



Timothy M. Kaine
Governor

COMMONWEALTH of VIRGINIA

Samuel Hayes, III, PE
Director

Department of Minority Business Enterprise

Viola O. Baskerville
Secretary of Administration

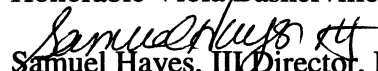
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To: Honorable Timothy Kaine, Governor

Honorable General Assembly Members

Honorable Viola Baskerville, Secretary of Administration

From:  Samuel Hayes, III, Director, Department of Minority Business Enterprise

Date: October 31, 2008

RE: Annual Report on Commonwealth Agency and Department Reporting of Small, Women- and Minority-owned Business Procurement

The Virginia Department of Minority Business Enterprise (“DMBE”) was established and granted statutory powers under §§ 2.2-1400 et seq. of the *Code of Virginia*. Section 2.2-1402 of the Code grants certain powers and duties to the DMBE, which specifically includes, *inter alia*, the duty to “[i]mplement any remediation or enhancement measure for small, women-, or minority-owned business as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation.”

As part of this duty, the DMBE Director is required to report to the Governor and the General Assembly on the participation of small, women- and minority-owned (“SWaM”) businesses in state procurement as well as identify state entities failing to submit annual progress reports on SWaM procurement as required by § 2.2-4310 of the *Code of Virginia*. More specifically, § 2.2-1405 indicates that:

The Director shall report on or before November 1 of each year, to the Governor and the General Assembly the identity of the state departments and agencies failing to submit annual progress reports on small, women- and minority-owned business procurement required by § 2.2-4310, and the nature and extend of such lack of compliance. The annual report shall include recommendations on the ways to improve compliance with the provisions of § 2.2-4310 and such other related matters as the Director deems appropriate.

The Virginia Public Procurement Act's anti-discrimination policy in procurement, § 2.2-4310(B) of the *Code of Virginia*, requires that:

All public bodies shall establish programs consistent with this chapter to facilitate the participation of small business and businesses owned by women and minorities in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on small, women- and minority-owned business procurement to the Department of Minority Business Enterprise in a form specified by the Department of Minority Business Enterprise.

Further, Executive Order No. 33 (2006) requires that state entities and institutions with procurement responsibilities develop and submit an annual "SWaM Plan" (or also known as agency progress reports on SWaM) to the DMBE by September 1 of each year. As such, the Annual Report of the Virginia Department of Minority Business Enterprise of the state agencies and departments failing to submit annual progress reports on small, women- and minority-owned business procurement, as required by § 2.2-1405 of the *Code of Virginia*, is attached. The reporting requirement applies to any authority, board, department, instrumentality, institution, agency or other unit of state government, as defined in § 2.2-1401 of the *Code of Virginia*, and does not include any county, city, or town in the Commonwealth.

REPORT OF THE VIRGINIA DEPARTMENT OF MINORITY BUSINESS ENTERPRISE

DMBE is pleased to announce the continuing reporting compliance rate of ninety-nine percent (99%) for state entities and institutions. This achievement is attributable in part to the efforts of the General Assembly and our Governor to promote the SWaM Procurement Initiative and to improve access to Virginia's business opportunities for small, women- and minority-owned businesses in state procurement.

With the exception of one entity—the Virginia Tobacco Settlement Foundation—all state agencies and departments listed in Table 1 were in compliance by submitting their annual progress reports on small, women- and minority-owned business procurement for Fiscal Year 2008 to the DMBE.¹ To achieve one hundred percent (100%) compliance of all state entities, DMBE recommends that the Governor and the General Assembly encourage the Virginia Tobacco Settlement Foundation to submit an Annual SWaM Plan for Fiscal Year 2009 or at least

provide a synopsis of the entity's intent to promote the SWaM Procurement Initiative in its operations.

Finally, the DMBE is pleased to report to you that state entities and institutions were able to complete and submit their annual SWaM Plans/Progress Reports to the DMBE via the Internet. This step by the DMBE ensures consistency and ease of reporting, efficiency, and the implementation of budget-conscious and environmentally-friendly efforts.

TABLE 1. LIST OF STATE ENTITIES AND INSTITUTIONS

SECRETARIAT	STATE ENTITY OR INSTITUTION	ANNUAL PROGRESS REPORT SUBMITTED FOR FY 2008
Administration	Compensation Board	√
Administration	Council on Human Rights	√
Administration	Department of Charitable Gaming	√
Administration	Department of Employment Dispute Resolution	√
Administration	Department of General Services	√
Administration	Department of Human Resource Management	√
Administration	Department of Minority Business Enterprise	√
Administration	Human Rights Council	√
Administration	State Board of Elections	√
Agriculture & Forestry	Department of Agriculture and Consumer Services	√
Agriculture & Forestry	Department of Forestry	√
Commerce And Trade	Board of Accountancy	√
Commerce And Trade	Department of Business Assistance	√
Commerce And Trade	Department of Housing and Community Development	√
Commerce And Trade	Department of Labor and Industry	√
Commerce And Trade	Department of Mines, Minerals and Energy	√
Commerce And Trade	Department of Professional and Occupational Regulation	√
Commerce and Trade	Tobacco Indemnification & Revitalization Commission	√
Commerce And Trade	Virginia Economic Development Partnership	√
Commerce And Trade	Virginia Employment Commission	√
Commerce And Trade	Virginia Housing Development Authority	√
Commerce And Trade	Virginia Racing Commission	√
Commerce And Trade	Virginia Resources Authority	√
Commerce And Trade	Virginia Tobacco Commission	√
Commerce And Trade	Virginia Tourism Authority	√
Education	Blue Ridge Community College	√
Education	Central Virginia Community College	√
Education	Christopher Newport University	√
Education	The College of William and Mary	√
Education	Commission for the Arts	√

