can be considered disadvantaged?**

Any type of for-profit business qualifies if it meets the Disadvantaged Business requirements. A disadvantaged business can be the prime bidder, a partner in a joint venture, or a subcontractor.

- **Can Minority or Woman Business Enterprises (MBE/WBEs) outside of Pennsylvania qualify as Disadvantaged Businesses?**

Yes, as long as they are also certified within the state of Pennsylvania. You can find more WBE/WBE information on our website at [www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd) and clicking on *MBE/WBE* or by contacting (717) 783-3119 or [gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov).

- **I am not a U.S. citizen but I have my green card. Can my business qualify as a Small Disadvantaged Business?**

No, to qualify as a Small Disadvantaged Business the primary owner (or owners) must be a U.S. citizen.

- **Can I get a letter proving that my business qualifies as a Small Disadvantaged Business?**

No. "Small Disadvantaged Business" is a designation and not a certification. The Disadvantaged Business Program itself exists only within the parameters of the RFP process. RFPs will list the required documentation prime contractors must include with every proposal that they submit to verify that the Disadvantaged Business meets the eligibility requirements.

- **How can I find a list of Small Disadvantaged Businesses?**

Since we have no disadvantaged business certification, we have no list of disadvantaged businesses. You can narrow down your search, however, using one of several different methods.

- 1) Create a list of BMWBO-certified MBE. The best way to do this is to search BMWBO's online database at [www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx](http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx). If you have trouble accessing or navigating the database, you can contact BMWBO at (717) 783-3119 or [gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov), and someone will guide you.
- 2) Search for SBA-certified 8(a)s. Simply go to SBA's online database at [www.ccr.gov](http://www.ccr.gov) and click on *Dynamic Small Business Search*. Since this database has both certified and non-certified businesses, you must limit your search to bring up only 8(a)s. Just scroll down to Government Certifications and mark *Required (Active Certifications only)* for either "8(a) Certified". You can also limit your search by state (recommended if you are searching for Pennsylvania businesses only), NAICS codes (identify and classify specific business categories), area code, zip code, business type, bonding level, size, and name.

Remember, to qualify as a Small Disadvantaged Business, a business must meet one of the above two criteria, plus it must be a for-profit business, have 100 or fewer full-time or full-time equivalent employees, and gross less than \$20 million (or \$25 million for Information Technology businesses) annually. Additionally, it must be capable of doing the work it will be contracted to do, and the primary owner must be a U.S. citizen.

- **How are RFPs scored?**

RFPs are scored and awarded using a point system. Each requirement of an RFP—such as technical, cost, Enterprise Zone business participation, disadvantaged business participation, etc.—is allotted certain number of points. The total points

and their distribution can vary from RFP to RFP but the weight of the each requirement will be listed within the RFP. A proposal will earn points on the various requirements, and the total will determine which bidder will win the contract.

- **What happens if I don't use a Disadvantaged Business?**  
Disadvantaged Business participation, just one of several evaluation criteria, is not mandatory. If you do not wish to include a disadvantaged business in your proposal, or you cannot, you will earn zero disadvantaged business points. While your proposal will not be rejected and disadvantaged business participation, or lack thereof, will not affect the scoring of the other evaluation criteria (e.g. cost, technical, etc.), disadvantaged business points are often significant portion of the total available RFP points.
- **What if I use more than one Disadvantaged Business?**  
The larger your commitment to a disadvantaged business or businesses, the more points you can potentially earn. Just remember that the primary factor in awarding a contract is the total dollar value of your commitment or commitments. Prime contractors who commit to more than one type of Small Disadvantaged Business may earn additional points (see following question).
- **If I qualify as a Socially Disadvantaged Business, will I earn more points if I also subcontract to or establish a joint venture with a Small Disadvantaged Business?**  
Yes, but you can never earn more than 100% of the available Disadvantaged Business points.
- **Though the Disadvantaged Business Program no longer includes Enterprise Zones, can those businesses located within Enterprise Zones still earn additional points?**  
Yes.
- **Will I earn more points if my proposal includes both Disadvantaged Business participation and Enterprise Zone Small Business participation?**  
Yes. Since Enterprise Zone businesses and Disadvantaged Businesses now fall under two separate designations, proposals committing to both can earn points in both areas.
- **How is the percentage of disadvantaged business points associated with the volume of work the disadvantaged business does? Do the points vary according to the level of disadvantaged business participation?**  
Proposals earn disadvantaged business points relative to the amount of their disadvantaged business commitment. The number of points awarded to the disadvantaged business portion of a particular proposal is determined by the value of that contractor's disadvantaged business commitment in comparison to the disadvantaged business commitments of other contractors, with the highest commitment receiving the most points.
- **If I'm already subcontracting to Disadvantaged Businesses and I want to use them in another proposal, must I submit their information again or can I just point to the other contracts as proof?**  
No. The Disadvantaged Business designation exists only within the parameters of a contract. To utilize a Small Disadvantaged Business on more than one contract, the prime contractor must verify a company's Disadvantaged Business eligibility with every proposal it submits.
- **The RFP states that a business may gross less than \$20 million annually (or \$25**

