

January 1, 1996

MATERIEL MANAGERS
CONTRACTING OFFICIALS

The attached Interim Administrative Guidelines to Ensure Equal Opportunity in University Business Contracting supersede and rescind the Administrative Guidelines for Affirmative Action in University Business Activities, dated February 28, 1992.

The Guidelines have been revised and reissued to comply with The Regents' Resolution SP-2 which prohibits the use of race, religion, sex, color, ethnicity, and national origin as criteria in University business contracting activities. You will note that we will only set annual targets for awards to disadvantaged or women-owned businesses if necessary to maintain state or federal funds; we will return to self-certification of such businesses; and the campus statistical reporting requirements have been abbreviated. We will continue existing outreach programs, and design new ones as needed, to ensure that all businesses have equal opportunity to participate in University business contracting.

Any questions regarding these guidelines may be addressed to the appropriate functional office (Materiel Management or Planning, Design and Construction) at the Office of the President.

UNIVERSITY OF CALIFORNIA
INTERIM ADMINISTRATIVE GUIDELINES TO ENSURE EQUAL OPPORTUNITY
IN UNIVERSITY BUSINESS CONTRACTING¹

I. INTRODUCTION

The purpose of this document is to provide information and guidance for implementing the University Interim Policy to Ensure Equal Opportunity in University Business Contracting. These guidelines supersede guidelines previously disseminated by the Office of Business and Employment Affirmative Action on February 28, 1992. They will be reviewed and updated as needed.

These guidelines supplement the following University policies and procedures:

Facilities Manual
Business and Finance Bulletin BUS 43 - Materiel Management
Business and Finance Bulletin BUS 34 - Securing the Services of
Independent Consultants
Contract and Grant Manual

II. UNIVERSITY OF CALIFORNIA POLICY TO ENSURE EQUAL OPPORTUNITY IN
UNIVERSITY BUSINESS CONTRACTING

- A. It is the policy of The Regents of the University of California that race, religion, sex, color, ethnicity, and national origin will not be used as criteria in its business contracting practices, except as provided in section B., below. Every effort will be made to ensure that all persons, regardless of race, religion, sex, color, ethnicity, and national origin have equal access to contracts and other business opportunities with the University.
- B. Nothing in this policy shall prohibit any action which is necessary to comply with state and federal law, or to maintain eligibility for any federal or state funded program, where ineligibility would result in a loss of funds to the University. Examples of program elements that may be required are:
- (1) Establishment of annual goals for use of small, disadvantaged, women-owned, and disabled veteran business enterprises as appropriate; and
 - (2) Appropriate record-keeping and preparation of annual statistical reports on the **participation** of small, disadvantaged, women-owned, and disabled

¹ These guidelines are optional for the Department of Energy (DOE) Laboratories.

veteran business enterprises, as suppliers, general contractors, and subcontractors.

- C. The University shall establish outreach programs to assure equal opportunity in business contracting.

III. COMPLIANCE WITH STATE AND FEDERAL LAW OR REGULATION

Under the terms of certain extramural contracts or grants from the federal or state governments, the University may be required to take action regarding awards to disadvantaged and/or women-owned business enterprises. The provisions of contracts and grants can and do vary greatly and will require decisions and judgment on the proper applicability and implementation in each case. Your campus contract and grant officer should advise on any contracts or grants which have specific requirements regarding awards to disadvantaged or women-owned businesses. Questions regarding state or federal laws or regulations should be addressed to the Office of the General Counsel.

California Public Contract Code Section 10500.5 requests the Regents to adopt policies and procedures to facilitate the participation of small businesses, particularly small disadvantaged, women-owned, and disabled veteran business enterprises in business contracting with the University. Because Public Contract Code Section 10500.5 calls for voluntary action by The Regents, policies, programs, and activities using race, religion, sex, color, ethnicity, or national origin as criteria in business practices shall, except as described here, be discontinued. Pursuant to The Regents' Policy to Ensure Equal Opportunity in University Business Contracting, the University will continue to set goals and timetables for small disadvantaged, women-owned, and disabled veteran business enterprises where such goals and timetables are required as a condition of federal or state funded contracts or grants; maintain statistics on utilization of such businesses; and will return to self-certification. In addition, the University will continue to utilize outreach programs to assure equality of opportunity.

