



## Executive Order 35

### Frequently Asked Questions – Draft for Radford University

#### General

##### Summary

As a result of Executive Order 35, departments are advised to source items through contracted or certified micro-small vendors first. If neither are available then other SWaM vendors should be sourced (small, women-owned, minority-owned, or service disabled veteran owned business). If no certified SWaM business is available, move forward with sourcing from other non-certified firms. We recommend you document your files with your previous efforts.

##### ***Question: Why are we doing this?***

**Answer:** Executive Order 35 was released on July 3, 2019. Radford University is working to develop policies and procedures that support the requirements of the Executive Order implemented at the legislative level.

The Governor feels it is imperative to maximize the participation of small (including women-, minority-, and service disabled veteran) businesses in state work. Doing more business with small businesses is a catalyst for economic growth. It also serves to maximize participation of a diverse group of vendors, including women and minority owned businesses that have in the past been underrepresented in contractual work.

##### ***Question: Do I really have to pay attention to this?***

**Answer:** Yes, those that make decisions about purchases, approve purchases, and make the actual purchase must follow university and Commonwealth of Virginia Procurement policies and procedures. Not doing so can jeopardize your own department's delegated purchasing authority as well as the university's overall delegation.

##### ***Question: Wasn't there an Executive Order related to set asides for certified businesses before? We didn't do it then, why is this one different?***

**Answer:** Yes, each of the last four Governors have had some type of Executive Order related to doing business with Small, Woman and Minority Owned businesses. Radford University worked to implement many of the items in those Executive Orders as well, in good faith, to support the effort. However, with our statutory delegation related to Level II we, along with other delegated institutions, chose not to implement set asides in any fashion, and instead encouraged campus departments to seek out SWaM businesses when the opportunity was right.

In this new Executive Order, Higher Education Institutions with statutory authority, such as Radford, are included and the Secretary of Education's office as well as our own Administration was involved prior to it being released. We have worked on our policies and procedures to support Executive Order 35.

**Question: We have Level II Delegation. Doesn't that allow us to set our own policies?**

**Answer:** Level II does provide us with a great amount of autonomy, and unlike other state agencies, without autonomy, Radford University is able to set our own policies to support the Executive Order rather than follow very prescriptive state rules; however, we can't ignore it entirely.

Level II is allowing us to implement small dollar purchasing procedures for purchases under \$100,000 so your purchases will process faster through eVA. It also provides Procurement & Contracts additional flexibility for certain types and thresholds of purchases, and in the near future you'll be learning about additional things we're implementing to make your purchasing a little easier.

**Question: What are the university's goals related to these types of businesses?**

**Answer:** The university's SWaM goals for FY2020 discretionary expenditures are 1% Micro, 10% Minority, 2% Women, 16% Small, 1% Service Disabled Veteran, 1% Employment Service Organizations, 1% Federal 8A Small business, 1% Federal EDWOSB Woman owned business, 1% Federal FSDV Service Disabled Veteran owned business

Our overall goal for FY2020 is 34%. The Commonwealth's aspirational goal for all public entities is 42% and 50% for capital construction.

Aspirational goals in each category are based on our knowledge of contracts in place, procurements that have opportunity for SWaM businesses, and the actual availability of certified vendors in each certification category related.

Our discretionary expenditures for FY19 totaled \$47,346,210 for SWaM reporting purposes. It took \$473,462 of expenditures with SWaM businesses to achieve just 1%.

In FY19 we exceeded our goals for the Small and Women-Owned categories which helped us to meet our total goal, but we fell short in the minority and other categories as well as the Commonwealth's aspirational goal.

**Question: What companies are considered Micro Small, Small, Women, Minority or Service Disabled Veteran Owned?**

**Answer:** Firms must be certified with the [Virginia Department of Small Business and Supplier Diversity](https://www.sbsd.virginia.gov/certification-division/swam/) (SBSD) in order to be considered as a SWaM firm in the Commonwealth for procurement practices and to be counted towards our goals in reporting.

