

Statewide SB/DVBE Advocate Toolkit

Advocate Roles and Responsibilities

Chapter I



February 2012

CHAPTER I ROLES AND RESPONSIBILITIES

Chapter I provides a general overview of Small Business (SB) and Disabled Veterans Business Enterprise (DVBE) program advocate roles and responsibilities with regard to interactions with executive management, project managers, and program areas, including contracting and procurement staff, and fiscal staff (budgets and accounting). While the predominant role and responsibility for the SB/DVBE program remains with the advocate, an effective program also includes the successful interaction, collaboration and involvement of other areas within the advocate’s departmental structure.

Based on state contract and government regulations, the following code citations establish the roles and the responsibilities of the SB/DVBE Advocate. The additional information related to advocate roles and responsibilities following the chart are highly recommended suggestions to assist you help your organization to develop a successful SB/DVBE program.

We have also provided sample Advocate Duty Statements at the end of Chapter I for your consideration when developing an advocate position duty statement.

Legal Mandates Establishing the SB/DVBE Advocate Role	
Government Code Section 14846	Military & Veterans Code Section MVC 999.12
Make information regarding pending solicitations available to, and consider offers from, California SB suppliers capable of meeting the state’s business need, and who have registered with the state for this purpose.	Assist certified DVBE firms participate in that agency’s contracting process.
Ensure that payments due on a contract with a SB are made promptly.	Assist contract officers in seeking DVBE firms to participate in the agency’s contract and procurement activities.
	Disseminate information to the agency’s contract and procurement staff.
	Serve as an advocate for DVBE firms that are utilized as the agency’s contractors or subcontractors.
	Report to the Office of SB Certification and Resources regarding any violation of this article.
	Coordinate with the State DVBE Advocate at the Department of Veterans Affairs in an effort to meet the statewide 3-percent goal.

SB/DVBE ADVOCATE ACTIVITIES

As an advocate your role is that of representative for your department to the small and DVBE business communities. The expectation from the SB/DVBE business communities is that you will understand and know the program; you will know what your department service and commodity needs are and you will be able to tell them:

1. Whether theirs' is the type of service or commodities needed, and
2. If your department has bidding opportunities for them
3. Who your department procurement officer and buyers are

You will also interact with DGS Office of Small Business and DVBE Services, other advocates, your department managers and executives, department buyers and contract analysts and, possibly, your accounts payable and legal staff.

As well as the mandated responsibilities, you may have some or all of the following responsibilities:

Regulations/Law

- Knowledge of any regulatory changes that may affect your department's SB/DVBE program
- Awareness of and ability to provide analysis for and track new legislation involving the SB/DVBE program.
- Provide input regarding how proposed legislation proposed may impact your SB/DVBE program.
- Knowledge, development and implementation of your department's policies/regulations as they affect the SB/DVBE program.

Bidding Opportunities

- Participate in your department's bid process and bid conferences to explain the department's SB/DVBE program requirements related to the solicitation.
- Promote and implement the "SB/DVBE Option" as permitted by GC Section 14838.5; and within the guidelines provided in State Contracting Manual (5.80 C.) and Purchasing Authority Manual (3.2.4, 4.A3.4, 4.B8.0 et. seq.).
- Connect SB and DVBE suppliers with your department's compatible buyers.
- Assist prime contractors to identify potential SB and DVBE subcontractors.
- Maintain and distribute up-to-date list(s) of SB and DVBE firms and to purchasing units within their department.
- Conduct outreach events and/or meetings to introduce SB and DVBE firms to the department's contracting and procurement needs and procedures.
- Assist SB and DVBE firms to obtain expeditious approval of certifications when there is a pending award of a contract.

Outreach

- Provide SB and DVBE certification information to non-certified SB and non-certified disabled veteran owned businesses, and encourage them to become certified.
- Attend SB/DVBE Advocate meetings, Small Business Council meetings, and DVBE Council meetings.
- Participate in outreach events, such as opportunity fairs, trade shows, and state sponsored economic conferences.

- Provide progress reports regarding the SB/DVBE program to executive management and to agency upon request.
- Develop department newsletters/flyers and focused email information blasts to disseminate program information and accomplishments to your management, buyers and contract teams

Training

- Provide presentations and training to management and contract staff and procurement staff regarding compliance and implementation of SB/DVBE program mandates.
- Develop and conduct SB/DVBE program department workshops or training for procurement and contract staff
- Knowledge of pertinent Department of General Services (DGS) and other website resources, which provide a wealth of information for SB and DVBE firms (see below)
- Provide Prompt Payment workshops and training to fiscal, accounting and procurement staff

Prompt Payment

- Assist SB and DVBE firms in resolution of invoice or contract disputes to expedite payment
- Assist program contract managers understand small business prompt payment regulations and requirements related to managed contracts

DEPARTMENT OF GENERAL SERVICES, PROCUREMENT DIVISION

Additional SB/DVBE and Advocate information can be found on the DGS/PD website. This site provides multiple links related to certification, outreach events, prompt payment, a statewide SB/DVBE advocate listing and other topics.