SECRETARIAT	STATE ENTITY OR INSTITUTION	ANNUAL PROGRESS REPORT SUBMITTED FOR FY 2008
Education	Dabneys Lancaster Community College	√
Education	Danville Community College	√
Education	Department of Education	√
Education	Eastern Shore Community College	√
Education	Frontier Culture Museum of Virginia	√
Education	George Mason University	√
Education	Germanna Community College	√
Education	J. Sargeant Reynolds Community College	√
Education	James Madison University	√
Education	Jamestown-Yorktown Foundation	√
Education	John Tyler Community College	√
Education	Library of Virginia, The	√
Education	Longwood University	√
Education	Lord Fairfax Community College	√
Education	Mountain Empire Community College	√
Education	New River Community College	√
Education	Norfolk State University	√
Education	Northern Virginia Community College	√
Education	Old Dominion University	√
Education	Patrick Henry Community College	√
Education	Paul D Camp Community College	√
Education	Piedmont Virginia Community College	√
Education	Radford University	√
Education	Rappahannock Community College	√
Education	Richard Bland College	√
Education	Science Museum of Virginia	√
Education	Southside Virginia Community College	√
Education	Southwest Virginia Community College	√
Education	State Council of Higher Education for Virginia	√
Education	The Library of Virginia	√
Education	The Science Museum of Virginia	√
Education	Thomas Nelson Community College	√
Education	Tidewater Community College	√
Education	University of Mary Washington	√
Education	University of Virginia	√
Education	Virginia Commission for the Arts	√
Education	Virginia Commonwealth University	√
Education	Virginia Community College System	√
Education	Virginia Highland Community College	√
Education	Virginia Military Institute	√
Education	Virginia Museum of Fine Arts	√

SECRETARIAT	STATE ENTITY OR INSTITUTION	ANNUAL PROGRESS REPORT SUBMITTED FOR FY 2008
Education	Virginia Polytechnic Inst. and State University	√
Education	Virginia State University	√
Education	Virginia Western Community College	√
Education	Wytheville Community College	√
Finance	Department of Accounts	√
Finance	Department of Planning and Budget	√
Finance	Department of Taxation	√
Finance	Department of The Treasury	√
Health & Human Resources	Comprehensive Services for At-Risk Youth and Families	√
Health & Human Resources	Department for the Aging	√
Health & Human Resources	Department for the Deaf & Hard-of-Hearing	√
Health & Human Resources	Department of Health	√
Health & Human Resources	Department of Health Professions	√
Health & Human Resources	Department of Medical Assistance Services	√
Health & Human Resources	Department of Mental Health, Mental Retardation and Substance Abuse Services	√
Health & Human Resources	Department of Rehabilitative Services	√
Health & Human Resources	Department of Social Services	√
Health & Human Resources	Virginia Board for People with Disabilities	√
Health & Human Resources	Virginia Department for the Blind and Vision Impaired	√
HEALTH & HUMAN RESOURCES	VIRGINIA TOBACCO SETTLEMENT FOUNDATION	X
Independent	Virginia Lottery	√
Independent	Virginia Workers' Compensation Commission	√
Natural Resources	Chesapeake Bay Local Assistance Department	√
Natural Resources	Department of Conservation & Recreation	√
Natural Resources	Department of Environmental Quality	√
Natural Resources	Department of Game and Inland Fisheries	√
Natural Resources	Department of Historic Resources	√
Natural Resources	Marine Resources Commission	√
Natural Resources	Virginia Museum of Natural History	√
Public Safety	Commonwealth's Attorneys' Services Council	√

SECRETARIAT	STATE ENTITY OR INSTITUTION	ANNUAL PROGRESS REPORT SUBMITTED FOR FY 2008
Public Safety	Department of Alcoholic Beverage Control	√
Public Safety	Department of Correctional Education	√
Public Safety	Department of Corrections	√
Public Safety	Department of Criminal Justice Services	√
Public Safety	Department of Emergency Management	√
Public Safety	Department of Fire Programs	√
Public Safety	Department of Forensic Science	√
Public Safety	Department of Juvenile Justice	√
Public Safety	Department of Military Affairs	√
Public Safety	Department of State Police	√
Public Safety	Department of Veterans Services	√
Technology	Virginia Information Technology Agency	√
Transportation	Department of Aviation	√
Transportation	Department of Motor Vehicles	√
Transportation	Department of Rails and Public Transportation	√
Transportation	Department of Transportation	√
Transportation	Motor Vehicle Dealer Board	√
Transportation	Virginia Port Authority	√

Endnote

The only entity that did not submit their annual progress reports on small, women- and minority-owned business procurement for Fiscal Year 2007 was the Virginia Tobacco Settlement Foundation (“VTSF”). The VTSF provides funding to grant recipients throughout the Commonwealth for local community programs in an effort to prevent tobacco use by youth. Grant recipients including non-profit organizations, faith groups, schools, and other community groups that reach children of all ages.

The VTSF is a twenty-three member appointed board as follows:

- Two state delegates, one representing rural interests and one urban, are appointed by the Speaker of the House of Delegates.
- Two state senators, one representing rural interests and one urban, are appointed by the Senate Privileges and Elections Committee.

The Governor appoints the remaining nineteen members, consisting of:

- Five designated representatives of public health organizations, such as the American Cancer Society, American Heart Association, American Lung Association of Virginia, Medical Society of Virginia, and the Virginia Thoracic Society
- Four health professionals in the fields of oncology, cardiology, pulmonary medicine, and pediatrics
- Eight citizens, including two youth
- Commissioner of the Department of Health or his designee
- Chairman of the Alcoholic Beverage Control Board or his designee