For more information on the different certification types please go to the following link:  
<https://www.sbsd.virginia.gov/certification-division/swam/>

**Question: Does this apply to every department on campus?**

**Answer:** Yes, all E&G, Auxiliary, Capital, Local Funds and Sponsored Program orgs are impacted.

**Question: What steps should I take to source appropriate vendors?**

**Answer:** #1 – Your first step should always be to source through a Radford University approved Term Contract. Our Radford University Term Contracts and other Radford University Procurement & Contracts approved Term Contracts (State Contracts, VASCUPP Contracts, etc.) have already been solicited using the appropriate procurement processes. When one uses an existing approved Term Contract there is nothing else to do. Examples of existing Term Contracts: TSRC, Bright Ideas, Grainger, VWR, CDWG, Dell, Apple, etc.

#2 – If no Term Contract is available for your purchase, you should work to source a *Micro-Small* business. (See Appendix A & B for finding Micro Small Certified businesses on both the SBSB website and eVA.) You should also contact Procurement for assistance in finding these vendors.

#3 – If no Micro-Small certified business is available, work to source with a certified Small, Women, or Minority, or Service Disabled Veteran Owned business.

#4 – If no certified SWaM business is available, move forward with sourcing from other non-certified or majority firms. We recommend you document your files with your previous efforts.

**Question: What are the easiest methods to deal with this new initiative?**

**Answer:** Use existing Radford University approved Term Contracts for your purchases.

**Question: What documentation should I include in my files if I don't use a Certified Micro-Small Business?**

**Answer:** You should work to document your file with any efforts you made to utilize a certified Micro-Small business and with any pricing, responses or non-responses you received from those firms.

**Question: Why should I keep documentation about my efforts to use Certified Micro-Small Businesses?**

**Answer:** It is possible that firms could FOIA us for information to determine whether or not we attempted to utilize a certified SWaM. In addition, auditors can always request to see documentation to determine if we are following policies and procedures. It's best to be able to show you made a good faith effort to utilize a SWaM firm.

**Question: What kind of information do I need in my file documentation if I don't use a certified Micro-Small business for my purchase?**

**Answer:** If you utilize an approved Term Contract, no additional documentation is necessary; these have already been publicly solicited with appropriate processes. If you are not using an approved Term Contract you should document your file with the efforts you took to locate a certified SWaM vendor.

As an example, you may include a memo to your file listing the steps you took to find a Micro-Small business:

“On August 1<sup>st</sup> I searched the eVA Vendor Listing and the SBSB search form for vendors with the Micro status that appeared to offer similar services to what I needed. After contacting XYZ vendor, I found they did not offer that service. I was unable to locate another certified Micro-Small business. I therefore moved forward with ABC company.”

Or

“I reached out to XYZ company a certified micro-small business and ABC company a non-certified business for a quote. XYZ company’s price was \$125 whereas ABC company’s price was \$100. The non-certified business also offered free shipping and had the item in stock. I ordered from the non-certified firm.

**Question: What are the requirements I need to know about for orders over \$5,000 that will flow to Procurement & Contracts?**

**Answer:** Procurement & Contracts also has procedures to follow to ensure we are working to award spot purchases and Term Contracts to eligible/capable SWaM firms. Depending on the commodity and availability of SWaM firms and the dollar value, we may solicit specifically with certified SWaM businesses. We will encourage and consider SWaM sub-contracting plans provided by firms. Procurement & Contracts Buyers will advise you of the Procurement Method and the specific requirements we have as we work with you on the purchase.

