



# INCLUSION PLANS

Workshop Q&A – May 11<sup>th</sup>, 2023

Where can I find the "Inclusion Plan" Template?

[Inclusion Plans | Office of Minority and Women's Business Enterprises \(wa.gov\)](#)

Are Subcontractor Inclusion Plans typically for goods, services, commodities, public works, or some combination of those?

Agencies can and should use Subcontractor Inclusion Plans for any procurement.

To be clear, you cannot award points based on OMWBE certification status, but you can based on certification as a veteran-owned or small business, correct?

Correct. Washington state law does not allow points based on race or gender but does permit points for veteran-owned and small businesses.

When DES runs solicitations, do you receive many subcontractor inclusion plans back?

We've been using Subcontractor Inclusion Plans more and more, and we've generally made them required (and received them) whenever a bidder anticipates using subcontractors. So while it depends on the solicitation and the bidder, the answer is yes.

You expect a "non zero" response from the prime contractor. Please clarify what you mean by "non zero." Does the template or other documentation include this expectation?

We expect bidders to make a good faith effort to estimate the diverse, small, and veteran owned businesses available and that they will use. In rare cases, there may not be a business available, but otherwise the bidder should put a number greater than zero in the column for Anticipated Percent of Contract Amount and respond to each of the fields in the template. Failure to do so can make the bid incomplete.

The Subcontractor Inclusion Plan template does not explicitly state this so we can make that revision. You can also state the requirement in the request for proposal and other procurement notifications, using language such as the bidder must provide a complete Subcontractor Inclusion Plan that includes all requested information.



# INCLUSION PLANS

What is the recommended approach to acknowledge the voluntary, non-certified small business or minority-owned businesses? For many small/mini/micro businesses, certification is one more step.

Only OMWBE and WDVA certified businesses are counted in the agency's annual spend report. DES tracks spending on goods and services contracts with self-identified M/WBE businesses. Additionally, agencies can collect data on self-identified businesses in spending with Amazon. Although this data would provide different insight into spending, without the vetting of the certification process we can't fully rely on it. We also don't want to undermine efforts to encourage businesses to get certified. OMWBE is continuing to streamline the certification process and assist business owners with getting certified.

What is the difference between how OMWBE and DES define "small businesses"? Would OMWBE certify a business that is not small? Is it related to in-state or out of state?

All OMWBE-certified businesses are also small businesses. However, OMWBE's definition of "small" depends on the industry in which the business is certified. Additionally, the business does not necessarily have to be located in Washington. You can find more details about eligibility for certification, including business size, here: [State Certification | Office of Minority and Women's Business Enterprises \(wa.gov\)](#).

DES relies on SBA size standards and several other factors to determine if a business is small. You can find definitions of small, micro, and minibusinesses as well as other useful terms here: [Glossary - Supplier Diversity Virtual Handbook \(wa.gov\)](#)

Does WEBS database include a directory of veteran and small business?

Yes, you can search for veteran owned businesses in WEBS. OMWBE is working with WDVA to include veteran-owned businesses in the directory of certified businesses. Agencies using Access Equity can already search OMWBE's and WDVA's directories in one application.

Can we terminate a contract if the contractor fails to fulfill their subcontracting requirement (as they agreed to in their proposal)?

This is an extreme and unlikely eventuality but a possibility if the primary contractor grossly fails to meet the expectations of their subcontracting agreement. We'd recommend using an escalation path (cure/suspend/terminate) and work with the contractor to prevent this scenario and only terminate the contract in extreme cases.



# INCLUSION PLANS

How do you address the Prime's inability to capture a subcontractor meeting anticipated expectations? What happens if the subcontractor fails to perform the work and would the Prime be held accountable if a similar sub is not acquired to fulfill obligations?

The onus is on the prime to deliver according to the requirements in the contract, so it is their responsibility to manage subcontractors.

If the prime replaces a subcontractor, the prime will still be expected to work towards the stated goals in the subcontractor inclusion plan. It might be difficult to find a 'like for like' substitute but the prime should consider other goals and how they are tracking if they need to replace or add a subcontractor. For example, they might find a business in another underused business category to replace an underperformer and could look at other categories to continue moving towards their stated goals.

How do you monitor the prime's progress on towards their plan and how do you let them know if they are not meeting the expectations in their plan?

At the DES we typically have yearly, or bi-yearly check-ins with the vendor. Two main tools we can use are we request the Contractor to prove their progress, as they're the ones who submitted those goals. Access Equity can also help us easily track down data. If they aren't meeting expectations we can perform contract maintenance, including advisement, cure, suspend, or terminate procedures.

Are we going to have to track/report on subcontractor spending to DES and OMWBE separately?

No, once your agency is using Access Equity to track subcontractor spending you will only need to use that system. OMWBE and DES will work together to share data as needed.

Where is the Access Equity system located? How /where do we request access to this system?

Access Equity is a web-based application running on the B2G Now platform. OMWBE will provide a link to agencies that are set up to use Access Equity and will provide training on how to use the system.

Is Access Equity only for competitive bids?

No, agencies will use the Contracts Module to track spending on all contracts that have subcontractors.