million for IT companies). Does this apply to the utilization of non-disadvantaged businesses?

No.

- **In relation to the Disadvantaged Business program, what is the difference between a joint venture and a subcontracting agreement?**

In a subcontracting agreement, the prime contractor is contracting with another company (the subcontractor) to provide certain goods or services needed to fulfill the contract. The subcontractor's responsibility only extends to providing those specific goods or services. In a joint venture, two companies share the risks and profits of the contract. You can find a more detailed description on joint ventures at [www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd) and clicking on *Disadvantaged Business Program*, or by contacting (717) 346-8105 or 346-3819 or [gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov).

- **In the Disadvantaged Business section of part II of the RFP, it reads, "the amount or percentage of capital, if any, each Small Disadvantaged Business joint venture partner will be expected to provide." What does the term "capital" mean?**

The meaning of "capital" is monies, facilities, or assets to initiate the project. Will the disadvantaged business be contributing any portion of these (e.g. additional onsite office space, computers, etc.)?

- **What does the following section mean: "All contracts containing Disadvantaged Business participation must include a provision requiring Small Disadvantaged Business subcontractors and Small Disadvantaged Businesses in a joint venture to perform at least 50 percent of the subcontract or Small Disadvantaged Business portion of the joint venture."**

The disadvantaged business must do at least 50% of the work that it has contracted to do. Stated another way, it cannot pass on more than 50% that it has contracted to do to another company. It must perform or complete at least 50% of the work itself.

- **At one point, the RFP reads that Disadvantaged Businesses must perform at least 50% of the subcontract or joint venture; at another, it reads 40%. Which is it?**
- Both, though each percentage refers to different contracting levels. The 40% refers to first tier contractors, or prime contractors. A *prime contractor* cannot subcontract out more than 40% of the *total* contract amount. It must do at least 60% of the work to still be considered a prime.

The 50% refers to second tier contractors: joint venture partners and subcontractors. Contractors falling under either of these categories must perform at least 50% of the work they have contracted to do (see preceding question).

- **What happens when a prime contractor cannot designate a dollar value for disadvantaged business participation (e.g. the prime contractor will be requesting supplies/services on an *as needed* basis, but cannot guarantee that the supplies/services will be needed or in what amount)?**

In addition to other information the RFP requires, you must express disadvantaged business commitments as **1)** an estimated percentage of the total value of the services/supplies subcontracted or purchased under the contract and **2)** an estimated total dollar value to each disadvantaged business. If you do not know the total value or the specific supplies/services you will need, you must include your assumptions on both the contract amount and the required supplies/services on which you base your estimates.

- **What should we do when the terms of the RFP make it difficult to state the**

**timeframe, location, and dollar amount in relation to making a disadvantaged business commitment?**

Sometimes, the nature of an RFP can make specific commitments to disadvantaged business difficult. Some things to remember:

When the information in an RFP, or lack thereof, makes providing specific commitments difficult, you can omit the timeframe and the location information, but you must state the dollar value of the commitment. If you have problems making a specific dollar commitment, you can state it in terms of the percentage of the total services/products and an estimated dollar value (see preceding question).

