

*Commonwealth of Virginia*  
Virginia Department of Minority Business Enterprise

SWAM Purchasing Plan  
Projection Plan- FY 2006  
Virginia Port Authority

Due Date: October 1, 2005

**A. Designation of Diversity Champion:**

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**Please provide the following information:**

**B. Describe the agency's institution's purchasing process:**

1. VPA is exempt from the Procurement Act and has its own Purchasing Policies and Procedures Manual (PPPM), which has been approved by the Department of General Services (DGS). The following solicitation procedures are pending adoption by the VPA Board of Commissioners. Once approved the procedures will become a part of the PPPM.
2. VPA is exempt from the DGS Capital Outlay Manual. VPA's Construction program is guided by VPA's own Capital Outlay Manual (COM), which has been approved by DGS. The applicable procedures will become a part of the Capital Outlay Manual.

The purchasing process is as follows:

**SOLICITATIONS**

Whenever the Virginia Port Authority engages in a solicitation, it will include enterprises (that means more than one) selected from the list of certified minority business enterprises (MBE) maintained on the Department of Minority Business Enterprise's (DMBE) web site, [dmbe.state.va.us](http://dmbe.state.va.us).

Notices of all procurements over \$50,000 are advertised on the Virginia Port Authority's web site, in the Sunday Publication of the Virginia Pilot, Daily Press, a local minority owned publication (New Journal and Guide) and/or other electronic means.

VPA Purchases of \$10,000 and under, end users are encouraged to use a certified SWAM if available.

**1) INFORMAL SOLICITATIONS BETWEEN \$10,000 – \$50,000**

- a) Solicitations over \$10,000 and up to \$25,000 will include a minimum of two (2) SWAM businesses when available:
- b) Solicitations over \$25,000 and up to \$50,000 will include a minimum of four (4) SWAM businesses when available:

**\*For all solicitations under \$50,000, if a reasonably priced SWAM vendor is other than the lowest priced vendor, award to the SWAM vendor is permitted under Section 2.2-4343 A.20 of the Code of Virginia.**

**2) FORMAL SOLICITATIONS (IFBs, COMPETITIVE SEALED BIDS OVER \$50,000)**

- a) Virginia Port Authority Solicitations over \$50,000 will include a minimum of four (4) SWAM businesses when available; and
- b) VPA shall Identify those purchases in which contract sizing may influence the availability of purchasing opportunities to SWAM vendors. Where these purchases are identified, VPA shall determine whether there are SWAM vendors capable of meeting the purchasing requirements. If no SWAM vendors are identified, VPA (Director of Contracts) shall consult with the Department of Minority Business Enterprise (DMBE) to seek to identify available SWAM vendors unless contract-timing issues require VPA to complete the contract process before DMBE input can be obtained. For any size-related contract for which VPA determines that contract-timing issues require contract award without identifying any SWAM vendors or consultation with DMBE, VPA shall consult with DMBE promptly after award of the contract to develop potential SWAM vendors for the next similar procurement.
- c) All VPA Solicitations for construction, goods and services of \$100,000 or more will include SWAM procurement goals as outlined by VPA's SWAM Procurement Plan, and a requirement that bidders or offerors include, as a part of their proposal, strategies to ensure SWAMs are given every consideration to be included in their subcontracting plans.
  - Subcontract SWAM procurement plans must include:
    - A listing of all SWAM-owned business subcontractors
    - The dollar value of each subcontract
    - A description of the type of work to be performed under each subcontract
    - A telephone number and contact name for each subcontractor
  - Failure to submit a timely SWAM procurement plan for subcontractors, when applicable, by a bidder shall disqualify the contractor from receiving the award.
  - Solicitations and resulting contracts will contain language requiring the successful bidder to report actual SWAM-owned business subcontract results on a monthly basis with each invoice, subject to audit by VPA staff.
  - Each prime contractor who wins an award in which provision of a SWAM procurement plan as a condition to the award, shall deliver to VPA, on or before request for final payment, evidence and certification of compliance (subject only to insubstantial shortfalls and to shortfalls arising from subcontractor default) with the SWAM procurement plan. Final payment under the contract may be withheld until such certification is delivered and, if necessary confirmed by VPA or institution, or other appropriate penalties may be assessed in lieu of withholding such payment.