The definitions for DBE, WBE, and Socially and Economically Disadvantaged Individuals may be found in the Federal Acquisition Regulations, Section 19. The definition of a SBE for purchasing may be found in the Federal Acquisition Regulations, Section 19.102. For construction and design, the definition may be found in 13 CFR, Section 124.102. The definition of a DVBE may be found in the California Military and Veterans Code, Section 999(g). (See Attachment A for full text of the above definitions.)

IV. CERTIFICATION

For purposes of statistical reporting, the University will return to a program of self-certification by businesses as to their status as SBE, DBE, WBE, or DVBE. The University Business Information Form UAA 101 (see Attachment B) should be used

to obtain such self-certification of status as well as to prequalify suppliers and contractors.

V. OUTREACH

- A. Each University location should employ a broad range of outreach activities designed to improve the University's access to qualified small businesses, including D/W/DVBE's and to build goodwill in the community toward the University's contracting programs. Existing outreach programs should be continued, and new ones designed as needed. Such activities could include, for example:
1. Publishing a brochure or other instructional material designed to convey information to all small businesses about the University's purchasing and contracting programs; the material may contain a directory of key personnel and information on how to access the University's purchasing and contracting systems;
 2. Participating in trade fairs for the purpose of enabling small businesses to demonstrate their abilities and meet potential buyers;
 3. Attending trade fairs and business opportunity events presented by others for the purpose of meeting new small businesses, including D/W/DVBE's, and discussing common problems and solutions with the other organization's purchasing and contracting staffs;
 4. Presenting seminars for groups of small businesses, including D/W/DVBE's for the purpose of instructing them on how to do business with the University;
 5. Meeting small business salespeople on an individual basis to understand their capabilities and qualifications;
 6. Visiting small business locations for the purpose of inspecting their facilities, understanding their capabilities and prequalifying them as University suppliers and contractors; and
 7. Participating in local organizations which support small businesses, including groups oriented toward D/W/DVBE's.
- B. Each University location should designate a coordinator(s) knowledgeable in its purchasing and/or facilities contracting systems who will be responsible for:
1. Informing small businesses, including D/W/DVBE's, of appropriate purchasing or contracting procedures;

2. Referring small businesses, including D/W/DVBE's, to appropriate business contracting staff;
 3. Coordinating outreach activities; and
 4. Maintaining statistical records.
- C. Additional guidelines regarding outreach programs may be issued by the appropriate functional offices at the Office of the President.

VI. STATISTICAL RECORDS

- A. As a federal contractor, the University is required, periodically, to produce statistics on its utilization of D/W/DVBE's. Each campus should maintain records containing, at a minimum:
- Total dollars expended to all businesses.
 - Dollars expended, by category, to SBE, DBE, WBE, and DVBE firms.
 - Dollar expenditure expressed as a percentage of the total for each business category.
- B. The above annual statistical information shall be submitted to the Office of the President not later than August 15 each year in the following form:
- Total annual expenditure, by contracting category, for purchasing, construction, and design professionals.
 - The separate dollar expenditure in each contracting category for small, disadvantaged, women-owned, and disabled veteran business enterprises
 - Construction contracts should be divided into those dollars expended on prime contracts and those dollars expended on subcontracts. Unless a change order significantly alters the percentage of awards to particular categories, it will not be necessary to track or adjust reporting on change orders.

BUSINESS CATEGORY DEFINITIONS

Asian-Indian Americans - United States citizens whose origins are in India, Pakistan, or Bangladesh.

Asian-Pacific Americans - United States citizens whose origins are in Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territory of the Pacific Islands, the Northern Mariana Islands, Laos, Cambodia, or Taiwan.

Disabled Veteran - a veteran of the military, naval, or air service of the United States with a service connected disability who is a resident of the State of California. To qualify as a veteran with a service connected disability, the person must be currently declared by the United States Veterans Administration to be 10 percent (10%) or more disabled as a result of service in the armed forces.

Disabled Veteran Business Enterprise (DVBE) - a business that is at least fifty-one percent (51%) owned by one or more disabled veterans or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by such individuals: and whose management and daily business operations are controlled by one or more of such individuals.