When making your disadvantaged business commitment, assume that the disadvantaged business' supplies or services will be needed. If they are, you must purchase them from the disadvantaged business to which you made the commitment. If they are not, you will not be required to purchase them. If you like, use the phrase "as needed" or "when needed" when wording your commitment.

You can only earn disadvantaged business points on specific commitments made to specific businesses. These commitments become a binding part of the awarded contract.

- **What do we do with the disadvantaged business information once we have the proposal completed?**

Place all disadvantaged business information (narrative and cost) in a sealed envelope. We recommend that you put your company name, address and telephone number on the outside of the envelope, since the information will go to a separate office for evaluation. Two copies will be needed.

For your own protection, do not include disadvantaged business information in the body of the proposal. If the person evaluating the technical aspects of your proposal can determine the total cost by reading the disadvantaged business section, your proposal will be disqualified.

- **What do we do with the Enterprise Zone business information once we have the proposal completed?**

Place all Enterprise Zone business information in the same envelope with the Disadvantaged Business information.

- **Do we need approved forms/affidavits for standard contracts for disadvantaged business subcontractors?**

No. You can use simple subcontracting agreements or letters of agreement. The subcontract or letter of agreement can stipulate that the commitment will not be binding if the prime bidder's proposal does not win the contract with the Commonwealth.

- **Is there a monthly disadvantaged business utilization reporting process when a contract is awarded?**

Yes. That process is explained when the contract is awarded.

- **Can I withdraw my commitment to a disadvantaged business once my proposal has been accepted?**

No. Disadvantaged business commitments are contractually binding. If a prime contractor wants to withdraw a commitment it has made to a disadvantaged business, it must first seek and obtain BMWBO's permission to do so. If permission is granted, another disadvantaged business must be selected as the replacement.

**Definition of Terms**

**8(a)** – A federal certification from the SBA

**BMWBO** – Bureau of Minority & Women Business Opportunities

**MBE/WBE** – Minority or Woman Business Enterprise

**RFP** – Request for Proposal

**SBA** – Small Business Administration, a federal agency ([www.sba.gov](http://www.sba.gov))

Annex A  
 Title 4. Administration  
 Part III. Department of General Services  
 Subpart C. Construction and Procurement  
 Article I. General  
 Chapter 58. Contract Compliance  
 Subchapter C. Internal Guidelines for  
 MBE/WBE Certification—Statement of Policy

**Statement of Policy**

Sections:

- 58.201. Policy.
- 58.202. Definitions.
- 58.203. Certification of eligible MBEs and WBEs.
- 58.204. Eligibility standards.
- 58.205. Joint venture
- 58.206. Approved certification.
- 58.207. Certification denial.
- 58.208. Decertification.
- 58.209. Review of decertifications.
- 58.210. Hearing.

**§ 58.201. Policy.**

(a) Executive Order No. 2004-6, 4 Pa. Code Chapter 1, Subchapter LL (relating to minority and women business enterprise), established the Department as the central agency to manage and develop the participation of minority and women-owned businesses and other disadvantaged businesses in Commonwealth contracts. The Executive Order directed the Department to expand the pool of minority and women-owned businesses that are certified as MBEs and WBEs. The Department has assigned these responsibilities to its BMWBO.

(b) This subchapter establishes guidelines that the Department will follow in determining whether a business entity should be certified and which business entities, previously certified, shall be decertified. The Executive Order and 62 Pa.C.S. Part I (relating to Commonwealth Procurement Code) give the Department broad authority governing the management and development of the participation of MBEs and WBEs and governing the formulation of general procurement policy. This subchapter gives direction to BMWBO, executive agencies and others as to how that broad authority and agency discretion will be exercised. This subchapter constitutes guidelines to BMWBO, the executive agencies and others within this Commonwealth. This subchapter is not and does not purport to operate as a regulation and does not have or purport to have the force of law.