Access DGS's Procurement Division homepage at:

<http://www.dgs.ca.gov/pd/Programs/OSDS.aspx>

You will find the following information links:

- [Get Certified](#)
- [Communications & Outreach Section](#)
- [DVBE and Small Business Program Violations and Sanctions](#)
- [Prompt Payment Program](#)
- [Search for Certified Small Business and Disabled Veteran Business Enterprises \(SB / DVBE\)](#)
- [Small Business Advisory Council](#)
- [SB/DVBE Advocates](#)
- [Small Business Certification Reciprocity Program](#)
- [Small Business & DVBE Contract Reporting](#)
- [Using Certified Small and DVBE Businesses](#)

Whether a new or veteran advocate, the above information will help you with your activities as your department's SB/DVBE Advocate.

COLLABORATION

Collaboration is the key to Advocate and SB/DVBE program success. To the extent permissible by your department, your role here is communicating SB/DVBE Program information, outreach and training for

your managers, buyers and contract staff. Department buyers, contract analysts and managers need to buy into the importance of the Small and DVBE program. It's important they understand SB and DVBE businesses are the driving force behind the state's overall economy and their procurement activities have direct positive effects in the local, regional and statewide business economies. Your personal understanding of Small and DVBE business impact on the State's economy is critical to your ability to convey sound reasons to support your mission as the program advocate and will go a long way to foster the collaborative environment needed to be successful.

EXECUTIVE AND UPPER MANAGEMENT

Disseminate SB and DVBE program requirements as well as program successes and accomplishments to executive, upper and mid-management to foster support needed to make the program a success. Gaining executive support for your program efforts to push forward your program goals will garner support at the mid and upper management levels.

CONTRACT AND PROCUREMENT STAFF

Be proactive with your buyers and contract analysts. Ensure that SB and DVBE opportunities are actively pursued in your department's contracting and purchasing activities:

- Collaborate with buyers and contract analysts to help them sort out the types of products or services needed and conduct focused outreach to find SB and DVBE firms to solicit.
- Consider using the SB or DVBE firms listed under various California Multiple Award Schedule (CMAS) and other Leveraged Procurement Agreements prior to contracting.
- Promote using the "SB/DVBE Option" as permitted by GC Section 14838.5. Guidelines for the SB/DVBE Option are available in the State Contracting Manual (5.80 C.) and Purchasing Authority Manual (3.2.4, 4.A3.4, 4. B.8.0)
 - Identify the services and commodities that would be suitable for the SB or DVBE Option
- Be sure your buyers and contract staff fully understand application of the Small Business and Non-small Business Preferences and the DVBE Incentive to their solicitations

FISCAL AND ACCOUNTS PAYABLE STAFF

From time – to – time you may interact with Fiscal Services/Accounts Payable related to billing and late payment issues and the Prompt Payment Act. The following doing the following may help you sort out and facilitating Prompt Payment issues:

- Understanding the state's Prompt Payment Regulations
- Understanding your department's payment process and how invoices are received. Invoice receipt and payment may be adversely impacted if:
 - If multiple department sites receive invoices, i.e. Accounts Payable and program staff
 - Multiple program managers - changed based on the work performed
- Understanding what your department's payment process is.
- Understanding how the department addresses invoice disputes

Pursuant to GC Section 927 et seq., your department must ensure compliance with the Prompt Payment Act, which requires that state agencies make timely payment of invoices (within 45 calendar days) or pay interest penalties.

Payment penalties begin accruing for the department if they submitted an undisputed invoice to SCO for payment later than 30 days after it was received and causing SCO to issue a late payment. If the supplier or contractor is a certified Small or micro-business, the state agency shall pay the penalty rate per day specified in GC 927 et al. Penalties begin accruing on the 46th day. When a department

disputes an invoice using the State's Standard 209, Invoice Dispute form, the penalty clock is stopped. Late-payment penalties accrue even if the Budget Act has not been signed.

Please review the Advocate Toolkit, Chapter V, Page4 for additional information related to GC 927 Prompt Payment Act.

SB/DVBE ADVOCATE – SAMPLE DUTY STATEMENTS

To assist in developing the position of SB/DVBE Advocate, the following are samples of SB/DVBE Advocate duty statements some of which you may want to incorporate in your duty statement:

Sample Duty Statement #1

SMALL BUSINESS AND DISABLED VETERAN BUSINESS ENTERPRISE ADVOCATE

The Small Business (SB) and Disabled Veteran Business Enterprise (DVBE) Advocate (herein referenced as SB/DVBE Advocate) performs under the direct supervision of the Staff Services Manager I, Standardization Unit, within the Business Management Branch, within the Office of Business Services (OBS), within the Support Services Division.