**Question: This seems like it will take more time, what is Procurement & Contracts offering to try to help speed up other Procurements so I may have more time for these items?**

**Answer:** While your departmental delegation is \$5,000.00, if you chose to utilize an eVA self-registered vendor that is also SWaM certified (in any category) up to \$100,000.00, Procurement & Contracts will verify those two requirements and confirm price-reasonableness, and allow the purchase to move forward without additional processes. The order must be submitted and approved prior to the commencement of any work. Orders cannot be submitted after the fact nor can orders be split to stay under this dollar amount. The ability to do this is also related to our Level II Delegation. In the case of a certified contract vendor vs awarding to a certified non-contract vendor, the contract vendor should always have preference unless there is a justifiable reason not to award to that vendor such as financial considerations.

**Question: How do I find certified SWaM vendors to use?**

**Answer:** Certified businesses can be found on SBSD’s website under the [Small Business & Supplier Diversity SWaM and DBE Directory](#) (firms on this site are all certified as SWaM firms, but may not always be eVA self-registered firms) or by searching on [eVA’s Vendor Directory](#). See Appendix A and B for further detailed information.

In addition, you may always contact the Procurement & Contracts Buyer for the commodity you are purchasing to seek assistance.

**Question: What if the Certified Micro Small Business is more expensive than a non-certified firm?**

**Answer:** The Executive Order allows for a Micro-Small firm to be more expensive than a non-certified firm as long as the certified firm does not exceed 5% of the lowest non-certified firms cost. If cost is your only factor, such as a bid process, we should still consider award to the certified firm.

**Question: How can I help this initiative when I talk to businesses we want to work with?**

**Answer:** Yes, please help! We know that there are many, many more small, women and minority businesses doing business in the Commonwealth of Virginia and most, but not all, other state’s business

also have eligibility to certify in the Commonwealth. However, many chose not to attempt certification. You are the person that is typically talking directly to these businesses. We need you to always encourage the businesses you're working with to attempt certification with the Commonwealth of Virginia. You should let them know it may impact your ability to continue to do business with them. Expanding the pool of available *certified* businesses helps not only Radford, but everyone across the Commonwealth, in our purchasing efforts. Specifically the Small business criteria is fairly lenient and many businesses can meet that definition.

Certification is free to the vendor and lasts for five (5) years! There are benefits as well. Those certified as a SWaM business have the opportunity to benefit on orders up to \$100,000.00. In addition, Procurement & Contracts has other policies related to certified Small businesses. For example, all RFP's issued include points for SWaM certification or certified SWaM business sub-contracting plans and can be considered as part of the evaluation process. There is also a reduction in eVA fees charged to a SWaM vendor.

***Question: Is there a chance that this could change again?***

**Answer:** Yes, as with anything there is potential for change. As part of Executive Order 35 the Governor made a requirement for a Disparity Study to be completed to determine if there was disparity in awards to minority and women owned businesses in the Commonwealth. If the study reflects disparity, the Governor could choose to issue a new Executive Order establishing guidance specific to those types of businesses. A future Governor could always issue a completely different Executive Order on this topic. The legislature has for the last few years had bills related to Supplier Diversity and specifically the certification criteria, and we expect more legislative bills to be presented this year. New legislation can also impact our processes.

Radford is committed to supporting the **S**mall, **W**omen-Owned and **M**inority business initiatives and by implanting best practices in this area, we will meet or exceed the requirements of this executive order.

***Question: Is the only impact on purchase over \$5,000?***

**Answer:** No, there are additional things within the Executive Order that Procurement & Contracts needs to consider for purchases from \$5,000-\$100,000 and specifically for A/E Professional Services and Capital Construction. Procurement & Contracts will work through those items on each procurement and advise the department's we're working with when there are things related to small businesses that need to be considered.