**§ 58.202. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*BMWBO* – The Bureau of Minority and Women Business Opportunities within the Department.

*Certification* – A determination made by the BMWBO that a for-profit business entity is an MBE or WBE. In the alternative, BMWBO may, by declaration, accept the certification

program of other public or private bodies if the certification program conforms substantially to the program of BMWBO established in Chapter 1, Subchapter LL (relating to minority and women business enterprise). When the certification program of another public or private body has been declared to be accepted, MBE or WBE will be deemed certified under this program if the certification remains current and if the business entity has not been decertified.

*Department* – The Department of General Services of the Commonwealth.

*MBE – Minority Business Enterprise* – A small for-profit business concern that is one of the following:

- (i) A sole proprietorship, owned and controlled by a minority.
- (ii) A partnership or joint venture controlled by minorities in which at least 51% of the beneficial ownership interest is held by minorities.
- (iii) A corporation or other business entity controlled by minorities in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by minorities.

*Minority* –

(i) A person who is a citizen of the United States who is a Black American, Hispanic American, Native American, Asian-Pacific American or Asian-Indian American.

(A) *African Americans* –

- (I) Persons having origins from any of the Black groups of Africa.
- (II) The term includes persons having origins in any of the original peoples of the Cape Verde Islands.

(B) *Hispanic American* – Persons having their origins from one or more of the Spanish-speaking peoples of Mexico, Puerto Rico, Cuba, Central or South American or the Caribbean Islands.

(C) *Native Americans (Alaskans)* – Persons having origins from one or more of the original peoples of North America and who are recognized as an Indian by a tribe or tribal organization.

(D) *Pacific Islanders* – Persons having origins from one or more of the original peoples of the Pacific Islands, including Samoa and the Philippine Islands.

(E) *Asian-Americans* – Persons having origins from one or more of the original peoples of the Far East, Southeast Asia including China, Japan, Korea, India, Pakistan and Bangladesh.

(ii) To establish origins of a particular "minority" group, the applicant shall provide a document issued by a Federal, state or local governmental entity establishing that either the applicant, the applicant's biological parents or the applicant's biological grandparents are members of the minority group.

*Secretary* – The Secretary of the Department or a designated deputy secretary of the Department.

*Small business* – A business in the United States which is independently owned, is not dominant in its field of operation and employs no more than the maximum number of employees established by 62 Pa.C.S. § 2102 (relating to definitions).

*WBE* – Women's Business Enterprise--A small business that is one of the following:

- (i) A sole proprietorship, owned and controlled by a woman.
- (ii) A partnership or joint venture controlled by women in which at least 51% of the beneficial ownership is held by women.
- (iii) A corporation or other entity controlled by women in which at least 51% of the voting interest and 51% of the beneficial ownership interest are held by women.

*Women* – United States citizens who are of the female gender.

#### **§ 58.203. Certification of eligible MBEs and WBEs.**

(a) *Purpose.* The purpose of this subchapter is to ensure that only those for-profit businesses and businesses which are owned and controlled in both form and substance by one or more minorities or women are certified.

(b) *Application form.* BMWBO will provide applications for businesses that are sole proprietors, partnerships, corporations and for other business entities. The appropriate application will be distributed to the businesses for completion. In the ordinary instance, it will be a reasonable exercise of agency discretion for BMWBO to decline to certify a business that fails to complete the application form. A distortion, false statement or nondisclosure of information that is a material misrepresentation will, in the ordinary instance, warrant denial of certification and may result in referral to other agencies for consideration of other civil or criminal actions.

(c) *Acceptance of other public jurisdictions' certification.* If the business has a current certification from a BMWBO-approved public or private body, evidence of that certification may be obtained and relied upon by BMWBO in lieu of completing a certification application. BMWBO may obtain, as part of the application process, information from out-of-State businesses on current MBE/WBE certification from the business' home state governmental certifying body and from other public jurisdictions. Out-of-State businesses must first be certified by their home state before applying for certification with the Department.