Disadvantaged Business Enterprise (DBE) - a business concern which is at least fifty-one percent (51%) owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by such individuals and whose management and daily business operations are controlled by one or more of such individuals.

Business owners who certify that they are members of named groups (Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans) are to be considered socially and economically disadvantaged.

Economically Disadvantaged Individuals - those socially disadvantaged individuals whose ability to compete in the free private enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

Native Americans - American Indians, Eskimos, Aleuts, and native Hawaiians.

Small Business Enterprise (SBE) - an independently owned and operated concern certified, or certifiable, as small business by the Federal Small Business Administration (SBA).

(A general rule of thumb is that a concern with not more than 500 employees may be considered small business. Size standards by Standard Industrial Classification codes may be found in the Federal Acquisition Regulations, Section 19.102. The University may rely on written representation by the vendors regarding their status.)

Socially Disadvantaged Individuals - those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as members of a group without regard to their individual qualities.

Women-Owned Business Enterprise (WBE) - a business that is at least fifty-one percent (51%) owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management.



SUPPLIERS OF GOODS AND SERVICES ONLY

TO BE COMPLETED BY ALL FIRMS OR INDIVIDUALS PROPOSING TO DO BUSINESS WITH THE UNIVERSITY OF CALIFORNIA

COMPANY NAME:		CONTACT PERSON			
STREET ADDRESS					
MAILING ADDRESS (If different from street address)					
TELEPHONE NO.		FAX NO.		TOLL FREE NO.	
E-MAIL:			HOME PAGE ADDRESS:		
Are any of the owners or owner' relatives currently employed by the University of California?				If YES please provide details on an attached sheet of paper. Include Company Name, Relationship, Campus Location	
				YES NO	
FEDERAL IDENTIFICATION NO. OR SOCIAL SECURITY NO.			DUN & BRADSTREET NO.		
PRIMARY TYPE OF BUSINESS:					
<input type="checkbox"/> BROKER		<input type="checkbox"/> DISTRIBUTOR		<input type="checkbox"/> RETAILER	
<input type="checkbox"/> DEALER		<input type="checkbox"/> MANUFACTURER		<input type="checkbox"/> WHOLESALER	
				<input type="checkbox"/> SERVICE	
				<input type="checkbox"/> FABRICATOR	
				<input type="checkbox"/> MANUFACTURES AGENT	
				<input type="checkbox"/> OTHER	
PRINCIPAL OWNER(S) NAME:		TITLE	% OWNERSHIP	STATE OR LOCAL LICENSING #	
				ARE YOU CERTIFIED BY ANY AGENCY YES NO	
				IF SO ATTACH A COPY OF ALL CERTIFICATIONS	
THIS IS A PARENT COMPANY: (Name of subsidiaries)			THIS A SUBSIDIARY OF: (Name and location of parent co.)		
NUMBER OF YEARS IN BUSINESS	AVERAGE ANNUAL SALES (PRIOR THREE YEARS)	NET WORTH OF BUSINESS	NORMAL INVENTORY VALUE	APPROXIMATE SIZE OF FACILITIES	NUMBER OF EMPLOYEES
DESCRIPTION OF PRODUCT OR SERVICE (attach sales literature as appropriate)					
BANK REFERENCE NAME:			ADDRESS (Number, City State, Zip)		
CUSTOMER REFERENCES:		ADDRESS		PHONE	
NAME OF PERSON(S) AUTHORIZED TO COMMIT YOUR FIRM TO A CONTRACT:		TITLE	NAME	TITLE	

INSURANCE: IS YOUR COMPANY INSURED ? YES NO

TYPE OF INSURANCE: GENERAL LIABILITY AUTOMOBILE LIABILITY WORKER'S COMPENSATION OTHER

INSURANCE PROVIDER/PRODUCER: _____

COMPANIES AFFORDING COVERAGE: _____

** (See Insurance Requirements page 3)
GSA SF 254 A/E or related service questionnaire may be required

OWNERSHIP OF BUSINESS: SOLE PROPRIETOR CORPORATION FOREIGN OWNERSHIP NON-PROFIT

JOINT VENTURE PARTNERSHIP STATE / LOCAL / FEDERAL GOVERNMENT AGENCY EDUCATIONAL

Owner Status-Business is at least 51% Owned, Controlled, and Actively Managed by (circle all business categories that apply, see Page 2 for definitions):