*(Continued)*

## Useful Links

Virginia Department of Small Business and Supplier Diversity (SBSD)

<https://www.sbsd.virginia.gov/>

Virginia Association of State College & University Purchasing Professionals (VASCUPP)

<https://vascupp.org/>

Executive Order 35

<https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-35-Advancing-Equity-for-Small-,--Women-,--Minority-,--and-Service-Disabled-Veteran-owned-Businesses-in-State-Contracting.pdf>

### SWaM Vendor Categories

MB/HBCU	Minority Business Enterprise/Historically Black College & University
WB	Women-owned Business Enterprise
Micro	Small business with 25 or few employees and gross receipts under \$3M
SDV	Service Disabled Veteran-owned Enterprise
ESO	Employment Services Organization (Goodwill Industries, New River Community Services)
8A	Federal small business certification to be recognized by VA DSBSD
EDWOSB	Federal woman-owned business certification to be recognized by VA DSBSD
FSDV	Federal Veteran-owned business certification to be recognized by VA DSBSD

## Appendix A

Searching for a certified Micro, Small, Women-, Minority-, Service Disabled Veteran Owned business on the Virginia Department of Small Business and Supplier Diversity (SBSD) [directory](#):



Search by Certification Type and other factors as needed to narrow your search. Use keywords or NIGP codes to find firms that offer the particular good or service.

<b>1550 Consulting</b> Susanna Guzman 1403 Lehigh Circle Charlottesville, VA 22901 Phone: (434) 260-4786 susanna@1550consulting.com	Certification Number: 808356 <b>SWaM Certification Type:</b> Small Start Date: 01-22-2019 Micro Start Date: 01-22-2019 Women-Owned Start Date: 01-22-2019 SWaM Expiration Date: 01-22-2024 NIGP Code and Description: 91500 COMMUNICATIONS AND MEDIA RELATED SERVICES Pcard: Y Business Category: Communication and Media Related Services
<b>1804 Dragon Blaze Technologies LLC</b> DBA: 1804 Dragon Blaze Technologies LLC Reginald Blaise 7715 Mary Beth Way Alexandria, VA 22315 Phone: (917) 209-1411 Fax: (917) 209-1411 blazetechtechnologiesllc@gmail.com	Certification Number: 722524 <b>SWaM Certification Type:</b> Small Start Date: 12-13-2016 Micro Start Date: 12-13-2016 Minority-Owned Start Date: 12-13-2016 SWaM Expiration Date: 12-13-2019 NIGP Code and Description: 03100 AIR CONDITIONING, HEATING, AND VENTILATING EQUIPMENT, PARTS AND ACCESSORIES (SEE CLASS 740 ALSO) 20843 Educational: Foreign Languages, Math, Science, Social Studies, etc. 91830 Computer Network Consulting 91838 Education and Training Consulting Pcard: N Business Category: Consulting Services
<b>1MBConsulting LLC</b> Marc Baumann 9238 Rockefeller Ln Springfield, VA 22153 Phone: (937) 430-9730 marc.baumann@verizon.net	Certification Number: 811091 <b>SWaM Certification Type:</b> Small Start Date: 08-13-2019 Micro Start Date: 08-13-2019 Service Disabled Veteran Start Date: 08-13-2019 <b>Federal Certification Type:</b> Federal Service-Disabled Veteran-Owned Small Business Start Date: 08-13-2019 SWaM Expiration Date: 08-13-2024 NIGP Code and Description: 91875 Management Consulting

Search results will appear with firms that match the criteria requested.

## Appendix B

Searching for a Micro, Small, Women-, Minority-, Service Disabled Veteran business on [eVA's Vendor Listing](#):

On the top left corner of the eVA Vendor List one can click in the button to either search by Vendor Name or by SWaM Type. If by SWaM Type one can scroll through the list and then click on the appropriate type (for example, O – Micro). NOTE: in the SBSD Directory Micro is referred to as Micro, on the eVA Vendor List you will see it reflected as “O”.

[Return to eVA Home Page](#)

Search -->  Vendor Name, vendor Customer Code or VLIN  SWAM Type

SWAM Type:   Return vendors with all selected criteria.