#### **§ 58.204. Eligibility standards.**

The following standards will be used by BMWBO in determining whether a business is owned and controlled by one or more minorities or women and therefore eligible to be certified as an MBE or WBE:

(A) *Business history.* The applicant shall have actually done business for 1 year before submission of the application, or if it has been in business for less than 1 year, the established operating business shall have a 2-year business plan reviewed by a Small Business Development Center or by a Pennsylvania enterprise center authorized by the Minority Business Development Agency of the United States Department of Commerce.

(B) *Ownership.*

(i) Bona fide minority and women group membership may be established on the basis of the individual's claim that he is a member of a minority group or she is of the female gender. Verification of group membership may be accepted through submission of birth certificates, military records, passports or tribal cards.

(ii) An eligible MBE or WBE under this subchapter shall be an independent business. The ownership and control by minorities or women shall be real, substantial and continuing and shall go beyond the pro forma ownership of the business as reflected in its ownership documents. The minority and women owners shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interest as demonstrated both by an examination of the substance and form of arrangements. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as an MBE or WBE. In determining whether a potential MBE or WBE is an independent business, BMWBO will consider all relevant factors, including the date the business was established, its resources, and the nature of the financial and lease arrangements. The business relationship with non-MBE or WBE businesses, in areas such as personnel, facilities, equipment, financial or bonding support, or both, and other resources will also be considered. The business' relationship with prime contractors will be examined to determine whether a pattern of exclusive or primary dealings with a prime contractor compromises the independence of the potential MBE or WBE business.

(iii) The contributions of capital and expertise by the minority or women owners to acquire their interests in the business shall be real and substantial. Examples of insufficient contributions include a promise to contribute capital, a note payable to the business or to an owner who is not a minority or woman or the mere participation as an employee rather than as a manager.

(iv) For purposes of determining ownership, BMWBO will presume as not being held by a minority or woman all interests in a business or other assets obtained as the result of a gift, or transfer without adequate consideration, if the donor is:

(A) Involved in the same business for which the individual is seeking certification, or an affiliate of that business.

(B) Involved in the same or a similar line of business.

(C) Engaged in an ongoing business relationship with the business, or an affiliate of the business, for which the individual is seeking certification.

(v) To overcome this presumption and permit the interests or assets to be counted, the minority or women owners must demonstrate that:

(A) The gift or transfer to the minority or women owners was made for reasons other than obtaining certification as an MBE/WBE.

(B) The minority or women owners actually control the management, policy, and operations of the business, notwithstanding the continuing participation of the donor who provided the gift or transfer.

(3) *Management control.* The minority or women owners shall possess the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy and operations. The minority or women owners shall hold the highest officer position in the com-

pany (for example--chief executive officer or president). In a corporation, the minority or women owners shall control the board of directors. The business may not be subject to formal or informal restrictions which limit the customary discretion of the minority or women owners. There may be no restrictions through, for example, by-law provisions, partnership agreements or charter requirements for cumulative voting rights or otherwise that prevent the minority or women owners, without the cooperation or vote of an owner who is not a minority or woman, from making a business decision of the business. If the actual management of the business is contracted out to, or otherwise has been placed with individuals other than the minority or women owners, those persons who have the ultimate power to hire and fire the managers will ordinarily be considered as controlling the business.

(4) *Operational control.* The minority or women owners shall demonstrate through the application sufficient experience, knowledge and expertise to operate that particular business. The minority or women owners shall have an overall understanding of and technical competence directly related to the type of business in which the business is engaged. The minority and women owners are not required to have experience or expertise in every critical area of the business' operations, or to have greater experience or expertise in a given field than managers or key employees. The minority and women owners shall have the ability to intelligently and critically evaluate information presented by other participants in the business' activities and to use this information to make independent decisions concerning the business' daily operations, management, and policy-making. Generally, expertise limited to office management, administration, or bookkeeping functions unrelated to the principal business activities of the business is insufficient to demonstrate control. If State or Federal law requires the business owner to have a particular license or other credentials, the minority or women business owner shall possess the required license or other credentials. If State or local law requires the business to have a particular license or other credentials to own or control, or both, a certain type of business, the minority or women owned business shall possess the required license or other credentials. Additionally, if the owners of the business who are not minorities or women are disproportionately responsible for the operation of the business, the business will ordinarily be considered as not being controlled by minorities or women and not qualifying as an MBE or WBE. Notwithstanding anything in this subchapter to the contrary, BMWBO will not certify any business or individual that cannot produce a license or other authorization required by state or local law to operate the business.