The incumbent will function as the SB/DVBE Advocate for the Department's central office. This position is established, in part, pursuant to Government Code Section 14846 and Military & Veterans Code Section 999.12, and includes the following duties:

- 30% Perform technical and complex duties to implement and maintain the Department's action plan developed pursuant to Executive Orders S-02-06 (SB) and D-43-01 (DVBE). (These orders require State agencies to aggressively pursue an annual 25 percent SB and 3 percent DVBE participation level in contracting of goods, construction, information technologies and services.) This position will:
- Advise and provide technical assistance to OBS staff in developing changes to contract and procurement processes on a statewide basis;
 - Implement creative and aggressive methods to enhance contracting and procurement opportunities for SB and DVBE firms and raise the Department's current SB and DVBE participation levels; and
 - Interpret, advise and make independent recommendations to management on new procedures; and independently organize and develop new contract and procurement administration procedures, forms and management information systems.

(NOTE: It is anticipated that this position will be required to travel 10 percent to 15 percent of the time until the action plan is fully implemented and/or to participate in statewide training and/or outreach events.)

- 30% Represent the Department's central office as the SB/DVBE Advocate to seek and encourage SB and DVBE participation in purchasing of goods/services statewide; liaison with the Department of General Services (DGS) on SB/DVBE program issues; provide the SB and DVBE community with contacts to contracting and procurement staff for

business opportunities; and, oversee that SB firms are paid promptly in accordance with the Prompt Payment Act.

- 15% Generate and respond to inquiries and correspondence regarding contracting and procurement practices, procedures, activities and issues affecting SB and DVBE firms; conduct presentations on the SB/DVBE program to line and branch staff; and, complete a diversity of the most complex administrative assignments (e.g., legislative bill analysis, proposed regulations, etc.).
- 10% Provide guidance, consultation and training to line programs or interested parties regarding laws, rules, regulations and departmental processes affecting SB and DVBE firms; and, gather and analyze data to make appropriate recommendations in determining the necessity for process modifications.
- 5% Develop and maintain SB and DVBE outreach material that can be provided to requesters and presented at events; and, liaison with bidders and contractors to encourage and facilitate certification.
- 5% Confer with line programs to independently resolve diverse, sensitive and/or complex issues received from SB and DVBE firms, interested parties or control agencies; and, represent the Department at Small Business Advisory Council, DVBE Advisory Council, DVBE alliance events and SB/DVBE meetings that include control agencies, other State agencies/departments and the private sector.
- 5% Gather, compile and analyze biannual and annual reports to the DGS and Department of Veteran Affairs regarding the Department's participation levels. Analyze and modify the Department's data collection processes to ensure participation levels are captured and accurately reported.

Sample Duty Statement # 2

POSITION SUMMARY

Under the general direction of the Chief, Procurement and Contracting Office, the incumbent performs the more difficult and complex technical and analytical work relating to the coordination of the Disabled Veteran Business Enterprise (DVBE) Program, Small Business (SB) Program, and other economic incentive programs.

ESSENTIAL FUNCTIONS

This position requires that the incumbent work cooperatively with DWR managers, supervisors, and analysts; Department of General Services representatives; Contractors; bidders; and the public. It is also required that the incumbent maintain regular, consistent, and predictable attendance; exercise good judgment; and maintain high ethical standards.

The specific essential duties are:

- 40% Provide outreach to business vendors representing the Department to promote the DVBE and Small Business Programs, including attending workshops, forums and conferences. Develop outreach and presentation materials to provide information about the programs, working with the Office of Water Education when needed.
- 20% Consult and advise other DWR offices (Contract Services, Purchasing Services and DOE Contract Office) regarding the requirements of the programs and development of proactive processes within their organizations to ensure that proper outreach is obtained. Monitor processes to ensure any new legislation or policies are addressed accordingly. Monitor the tracking of program data in each office to ensure accurate information is being compiled and reported. Develop and track performance metrics and prepare reports for management review.
- 10 % Provide guidance and training to Departmental staff for both SB and DVBE programs. Work with the Training Office to develop training and to incorporate program information into existing training classes.
- 10% Assist the Chief of Procurement and Contracting Office with special analytical projects, policy development and process reviews. Develop reports and recommendations to improve effectiveness and efficiency of the office.
- 10% Assist vendors by performing pre-review of SB or DVBE documentation. When requested, assist DWR contract coordinators at pre-bid conferences and bid/proposal openings. Evaluate bids/proposals for bidder compliance against State laws and regulations; review vendor bid DVBE documentation upon receipt. Analyze DVBE Exemption Requests to determine if adequate justification is provided; process requests for approvals; maintain database to track and monitor requests. Coordinate economic incentive programs including the Target Area (TACPA), Local Military Base Recovery Act (LAMBRA), and Enterprise Zone (EZA).
- 5% Follow program related bills through legislative process and monitor for changes to laws affecting the programs. Interpret new laws and work with DWR staff to edit End User Procedures, Enterprise Process Guidelines and sections of DAM when needed.
- 5% Compose detailed reports for various oversight agencies, such as the Department of General Services, the Legislature, and the Governor's Office. Collect facts and develop correspondence and reports as necessary.

SPECIAL REQUIREMENTS

Requires periodic statewide travel