[Search](#) [View All](#)

First 1,000 vendors listed

These are some of the returned certified Micro Small vendors that are listed in eVA; there are thousands of them so all cannot be returned in the search:

Status	HQ	Vendor ID (Click for Details)	eVA Supplier Name (Vendor Loc. Not Home)	eVA Contact (Location Name)	Address 1	City	St	Zip	Micro Bus.	Small	Minority	Women	Disabled Veteran	ESD	Accept Charge Card	Accept Visa	Accept Elect Orders
Active	Y	V5000026549	1 IN ALL General Contractor LLC	Virginia Beach VA	2994 Virginia Beach Blvd	Virginia Beach	VA	23452	O	S	M				Y	Y	Y
Active	Y	V5000026953	1 Prime Source LLC	Oxon Hill Maryland Office	155 Potomac Passage Unit #610	Oxon Hill	MD	20745	O	S	M	W			N	N	Y
Active	Y	V5000012456	1 Stop Driver Improvement Clinic LLC	1 Stop Driver Improvement Clinic LLC	26 Toume Center Way #231	Hampton	VA	23666	O	S	M		Y		N	N	Y
Active	Y	V5000027711	1 Shop Supply LLC	1 Shop Supply LLC	2091 L P Bailey Memorial Hwy	Halifax	VA	24555-3141	O	S	M	W			Y	Y	Y
Active	Y	V5000014873	10 10 LLC	Minuteman Press Norfolk	259 W York St	Norfolk	VA	23510	O	S	M	W			Y	Y	Y
Active	Y	V5000022831	1010 Post Construction LLC	1010 Post Construction LLC	2920 W. Broad Street Ste 224	Richmond	VA	23230	O	S	M				Y	Y	Y
Active	Y	V5000026918	12 Tables LLC	12 Tables LLC	2811 Crystal Dr Ste 400	Arlington	VA	22202-3799	O	S	M				Y	Y	Y
Active	Y	V5000018306	1804 Dragon Blaze Technologies LLC	7715 Mary Beth Way	7715 Mary Beth Way	Alexandria	VA	22315-5864	O	S	M				Y	Y	Y
Active	Y	V5000004571	1st Choice Electrical Inc	1st Choice Electrical Inc.	1214 Robertson Town rd	Burpass	VA	23824	O	S	M				Y	Y	Y
Active	Y	V5000021326	1st Choice Medical Supplies LLC	1st Choice Medical Supplies LLC	788 Sandbridge Rd	Virginia Beach	VA	23456-4521	O	S	M				Y	Y	Y
Active	Y	V5000022994	1st Choice Pest Control	1st Choice Pest Control	1421 Glendale Ave	Chesapeake	VA	23323-5727	O	S	M				Y	Y	Y
Active	Y	V5000023432	1st Choice Shredding	1st Choice Shredding	P.O. Box 10395	Lynchburg	VA	24598	O	S	M				Y	Y	Y
Active	Y	V5000014456	1st Class Edemaating LLC	1st Class Edemaating LLC	27297 Cooke Ln	Culpeper	VA	22781	O	S	M				Y	Y	Y
Active	Y	V5000018426	1st Due Solutions LLC	1st Due Solutions LLC	381 Cedarwood Rd	Highland Springs	VA	23875-2427	O	S	M				Y	Y	Y
Active	Y	E67338	1ST Lady Janitorial Services	1ST Lady Janitorial Services, LLC-Fairfax VA	11812 Dawkins Ridge Ln	Brnoar	VA	20136-6187	O	S	M	W			Y	Y	Y
Active	Y	V5000006295	2 Points International	Fairfax Office	4551 Whittemore Place	Fairfax	VA	22030	O	S	M	W			Y	Y	Y
Active	Y	V5000000021	2 Procurement LLC	HQ	700 N Fairfax St	Alexandria	VA	22314	O	S	M	W			Y	Y	Y
Active	Y	V5000015468	24 7 GREASE TRAP & PLUMBING INC	24 7 GREASE TRAP & PLUMBING INC	7514 Diplomat Dr Ste #101	Manassas	VA	20109-2682	O	S	M	W			N	N	Y
Active	Y	V5000024821	2601 Group LLC	2601 Group LLC	P.O. Box 1645	Melithian	VA	23113	O	S	M				Y	Y	Y

If we search instead by Vendor Name using something we think might be in their name like “photos” we see there are two firms that do photography that are Micro Certified:

photos  Check to use Name starts with search logic.