(3) Securities, which constitute ownership or control, or both, of a corporation for business purposes of establishing it as an MBE or WBE shall be held directly by minorities, women, corporations or trusts. Corporations or trusts, holding the securities, must present proof that they are at least 51% controlled and owned by women or minorities.

(4) Complete information regarding a change in ownership, control or financial condition must be provided to the BMWBO, which may consider a business' failure to provide promptly relevant information in decertification decisions.

(5) Circumstances for special review. In addition to the standards in paragraphs (1)--(4), BMWBO will ordinarily give special consideration to the following circumstances in determining eligibility under this subchapter:

(i) Newly formed businesses whose ownership or control, or both, has recently changed will be closely scrutinized to determine the reasons for the change in the business.

(ii) A previous or continuing, or both, employer-employee relationship between or among present owners will be carefully reviewed to ensure that the employee-owner has

management responsibilities, requisite knowledge and expertise to direct and operate the business.

(iii) A relationship between an MBE or WBE and a business which is not an MBE or WBE, which has an interest financially or otherwise in the MBE or WBE, will be carefully reviewed to determine if the interest of the non-MBE or WBE conflicts with the ownership and control requirements of this subchapter.

The refusal of an applicant to answer questions that would assist the BMWBO staff in resolving issues or concerns regarding ownership, managerial control, or operational control, may result in the denial of the application.

**§ 58.205. Joint venture.**

(a) BMWBO will ordinarily find a joint venture eligible under this subchapter if the MBE or WBE partner of the joint venture meets the other certification criteria. The MBE or WBE partner shall be responsible for a clearly defined portion of the work to be performed, and the MBE or WBE shall maintain majority ownership and control in management responsibilities, risks and profits of the joint venture.

(b) BMWBO will ordinarily obtain from a business seeking certification as a joint venture MBE or WBE additional information needed to make a determination.

**§ 58.206. Approved certification.**

(a) If BMWBO determines that the applicant meets the criteria to be certified as an MBE or WBE, the applicant will be issued a certification number in recognition of its status.

(b) An MBE or WBE certification notice, unless revoked by decertification, will provide for automatic expiration 24 months from the date of issuance. If there is a change in ownership or control of the business, the MBE or WBE shall forward information within 2 weeks of the change to update the original application. Failure to comply may be cause for decertification.

(c) Applicants will be certified in the areas applied for, consistent with the field of expertise demonstrated through the application. Additional endeavors engaged in by the business shall be documented and submitted to BMWBO prior to approval of certification in those additional areas.

(d) A recertification of a previously certified MBE or WBE will ordinarily be treated as a new applicant for certification. The requirements of this subchapter will be applied to the recertification applicant, and no benefits or rights will be given to the recertification applicant because of its previous certification. Applicants may be recertified for an additional 24 months.

(e) An application which upon its face does not claim ownership or control by a minority or women as defined by this subchapter will ordinarily be denied.

**§ 58.207. Certification denial.**

(a) The denial of certification by BMWBO will not ordinarily be reconsidered, except under subsection (b). BMWBO may accept reapplications for certification, and information and documentation correcting technical deficiencies in the MBE/WBE certification application at any time. BMWBO will reject reapplications where the reason for the denial was

substantive unless deficiencies in ownership and control have been corrected and unless a sufficient period of time, usually 1 year, has passed with the new provisions on ownership and control in place. BMWBO will exercise care to ensure that directors, officers and employees of businesses that have been denied certification are not reapplying under new business names in an attempt to frustrate BMWBO's review.