SBE DBE WBE DVBE

Ownership Status Categories: (Place an "X" in the boxes that best describes your firm's ownership)

TYPE OF BUSINESS	Native American Indian	Asian/Pacific Asian/Indian American	Black African American	White American	Hispanic American	Disabled Veteran	Socially & Economically Disadvantaged	Other
LARGE BUSINESS								
SMALL BUSINESS								

X _____ Title _____ Date _____
Signature of Principal or Owner

BUSINESS CATEGORY

SELF-CERTIFICATION

(Initial the Business Categories that Apply):

_____ SMALL BUSINESS ENTERPRISE (SBE) - an independently owned and operated concern certified, or certifiable, as a small business by the Federal Small Business Administration (SBA). (Size standards by Standard Industrial Classification codes may be found in the Federal Acquisition Regulations, Section 19.102. The University may reply on written representation by the vendors regarding their status).

_____ DISADVANTAGED BUSINESS ENTERPRISE (DBE) - a business concern which is at least 51% owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least 51% of the stock of which is owned by such individuals and whose management and daily business operations are controlled by one or more of such individuals. Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as members of a group without regards to their individual qualities. Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free private enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. Business owners who certify that they are members of named groups (Asian-Indian Americans, Asian-Pacific Americans, Black Americans, Hispanic Americans, Native Indian Americans) are to be considered socially and economically disadvantaged.

_____ DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) - a business that is at least 51% owned by one or more disabled veterans or, in the case of any publicly owned business, at least 51% of the stock of which is owned by such individuals and whose management and daily business operations are controlled by one or more of such individuals. A disabled Veteran is a veteran of the military, naval, or air service of the United States with a service connected disability, who is a resident of the State of California. To qualify as a veteran with a service connected disability, the person must be currently declared by the United States Veteran Administration to be 10% or more disabled as a result of service in the armed forces.

_____ WOMEN-OWNED BUSINESS ENTERPRISE (WBE) - a business that is 51% owned by a woman or women who also control and operate it. Controlled in this context means exercising the power to make policy decisions. Operate" in this context means being actively involved in the day-to-day management.

PRIVACY NOTIFICATION

FEDERAL Pursuant to the Federal Privacy Act of 1974, you are hereby notified that the disclosure of your social security number is voluntary. This record keeping system was established pursuant to the authority of The Regents of the University of California under Article IX, Section 9 of the California Construction code. The social security number is used to verify your identity.

STATE The State of California Information Practices Act of 1977 (effective July 1, 1978) requires the University of California to provide the following information to individuals who are asked to supply information about themselves.

The principal purpose of requesting the information on this form is to evaluate your qualifications as a supplier to the University and for reporting purposes in accordance with State law and University policy.

Furnishing all information (except social security number) requested on this form is mandatory; failure to provide all required information will delay or may prevent evaluation of your firm's ability to do business with the University.

I hereby certify under penalty of perjury under the laws of the State of California that I have read this application and know the contents thereof, and that the business category and ethnicity indicated above reflect the true and correct status of the business according with Federal Small Business Administration criteria and Federal Acquisition Regulations, FAR 19, pertaining to small, disadvantaged, women, disabled veteran small and disadvantaged, and women-owned business enterprises. I understand that falsely certifying the status of this business, obstructs, impeding or otherwise inhibiting any University of California official who is attempting to verify the information on this form may result in suspension from participation in University of California business contracts for a period of 5 years and the imposition of any civil penalties allowed by law. In addition, I understand that this business must notify the University of California in writing 30 days in advance of any changes in size, ownership, control, or operation which may affect this business's continued eligibility as a SBE, DBE, WBE, DVBE, SDBE, SWBE, or SDVBE.

NAME OF BUSINESS _____

Name _____ Title _____ Signature _____
(Print or Type Name of Owner and/or Principal)

Reviewed by:	(DO NOT WRITE IN THIS AREA) FOR U.C. USE ONLY	Date:
Comments:		