

State of Florida  
Division of Administrative Hearings

**Rick Scott**  
Governor

**Robert S. Cohen**  
Director and Chief Judge

**Claudia Lladó**  
Clerk of the Division



**David Maloney**  
Deputy Chief  
Administrative Law Judge

**David W. Langham**  
Deputy Chief Judge  
Judges of Compensation Claims

Date: October 24, 2013

To: Thad Fortune, Certification Administrator  
Office of Supplier Diversity

From: Gregg Pla, Purchasing Agent III  
Division of Administrative Hearings

Re: MBE Plan 2013-2014

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**I. MISSION, VALUES AND VISION**

The Minority Business Enterprise Program Participation Plan (MBE Plan) establishes the Division's commitment to enhancing supplier diversity. The Division continues to develop and implement strategies to increase the participation of small business, minority, service-disabled veteran and women-owned business enterprises in the procurement process. The Division facilitates equity in contracting and diverse participation in the purchasing process, while remaining committed to the principles of integrity, respect, teamwork, and quality customer service.

**II. OBJECTIVE:**

The MBE Plan objective is to develop procedures for the expenditure of moneys during the current fiscal year for the purpose of entering into contracts with under-represented community businesses, including small businesses, service disabled veterans, women and minorities. Expenditures are allocated in the following categories: construction, architectural and engineering, commodities and contractual services.

**III. POLICY:**

The Division will make every effort to provide maximum opportunity for the participation of minority business enterprises in the commodity, contractual services, architectural/engineering and construction contracts executed by this agency.

The Division adheres to the following provision established in Florida Statutes Section 287.094 (4):

“No agency shall deny any contractor, firm, or individual a fair opportunity to compete in the public procurement of commodities and services based on race, national origin, gender, religion, or physical disability, which for purposes of this section constitutes prohibited discrimination.” Complaints alleging prohibited discrimination by an agency in its public procurement may be filed with the Office of Supplier Diversity within 60 days after the facts giving rise to the complaint are known or reasonably should have been discovered. Any complaint shall be filed in writing and must set forth the specific facts giving rise to the claim of prohibited discrimination. The Office of Supplier Diversity shall, within 10 days, refer the complaint to the Inspector General for the agency that is the subject of the complaint, who shall coordinate a prompt investigation and issue written findings of fact. These findings shall be reviewed by the Chief Inspector General or his or her designee, who is authorized to conduct any further investigation, deemed necessary or appropriate. Upon a final determination that an agency has abused its discretion by engaging in prohibited discrimination, the Chief Inspector General shall refer any state employee determined to have participated in the prohibited discrimination for disciplinary action in accordance with Chapter 60K-9, Florida Administrative Code, and subsequently enacted rules, up to and including termination.”

The statutory reference above to 60K(9), Florida Administrative Code has been replaced with the subsequently enacted rule established under 60L-36, Florida Administrative Code.

#### **IV. ACTIONS:**

Gregg Pla, Purchasing Agent for the Division, is designated as the person primarily responsible for the administration and implementation of the MBE Plan. The Purchasing Agent directly monitors the Division's MBE expenditures on an ongoing basis, and makes recommendations to Lisa Mustain, Administrative Services Director, when there are opportunities for improvement.

The Director and Chief Judge, Robert Cohen, oversees the Division Rules, duly promulgated in the Florida Administrative Code, which assert procedures to achieve the OSD's procurement goals as set forth by law.

#### **V. PROGRAMS TO EDUCATE BUSINESS OWNERS**

The Division participates in various trade fairs and matchmakers offered around the state utilizing the educational tools described below. The following list identifies some of the events the Division has participated in or has plans on participating in the future:

- a) Florida Minority Supplier Development Council's Trade Fair
- b) Office of Supplier Diversity's Matchmaker Conference
- c) Attend the monthly Statewide Diversity Working Group Meetings
- d) Office of Supplier Diversity Sponsored Regional Matchmaker Conferences

The Division's procurement section will stress the inclusion of small business, minority and women owned business in the vendor pool for competitive procurement opportunity, whether formally or informally made available by the Division.

In the event that the Division does business with a non-certified MBE, the Purchasing Agent will encourage them to consider applying for certification. The Purchasing Agent will also provide information about the Office of Supplier Diversity to those businesses who may qualify for an MBE vendor designation.

**VI. METHODOLOGY:**

The Division will make every effort to implement the following procedures:

- a) Identify commodities, contractual services, and minor construction projects which can be provided to the Division by MBE vendors.
- b) If multiple vendors are available on a State Term Contract and at least one is an MBE, the Division will include the MBE in requests for quotes.
- c) Encourage the purchase of HUB goods where available on the Office Supplies and Consumables State Term Contract, and increase awareness of HUB goods availability for frequent purchases.
- d) The Division will identify procurement opportunities for MBEs that offer the greatest potential for achievement and will reserve them for competition among MBEs only.
- e) Schedule information conferences with MBEs in order to secure their understanding of the work of the Division and their future potential for participation.
- f) Facilitate MBE participation through timely solicitation and the elimination of artificial contractual barriers.
- g) Forward bid invitations to at least one MBE in the appropriate class of work.
- h) Utilize MBE travel agencies whenever possible.
- i) Utilize the OSD list of MBEs during the sourcing process to identify possible vendors.
- j) Develop and maintain an internal composite listing of MBEs that have provided goods or services to the Division.
- k) Solicit quotes from MBE vendors for discretionary purchases.
- l) Utilize the assistance of the Office Supplier Diversity.

**VII. SUMMARY OF PAST CONTRACTING SUCCESS:**

The attached spreadsheet reflects the Division's MBE expenditures during the 2012-2013 fiscal year.

**DIVISION OF ADMINISTRATIVE HEARINGS  
2012-2013 MINORITY BUSINESS ENTERPRISE ACTIVITY**

A.	Non-Minority	\$3,978,643.96
B.	Small Business State	\$40,236.67
C.	Small Business Fed	\$279.00
D.	MBE Fed	\$0.00
E.	Govt Agencies	\$5,900.00
F.	Non Profit Org	\$0.00
G.	PRIDE	\$67,146.26
L.	Service Disabled Vet	\$85,140.06
	<b>TOTAL</b>	<b>\$4,177,345.95</b>

**CERTIFIED MBE**

H.	African American	0.00
I.	Hispanic	\$106.82
J.	Asian/Hawaiian	\$949.75
K.	Native American	\$0.00
M.	American Woman	\$8,287.82
W.	Service Disabled Vet	\$0.00
	<b>TOTAL CERTIFIED MBE</b>	<b>\$9,344.39</b>

**NON-CERTIFIED MBE**

N.	African American	\$473.66
O.	Hispanic	\$4,086.80
P.	Asian/Hawaiian	\$73,208.54
Q.	Native American	\$150.00
R.	American Woman	\$13,698.22
Y.	Service Disabled Vet	\$0.00
	<b>TOTAL NON-CERTIFIED MBE</b>	<b>\$91,617.22</b>

**NON-PROFIT ORG**

S.	Min. Board of Directors	\$56.00
T.	Minority Employees	\$180.75
U.	Minority Comm. Served	\$0.00
V.	Other Non-Profit	\$86,983.87
	<b>TOTAL NON-PROFIT ORG</b>	<b>\$87,220.62</b>

**MINORITY SPEND TOTAL                      \$188,182.23**