(b) BMWBO will permit reconsideration of the denial of certification if the submittal is made in writing within 30 days of the denial letter. BMWBO will forward to the Secretary or a designee the information submitted in support of reconsideration. A decision on reconsideration will be made by the Secretary or a designee.

(c) A person who knowingly makes or causes to be made, a false, deceptive or fraudulent statement on the application will be denied certification by BMWBO. BMWBO will ordinarily refer the statements to the appropriate authorities for possible further criminal or civil action.

**§ 58.208. Decertification.**

(a) BMWBO will ordinarily decertify businesses for reasons relating to the considerations in this subchapter including the following:

- (1) The business is no longer owned or controlled by minority or women.
- (2) The business received certification by knowingly submitting false and misleading information.
- (3) The business knowingly allowed the misuse of its certification status.
- (4) The business failed to respond, cooperate or otherwise comply with a request for information from BMWBO or another Commonwealth department, agency, commission, board, office, official or other representative.
- (5) There are other causes affecting the business's status or responsibility, or both, as may be determined by BMWBO to warrant decertification.

(b) BMWBO will send a business a Notice of Proposal to Decertify (Notice) by certified mail. The Notice will:

- (1) Specify the reasons for the proposed decertification in terms sufficient to put the business on notice of the conduct or transactions upon which the notice is based.
- (2) State the causes relied upon under subsection (a) for proposing decertification.
- (3) Advise that, within 20 days after receipt of the Notice, the business may submit, in person, in writing or through a representative, information in opposition to the proposed decertification, including information that raises a genuine dispute over the material facts.
- (4) State the potential effect of the proposed decertification.
- (5) Advise that the Director of BMWBO will make this decision.

(c) The decision letter informing the business that it has been decertified will also inform the decertified business of rights of review it has.

(d) If the actions of the business appear to be flagrant criminal conduct, BMWBO may, upon the filing of an indictment, information or other charge, temporarily suspend the certification until the determination is made to decertify or to reinstate. A review of this temporary suspension may be made by the Secretary.

**§ 58.209. Review of decertifications.**

(a) The Secretary or a designee will ordinarily require that requests for review of decertifications be made in writing and that the request recite the grounds upon which the request is based.

(b) The Secretary or a designee may reject requests that are untimely or insufficient. Ordinarily, requests made more than 30 days after the date of the decertification letter will be considered untimely. Further, requests that do not raise issues suggesting that the decertification is in error will be denied as insufficient.

(c) In the exercise of discretion, the Secretary or a designee may direct that a hearing be conducted under § 58.210 (relating to hearing).

**§ 58.210. Hearing.**

(a) *Scope.* This hearing procedure applies only to requests for review of the decertification decision. The Secretary may delegate to a designee, usually a hearing officer, the responsibility for conducting a fact-finding hearing and for making a report and recommendation. Fact-finding hearings will only be held when the business requests a review under § 58.209 (relating to review of decertifications).

(b) *Purpose.* The fact-finding hearing will be held to determine the operative and relevant facts forming the basis for the decertification action as delineated in the written notice of decertification action provided to the business. The hearing will also determine the sufficiency of the grounds for the review as delineated in the writing. The results of proceedings before BMWBO will also be considered. The fact-finding hearing affords the business which has been decertified an additional opportunity to demonstrate that the facts upon which the decertification is based are insufficient, incorrect, misleading or otherwise do not warrant the decertification. In addition to presenting material relevant to disputed facts, the business may present other information and arguments in accordance with the grounds stated in the request for review showing why it should not be decertified. Other information may be used by the designee in making a recommendation to the Secretary.

(c) *Conduct of hearing.* If a hearing is warranted, it will be conducted under 2 Pa.C.S. §§ 502--508 and 701--704 (relating to Administrative Agency Law). If the BMWBO takes the action, it has the burden of proof.

ARTICLE III. PROCUREMENT  
CHAPTER 68. CONTRACT COMPLIANCE  
Subchapter C. (Reserved)

§§ 68.201--68.210. (Reserved).

[Pa.B. Doc. No. 05-1715. Filed for public inspection September 16, 2005, 9:00 a.m.]