**3) COMPETITIVE NEGOTIATIONS/REQUESTS FOR PROPOSALS (RFPs over \$50,000)**

- a) Virginia Port Authority Solicitations over \$50,000 will include a minimum of four (4) SWAM businesses when available, unless the purchase is considered an emergency as defined by the Virginia Port Authority's Purchasing Policies and procedures manual; and
- b) See 2-c above

**C. Describe the agency's institution's business outreach program (DMBE, DBA and DGS are available to provide assistance):**

1. Each solicitation includes SWAMS selected from the DMBE website of certified vendors.
2. VPA's Procurement Manual requires soliciting SWAMS, if available.
3. Each solicitation for competitive negotiations of \$100,000 or more will include in the evaluation criteria, the use of SWAMS as subcontractors.
4. Special attention is given to Small businesses to ensure they are paid promptly.
5. VPA's SWAM Plan includes language from the Prompt Payment Act (§2.2-4343 A.20) which allows award to a SWAM vendor for purchases under \$50,000 if the SWAM vendor is not the lowest priced vendor, but reasonably priced.
6. VPA consistently uses the minority publication *New Journal and Guide* for solicitations advertisements.
7. VPA will participate in Job Fairs and Trade Shows sponsored by the Commonwealth of Virginia.

**D. Describe race and gender-neutral options used by the agency/institution to promote greater women and minority business participation:**

1. Prime Contractor SWAM Procurement Plan. VPA may, at its option include its SWAM Procurement Plan goals for minority and women-owned businesses as conditions of prequalification in the terms and conditions for the award of the Contract; and, if so included, may reflect those goals in the requirement for a subcontracting plan prepared and submitted prior to award for goods and non-professional services and within 30 days of award for construction and professional services. For contracts in which the subcontractor plan is due prior to award, failure to submit the plan in timely fashion shall disqualify the contractor from receiving the award. For contracts in which the subcontractor plan may be submitted within 30 days after award, failure to submit the required plan in timely fashion, including any applicable cure periods, shall be cause for contract termination or other appropriate remedies (including the obligation on the part of the contractor to continue full contract performance notwithstanding the withholding of progress payments until the required plan is submitted). A Virginia-certified M/W contractor who serves as prime contractor will receive credit for M/W subcontracting for work performed by such prime.
2. Small Procurements. VPA's procurement policies (pending approval by the Board) have been modified to provide that all purchases of \$10,000 and under may be awarded to a certified SWAM if available. Procurement regulations for amounts up to \$100,000 that require solicitation of multiple vendors have been modified to permit award to a reasonably priced M/W Vendor that is other than the lowest priced vendor.
3. Consultation with DMBE. VPA, in consultation with DMBE where practical, shall seek to identify those purchases in which contract sizing may influence the availability of purchasing opportunities to SWAM vendors (a "Size-Related Contract"). Where these purchases are identified, VPA shall determine whether there are M/W Vendors capable of meeting the purchasing requirements. If VPA identifies no M/W Vendors capable of performing the contract requirements, then VPA shall consult with DMBE to seek to identify available M/W Vendors unless contract-timing issues require the agency or institution to complete the contract process

before DMBE input can be obtained. For any Size-Related Contract for which VPA determines that contract-timing issues require contract award without identifying any M/W Vendors or consultation with DMBE, VPA shall consult with DMBE promptly after award of the contract to develop potential M/W Vendors for the next similar procurement.

4. Evidence of Compliance. Each prime contractor who wins an award in which provision of a SWAM procurement plan is a condition to the award, shall deliver to VPA, on or before request for final payment, evidence and certification of compliance (subject only to insubstantial shortfalls and to shortfalls arising from subcontractor default) with the SWAM procurement plan. Final payment under the contract in question may be withheld until such certification is delivered and, if necessary, confirmed by VPA. or other appropriate penalties may be assessed in lieu of withholding such payment.

**E. List process and procedures for monitoring the agency's/institution's SWAM purchases. Specify:**

1. Persons responsible for monitoring agency SWAM purchases are:  
David James, Director of Contracts & Real Estate  
Rodney Oliver, Director of Finance  
Patty Wilson, Procurement and Payables Manager
2. Specific points in the internal purchasing process where review for SWAM is completed:  
Under \$50,000 –Procurement and Payables Manager or Director of Finance will review purchase requests prior to approving.  
Over \$50,000– Director of Contracts will incorporate SWAM provisions in all solicitations and follow reporting of SWAM usage by Contractors.
3. Process for reviewing purchases in all agency regional or area facilities:  
All purchases are reviewed in VPA's Norfolk Office.
4. Spending levels that the agency/institution sets for automatic review for SWAM participation are:  
\$10,000 and under,  
\$10,001 up to \$25,000  
\$25,001 to \$50,000  
over \$50,000.

**F. Describe how the agency/institution plans to verify Second-Tier (Sub-Contracting) participation,**

VPA shall require on a monthly basis with each invoice a showing of sub-contracting dollars. Contractor's records shall be subject to VPA audit. Final payment under the contract in question may be withheld until such certification is delivered and, if necessary confirmed by VPA, or other penalties may be assessed in lieu of withholding such payment.

**G. List projected SWAM (Prime) aspirational goals/dollar value for the following purchasing categories:**

10 % for all Prime contractors as follows

Small 5%	Women-Owned 2%	Minority-Owned 3%
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