[Search](#) [View All](#)

First 1,000 vendors listed

To navigate buttons or enter pageid and click your TAB key

Status	HQ	Vendor ID (Click for Details)	eVA Supplier Name (Vendor Loc. Not Home)	eVA Contact (Location Name)	Address 1	City	St	Zip	Micro Bus.	Small	Minority	Women	Disabled Veteran	ESD	Accept Charge Card	Accept Visa	Accept Elect Orders
Active	Y	V5000015587	AP Wide World Photos Inc	AP Wide World Photos	450 West 33rd Street	New York	NY	10001							N	N	N
Active	Y	V5000005418	Blevins Photos	Buena Vista	23 Western Vista Lane	Buena Vista	VA	24416							N	N	N
Active	Y	V5000014705	DC Aerial Photos Incorporated	DC Aerial Photos Incorporated	75 Flying H Farms Road	Fredericksburg	VA	22406	O	S	M	W			Y	Y	Y
Active	Y	V5000012825	Deposphotos Inc	Fort Lauderdale FL	110 E Broward Blvd	Fort Lauderdale	FL	33301-3503							N	N	N
Active	Y	V5000015482	Feed City Photos LLC	Feed City Photos LLC	4918 Queensbury Circle	Fredericksburg	VA	22408							N	N	N
Active	Y	V5000020937	Freelancephotos4u LLC	Freelancephotos4u LLC	11607 Clear Ridge Dr	Madison	VA	23112-3150							Y	Y	Y
Active	Y	V5000009832	Giant Photos LLC	Giant Photos LLC	103 Memorial Dr	Goodlettsville	TN	37072							N	N	N
Active	Y	V5000021987	MannyKIPhotos	EMMANUEL THWENESBAH	18920 Chelms Dr	Woodbridge	VA	22191-5165							N	N	N
Active	Y	V5000001878	ME Photos Inc	Richmond Office	8401 Maryland Drive	Richmond	VA	23294							Y	Y	Y
Active	Y	V5000018306	Perfect Shot Photos LLC	Perfect Shot Photos LLC	11005 Slate Ln	Bealton	VA	22712-9413							Y	Y	N
Active	Y	V5000026277	Photos by SJR LLC	Photos by SJR LLC	5263 George Blvd	Fredericksburg	VA	22406-2405	O	S	M	W			Y	Y	Y
Active	Y	E54588	Photos By Stan		1618 Willow Pl Arch, Chesapeake, VA 23320	1618 Willow Pl Arch	Chesapeake	VA	23320						N	N	N
Active	Y	V5000012420	Photos By Whitney LLC	Whitney M Copenhaver dba Photos by Whitney LLC	34114 Lee Hwy	Glade Spring	VA	24340-4530							N	N	N
Active	Y	V5000019173	PhotoShelter Inc	Libra by PhotoShelter	33 West Union Square	New York	NY	10003							Y	Y	Y
Active	Y	V5000021851	Road Win Photos Inc		11104 Bothwell Street, Richmond, VA 23253	11104 Bothwell St	Richmond	VA	23253-2260						N	N	Y
Active	Y	V5000017231	Rue Wildlife Photos	Leonard Lee III	138 Millbrook Rd	Hardwick	NJ	07825-9534							N	N	Y
Active	Y	V5000018520	URPhotos LLC	Virginia Office	2216 Slingsp Iron Ln	Reston	VA	20191-5819							N	N	N